

**SECTION 2 – ITEM 10**

**Application No:** 23/P/1062/FUL

**Proposal:** Retrospective application for an all-weather riding arena and access track and change of use from agricultural use to a mixed use of land for agricultural grazing and keeping of horses.

**Site address:** Land northeast of Bow Cottage, Gatcombe Lane, Flax Bourton

**Applicant:** Mr & Mrs Mackwood

**Target date:** 26.07.2023

**Extended date:**

**Case officer:** Julie Walbridge

**Parish/Ward:** Long Ashton/Long Ashton

**Ward Councillors:** Councillor Stuart McQuillan and Councillor Ashley Cartman

**REFERRED BY COUNCILLOR MCQUILLAN**

**Summary of recommendation**

It is recommended that the application be **APPROVED** subject to conditions. The full recommendation is set out at the end of this report.

**Background**

The riding arena was constructed on the land in February 2021. An enforcement notice was served on the owner of the land on 1 January 2023 in respect of the change of use of the land including the riding arena and parking area. The applicant lodged an appeal against the enforcement notice on the grounds that it was too late for the Council to take enforcement action and that the steps to comply with the requirements of the notice were excessive. The appeal was dismissed as it was apparent that the land had not been used for equestrian purposes for 10 years or more and the appeal Inspector was of the view that the requirements of the notice did not exceed what is necessary to remedy the breach.

Prior to the issuing of the enforcement notice a planning application to retain the riding arena and the change of use of the land (reference 21/P/1655/FUL) was refused due to the impact upon the Green Belt, the setting a nearby listed building and impact upon biodiversity. No appeal was lodged against that refusal.

The current application is almost identical to the 2021 planning application except for an ecological report and landscape plan which has been submitted by the applicant. This

includes a recommendation for additional tree planting to offset loss of habitat caused by the development. The landscape plan proposes new planting around the arena.

### **The Site**

The application site is located in between Bow Cottage to the west and Gatcombe Cottage to the north-east and is bordered by the Land Yeo and a private access road serving Hengaston Barn. Gatcombe Lane lies to the east of the application site, and Gatcombe Hill Lane lies north of the application site. The site is located in the open countryside and within the Green Belt.

### **The Application**

The application proposes the retention of a horse arena and associated track and small parking area and the change of use of land from agricultural use to a mixed agricultural and equestrian use.

The all-weather horse arena measures 60 m long by 25 m in width. The arena has been constructed using 30cm high recycled plastic crates that sit on a hardcore base. The arena is finished with timber edging and laid with a sand and fibre surface. The area is enclosed by white plastic railings.

The arena is accessed via an existing field gate leading to the private access track serving Hengaston Barn at the junction of Gatcombe Lane.

A 4-metre-wide stone track connects the arena to the highway with a small parking area alongside.

### **Relevant Planning History**

**Year:** 2021

**Reference:** 21/P/1655/FUL

**Proposal:** Retrospective application for an all-weather riding arena and access track and change of use from agricultural use to a mixed use of land for agricultural grazing and

**Decision:** Refused

### **Policy Framework**

The site is affected by the following constraints:

- Green Belt
- Horseshoe Bat Zone C
- Landscape character Assessment 2018 - J5 Land Yeo and Kenn Rolling Valley Farmland
- Flood zone 3a
- Potential setting of grade II\* building (Gatcombe Court)
- Monuments – medieval settlement west of Kingcott farm

## **The Development Plan**

### North Somerset Core Strategy (NSCS) (adopted January 2017)

The following policies are particularly relevant to this proposal:

CS1	Addressing climate change and carbon reduction
CS2	Delivering sustainable design and construction
CS3	Environmental impacts and flood risk management
CS4	Nature Conservation
CS5	Landscape and the historic environment
CS6	North Somerset's Green Belt
CS11	Parking
CS12	Achieving high quality design and place making
CS27	Sport, recreation and community facilities
CS33	Smaller settlements and countryside

### Sites and Policies Plan Part 1: Development Management Policies (adopted 19 July 2016)

The following policies are particularly relevant to this proposal:

DM1	Flooding and drainage
DM8	Nature Conservation
DM10	Landscape
DM11	Mendip Hills Area of Outstanding Natural Beauty
DM12	Development within the Green Belt
DM24	Safety, traffic and provision of infrastructure etc associated with development
DM28	Parking standards
DM52	Equestrian development
DM69	Location of sporting, cultural and community facilities

### The Long Ashton Neighbourhood Plan

The Long Ashton Neighbourhood Plan was formally 'made' by the council on 10 November 2015, at which point it became part of the statutory development plan.

The following policies are particularly relevant to this proposal:

ENV1	Retaining open rural aspect of designated 'area of separation'
ENV2	Protecting trees and woodland
ENV5	Conserving and enhancing wildlife, biodiversity and historic assets, including designated areas of local ecological and landscape value
ENV6	Protection against flooding

## **Other material policy guidance**

### National Planning Policy Framework (NPPF) (2023)

The following sections are particularly relevant to this proposal:

- 13 Protecting Green Belt land
- 14 Meeting the challenge of climate change, flooding and coastal change

- 15 Conserving and enhancing the natural environment
- 16 Conserving and enhancing the historic environment

Supplementary Planning Documents (SPD) and Development Plan Documents (DPD)

- Residential Design Guide (RDG1) Section 1: Protecting living conditions of neighbours SPD (adopted January 2013)
- North Somerset Parking Standards SPD (adopted November 2021)
- North Somerset Landscape Character Assessment SPD (adopted September 2018)
- Biodiversity and Trees SPD (adopted December 2005)
- North Somerset and Mendip Bats Special Area of Conservation (SAC) Guidance on Development: SPD (Adopted January 2018)

**Consultations**

Copies of representations received can be viewed on the council's website. This report contains summaries only.

**Third Parties:** 10 letters of objection have been received. The principal planning points made are as follows:

- It is not clear from the application form if the arena is intended for private or commercial use.
- Increase in road traffic.
- No facilities, including toilet at the livery yard or at the arena for use by visitors and will result in an increase in development.
- Impact upon the rural character of the area due to the materials used as part of the development.
- Proliferation of horse arenas in the area.
- Noise disturbance

6 letters of support have been received.

The principal planning points made are as follows:

- Not out of keeping with rural life/activities. Although it can be seen from the road it is not particularly offensive. Regularly see disabled riders using the facility and this small space is having a huge positive impact on those with so few resources and opportunities in their lives.
- Provides a safe space for disabled riders to be supported
- The arena is not intrusive
- The arena provides a much needed facility
- The proposal allows riders to hire the arena where it is safe to learn.

**Long Ashton Parish Council:** "The new application had made no substantive changes in terms of making modifications e.g. DM12, DM52, concerns around access and increase of traffic around narrow lanes, green belt special circumstances were not taken into account. The parish council objects on the same grounds as previously."

The previous comments under planning application 21/P/1655/FUL are attached as appendix A to this report.

### Historic England

No comments.

### **Principal Planning Issues**

The principal planning issues in this case are (1) principle of development, (2) Green Belt (3) character and appearance, (4) highway impact, (5) noise, (6) biodiversity, (7) impact on setting of a Listed Building, (8) flooding, (9) archaeology, and (10) other matters.

#### **Issue 1: Principle of development**

The site lies outside the settlement boundary for Long Ashton and within the Green Belt. The relevant policy for proposed development in the Green Belt is Policy DM12 of the Sites and Policies Plan, Part 1. Policy DM52 relates to proposals for equestrian development.

Policy DM12 states that new buildings and facilities associated with sport or recreation provision are appropriate development in the Green Belt provided they are directly related to and subsidiary to the main outdoor use, are of a scale and size proportionate to the sporting or recreation use, are sensitively designed, and minimise any harm to the openness of the Green Belt.

Policy DM52 indicates that equestrian development will be permitted provided it does not harm the landscape character of the area; and new buildings, shelters or arenas are located near existing farmsteads or groups of buildings. Developments in open countryside will not be permitted unless it can be demonstrated that they are sited and designed to be as unobtrusive as possible.

Section 13 of the NPPF refers to the essential characteristics of Green Belt being their openness and permanence. The NPPF states that the construction of new buildings in the Green Belt is inappropriate development but says an exception to this are appropriate facilities for outdoor sport and outdoor recreation provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

In principle the change of use of the land to a mixed agricultural equestrian use including the construction of a riding arena is therefore acceptable subject to compliance with criteria set out in the policies and guidance set out above.

#### **Issue 2: Green Belt**

As outlined above, new buildings and facilities associated with sport or recreation are, by definition, appropriate development in the Green Belt provided they are of an appropriate scale and size, are sensitively designed, and are acceptable in terms of the impact on the openness of the Green Belt. In this case the riding arena is in open field and is visible from Gatcombe Lane and Gatcombe Hill Lane. The white railings which currently surround the arena are prominent in the landscape and are not sensitive to the rural character of the area.

The applicant, whilst not proposing to enclose the arena with traditional timber post and rail fence, has agreed to paint the railings to help them blend in with their surroundings. A condition is recommended to ensure the railings are finished in an appropriate colour with a timescale for this to be carried out.

The application site is bounded by trees and hedgerows but there are gaps through which the arena is still visible from the adjoining lanes. A landscape plan has been submitted to show additional planting of natural hedgerow and trees at various points around the riding arena to help screen and soften its visual appearance when viewed from nearby vantage points. When implemented, this will over time help minimise the overall appearance of the horse arena and parking area over the wider area and result in a less obtrusive form of development that is more sensitive to the landscape character of the area.

In conclusion, it is considered that the equestrian development is of an acceptable size and design, and with appropriate landscaping is acceptable in terms of its impact upon the openness of the Green Belt. The proposal constitutes appropriate development in the Green Belt in accordance with Policy DM12 of the Sites and Policies Plan, Part 1.

### **Issue 3: Character and appearance**

Along part of the south-western boundary of the site and adjacent to the boundary with Bow Cottage are trees and a hedgerow which is sparse in places. The riding arena is visible through these gaps. The land rises to meet Gatcombe Mill Lane along the northern boundary. The wider area is characterised by its attractive rural low-lying pastoral land with rolling hills as described in the North Somerset Landscape Character Assessment SPD. The Landscape Character Assessment describes the area as having a peaceful remote pastoral landscape with areas of semi-improved neutral grassland characterised by its thick hedgerows and numerous trees. The assessment identifies the forces of change being the diversification of land to include development such as horse paddocks, and recreational use which are sometimes visually intrusive.

It is considered that the introduction of additional landscaping, alongside the existing vegetation on the boundaries of the application, would result in the riding arena having an acceptable impact on the character and appearance of this landscape. The landscaping scheme would consist of native planting that is sensitive to its surroundings and which will help minimise the impact upon the rural pastoral character of the area. The proposal therefore complies with policies CS5 and CS12 of the North Somerset Core Strategy and Policies DM10 and DM52 of the sites and policies plan, part 1 and the advice in the North Somerset Landscape Character Assessment (adopted 2018).

### **Issue 4: Highway Impact**

No objection was raised by the Highway Authority based on information provided by the applicant as part of previous planning application. The applicant has stated that the arena will be used in connection with her nearby livery business and to provide a facility for disabled riders. The disabled riding element is small scale as it would involve only one or two riders visiting the site at one time and the applicant says that the arena is only used for a 2 or 3 hours per day for this purpose and on some days, it is not used at all. There is no objection to the proposal on highway grounds as there is no specific or new evidence that

the proposal would result in an unacceptable impact on highway safety or cause congestion nearby and wider road network.

The applicant states that the number of vehicles travelling to the site would be minimal, however, has not specifically stated the number of visitors to the site. On this basis it is recommended that conditions be attached to any grant of permission limiting the training of horses solely to the arena and precluding the use of the site for shows and events. These measures will limit the generation of traffic and in this respect the proposal is acceptable in terms of highway impact in that it complies with Policies DM24, DM28 and DM52 of the Sites and Policies Plan (Part 1).

#### **Issue 5: Noise**

The proposed riding arena lies approximately 40 meters from a residential annex located within the curtilage of Bow Cottage and 70 meters to Bow Cottage itself. Any noise resulting from the use of horse arenas is generally low and given the distances to residential properties, it is not considered that the proposed use will adversely affect the living conditions of the nearby residents. It is considered that the proposed development complies with Policy CS3 of the North Somerset Core Strategy and policies DM32 and DM52 of the Sites and Policies Plan (Part 1).

#### **Issue 6: Biodiversity**

One of the reasons for refusing the previous planning application was that an ecological survey had not been submitted to show whether the proposal would impact upon any protected species or habitat. An ecological report has been submitted with the current application which states that the development has resulted in some loss of habitat for bat foraging. It therefore recommends additional compensatory planting within the adjoining field that is also in the ownership of the applicant.

Based on the recommendations of the ecological report, the proposed development would not have a significant detrimental impact upon the biodiversity of the area. A planning condition is recommended to secure the additional tree and hedgerow planting which would provide for ecological compensation, enhancement and future management of the land.

Regard has been taken Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), the Natural Environment and Rural Communities (NERC) Act 2006 and the Protection of Badgers Act 1992. The proposed development is considered to be acceptable in terms of its impact on the biodiversity of the area and in accordance with policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan (Part 1).

#### **Issue 7: Setting of any listed building.**

The application site sits close to Gatcombe Court which comprises a Grade II\* and II listed building. Other listed buildings in the vicinity of the site are Gatcombe Mill and Kingcott farmhouse which are both grade II listed buildings.

The proposed riding arena and parking area is not considered to have an adverse impact on the setting of Gatcombe Court which is largely screened by trees and vegetation when

viewed from the arena. The Kingcott farmhouse, sits approximately 0.5 km from the riding arena, and given the distance involved, there would be no harm to the setting of the listed building provided that a suitable landscape scheme is implemented. As referred to above, it is now proposed that the railings to the arena be painted in a colour that would be more appropriate to its surroundings.

The listed buildings to the northwest are not readily visible from the application site due to existing vegetation within the landscape. The introduction of additional landscaping around the horse arena would further reduce its impact on the setting of nearby listed buildings. The proposal is therefore in accordance with policies CS5 of the Core Strategy, policy DM4 of the Sites and Policies Plan (Part 1), section 16 of the NPPF and section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

### **Issue 8: Flooding**

A water management system has been used to construct the raft on which the arena sits and as such horse arena would not cause flooding elsewhere. In this respect, the proposal is in accordance with policy CS3 of the North Somerset Core Strategy, policies DM1 and DM52 of the Sites and Policies Plan (Part 1) and section 14 of the NPPF.

### **Issue 9: Archaeology**

Given the method of construction of the arena and access track, and the limited potential for archaeological remains at this location, there is no objection to this application from an archaeological perspective.

### **Issue 10: Other matters**

All other matters raised by the consultees have been taken into account, including the potential for additional development to serve the horse arena. The applicant has a small number of stables at Gatcombe Court in which the applicant keeps her horses. The applicant claims that the stables have been in place for well in excess of 10 years and are therefore immune from any enforcement action, although she has not regularised the equestrian use through a certificate of lawful development. The toilet facilities for the riding arena are located at Gatcombe Court and there appears to no reason to provide facilities within the application site. Should the application site be sold in the future planning permission would be required for any new structures on the land. The others concern raised do not outweigh the considerations that led the recommendation below.

### **Natural Environment and Rural Communities (NERC) Act 2006**

#### **The Town and Country Planning (Environmental Impact Assessment) Regulations 2017**

The proposed development has been screened separately under the above Regulations and has been found not to constitute 'EIA development'. An Environmental Statement is not, therefore, required.



## **The Crime and Disorder Act 1998**

The proposed development will not have a material detrimental impact upon crime and disorder.

## **Equalities assessment**

The Equalities Act 2010 sets out the Public Sector Equalities Duty (“PSED”). Case law has established that this duty is engaged when planning applications are determined and consequently this duty has been applied in the determination of this application. Due regard has been paid to the need to eliminate discrimination and promote equality with regard to those with protected characteristics.

## **Conclusion**

The proposed introduction of the additional landscaping comprising of natural hedgerow and trees together with a more suitable paint treatment for the railings, will help soften and integrate the riding arena into the landscape, making it more sensitive to its rural surroundings. It is considered that the arena has been designed and located to reflect the character of the area and to minimise any harm to the openness of the Green Belt. As such, the proposed development is considered appropriate development in the Green Belt.

The new planting of native trees and shrubs and the painting of the railings will result in a less obtrusive form of development that will not adversely harm the landscape character of the area.

By means of a condition restricting the use of the arena, it is not considered that the proposed development will generate a significant number of vehicle movements on the highway and as such will not prejudice highway safety. The location of the arena provides sufficient routes for horse riding activities without conflicting with the free flow of vehicular or pedestrian traffic or with pre-existing outdoor activities.

It is concluded that the proposal is acceptable and accords with Policies CS4, CS5 and CS12 of the North Somerset Core Strategy and Policies DM8, DM10, DM12 and DM52 of the Sites and Policies Plan, Part 1 and Long Ashton Neighbourhood Plan 2015.

**RECOMMENDATION: APPROVE** (for the reasons stated in the report above) subject to the following conditions:-

1. The development hereby permitted shall be carried out in accordance with the approved plans and documents to be listed on the decision notice.

Reason: For the avoidance of doubt and in the interest of proper planning.

2. Within one month of the date of this permission, samples of the coloured paint to be applied to the white railings that enclose the horse arena shall be made available on site for inspection and for approval in writing, by the Local Planning Authority. The painting of the railings shall be carried out in accordance with the approved colour scheme within one month of approval being given by the Local Planning Authority and they shall be retained in the agreed colour at all times thereafter unless

otherwise agreed in writing.

Reason: To ensure that the finished colour is acceptable in the interests of the appearance of the area and in accordance with policy CS12 of the North Somerset Core Strategy and policy DM32 and DM52 of the North Somerset Sites and Policies Plan (Part 1).

3. The development shall not take place except in strict accordance with the measures outlined in part 4 of the compensation, enhancement features and future management of the Ecological Assessment and Compensation dated March 2023 V1.0. If amendments to the methodology are required, details of the changes must be submitted in writing and agreed by the Local Planning Authority before relevant works proceed. The development shall then be implemented in accordance with the agreed changes.

Reason: To ensure compliance with the: Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), The Natural Environment and Rural Communities (NERC) Act 2006, The Protection of Badgers Act 1992 and policy CS4 of the North Somerset Core Strategy and policy DM8 of the North Somerset Sites and Policies Plan (Part 1).

4. All works comprised in the approved details of landscaping shall be carried out in accordance with the approved details during the months of October to March inclusive following use of the horse arena, whichever is the sooner.

Reason: To ensure that a satisfactory landscaping scheme is implemented, and in accordance with policies CS4, CS5 and CS9 of the North Somerset Core Strategy, policies DM8, DM9, DM10 and DM32 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Biodiversity and Trees SPD.

5. Trees, hedges and plants shown in the landscaping scheme to be retained or planted which, during the development works or a period of ten years following full implementation of the landscaping scheme, are removed without prior written consent from the Local Planning Authority or die, become seriously diseased or are damaged, shall be replaced in the first available planting season with others of such species and size as the Authority may specify.

Reason: To ensure as far as possible that the landscaping scheme is fully effective and in accordance with policies CS4, CS5 and CS9 of the North Somerset Core Strategy, policies DM8, DM9, DM10 and DM32 of the North Somerset Sites and Policies Plan (Part 1) and the North Somerset Biodiversity and Trees SPD.

6. Within one month of this permission date details of the method of disposal and storage of manure shall be submitted to and approved, in writing, by the Local Planning Authority. Thereafter, manure shall be stored and disposed of only in accordance with the approved details.

Reason: In the interests of the amenities of the area and in accordance with policy CS3 of the North Somerset Core Strategy.

7. Within one month of the date of this permission, details of the parking area to serve the development hereby approved shall be submitted to the Local Planning Authority for approval. Once approved the parking area shall be made available for use within one month of the approval of details and shall thereafter be permanently retained and shall not be used except for the parking of vehicles in connection with the development hereby approved. No parking of vehicles shall take place elsewhere on the land except within the approved parking area.

Reason: To ensure that the development is served by a suitable parking area in order to preserve highway safety and in accordance with paragraph 39 of the National Planning Policy Framework, policies CS10 and CS11 of the North Somerset Core Strategy and Policies T/6 and T/10 of the North Somerset Replacement Local Plan (saved policies).

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order, with or without modification, the outdoor riding arena hereby approved, together with the remainder of the land shown edged red on drawing no. PL4090/1 (dated May 2023) shall not be used for events and shows.

Reason: to ensure that the use of the arena for equestrian activities are small scale and the activities do not become a large-scale intensive use that would result in a substantial increase in vehicular movements along Gatcombe Lane in the interest of highway safety and in accordance with Policy CS11 of the Core Strategy and DM52 and DM24 of the Sites and Policies Plan, Part 1.

9. The training of horses only take place within the riding arena hereby approved and shall at no time extend to any other part of the land shown edged red on drawing no. PL4090/1 (dated May 2023) unless otherwise agreed in writing by the local planning authority.

Reason: The extended use of the land for training purposes would require the further consideration of the Local Planning Authority in order to preserve highway safety, the openness of the Green Belt and the character and appearance of the area in accordance with policies CS5, CS6 and CS12 of the North Somerset Core Strategy and policies DM10, DM12, DM32 and DM52 of the Sites and Policies Plan Part 1.

10. No horse jumps shall be placed within the site other than within the riding arena hereby approved and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order, with or without modification) no fences or other features associated with recreation or training of horses shall be constructed or placed anywhere within the site nor shall any vehicles or trailers be kept on the site overnight, without the prior written permission of the Local Planning Authority.

Reason: The Local Planning Authority wish to retain control over additional equestrian development and paraphernalia in order to protect the landscape character of the area and the openness of the Green Belt, in accordance with policies CS5, CS6 and CS12 of the North Somerset Core Strategy and policies DM10, DM12, DM32 and DM52 of the North Somerset Sites and Policies Plan (Part 1).

11. No artificial lighting or external means of illumination shall be y fixed or installed on any part of the riding arena or land without prior written approval of the Local Planning Authority.

Reason: In the interests of the living conditions of occupants of neighbouring properties, the character of the area, the Green Belt and the biodiversity value of the area, and in accordance with policies CS3 and CS4, CS5 of the North Somerset Core Strategy and policies DM8, DM12 and DM52 of the North Somerset Sites and Policies Plan (Part 1) and The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).

The planning application can be viewed at [23/P/1062/FUL](#)

# Appendix A

## **Long Ashton Parish Council comments on previous application (21/P/1655/FUL) referred to in comments on current application.**

Long Ashton Parish Council Objects to the application and recommends refusal noting the following:

- The development does not accord with the requirements of policy DM12 (development in the Green Belt). It constitutes inappropriate development in the Green Belt and no exceptional circumstances have been demonstrated by the applicant to justify this.
- The development does not accord with policy DM52 (equestrian development). We object to the obtrusive appearance of the riding arena which harms the landscape character of the area, and, despite contrary representations from the applicant, can be seen from the public footpath.
- The narrow lanes leading to the riding arena cannot cope with the increase in traffic and this has made access difficult within the lanes.
- For the above reasons, and following representations from them, the development is prejudicial to the living conditions of the residents of the nearby Bow Cottage.
- All of the above constitutes demonstrable harm to the surrounding area.