

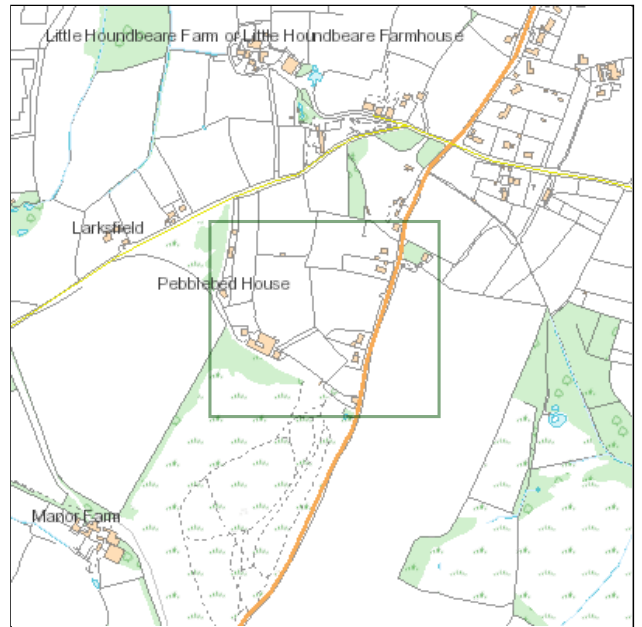
Ward West Hill And Aylesbeare

Reference 22/2166/FUL

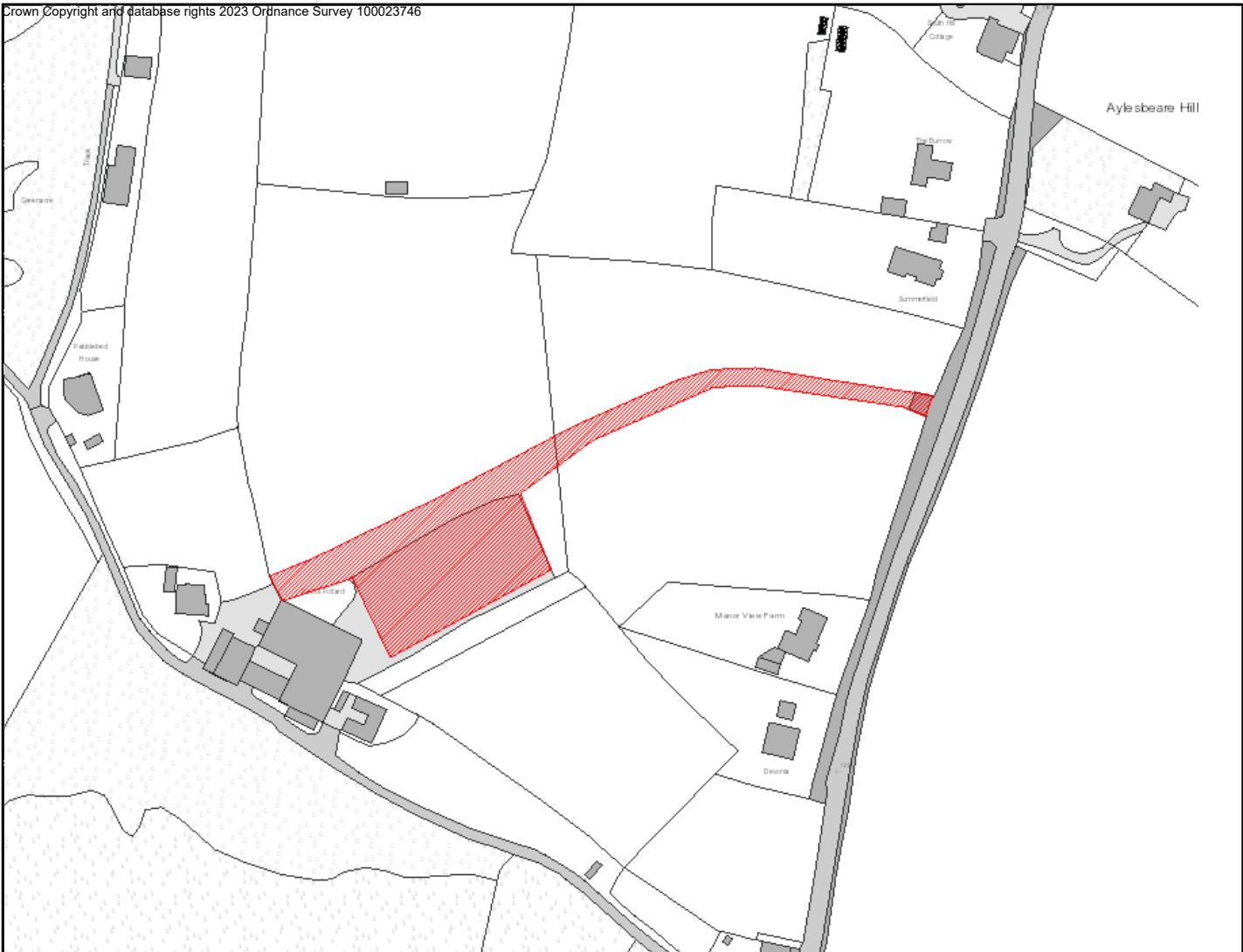
Applicant Mr & Mrs G Vooght

Location The Oaks Aylesbeare Exeter EX5 2DE

Proposal Completion of an outdoor menage and the surfacing of the existing driveway utilising an existing vehicular access



RECOMMENDATION: Approval retrospective (conditions)



		Committee Date: 28.03.2023
West Hill And Aylesbeare (Aylesbeare)	22/2166/FUL	Target Date: 02.12.2022
Applicant:	Mr & Mrs G Vooght	
Location:	The Oaks Aylesbeare	
Proposal:	Completion of an outdoor manege and the surfacing of the existing driveway utilising an existing vehicular access	

RECOMMENDATION: Retrospective Approval (conditions)

EXECUTIVE SUMMARY

This application is before Planning Committee as the officer recommendation differs from the position of the Local Ward Member.

The proposed manege would be 50 x 30 metres and enclosed with 1.2 metre high posts and rope. The base would be constructed of stone below a membrane and finished with a sand, fibre and all weather surfacing.

At a recent site visit it was noted that all the land within the rectangular red edging on the submitted Location Plan had already been excavated and flattened. The application is therefore seeking part retrospective approval for the construction of the manege.

The planning history of the site indicates that despite a level of commercial activity having taken place for the stabling, livery and riding of horses, there is no extant permission or lawful development certificate that has granted any commercial use at the site.

The site lies outside of any built up area boundary and is therefore located within the open countryside, where Strategy 7 (Development in the Countryside) states that development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located.

Policy RC4 (Recreation Facilities in the Countryside and on the Coast) supports the principle of recreation facilities in association with uses such as horse riding within the countryside where these can be accommodated safely and are not detrimental to the landscape.

Owing to the site's location within the East Devon AONB great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas. The weight attributed to conserving and enhancing AONBs as required by the NPPF is reflected within the provisions of Strategy 46 (Land Conservation and Enhancement and AONBs) of the Local Plan.

The manege is located in close proximity to the existing cluster of buildings and would retain all the existing vegetation to the south west. The area would be enclosed by timber posts and rope with no external lighting. The design approach and construction methods involved appear to be broadly in line with the AONB Team's recommended guidance.

Whilst concerns regarding the safety of the access onto the B3180 are duly acknowledged, the submission includes comments from the County Highway Authority who have reviewed two accesses at the site during a site inspection. The Highway Officer at the time concluded that the access and egress arrangements are satisfactory and an improvement on those to the south by Little Orchard. In the absence of any objection from the County Highway Authority, the development cannot be opposed on highway grounds.

The application is considered acceptable on all other grounds relating to the impact on adjacent neighbours and ecological impacts subject to conditions restricting external lighting. There is no extant permission or lawful development certificate that has granted any commercial use at the site. As per the original permissions for the indoor riding school in 1977, it is therefore considered reasonable for any permission granted to restricted use of the manege for private purposes ancillary to the residential occupation of the applicant's property only.

CONSULTATIONS

Local Consultations

West Hill And Aylesbeare - Cllr Jess Bailey

I object to this planning application for the following reasons

1. I am opposed to there being an additional entrance onto the fast moving B3180. I note the comments from DCC from earlier this year however at the time there was no discussion about the manège.
2. The fencing which appears to have already been constructed curves up the wide open space and in doing so changes the character and landscape of the setting.
3. I am concerned that the manège will be used for commercial purposes (I note that a shop was previously operated by the applicant from the site without planning permission). I also note this is in a very sensitive location in close proximity to a SSSI.

East Devon AONB

Please refer you to our guidance document in considering this application

https://www.eastdevonaonb.org.uk/wp-content/uploads/2020/02/AONB-equestrian-guidelines_revfin_low-res.pdf

Parish/Town Council

Aylesbeare Parish Council objects to this application because of the creation of another entrance on the B3180 in an area where there have been accidents on a regular basis with at least 3 in the last 2 years.

The driveway being created has been formed in the last few months and leads to what was only a field entrance that was hardly ever used prior to 2020. The additional vehicle movements produced by an active indoor and outdoor manège poses additional risks.

Aylesbeare Parish Council is very concerned that mature trees were felled recently to allow creation of the outdoor manège and there is no Landscape Plan to cover replacing them.

This application is for 'completion' of an outdoor manège which implies that the outdoor manège already exists & has planning permission. Application 20/1890/FUL was to 'form' an outdoor manège at this property but that was withdrawn on 28th September 2020. Aylesbeare Parish Council assumes that the EDDC Planners are fully aware that the outdoor manège did not exist before 2020 in any form and will act accordingly.

Other Representations

Two third party representations have been made with concerns over the following.

- Impact on Neighbouring Amenity
- Impact on SPA and SSSI
- Impact on Local Highway Network

POLICIES

Adopted East Devon Local Plan 2013-2031 Policies

Strategy 7 (Development in the Countryside)

Strategy 46 (Landscape Conservation and Enhancement and AONBs)

D1 (Design and Local Distinctiveness)

D2 (Landscape Requirements)

EN5 (Wildlife Habitats and Features)

EN14 (Control of Pollution)

RC4 (Recreation Facilities in the Countryside and on the Coast)

TC7 (Adequacy of Road Network and Site Access)

Aylesbeare Neighbourhood Plan (Not made)

Site Location and Description

The Oaks, formerly known as Scotts Pollard, is accessed off of the B3180 and located approximately 1.5 kilometres south-west of West Hill. A private road provides access off of Oak Road to the North which is shared with Greenacre and Pebblebed House. The site itself consists of the main house and a large breeze block, timber and fibre cement building which the Local Planning Authority understand has been used as an indoor riding school. A series of post and rail fencing subdivides the wider site into multiple paddocks and encloses a dual track that runs from the dwelling south-east onto the adjacent B-road.

At a recent site visit it was noted that all the land within the red edging on the submitted Location Plan had already been excavated and flattened. A number of diggers were present albeit work appears to have ceased.

Proposed Development

The application seeks permission for the completion of the manege and for the surfacing of the driveway that cuts across an adjacent field onto the B3180.

The manege would be 50 x 30 metres and enclosed with a 1.2 metre high posts and rope. The base would be constructed of stone below a membrane and finished with a sand, fibre and all weather surfacing.

The dual track shall be finished with two strips of compacted concrete.

Planning History

Reference	Description	Decision	Date
20/1890/FUL	Formation of outdoor manege	WITHDRAWN	28.09.2015
20/2506/CPE	Certificate of lawfulness to establish lawful use of land and buildings at The Oaks for equestrian purposes involving grazing, stabling, livery, riding school and associated storage together with the commercial use of the indoor manege in connection with the equestrian use in breach of condition (C) of planning permission 77/C0741 in excess of 10 years	WITHDRAWN	15.07.2021

Background to Planning History

Prior to the above mentioned consents permission was granted in the 1970's for horse schooling building the use of which was limited by condition which reads:

'The proposed building shall only be used for a horse schooling area in connection with the occupation of Manor View Farm as a private dwelling and shall not be used for commercial purposes whatsoever'.

Ownership of the surrounding paddocks and indoor riding school has changed and is now owned by the occupants of The Oaks. The current application is a resubmission of 20/1890/FUL. The application sought retrospective permission for the construction of the manege to be used for commercial purposes alongside the operation of the indoor riding school. However, before a decision was issued, the application was withdrawn.

Correspondence between the relevant parties indicates that the LPA advised that for any further commercial equestrian development to be supported, the applicant would need to demonstrate that the site could lawfully operate within a commercial capacity or, assumedly, apply for planning permission.

What followed was the submission of a certificate of lawfulness reference 20/2506/CPE. The grounds upon which the certificate was submitted were as follows;

‘to establish lawful use of land and buildings at The Oaks for equestrian purposes involving grazing, stabling, livery, riding school and associated storage together with the commercial use of the indoor menage in connection with the equestrian use in breach of condition (C) of planning permission 77/C0741 in excess of 10 years’.

Before a decision was issued the certificate was withdrawn. An email from the Planning West Team to the agent indicates that there was insufficient evidence demonstrated that on the balance of probability an equestrian business use has been taking place from the site for a continuous period of 10 years from the date of the application. Furthermore, the information available from the Local Authority’s Business Rates team suggests that there was no business use for at least two years of the 10 year period which casted further doubt on the submission. The LPA could not support the granting of the certificate and as such it was withdrawn.

Principle of Development

The site lies outside of any built up area boundary and is therefore located within the open countryside, where Strategy 7 (Development in the Countryside) states that development in the countryside will only be permitted where it is in accordance with a specific Local or Neighbourhood plan policy that explicitly permits such development and where it would not harm the distinctive landscape, amenity and environmental qualities within which it is located.

Policy RC4 - (Recreation Facilities in the Countryside and on the Coast) supports the principle of recreation facilities in association with uses such as horse riding within the

countryside where these can be accommodated safely and are not detrimental to the landscape. As such, the principle of development is accepted. The detailed requirements of Policy RC4, in addition to other policy within the Local Plan and Neighbourhood Plan, shall be discussed in further detail below.

Impact on Character and Appearance of the Area

Paragraph 176 of the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas. The weight attributed to conserving and enhancing AONBs as required by the NPPF is reflected within the provisions of Strategy 46 (Land Conservation and Enhancement and AONBs) of the Local Plan.

Strategy 46 - Landscape Conservation and Enhancement of AONBs states that development must be undertaken in a manner that is sympathetic to and helps conserve and enhance the quality and local distinctiveness of the natural and historic character of East Devon, in particular Areas of Outstanding Natural Beauty. Development will only be permitted where it:

1. Conserves and enhances the natural landscape
2. Does not undermine landscape quality
3. Is appropriate to the economic, social and wellbeing of the area.

The application site is located off of the B3180 which provides long reaching views in an easterly direction towards Venn Ottery and Metcombe. The western side of the road is characterised by lengths of established hedgerow which screen views into the application site. The land also gently falls away towards The Oaks and therefore direct line of site of the manege and the riding school from the B road are not readily available. However, when standing directly at the site's access views down towards the property, the manege and riding school are available. To the north of the site is

Oak Road. From here the site is fairly well screened by established hedgerow and trees. There is a narrow bar gate access opposite Huntisbeare where filtered views towards the site and the riding school are available.

Concerns have been expressed by the Local Ward Member and Parish Council with regards to the visual impact of the post and rail fencing and subdivision of the field. However, the provision of the fencing does not form part of the application and is below 2 metres in height and is therefore considered permitted development by virtue of Part 2, Class A of the General Permitted Development Order.

With regards to visual impact of the track, the design approach to utilise dual strips of concrete is considered sympathetic to the rural character of the area.

The impact of the manege has prompted comments from the East Devon AONB Team directing the LPA to their guidance '*Equestrian Development Guidance*'. The guidance acknowledges that horse riding and other equestrian activities are popular forms of recreation and sport in the countryside that can fit well with farming activities and help to diversify rural economies.

The manege is located in close proximity to the existing cluster of buildings and would retain all the existing vegetation to the south west. The area would be enclosed by timber posts and rope with no external lighting. As a result, the design approach and construction methods involved appear to be broadly in line with the AONB Team's guidance.

Overall, the design and scale of the manege and track are considered acceptable and, owing to the historic use of the site for equestrian purposes, would be sympathetic to the character and appearance of the area whilst conserving landscape character of the wider AONB.

Impact on Highway Safety

The Parish Council and a Local Ward Member have raised concerns regarding use of the access onto the B3180. The Parish have referred to the entrance as being a 'new' access, however, evidence available to the LPA suggests that the opening was widened just prior to 2020. Historical photos show that there has always been an access there.

An enforcement investigation was conducted into the widening of the access where it was concluded the works did not require planning permission. Despite this, it is acknowledged that the adjacent B-road receives a high level of traffic. However, there is no evidence before the LPA to demonstrate that the introduction of a private manege facility would add to the footfall of traffic to and from the site. Furthermore, the hedgerow either side of the access are set back and allow good visibility in a northern and southern direction.

The agent has also provided an email from the County Highway Authority who visited the site to assess the other access to the south that exits onto the B3180. This is appended to the end of the agent's planning statement. This access that utilises a mirror was concluded to be substandard. The current 'new' access arrangements are considered by Devon County Council to '*benefit the existing road safety by improving the available visibility to the north by 62.8 metres*'.

In light of the above and in the absence of any objection from the County Highway Authority, the development cannot be opposed on highway grounds. Notwithstanding this, it is accepted that the scale of use needs to be controlled as use of the manege for commercial purposes could have subsequent impacts harmful to highway safety.

Impact on Neighbouring Amenity

Manor View Farm and Devonia both have westerly facing gardens that project towards the application site. However, the construction of the manege would not physically impact the enjoyment of these areas owing to the distance from the site and the screening provided by existing vegetation. Use of the manege would likely result in a heightened level of use concentrated within the area of land by riders and is likely to be audible from these rear gardens. Nevertheless, it is not thought that the level or

frequency of the use would impact nearby amenity areas to a level that could warrant grounds for refusal.

Objections have been received from the occupants of Summerfield who have concerns over use of the access and the subsequent impact on the amenity enjoyed by bedrooms within their property at ground floor level. The southern boundary of Summerlands, which is shared with the application site, is characterised by dense and mature vegetation. The track is also positioned some 40 metres away from the southern elevation of Summerlands. Even in the winter when some thinning of the hedgeline may occur, the distances involved are significant and it is unlikely to be harmful to the amenity enjoyed at Summerlands.

As a result officers are not overly concerned with the use of the manege or access track on the amenity of adjacent neighbours.

Ecological Impacts

The East Devon Pebblebed Heaths is a European Designated Site, part of which lies just south of the application site and borders the private driveway that runs between Oak Road and the B3180. Third party comments have expressed concerns over the impact of the development on the SSSI and SPA.

Where development or the occupants of development could lead to adverse biodiversity impacts due to recreational or other disturbance, the LPA will require mitigation measures and contributions to allow for measures to be taken to offset adverse impacts and to create new habitats. This will be of particular importance where development could impact upon 'European Designated Sites'. Where European designated sites might be affected there will be a need for an Appropriate Assessment in line with Conservation and Species Habitat Regulation requirements. Mitigation measures will be required if harmful impacts are predicted or could arise.

In this case the use of a private manege facility is not considered to increase the number of individuals accessing the site thus increasing recreational pressure on the heaths. As such it is the position of officers that the development does not pose any

harm to the pebblebed heaths designation. It is not considered necessary in this instance for the LPA to conduct an appropriate assessment.

It is acknowledged that any external lighting erected to illuminate the manege could impact on nearby flight paths and hedgerows used as foraging corridors for bats. Any permission should include a condition preventing the erection of any external lighting to prevent such impacts.

Conclusion

Despite there being evidence that the land and buildings at the application site have previously been used for equestrian purposes at a commercial scale, the planning history of the site establishes that there is no extant permission or lawful development certificate that has granted any commercial use at the site. As per the original permissions for the indoor riding school in 1977, it is considered reasonable as necessary for any permission granted to restrict use of the manege for private purposes ancillary to the residential occupation of the applicant's property.

The anticipated level and intensity of use of the manege for private purposes as opposed to commercial is considered to avoid potential harmful impacts to neighbouring amenity, the local highway network and the nearby SSSI and SPA that have prompted concerns from the Local Ward Member and Parish Council.

The physical impact of the track and manege is considered to conserve landscape quality of the AONB. Whilst the development cannot be said to enhance landscape character as per the requirements of Strategy 46, the development would comply with the AONB Team's guidance. Overall, the proposals broadly comply with the objectives of Strategy 46 and in the absence of any demonstrable harm, it is felt that the application cannot be reasonably resisted. Therefore the application is recommended for approval.

RECOMMENDATION

APPROVE subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the approved plans listed at the end of this decision notice.
(Reason - For the avoidance of doubt.)

2. The development hereby permitted shall be used solely for private use ancillary to the residential occupation of The Oaks, Aylesbeare and shall not be used for commercial purposes at any time.
(Reason - To ensure that the Local Planning Authority retains control over the use as commercial uses may give rise to additional planning issues and to comply with Strategy 7 - Development in the Countryside of the East Devon Local Plan 2013-2031.)

3. No external lighting shall be erected to illuminate the manege hereby permitted.
(Reason: To prevent light pollution and to protect the character and appearance of the AONB and to avoid adverse ecological impacts in accordance with Strategy 46 - Landscape Conservation and Enhancement and AONBs and Policies EN14 - Control of Pollution and EN5 - Wildlife Habitats and Features of the East Devon Local Plan).

NOTE FOR APPLICANT

Informative: Confirmation - No CIL Liability

This Informative confirms that this development is not liable to a CIL charge.

Any queries regarding CIL, please telephone 01395 571585 or email cil@eastdevon.gov.uk.

Informative:

In accordance with the aims of Article 35 of the Town and Country Planning (Development Management Procedure) (England) Order 2015 East Devon District Council works proactively with applicants to resolve all relevant planning concerns; however, in this case the application was deemed acceptable as submitted.

Plans relating to this application:

2120.6.a :	Proposed Combined	07.10.22
location/section	Plans	
2120.5.	Proposed Site Plan	29.09.22

List of Background Papers

Application file, consultations and policy documents referred to in the report.

