

Application Number: WNS/2022/1332/MAF

Location: Washbrook Farm, Welsh Road, Aston Le Walls, NN11 6RT

Proposal: Construction of new all-weather manège and regularisation of existing use of land for equestrian activities.

Applicant: Washbrook Farm Ltd

Agent: Mrs Suzi Coyne

Case Officer: James Paterson

Ward: Silverstone

Reason for Referral: This is a major planning application. The application was also called in by Councillor Eastwood due to concerns with regard to the intensification of the use of the site and associated environmental and highways impacts.

Committee Date: 12/01/2023

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS

Proposal

Planning permission is sought for the regularisation of the use of the site for outdoor equestrian activities (Use Class F2(b)), as opposed to agricultural uses (Use Class Sui Generis) which was the previous lawful use of the land. Furthermore, this application seeks planning permission to resurface the existing manège on the application site with a synthetic surface to improve durability of the surface throughout the year as well as providing better footing for horses. The surfacing would be identical to those of the other manèges across the wider farm site.

Consultations

No consultees have raised **objections** to the application:

The following consultees have raised **no objections** to the application:

- HS2 Ltd, Canal and River Trust, Environment Agency

The following consultees are **in support** of the application:

- Aston-Le-Walls Parish Council

Six letters of objection have been received and no letters of support have been received.

Conclusion

The application has been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

The key issues arising from the application details are:

- Principle of Development
- Design and Landscape
- Amenity
- Transport
- Flooding and Drainage
- Ecology

The report assesses the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1 The application site is approximately 25 hectares in size and is comprised of those fields associated with Washbrook farm which lie to the north of Highfurlong Brook. The site lies to the west of Banbury Road and between the villages of Aston le Wallis and Lower Boddington. The site also abuts the planned HS2 route, which would be constructed to the south and west of the site approximately on the site of a dismantled historic rail line. The main equestrian centre and its associated buildings lie to the south of the fields subject of this application as do other fields associated with equestrian uses, including those which were subject of a recent planning permission relating to the creation of a cross country course (reference: WNS/2021/0766/MAF). Other than these notable features, the site is otherwise surrounded by agricultural fields.
- 1.2 The site is relatively open in nature, although various woodlands, hedgerows and fences create a sense of enclosure to some areas of the application site. The site largely consists of large fields which are used for equestrian competitions and training, although parts of the site are also used for vehicular parking and the stabling of horses in associated with the wider use of the site for equestrian purposes. Various tracks cut across the site and connect the various functions of the equestrian centre and provide unrestricted access throughout.

2. CONSTRAINTS

- 2.1. The application site is within an area of archaeological interest, the site lies partially within Flood Zone 2 and 3 areas and includes a main river. The site is also within the town confines of Towcester and is within a 2km buffer of various Local Wildlife Sites and within a HS2 safeguarding zone.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The development seeks to regularise the use of the land subject to this application in an equestrian use (Use Class F2(c)). The original planning permission allowing the change of use of the farm which originally occupied the site to an equestrian centre (reference: S/1994/0109/P) did not include the fields associated with the site, including those subject

of this application, and therefore the lawful use of the fields surrounding the farm did not change from general agricultural use to use for outdoor sport associated with the equestrian centre at that time. In reality, the associated fields were immediately used for equestrian purposes from the time that the farm itself lawfully changed to this use.

- 3.2. This application also seeks planning permission for the resurfacing of an existing manège on the site; this is located in the eastern corner of the site between Highfurlong Brook and Banbury Road and is already enclosed with timber fencing. The manège is currently covered in turf which means that the manège deteriorates in quality throughout the course of an event and does not provide optimal footing for horses. It is proposed to finish the surface in a high quality material, namely a blend of equestrian grade silica sand mixed with synthetic fibres, a small percentage of rubber crumb and a wax content. This synthetic material would serve to better weatherproof the manège so that it is less susceptible to weather events such as frost, better able to manage use throughout an event as well as to provide a higher quality surface for horses which would provide better footing for horses as well as providing better shock absorption qualities. This would replicate the finish of the other manèges throughout the wider Washbrook Farm site.

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal:

Application Ref.	Proposal	Decision
WNS/2021/0766/M AF	Construction of equestrian all-weather cross-country course and landscaped earth bund for visual and acoustic screening of HS2 (as amended by plans and additional information received 17/11/21 and 20/12/21).	Approval
WNS/2021/0925/H S2	Land within HS2 Act limits from dismantled railway Aston le Walls northwards to point south west of Spella House Banbury Rd Lower Boddington. Package 7 works to form the hs2 railway between Aston Le Walls to Lower Boddington, details of the permanent works approved by the High-Speed Rail (London – West Midlands) Act 2017 Request for approval of plans and specifications pursuant to Schedule 17 of the High Speed Rail (London – West Midlands) Act 2017	Approval
S/1994/0109/P	Change of Use Of Land And Buildings From Agriculture To Equestrian Centre And Variation Of Agricultural Occupancy Condition To Allow Occupancy In Connection With Equestrian And For Agricultural Use	Approval

- 4.2 It should be noted that the original change of use of the farm with which the site is associated from agricultural uses to a mixed agricultural and equestrian use was allowed in 1994 as part of planning permission S/1994/0109/P.
- 4.3 This application follows a similar application relating to a different set of fields associated with the equestrian centre which sought to regularise the existing equestrian uses on the site, as well as various other improvements including a new cross-country course. This was dealt with under permission WNS/2021/0766/MAF.

5. RELEVANT PLANNING POLICY AND GUIDANCE

Statutory Duty

- 5.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

Development Plan

- 5.2. The Development Plan comprises the West Northamptonshire Joint Core Strategy Local Plan (Part 1) which was formally adopted by the Joint Strategic Planning Committee on 15th December 2014 and which provides the strategic planning policy framework for the District to 2029, the adopted South Northamptonshire Local Plan (Part 2) and adopted Neighbourhood Plans. The relevant planning policies of the statutory Development Plan are set out below:

West Northamptonshire Joint Core Strategy Local Plan (Part 1) (LPP1)

- 5.3. The relevant policies of the LPP1 are:

- SA – Presumption in Favour of Sustainable Development
- S1 – Distribution of Development
- S10 – Sustainable Development Principles
- C2 – New Developments
- E1 – Existing Employment Areas
- E7 – Tourism, Visitor and Cultural Industries
- BN2 – Biodiversity
- BN7 – Flood Risk
- R2 – Rural Economy

South Northamptonshire Local Plan (Part 2) (LPP2)

- 5.4. The relevant policies of the LPP2 are:

- SS2 - General Development and Design Principles
- EMP2 - Existing Commercial Sites
- EMP3 - New Employment Development
- EMP4 - The Visitor Economy
- NE5 - Biodiversity and Geodiversity

Material Considerations

- 5.5. Below is a list of the relevant Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Supplementary Planning Guidance

6. RESPONSE TO CONSULTATION

Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

Consultee Name	Position	Comment
HS2 Ltd	No Objection	"I can confirm that part of the site boundary falls within HS2's Extended Homeowner Protection Zones, however the proposed development is minor in nature and will not impact HS2 works in that location."
Aston-Le-Walls Parish Council	Support	"Aston le Walls Parish Council is responding to that part of the application in their parish. The area of grass land south of Highfurlong Brook. We support change of use from agriculture to equestrian however, we hope this will not lead to an increase of horse box numbers to the venue."
Canal & River Trust	No Objection	"It is therefore important to ensure that any development, or use of the site, does not adversely impact on the structural integrity of the feeder channel or water quality as this could significantly increase the risks to the wider canal network and potential for flooding." The Canal and River Trust then advise the LPA to seek clarification on the amount of vehicle parking on the site and any means of enclosure on the site.
Environment Agency	No Objection	"The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included." Officers have included the condition sought by the EA.
WNC Highways Authority	No Objection	The proposal is unlikely to give rise to severe highways impacts but planning officers were advised to seek a transport statement from the applicant in support of the application.

7. RESPONSE TO PUBLICITY

Below is a summary of the third party and neighbour responses received at the time of writing this report.

7.1. There have 6 number of objections raising the following comments:

- Highway Safety
- Intensification of Use
- Air Pollution
- Residential Amenity

8. APPRAISAL

Principle of Development

8.1. Policy EMP2 of the South Northamptonshire Part 2 Local Plan 2011-2029 states that existing employment and retail sites and land allocated for commercial uses should be retained for employment use unless the criteria set out in the policy are met. Furthermore, new dwellings (Class C3) will not be permitted within employment, retail or commercial sites except where this is in accordance with specific site proposals and policies set out in the development plan. The policy also states that on existing employment, retail or commercial sites, employment generating development including intensification will normally be permitted within the existing curtilage or through appropriate extensions subject to compliance with other policies in the plan and other material considerations.

- 8.2. Policy EMP3 of the South Northamptonshire Part 2 Local Plan 2011-2029 states new employment and commercial development will be directed to the most sustainable locations in accordance with Policy SS1: The Settlement Hierarchy. Employment generating development on suitable sites outside of the settlement confines will be considered acceptable where the proposal is allocated for employment uses or meets the other criteria set out in the policy. Proposals for change of use or new employment development will need to be accompanied by evidence that demonstrates the current use is no longer viable or, in the case of the conversion of agricultural buildings that the buildings are redundant and the proposed uses and associated employment activities can be carried out without causing harm to residential amenity. Proposals for the relocation of whole or part of a business to another site within the district required as a direct consequence of the HS2 development will be permitted in open countryside locations where it is demonstrated that the criteria in the policy have been met.
- 8.3. Policy EMP4 of the South Northamptonshire Part 2 Local Plan 2011-2029 states that proposals for tourism and leisure development, including tourist accommodation, will be acceptable in accordance with Policy SS1 and where the proposal is within settlement confines. Furthermore, proposals outside of the settlement confines, within the open countryside will be acceptable where the proposed location is essential to the business, it does not adversely affect the vitality and viability of nearby settlements and it complements existing tourism service and facility provision in neighbouring settlements and the surrounding area.
- 8.4. Policy R2 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) states that proposals which sustain and enhance the rural economy by creating or safeguarding jobs and businesses will be supported where they are of an appropriate scale for their location, respect the environmental quality and character of the rural area and protect the best and most versatile agricultural land. The policy then sets out which types of developments are acceptable in this regard
- 8.5. Following the submission of a previous planning application on a different part of the Washbrook Farm site, it was established that several of the fields surrounding the equestrian centre did not benefit from the planning consent for its current use for equestrian purposes as a part of the original application for the change the use of the land and associated buildings at the farm from agriculture to equestrian use, which was approved on 24 March 1994 (reference S/1994/0109/P). Therefore, the existing use of the land represents a breach of planning control.
- 8.6. However, no enforcement action may be taken once a period of ten years, beginning with the date of the breach, has elapsed. It is also noted that once the time for enforcement has expired, unlawful development becomes lawful over time and can be regularised via the seeking of a lawful development certificate for an existing use, via a S191 application, which formally recognises the unauthorised use as the current lawful use.
- 8.7. Officers would therefore typically advise applicants to submit a S191 application for a lawful development certificate to formally regularise a breach of planning control that has become lawful over time, such as in this case. However, officers note that this application follows on from a similar application which related to the fields between the main farm site and the site of HS2 where officers accepted the approach of regularising the use as part of a wider planning application for a new all-weather cross-country course (reference: WNS/2021/0766/MAF). Therefore, officers have continued this approach and have considered whether the proposed use has become lawful over time as part of this application.

- 8.8. Having carefully considered the submitted evidence as part of the applicant's supporting statement, as well as having regard to the Council's own records, officers consider that the site subject of this application formed an established extension of the approved equestrian centre, with the current use having occurred continuously for longer than ten years unabated, on the balance of probabilities. The use of the site being sought as part of this application is therefore already lawful and the proposed change of use therefore does not need to be tested against the development plan.
- 8.9. Turning to the proposed resurfacing of the existing manège, it is noted that this is a modest development that would not materially alter the existing operation of the site but would represent an improvement to the existing facilities serving the equestrian centre, an existing employment site and visitor attraction, which is generally supported by the Council's policies.
- 8.10. Considering the above, officers consider that the proposed development is acceptable in principle and accords with Policies EMP2, EMP3, EMP4 and R2.

Design and Landscape

- 8.11. Policy S1(D) of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) requires development in the rural areas to be limited, with the emphasis on (amongst other criteria) respecting the quality of tranquillity and enhancing and maintaining the distinctive character of rural communities. Policy SS2 of the South Northamptonshire Part 2 Local Plan 2011-2029 states requires at a) new development to maintain the individual identity of villages and to not result in the unacceptable loss of undeveloped land, open spaces and locally important views of particular significance to the form and character of a settlement and to integrate with its surroundings and the character of the area; e) incorporates sensitive lighting schemes that respects the surrounding area and reduce harmful impacts on wildlife and neighbours
- 8.12. The application site does not fall within any specific landscape designations, nor within any conservation area. Notably the site is located outside of the Aynho, Cherwell Valley & Eydon landscape area although the site abuts Banbury Road which forms the western boundary of that special landscape area. Therefore, the site does fall into the wider setting of this landscape area and its impact on this landscape, as well as the landscape of the undesignated parts of the site's setting, has been considered.
- 8.13. Overall, the site lies on low-lying, gently sloping ground, with rising hills to the north and north east which provide an elevated backdrop to the site's setting. Glimpsed views of the site are possible from several Public Right of Ways which surround the site; however, the site is most readily perceptible from AC2 (Millennium Way) to the north west of the site where the Washbrook Farm site forms a part of the wider landscape that is visible in views from this route. However, the manège is not widely visible to views from without the site since it is screened on multiple sides by woodland and other intervening features, such as hedges and fencing; while the manège may be glimpsed from Banbury Road through the hedgerow and via the main access to this part of the site these are very limited in nature and the manège is relatively visually discreet despite its size.
- 8.14. The proposed regularisation of the land for equestrian uses would not alter the appearance of the site from its existing form since this aspect of the application relates solely to land use. The proposed resurfacing of the manège would have some visual impact. However, the impact of this change would be solely to views within the application site, specifically within immediate proximity of the manège. The visual change to the manège would therefore be very minor in nature and would not lead to the manège having an unexpected or visually jarring appearance since it would still clearly be identifiable as a manège.

- 8.15. Having considered the above, the proposed development is acceptable in terms of its design and landscape impact and therefore accords with Policies S1 and SS2 in this regard.

Amenity

- 8.16. Policy SS2 of the South Northamptonshire Part 2 Local Plan 2011-2029 states requires developments to not unacceptably harm the amenity of occupiers and users of neighbouring properties and the area through noise, odour, vibration, overshadowing or result in loss of privacy, sunlight daylight or outlook, unless adequate mitigation measures are proposed and secured.
- 8.17. The nearest dwellings at Lower Boddington are located approximately 175m to the north of the application site and are approximately 400m from the ménage. Officers also note that the field closest to these houses is largely given over to the parking of vehicles that transport horses to the site during events and is typically not used for the principal equestrian activities which utilise the facilities further south.
- 8.18. In considering the issue of the proposed regularisation of the equestrian uses on the land, officers note that, as noted in an earlier section of this report, officers are of the view that the existing use of the site for equestrian uses has become lawful over time, in line with the permission relating to the use of the rest of the farm site following the grant of planning permission in 1994 (reference: S1994/01409/P). Therefore, the equestrian use of the site is immune from enforcement and has become lawful over time and officers therefore cannot attach conditions that impinge upon how the site has been operating over the previous ten years as officers cannot seek improvements to an existing lawful use by imposing restrictive planning conditions.
- 8.19. Furthermore, the extended site of the equestrian centre, namely the surrounding fields, are all integral to its operation and visiting members of the public would typically have access throughout the site during their visit; indeed, full access throughout the site would be needed to enjoy all the various facilities that the centre offers. Officers therefore consider that restrictive conditions which limit the hours of use of the site or similar would fail to meet the test for conditions set out in paragraph 57 of the NPPF. This is because such conditions would be impossible for the Council to enforce since it would be impossible to determine whether visitors to the site would be only using the facilities on the application site or the other facilities at the centre. Therefore, any permission resulting from this application which regularises the equestrian use would need to be free of restrictive conditions relating to its current operation.
- 8.20. Turning to the resurfacing of the ménage, it is considered that this aspect of the application would have a negligible impact on the amenity of neighbours since this would not impact their outlook or privacy while the new surface would not give rise to an intensification of use to an extent that it would give rise to unacceptable noise or disturbance to neighbours.
- 8.21. Officers have carefully considered impacts on neighbours that may arise from artificial noise and lighting and consider that there is some potential for harm to neighbours' amenity were additional tannoy systems or floodlighting to be installed on the site. Therefore, officers have included conditions preventing any such equipment being added to the site without the approval of the Council.
- 8.22. In considering the impact of the proposed development on neighbours' amenity, officers have had regard to the fact that the equestrian centre is able to undertake 28 days of events in any calendar year under permitted development, as per Part 4, Class B of the

General Permitted Development Order, and without any restriction on the hours of operation.

- 8.23. Having considered the above, officers consider that the proposal would be acceptable in terms of neighbours' amenity and Policy SS2.

Transport

- 8.24. Policy C2 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) requires development to mitigate its impacts on highway.
- 8.25. Policy SS2 of the South Northamptonshire Part 2 Local Plan 2011-2029 states planning permission will be approved where developments include a safe and suitable means of access for all people (including pedestrians, cyclists and those using vehicles). Developments must also take into account existing or planned social and transport infrastructure to ensure development is adequately served by public transport or is in reasonable proximity to a range of local facilities which can be reached without the need for private car journeys.
- 8.26. Paragraph 109 of the NPPF makes clear that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 8.27. The applicant has submitted a short transport statement in order to give officers a better understanding of the impact of the existing operation of the site on highways safety by providing baseline data. The statement also stated that it is expected that the transport impacts of the resurfaced ménage would be minimal and would not significantly inflate guest numbers compared to existing numbers. Officers are of the view that the intensification of the use of the site that would arise from the proposed resurfacing of the ménage would likely not give rise to severe highways impacts, and therefore would not substantiate grounds for refusing this application. However, it is also noted that once permission is granted then the Council would have limited means of addressing any increase in traffic resulting from the resurfaced ménage; therefore in the interest of ensuring that this aspect of the proposal would not prejudice highways safety for the lifetime of the development, officers have recommended Condition 8 for the submission of an event management plan prior to the first use of the resurfaced ménage. This will ensure that should the nature of the development change in a way that gives rise to unacceptable transport impacts, then the Council would have a means of enforcement.
- 8.28. As set out in previous sections of this report, officers consider that the use of the land in association with the nearby equestrian centre has become lawful over time. Officers therefore cannot introduce restrictive conditions that would prejudice the existing operation of the site. Therefore, while officers note that a number of concerns have been raised in the public consultation with regard to the local highway network, it is considered that any conditions limiting the number of vehicles accessing the site, and therefore the number of visiting members of the public on the site, would not accord with the tests set out in paragraph 57 of the NPPF since they would not be reasonable. In any case, it is noted that the identified traffic issues largely arise during large events hosted at the equestrian centre but that these occur on a limited basis; officers have had regard to the fact that the equestrian centre is able to undertake 28 days of events in any calendar year under permitted development, as per Part 4, Class B of the General Permitted Development Order, and without any restriction on the hours of operation and therefore do not consider that the events are unacceptable.
- 8.29. Officers consider that the resurfacing of the ménage would not entail a significant building operation of a scale that would require a construction traffic management plan to manage

its impact on the local highway network. Officers also note that vehicles would be able to pull off the public highway and into the site without obstructing the highway; likewise, good visibility would be afforded to vehicles exiting the site. There would also be ample room for the storage of building material on the site.

- 8.30. Having considered the above, it is considered that the proposal is acceptable in terms of its highways impact and Policies C2 and SS2.

Flooding and Drainage

- 8.31. Policy BN7A of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) states that development should use sustainable drainage systems, wherever practicable, to improve water quality, reduce flood risk and provide environmental and adaptation benefits.
- 8.32. Policy BN7 of the west Northamptonshire Joint Core Strategy Local Plan (Part 1) states development proposals must comply with relevant flood risk assessment and management requirements. A sequential approach will be applied to all proposals for development in order to direct development to areas at the lowest probability of flooding unless it has met the requirements of the sequential test and the exception test. All new development, including regeneration proposals, must demonstrate that there is no increased risk of flooding to existing properties, and proposed development is (or can be) safe and shall seek to improve existing flood risk management. The policy also states that all proposals for development of 1 hectare or above in Flood Zone 1 and for development in 2, 3a or 3b must be accompanied by a flood risk assessment that sets out the mitigation measures for the site and agreed with the relevant authority.
- 8.33. The majority of the site falls within a Flood Zone 1 area and is therefore at low probability of flooding although parts of the site close to the main river at Highfurlong Brook lie within Flood Zone 2 and 3 areas and are therefore at greater probability of flooding. However, officers consider that there would be no overall increase in flood risk since this application seeks to regularise a use which has been ongoing for in excess of ten years and has become lawful over time. Officers also note that equestrian uses are categorised as water compatible, since they this is categorised as an outdoor sporting use, whereas agricultural uses, such as the previous lawful use of the site, are classed as 'less vulnerable'. Therefore, the use of the site in line with the proposal represents a reduction in flood risk on the site compared to the previous use of the site.
- 8.34. While the proposal entails the removal of turf and installation of new surfacing across the ménage having regard to the new surfacing being sought officers do not consider that this would cause an unacceptable degree of water run-off that would increase the risk of flooding on or off the site. It is also noted that the EA have not objected on these grounds.
- 8.35. Therefore, the proposal is acceptable in terms of flooding and drainage and therefore Policies BN7 and BN7a.

Ecology

Legislative context

- 8.36. The Conservation of Habitats and Species Regulations 2017 provide for the designation and protection of 'European sites' and 'European protected species' (EPS). Under the Regulations, competent authorities such as the Council have a general duty to have regard to the EC Habitats Directive and Wild Birds Directive.

- 8.37. In terms of EPS, the Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in the Regulations, or pick, collect, cut, uproot, destroy, or trade in the plants listed therein. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of 3 strict legal derogation tests:
- a. Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
 - b. That there is no satisfactory alternative.
 - c. That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Policy Context

- 8.38. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity. Paragraph 175 states that planning authorities should refuse planning permission if significant harm to biodiversity cannot be avoided, adequately mitigated, or, as a last resort, compensated for and should support development whose primary objective is to conserve or enhance biodiversity. Opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 8.39. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on nature conservation.
- 8.40. National Planning Practice Guidance (PPG) states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.
- 8.41. Policy NE5 of the South Northamptonshire Part 2 Local Plan 2011-2029 (Part 2) requires that proposals aim to conserve and enhance biodiversity and geodiversity in order to provide measurable net gains. Development proposals will not be permitted where they would result in significant harm to biodiversity or geodiversity, including protected species and sites of international, national and local significance, ancient woodland, and species and habitats of principal importance identified in the United Kingdom Post-2010 Biodiversity Framework.
- 8.42. Policy BN2 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1) states that development that will maintain and enhance existing designations and assets or deliver a net gain in biodiversity will be supported. Development that has the potential to harm sites of ecological importance will be subject to an ecological assessment and required to demonstrate: 1) the methods used to conserve biodiversity in its design and

construction and operation 2) how habitat conservation, enhancement and creation can be achieved through linking habitats 3) how designated sites, protected species and priority habitats will be safeguarded. In cases where it can be shown that there is no reasonable alternative to development that is likely to prejudice the integrity of an existing wildlife site or protected habitat appropriate mitigation measures including compensation will be expected in proportion to the asset that will be lost. Where mitigation or compensation cannot be agreed with the relevant authority development will not be permitted.

Assessment

- 8.43. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are present on or near the proposed site. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site consists of a well-managed, closely mown lawn with fencing and semi-established hedgerow to the boundaries. There are a number of trees close by and in the boundary of the site which would not be affected by proposals. There are no buildings to be removed or altered due to the proposed development.
- 8.44. Having considered Natural England's Standing Advice and taking account of the site constraints it is considered that the site has limited potential to contain protected species and any species present are unlikely to be adversely affected by the proposed development given that the development seeks to regularise an existing land use and re-surface an existing area of artificial surfacing that would not be of ecological significance. As such no formal survey is required and in the absence of which this does not result in a reason to withhold permission. An informative reminding the applicant of their duty to protected species shall be included on the decision notice and is considered sufficient to address the risk of any residual harm.
- 8.45. The proposal is therefore considered to be acceptable in terms of ecology and Policies NE5 and BN2.

9. FINANCIAL CONSIDERATIONS

- 9.1. CIL is not triggered as part of this development proposal.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The proposed development is acceptable in principle as the change of use of the land from agricultural uses to equestrian uses took place over ten years ago and the change of use of the land has therefore become immune from enforcement and lawful over time. The resurfacing of the ménage would also have minimal impacts and would support the continuing function of the equestrian centre which contributes to the district's rural economy, which the Council's policies broadly support. Furthermore, it is considered that the development would not cause severe detriment to the local highway network, nor detract from the visual amenities of the locality. The proposal would also not result in harm to neighbour amenity and is acceptable in all other respects or give rise to unacceptable ecological impacts.

11. RECOMMENDATION / CONDITIONS AND REASONS

- 11.1. Detailed recommendation here and full list of conditions and reasons here

RECOMMENDATION – GRANT PERMISSION SUBJECT TO CONDITIONS AS SET OUT BELOW WITH DELEGATED AUTHORITY TO THE HEAD OF PLANNING

DELIVERY FOR PLANNING AND ENVIRONMENT TO APPROVE ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY

CONDITIONS

Time Limit

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents:

Location Plan (reference: 313AMWF/1, received 28/06/22)

Block Plan (reference: 313AMWF/2, received 28/06/22)

General Plan (reference: 313AMWF/3, received 28/06/22)

Supporting Statement (reference: 313AMWF/4, received 28/06/22)

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

Materials as Specified

3. The development shall only be carried out in accordance with the materials specified in the application form and the submitted design and access statement.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policies G3(A) and EV1 of the South Northamptonshire Local Plan Policy and Government guidance contained within the National Planning Policy Framework.

Sounds Amplifying Equipment

4. No sound-amplifying equipment shall be installed or operated on the premises without the prior written consent of the Local Planning Authority.

Reason: To ensure the creation of a satisfactory environment free from intrusive levels of noise in accordance with Policy SS2 of the South Northamptonshire Local Plan.

Flood Lighting

5. No external lights/floodlights shall be erected on the land [or building] without the prior express planning permission of the Local Planning Authority.

Reason: To protect the amenities of nearby residents and to safeguard the visual amenities of the area in accordance with Policy SS2 of the South Northamptonshire Local Plan and Government advice in The National Planning Policy Framework.

Use as Specified

6. Notwithstanding the provisions of the Planning (General Permitted Development Order) (2015) (as amended) or any statutory instrument revoking, amending or re-enacting that order, the site shall only be used for as specified for equestrian uses (Use Class F2(c)) and for no other purpose whatsoever.

Reason: To ensure the site remains in an appropriate use in relation to the site, as per Policy S1 of the West Northamptonshire Joint Core Strategy and Policies SS1 and SS2 of the South Northamptonshire Part 2 Local Plan.

Flooding and Drainage

7. The development shall be carried out in accordance with the submitted technical document (ref Supporting statement - 313amwf.4 Supporting Statement and the following mitigation measures it details:
 - There should be no ground raising in flood zone 2 or flood zone 3.
 - The existing ground levels should be identified reference metres above Ordnance Datum (AOD) prior to construction
 - The area should remain free draining

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing lifetime of the development.

Reasons: To reduce the risk of flooding to the proposed development and future and to reduce the risk of flooding elsewhere as per Policy BN7 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1).

Event Management Plan

8. Before the resurfaced menage hereby permitted is first used, an event management plan shall be submitted to and agreed in writing by the Local Planning Authority. The management plan shall manage highway and pedestrian safety and traffic flow implications of use of the menage for events (which must not exceed 28 days per calendar year). The use of the development shall then only take place in accordance with the event management plan.

Reason: To ensure the highway safety implications of usage of the proposed menage

do not increase impacts on highway and pedestrian safety and traffic flows over and above the existing use of the site for events, in accordance with Policies C2 of the West Northamptonshire Joint Core Strategy Local Plan (Part 1), Policy SS2 of the South Northamptonshire Part 2 Local Plan 2011-2029 and paragraph 109 of the NPPF.

INFORMATIVES:

1. The applicant/ developer is advised to contact the Works Engineering Team on 03030404040 in order to ensure that any necessary consents are obtained and that works comply with the Canal & River Trust "Code of Practice for Works Affecting the Canal & River Trust".
2. The applicant is advised that the application site lies partially within land that may be required to construct and/or operate Phase One of a high-speed rail line between London and the West Midlands, known as High Speed Two. Powers to construct and operate High Speed Two were secured on 23 February 2017 when Royal Assent was granted for Phase One of HS2. As a result, the applicant is advised to follow ongoing progress of the HS2 programme as the construction phase continues at: <https://www.gov.uk/government/collections/high-speed-rail-london-westmidlands-bill>