

Reference No: P/VOC/2023/00785
Proposal: Erect 4 no. houses to existing yard and 3 no. houses to yard 2 without compliance with condition 4 of planning permission 1/E/96/000515 to remove restriction as to use.
Address: Whitcombe Manor Stables A352 Came Park Road To Main Road Broadmayne Whitcombe DT2 8NY
Case Officer: James Lytton-Trevers
Ward Members: Cllr Tarr

This application is referred to committee at the request of the Service Manager for Development Management and Enforcement following a scheme of delegation consultation.

1.0 Summary of recommendation:

(A) Delegate authority to the Head of Planning and Service Manager for Development Management and Enforcement to grant subject to the completion of a deed of variation of the s106 Agreement attached to permission 1/D/09/001333 and subject to conditions.

(B) Refuse permission for the reasons set out below if the agreement is not completed by 31 December 2023 or such extended time as agreed by the Head of Planning and Service Manager for Development Management and Enforcement:

The proposal would fail to make provision for variation of the s106 Agreement pertaining to the remaining works under permission 1/E/96/000515 for a further 3 houses on yard 2 outside a defined development boundary. As such the proposal would be contrary to Policy SUS2 of the West Dorset, Weymouth & Portland Local Plan (2015) and paragraph 80 of the National Planning Policy Framework.

2.0 Reason for the recommendation:

The proposed use is considered to be appropriate and to be in accordance with the local and national policy objectives.

3.0 Key planning issues

Issue	Conclusion
Principle	The principle would comply with policies ECON6 and SUS3 of the adopted local plan.
Other matters	There are no other material considerations.

4.0 Description of Site

The wider site is a purpose built racing stud comprising stables, land and a number of dwellings. The complex is laid out in a formal fashion on two sides of the road with two accesses opposite one another. This application relates to four of the houses which are

configured as two pairs of semidetached houses sited close together on the northwest edge of the complex close to the large stable building. The houses are traditional in style and materials. The site is outside a defined development boundary 3 miles from Dorchester in the Dorset Area of Outstanding Natural Beauty.

5.0 Description of Development

Two parallel applications have been submitted to vary conditions that restrict the occupancy of six dwellings to only those working within Whitcombe Racing Stables and Mony Musk Stud and to allow the dwellings to be used for holiday accommodation as well. One application seeks variation of permission for four dwellings (this application), the other for two dwellings.

6.0 Relevant Planning History (of particular relevance to this application is **1/E/96/000515** in bold)

1/E/87/000775 Decision – Documents missing
Erect thoroughbred race-horse training establishment, gallops and staff accommodation, and construct new vehicular and pedestrian access.

1/E/90/000263 Decision - Granted
Change of use of open covered storage area to Jockeys Overnight accommodation units

1/E/94/000295 Decision – Granted (part implemented and part rescinded)
Erect new stables and yard at grid reference SY 711872 (Amended scheme withdrawing proposal for second yard at grid reference SY 707866). A s106 attached to 1/D/09/001333 rescinded remaining authorised works under permissions 1/E/94/000295 for the laying of a road to yard 2 and 1/E/96/000515 for the 3 houses on yard 2.

1/E/96/000515 Decision – Granted (part implemented and part rescinded)
Erect 4 no. houses to existing yard and 3 no. houses to yard 2.

Only 4 of the houses were built. A s106 attached to 1/D/09/001333 rescinded remaining works under permissions 1/E/94/000295 for the laying of a road to yard 2 and 1/E/96/000515 for the 3 houses on yard 2.

The occupation of the four dwellings is restricted to a person solely or mainly working, or last working prior to retirement, in the thoroughbred racehorse training establishment approved under planning reference 1/E/87/0775, or the widow or widower of such a person, and to any resident dependents.

1/E/98/000084 Decision – Granted
Erect Equine Training Establishment/Stud Farm and 3No dwellings

1/E/05/000604 Decision: Withdrawn
Removal of condition 6 of Planning Permission Granted under application reference 1/E/87/000775 (accommodation only to be occupied by persons solely, or mainly, employed in the adjoining racehorse training establishment).

1/E/05/000607 - Decision: Refused contrary to officer recommendation -

Carry out alterations in association with change of use of former racing stables to 48No self-contained units of holiday accommodation, 2No staff flats and associated facilities including offices, swimming pool, gymnasium and stables. Construct tennis court, parking and sewage treatment plant. Carry out landscaping, including the formation of curtilages to holiday accommodation and former trainers' houses.

1/E/05/002006 - Decision: Refused for reason that at the time national policy did not support it.

Carry out alterations in association with the change of use of former racing stables to 48No self-contained units of holiday accommodation, 2No staff flats and associated facilities, including offices, swimming pool, gymnasium and stables. Construct tennis court, parking and sewage treatment plant. Carry out landscaping, including the formation of curtilages to holiday accommodation and former trainers' houses.

1/E/06/002329 - Decision: Granted

Change of use of offices to part living accommodation in main entrance block, construct entrance gates, install horse walkers and external alterations to jockey accommodation

1/D/07/001679 - Decision: Granted

Erect extension to indoor exercise school for storage purposes

1/D/08/000423 - Decision: Granted

Variation of condition 3 of 1/E/96/000515 to allow first occupation of the four houses serving yard 1 before completion of the access improvements required solely in association with yard 2.

1/D/08/002030 - Decision: Refused

Erect 50 stables together with ancillary accommodation. Erect owners house and carer's flat with associated car parking and access

1/D/09/001333 - Decision: Granted

Erect 50 stables together with ancillary accommodation & associated car parking and access. Erect owners house with associated car parking and access.

The owners house and stud grooms flat above the stables are restricted to a person or persons solely or mainly working, or last working, on a full time, or near full time basis, in the racehorse breeding and/or training facility established on "the holding" as defined within the Section 106 agreement associated with this permission (for the time being known as "Monymusk Stud Stables") or in the running of the racehorse breeding and/or training facility, or a widow or widower of such a person, and to any resident dependants.

A s106 attached to 1/D/09/001333 rescinded remaining authorised works under permissions 1/E/94/000295 for the laying of a road to yard 2 and 1/E/96/000515 for the 3 houses on yard 2. It also required that the holding not be disposed of.

1/D/11/000112 - Decision: Granted

Conservation Pond

WD/D/14/002410 Decision: Granted

Modify Section 106 agreement dated 25th August 1999

WD/D/18/000894 Decision: No officer support
Pre-application consultation - Conversion of Whitcombe Stables into holiday village use

WD/D/19/001772 - Decision: Withdrawn
Change of use to holiday village to consist of use of existing buildings as holiday accommodation, restaurant and spa and use of land for parking. Outline application for the erection of extensions to existing buildings, new build holiday accommodation, cycle hire/store and indoor leisure facility (with details of access, layout and scale, all other matters are reserved)

P/VOC/2023/00791 Parallel application
Erect 50 stables together with ancillary accommodation & associated car parking and access. Erect owners house with associated car parking and access (with removal of condition 11 of planning permission 1/D/09/001333) - restriction to use.

7.0 List of Constraints Legal Agreements s106

Nutrient Catchment Area

Risk of Surface Water Flooding Extent 1 in 100

Risk of Surface Water Flooding Extent 1 in 1000

Risk of Groundwater Emergence; Groundwater levels are at least 5m below the ground surface.; Flooding from groundwater is not likely.;

Risk of Groundwater Emergence; Groundwater levels are between 0.5m and 5m below the ground surface.; There is a risk of flooding to subsurface assets but surface manifestation of groundwater is unlikely.;

Area of Outstanding Natural Beauty (AONB): Dorset;

RAMSAR: Dorset Heathlands (UK11021); - Distance: 3438.85

Site of Special Scientific Interest (SSSI) impact risk zone;

Dorset Heathlands - 5km Heathland Buffer;

Scheduled Monument: Bowl barrow 600m south of Whitcombe Farm (List Entry: 1019412);
- Distance: 110.34

Poole Harbour Catchment Area

Groundwater Source Protection Zone

Radon

8.0 Consultations (summarised)

All consultee responses can be viewed in full on the website.

Winterborne Farringdon Parish Council - Objection

The applications would be better submitted and considered as a fundamental change from an agricultural, equestrian use to a holiday or residential use.

Local Plan Policy ECON10(iii) restricts proposals to re-use or adapt substantial purpose-built equestrian holdings for non-equestrian where it can be demonstrated that continued equestrian use is inappropriate or unviable. Proposed uses must be in accordance with other plan policies.

The Parish Council consider the site is viable and question whether the piecemeal repurposing of tied accommodation for holiday lets or residential purposes within the curtilage of what is still an equestrian business is an appropriate proposed use in accordance with local plan policy.

Dorset Highways - No objection

Representations received

None

9.0 Relevant Policies

National Planning Policy Framework

As far as this application is concerned the following section(s) of the NPPF are considered to be relevant;

2. Achieving sustainable development
4. Decision-making
6. Building a strong, competitive economy
8. Promoting healthy and safe communities
9. Promoting Sustainable transport
11. Making effective use of land

Para 38 - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Adopted West Dorset and Weymouth & Portland Local Plan (2015)

As far as this application is concerned the following policies are considered to be relevant.

- INT1 – Presumption in favour of sustainable development
- ENV 16 – Amenity
- SUS2 – Distribution of development
- SUS3 – Adaptation and re-use of buildings outside DDB's
- ECON6 – Built Tourist Accommodation
- ECON10 – Equestrian Development
- COM7 - Creating A Safe And Efficient Transport Network
- COM 9 – Parking standards in new development

OTHER MATERIAL PLANNING CONSIDERATIONS:

Design and Sustainable Development Planning Guidelines (2009), incorporating the West Dorset Landscape Character Assessment (2009);

Emerging Dorset Council Local Plan:

Paragraph 48 of the NPPF provides that local planning authorities may give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant plan policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the NPPF (the closer the policies in the emerging plan are to the policies of the NPPF, the greater the weight that may be given).
- The Dorset Council Local Plan Options Consultation took place between January and March 2021. Being at a very early stage of preparation, the Draft Dorset Council Local Plan should be accorded very limited weight in decision making.

National Planning Practice Guidance

10.0 Human rights

Article 6 - Right to a fair trial.

Article 8 - Right to respect for private and family life and home.

The first protocol of Article 1 Protection of property.

This recommendation is based on adopted Development Plan policies, the application of which does not prejudice the Human Rights of the applicant or any third party.

11.0 Public Sector Equalities Duty

As set out in the Equalities Act 2010, all public bodies, in discharging their functions must have “due regard” to this duty. There are 3 main aims:-

- Removing or minimising disadvantages suffered by people due to their protected characteristics
- Taking steps to meet the needs of people with certain protected characteristics where these are different from the needs of other people
- Encouraging people with certain protected characteristics to participate in public life or in other activities where participation is disproportionately low.

Whilst there is no absolute requirement to fully remove any disadvantage the Duty is to have “regard to” and remove or minimise disadvantage and in considering the merits of this planning application the planning authority has taken into consideration the requirements of the Public Sector Equalities Duty. The proposal relates to existing built residential accommodation and no alterations are proposed.

12.0 Financial benefits

What	Amount / value
Material Considerations	
Tourism spend in Dorset by occupants	
Non-Material Considerations	
Council Tax.	Not known

13.0 Climate Implications

There will be ongoing carbon emissions during the lifetime of the development. As the dwellings are reasonably energy efficient this would reduce emissions as would the periodic use only.

14.0 Planning Assessment

Principle

14.1 Application 1/E/96/000515 granted permission for 4 no. houses to existing yard and 3 no. houses to yard 2. Only 4 of the houses were built. A s106 attached to 1/D/09/001333 rescinded remaining works under permissions 1/E/94/000295 for the laying of a road to yard 2 and 1/E/96/000515 for the 3 houses on yard 2.

14.2 The occupation of the four dwellings is restricted to a person solely or mainly working, or last working prior to retirement, in the thoroughbred racehorse training establishment approved under planning reference 1/E/87/0775, or the widow or widower of such a person, and to any resident dependents.

14.3 The applicant states that the land and buildings are no longer used for horses and that there is now too much tied accommodation which is sitting empty. There has been a consistent underoccupancy of the racing stables and stud. The applicant has made strenuous efforts to lease the racing stables. The applicant states that the main complex is just not viable as a racehorse training establishment and is too distant from the main centres of horse racing and training to be attractive to trainers and there are insufficient racehorse owners in the south west to support an establishment of this size. Breaking the property up into multiple small livery stables would neither be viable nor attractive from a site management or landscape points of view especially given the high quality and high costs of maintaining the property. Evidence has been provided accordingly by the applicant.

14.4 The lack of viability is not disputed and it is apparent that if the whole complex cannot be leased, then some flexibility in the use of the accommodation should be exercised. The applicant suggests a temporary relief of the tying condition for a period of 2 years so as to allow, in addition to the racehorse breeding and/or training facility, use as holiday accommodation.

14.5 Policy ECON10 (iii) of the adopted local plan is specifically concerned with equestrian development and the consideration of proposals to re-use or adapt substantial purpose built equestrian holdings for non-equestrian uses it should be demonstrated that continued

equestrian use is inappropriate or unviable. Alternative uses must be in accordance with other plan policies. This application relates to the dwellings rather than the holding and therefore policy ECON10 would not apply in this instance. Policy ECON6 would be the relevant applicable policy in this instance.

14.6 Policy ECON6 (i) supports the re-use of an existing building as built tourist accommodation. Tourist accommodation created from the change of use of existing buildings, in accordance with policy SUS3, increases the stock and variety of accommodation the area has to offer and can bring back into use buildings that may otherwise be left vacant and have a positive impact on the surrounding area.

14.7 The applicant has advised that the equestrian use is not viable, but does not seek a change of use of the entire holding with the option that it could continue in equestrian tied use **and** as holiday accommodation. Holiday accommodation would be a use that would be allowed in this location under policy SUS3.

14.8 Policy SUS3 permits the conversion of rural buildings for private residential dwellings where the building adjoins an existing serviced residential building, is justifiable in the location and will be tied to the wider holding/main property and where the building was in existence in 2011. A tourist related use would be compatible in this location. However, policy SUS3 is no longer in step with current national policy which takes a less restrictive approach to re-use of buildings in the countryside. Dwellings can be re-used as holiday accommodation without need to be adjoining a serviced building or indeed tied to the wider holding. In this case there is no principal dwelling which the dwellings could be tied to and as the dwellings would remain available for equestrian tied accommodation, it is questionable whether there would be a need to tie the dwellings to the holding.

14.9 It is acknowledged that the dwellings were allowed to meet the specific needs of the equestrian enterprise in connection with the breeding and racing of horses, but given that need no longer exists there is a natural fall back to other uses which are allowed in the countryside and which includes holiday accommodation. The dwellings would remain available for occupation in connection with horses, but there would be latitude to allow holiday accommodation use. The National Planning Policy Framework (paragraph 80c) supports the re-use of redundant or disused buildings where it can enhance its immediate setting. This proposal would not result in enhancement to its immediate setting as the buildings are already there and no alterations are proposed. However, in practical terms there would be little difference between a permanent residential use for an equestrian worker and use as holiday accommodation and the latter would help maintain an economic use for the dwellings.

14.10 While the applicant has indicated a willingness to accept a temporary permission for holiday accommodation, this stance would only normally apply for example if the use needed a trial run. Given that holiday accommodation is supported on the basis that the use would be little different in nature to use as residential accommodation by equestrian workers there would be no need to make the use temporary and the proposal to make the accommodation available for equestrian use or holiday accommodation would be acceptable in terms of principle subject to other material planning considerations.

Other matters

14.11 The use for holiday accommodation would not affect the appearance or use of the buildings which would remain residential.

14.12 There is concern from the Parish Council that permission is sought for some and not all of the equestrian accommodation and that it is piecemeal. The applicant has not applied for a change of use of all the accommodation because some of the units are still occupied by an equestrian user (Kieran Burke Racing). However, Kieran Burke have tried and failed to recruit staff. There is no demand for any more of the units for the reasons already stated. The main reason being that the site is too far from race courses to make it viable.

14.13 As this is an application made under s73 for variation of condition, all conditions attached to the original permission should be included unless these are amended or discharged. All the conditions relating to materials, landscaping, etc were discharged and would not be repeated. The only condition would be a revised occupancy condition.

14.14 This permission 1/E/96/000515 was originally for 7 dwellings, but only 4 of the dwellings were built. A s106 attached to a subsequent permission 1/D/09/001333 rescinded remaining works under permission 1/E/96/000515 for a further 3 houses on yard 2. In now varying the condition under permission 1/E/96/000515 the s106 Agreement would also need to be varied by a deed. The deed would need to reference this new application within the provisions of the s106 to ensure that a further 3 houses on yard 2 could not be implemented.

15.0 Conclusion

The proposed development is considered to be for an appropriate use in accordance with local and national policy objectives.

16.0 Recommendation

(A) Delegate authority to the Head of Planning and Service Manager for Development Management and Enforcement to grant subject to the completion of a deed of variation of the s106 Agreement attached to permission 1/D/09/001333 and subject to conditions.

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Plans 53-123-10, 11, 12, 13, 14, 15

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

2. The occupation of each of the four dwellings shall be limited to a person solely or mainly working, or last working prior to retirement, in the thoroughbred racehorse training establishment approved under planning reference I/E/87/0775, or the widow or widower of such a person, and to any resident dependants or shall be occupied for holiday purposes only and the owners/operators must maintain an up-to-date register of the names of all owners/occupiers of dwelling(s) and of their main home addresses, and must make this

information available at all reasonable hours at the request of a duly authorised officer of the Local Planning Authority.

Reason: In order to ensure that the accommodation remains occupied as equestrian or holiday accommodation only.

Informative: This permission is subject to an agreement made pursuant to Section 106 of the Town and Country Planning Act 1990 relating to rescinding permission for three dwellings.

(B) Refuse permission for the reasons set out below if the agreement is not completed by 31 December 2023 or such extended time as agreed by the Head of Planning and Service Manager for Development Management and Enforcement:

The proposal would fail to make provision for variation of the s106 Agreement pertaining to the remaining works under permission 1/E/96/000515 for a further 3 houses on yard 2 outside a defined development boundary. As such the proposal would be contrary to Policy SUS2 of the West Dorset, Weymouth & Portland Local Plan (2015) and paragraph 80 of the National Planning Policy Framework.