

# Overview of Planning Controls in the Mendip Hills Area of Outstanding Natural Beauty



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## **Overview of Planning Controls in the AONB**

Please note that this is a brief overview of some existing planning controls in relation to issues currently topical in the Mendip Hills AONBs (January 2007). It is not therefore a comprehensive coverage. For precise details on individual cases you should contact the relevant Local Planning Authority.

### **1. The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.**

This is 'permitted development' under The Town and Country Planning (General Permitted Development) Order 1995 and does not require a planning application for gates, fences or walls up to 1 m in height above ground level adjacent to a highway used by vehicular traffic, or 2m elsewhere. In cases where, for example, gates are sufficiently set back from a highway, the local planning authority are likely to take the view that they are not adjacent to it and therefore can be up to 2m in height.

There is an exception to the above in the case of listed buildings, where consent is required for such works.

### **2. Demolition of buildings and walls**

There are no additional planning controls over demolition in AONBs.

However, in Conservation areas, consent from the local planning authority (known as Conservation Area Consent) is needed for demolition of unlisted buildings with a volume over 115 cubic metres and for demolition of walls, fences or gates over 1 metre high where adjoining a highway, or over 2 metres high elsewhere.

Listed buildings and walls within the curtilage of, or forming the boundary to the listed building, are subject to protection from demolition. Listed building consent must first be obtained prior to demolition.

### **3. Hedgerows**

The Hedgerow Regulations 1997, administered by the district councils in England are intended to protect important countryside hedges from removal. It is against the law to remove most hedges without permission. Removal is uprooting or otherwise destroying a hedgerow. The regulations only cover hedgerows that are at least 20m long or, if shorter, connected to other hedgerows at both ends or part of a longer hedgerow. They must be in or adjacent to common land, village greens, SSSIs, Nature Reserves, or land used for agriculture, forestry or breeding/keeping of horses, ponies or donkeys. Garden hedges and former hedgerows that have grown to a line of trees are not covered by the regulations. Trees within a hedgerow are considered to be a part of the hedge.

A landowner who wishes to remove a hedgerow must serve a Hedgerow Removal Notice in writing on their local planning authority. The authority then has 42 days

to determine whether or not the hedgerow is 'important' under the regulations, and whether or not to issue a Hedgerow Retention Notice.

To qualify as 'important', a hedgerow must be at least 30 years old and meet at least one of eight criteria listed in the regulations, which identify hedgerows of particular archaeological, historical, wildlife and landscape value. The authority must consult the local parish council in England and consider their views when making the decision. If a hedge is removed without permission (whether important or not) the landowner may face an unlimited fine and may have to replace the hedge.

#### **4. Grazing Horses, Stables, Field Shelters and Ancillary Buildings**

##### **Grazing:**

The use of land for grazing horses or ponies does not require planning permission providing that the majority of the animal's food is obtained from the land. The use of land for grazing horses is treated as an agricultural use. However if the grazing is part of a commercial activity, such as livery, or if other activities take place on the land, this will normally require planning permission. If horses are turned out on the land for exercise, grazing is incidental so keeping horses on land, as opposed to grazing them is not considered to be an agricultural use. Also if the land is subdivided into paddocks and shelters provided, there may be a material change from agricultural to recreational use, therefore requiring planning permission.

##### **Stabling, Field Shelters and Ancillary Buildings:**

Buildings related to the keeping of horses that are simply grazing the land, rather than working in farming, require planning permission. The exception to this is that stables/loose boxes erected in the curtilage of dwelling houses for horses kept essentially as pets or "personal enjoyment of the occupants of the dwelling house", enjoy permitted development rights. However, buildings having a cubic capacity greater than 10 cubic metres within an AONB or land within the curtilage of a listed building, are not permitted development. Thus most stables in such situations will need consent. Stables for horses used in agriculture on holdings of over 5 hectares qualify as agricultural permitted development. Permission will be required if the stables are within 400m of the curtilage of a protected building (e.g. other dwelling, school etc.)

Three sided, open fronted field shelters require planning permission if they are fixed in a permanent position and have solid floors.

For further information on Horse-related development take a look at the Guidelines under Publications on this website.