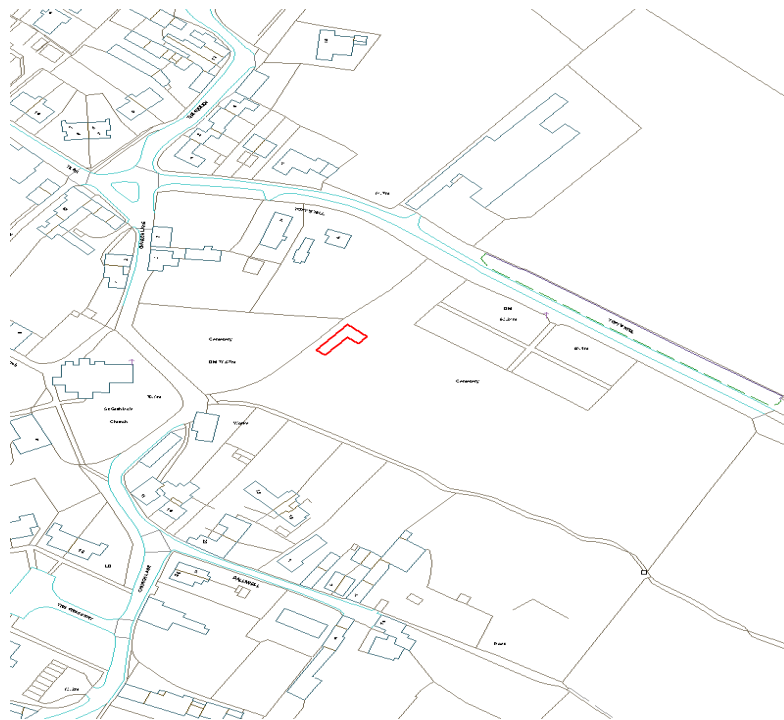


**Reference:** 13/00859/FUL  
**Date Submitted:** 02.12.2013  
**Applicant:** Mr Michael Kennedy  
**Location:** Land Surrounding Cemetery, Tofts Hill, Stathern  
**Proposal:** Stable block and storage building.



**Introduction:-**

The application seeks planning permission to erect a stables and storage building adjacent to the west of land on Tofts Hill. The building would be accessed via existing access gate off Tofts Hill to the north of the site. The proposal is for the personal and private use of the applicant. The site lies outside of the village envelope and adjacent to the boundary of the conservation area for Stathern.

**It is considered that the main issues relating to the application are:**

- **Compliance to the development plan**
- **Impact upon the open countryside**

The application is required to be considered by the Committee as it represents a departure from the approved policies of the Development Plan.

**Relevant History:-**

There is no relevant history at the site.

## Planning Policies:-

### Adopted Melton Local Plan (Saved Policies)

**Policy BE1** allows for new buildings subject to criteria including that the buildings should be designed to harmonise with their surroundings, have no adverse impact on amenities of neighbouring properties, have adequate space around and between buildings, adequate open space provided and satisfactory access and parking provision.

**Policy OS2** states that planning permission will not be granted for development outside of the town and village envelopes except for:-

- Limited small scale development for employment, recreation and tourism which is not significantly detrimental to the appearance and rural character of the open countryside.

**Policy C5** states that planning permission for the erection of stables outside the village envelopes will not be granted unless they comply with **C4**, which states that:-

- Planning permission will be granted for the use of existing farm buildings and erection of new buildings within existing groups of farm buildings outside the town and village envelopes for stables provided:-
  - The development would have no adverse effect on the form, character and appearance of the building or the rural character of the locality;
  - The development would not cause loss of amenities through unacceptable noise, smell, dust or other forms of pollution;
  - There would be no adverse effects on residential amenities;
  - There would be no adverse effects on highway safety

### The National Planning Policy Framework encourages a ‘presumption in favour of sustainable development’ meaning:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole;
  - or
  - specific policies in this Framework indicate development should be restricted.

The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that whilst the NPPF does not automatically render older policies obsolete, where they are in conflict, the NPPF should prevail. It also offers advice on the weight to be given to ‘emerging’ policy (i.e the LDF) depending on its stage of preparation, extent of unresolved (disputed) issues and compatibility with the NPPF.

It also establishes 12 planning principles against which proposals should be judged. Relevant to this application is:

- recognising the intrinsic character and beauty of the countryside and supporting thriving communities within it

### Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<b>Highway Authority:</b> No objection to the proposal providing that the use is personal and private only.	The existing access is located on Tofts Hill on the north boundary of the site. Tofts Hill is a lane serving six residential properties and a farm

	<p>building at the eastern end .There are no residential properties beyond the cemetery, after which the lane turns into a dirt track.. The access is located adjacent to the cemetery at the eastern end of the lane, it has a metal field gate which is set back from the lane by approximately 5.5m which is the width of the grass verge. The access is considered to be adequate for the limited use of the applicant for access to livestock and for maintenance of the land.</p> <p>A condition can be used on any approval to restrict the use of the site to personal and private use only.</p> <p><b>The proposal is not considered to have an impact on highway safety.</b></p>
<p><b>Parish Council:</b> At the time of writing no response had been received from the Parish Council.</p>	<p>Noted.</p>

**Representations:**

A site notice was posted at the site entrance on 10<sup>th</sup> January 2014. As a result no correspondence has been received to date.

**Other material considerations (not raised through consultation or representation)**

Consideration	Assessment of Head of Regulatory Services
<p><b>Application of the Development Plan Policies</b>  The saved policy <b>OS2</b> carries a general presumption against development outside town and village envelopes except in certain instances such as development essential for agriculture and forestry, small scale employment, tourism and <b>recreation development</b>, development for statutory undertakers and telecommunications operators, changes of use of existing buildings and affordable housing. If a proposal for development within the countryside is acceptable in principal it will also be considered against more detailed criteria contained in other policies of the plan which relate specifically to the activity. For stables, policies C4 and C5 are applicable.</p> <p>Policy C5 states that planning permission will not be granted for stabling outside of the town or village envelopes unless the development is in accordance with policy C4.</p> <p>Policy C4 allows for the erection of stables providing they are within existing groups of buildings amongst other things will not have a detrimental impact upon the rural character of the area, would not cause loss of amenities through unacceptable noise, smell, dust or other forms of pollution and that there will be no adverse effects on residential amenities or highway safety.</p>	<p>The proposal is to erect stables, a menage, and a horse walker and is considered to fulfill the objectives of OS2 as the development is purely for recreational use. The more detailed policy objectives are defined within policies C4 and C5. The proposal is not sited within an existing group of buildings, it is located adjacent to the north western boundary of the application site. It is considered that the proposed stable and storage building can comply in some part with policy C4 due to there being adequate access and having a limited impact upon the countryside due to its siting and screening. However, the proposal does not comply with being sited within a group of buildings which is a policy objective of C4 in seeking to avoid the cumulative effect of sporadic, small scale developments in the open countryside such as this proposal can have. <b>Therefore, the application is considered to be a departure from the Development Plan.</b></p> <p>The topography of the site is sloping steeply upwards towards the north east therefore when viewed from Tofts Hill the proposal site is screened both by the topography of the land and by the hedgerow along the boundary of the site with the road. From Church Lane the site is screened by mature trees between the lane and the site. There are some properties on Church Lane further along</p>

	<p>towards Dalliwell to which the proposal will be visible from the rear garden.</p> <p>Guidance within the NPPF states that Local Planning Authority should recognise the intrinsic character and beauty of the countryside. It is not considered that this proposal is in conflict with the NPPF.</p> <p><b>It is considered that given the nominal scale and sympathetic choice of materials for the proposed building, that there will be limited impact upon the open countryside and is considered to comply with the policy objectives of OS2 and the NPPF.</b></p>
<p><b>Impact upon residential amenity:</b></p>	<p>The proposed stable and storage building lies within the designated open countryside. To the east of the village of Stathern. The nearest residential dwelling is just approximately 36 metres away to the North, and is screened from the site by a hedgerow and several mature trees plus the topography of the site itself.</p> <p><b>It is considered that there will be no impact upon residential amenity as currently enjoyed by the neighbouring residents due to the level of screening and the separation distance involved, plus the nominal scale of the proposal and the use of natural and reclaimed materials to blend with the surroundings .</b></p>
<p><b>Design</b></p>	<p>The stables would occupy a footprint of approximately 76sqm and constructed in an L shape. There would be two stables, plus storage for forage and machinery used to maintain the land.</p> <p>The overall height of the stables would be 3.9m with an eaves height of 2.2m and they would be constructed of green oak and softwood cladding with a reclaimed pantile roof. The location of the stables, has been considered, and due to being against the boundary of the site and the land levelled out with a retaining wall to the north, would have a very minimal impact upon the countryside.</p> <p><b>It is considered that the building has been designed appropriately for their purpose and are suitable to their countryside location. The proposal is considered to accord with the development plan policies OS2 and BE1.</b></p>

### Conclusion

The application seeks full planning permission for the erection of a stables and storage building within a field outside the village envelope. The use of the paddock for grazing horses does not require consent, however the erection of the buildings for the associated use is development that requires the benefit of planning permission. This can only be granted consent provided that there is not a detrimental impact upon the open countryside. The proposal is not considered to comply with policy C4 as the proposed buildings are not sited within an existing group of buildings. Therefore a judgement

is required as to whether the building is acceptable in terms of their impact on the open countryside and whether this is sufficient to outweigh the development plan. It has been demonstrated that the site will have adequate access arrangements, is of appropriate design and will have no neighbour impact. It is not considered that this small scale development would have a detrimental impact upon the countryside as the topography and screening around the site, plus sympathetic materials and design ensure that the intrinsic character is not harmed. It is considered that due to the limited impact the proposal would have on the open countryside that the proposal complies with OS2 and the NPPF and therefore is sufficient to outweigh policies C4 and C5 of the development plan. Accordingly the application is recommended for approval.

**RECOMMENDATION: Permit, subject to the following conditions:**

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application unless alternative materials are first agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details
3. The proposed stables, and storage building shall be used only in connection with the Applicant's own livestock and no livery/riding school, business or commercial use is permitted.

The reasons for the conditions are:-

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To ensure a satisfactory standard of external appearance
3. In the general interests of highway safety.

Officer to contact:

**Mrs Lynn Eastwood**

**16<sup>th</sup> January 2014**