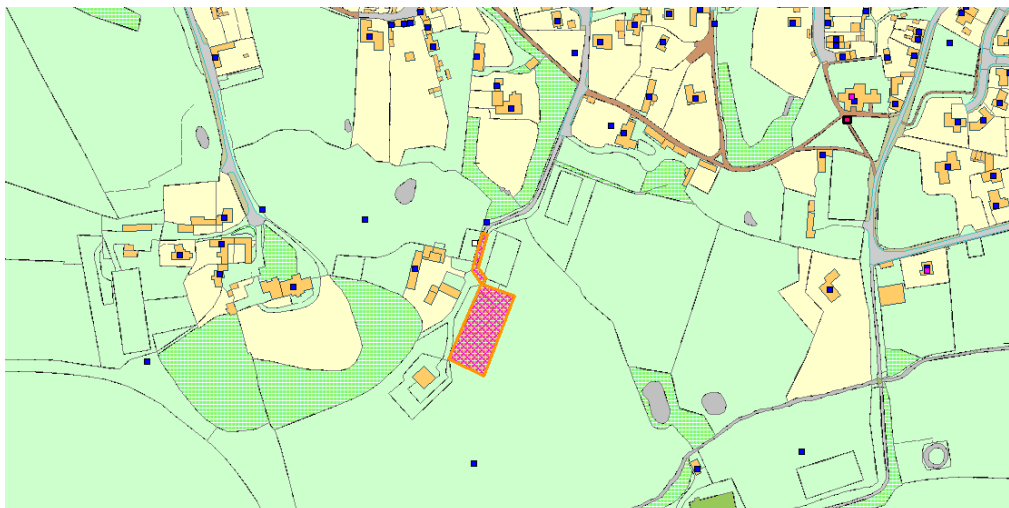


Reference: 16/00180/FUL
Date submitted: 22.03.2016
Applicant: Mr & Mrs Dungworth
Location: Spring Farm, Spring Lane, Wymondham
Proposal: Change of use of land from grazing to all weather horse exercise arena.



Proposal :-

This application seeks permission for the change of use of land from grazing to all weather horse exercise arena. The arena riding area will be 60 metres x 30 metres (1800m²). The arena will be constructed as follows:

- Removal of topsoil from the arena site which will be held and re-used.
- Cut and fill of clay subsoil taken from the higher ground at the western side of the arena and used to level the site on the eastern side.
- The installation of under-drains to be connected to existing field drainage system.
- A geotextile membrane laid on top of the subsoil and a limestone drainage base.
- Final riding surface of rubber or other proprietary material laid to approx. 150mm settled depth.
- Fencing to the north and east from the grazing field with a post and rail fence to 1.5 metres in height.
- Low level retaining bards installed to preventing surface material being spread or flicked by horses' hooves outside of the arena.
- A mixed species hedge will be provided on the eastern side.

It is considered that the main issues arising from this proposal are:

- **Compliance or otherwise with the Development Plan and the NPPF**
- **Impact upon the character of the area**
- **Impact upon Residential Amenities**
- **Impact upon Highways**

The application is required to be presented to the Committee due to the level of representations received.

History:-

04/00652/FUL – Proposed conversion of traditional farm building to a single private residence to include the demolition of non-traditional structures and the re-alignment and re-enforcement of boundary feature – permitted.

05/00846/FUL – Proposed conversion of traditional farm building for a single private residence to include the demolition of non-traditional structures and the re-alignment and re-enforcement of boundary feature – permitted.

06/00933/FUL – Alterations, improvements and extension to existing dwelling and associated barns and stores, create external swimming pool and remove barn structures – permitted.

06/00934/CON – Demolition of modern barn structures – permitted.

07/00968/FUL – Relocation of existing animal shelter within agricultural holding – permitted.

Planning Policies:-

Melton Local Plan (saved policies):

Policy OS2 – planning permission will not be granted for development outside the town and village envelopes except for, amongst other things, 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 BE1 - Siting and design of buildings: allows for new buildings subject to criteria including the design harmonising with the surroundings, no adverse impact on neighbouring properties by loss of privacy or outlook, adequate space around and between buildings being provided and adequate access and parking arrangements being made.

Policy C4 – Stables, riding schools and kennels: allows 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, riding schools and kennels subject to certain criteria that there would be no adverse effect on the form, character and appearance of the building or rural character of the area; and that there would be no adverse effects on highways safety.

The National Planning Policy Framework introduces 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 Local Plan) 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 are those to:

- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
- Not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives.

On Specific issues it advises:

Require Good Design

- Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- Planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Conserving and enhancing the natural environment

- Paragraphs 109-115 state that valued landscapes should be protected and enhanced, with great weight given to the protection of designated landscapes and scenic areas (i.e. national Parks). Development should avoid noise that would give rise to significant adverse impacts, and areas of tranquillity should be identified and protected.

This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. (NPPF para. 12)

Consultations:

Consultation reply	Assessment of Head of Regulatory Services
<p>Highways Authority:</p> <p>No objection to the proposal subject to the proposal being conditioned for private and personal use.</p>	<p>There is existing parking and access to the site, whilst additional parking is proposed there is no amendment to the access.</p> <p>There are considered to be no grounds to resist permission based on highways issues.</p>
<p>Parish Council:</p> <p>We feel that the planning application submitted has various inaccuracies both with the scale and map drawing. Our opinion is that the scale of the development is not appropriate to residential use and would question if a business is being run from the site.</p> <p>The application states a change of use however various changes of use have already been affected i.e. an erection of a horse walker, an increase of the horses kept onsite we believe this is currently 9. Changes made to an animal shelter to a stable including the extension of a concrete curtilage. Was planning permission sought or indeed should it be sought/gained retrospectively?</p> <p>Currently a large HGV lorry is used on site and this frequently runs up and down Spring Lane which damages the verges of Spring Lane where it is a single track, this is clearly visible, the HGV has to ride the pavement to negotiate Spring Lane, as a number of houses in this area have only on street parking. This is not mentioned in the planning application nor is consistent with the use for which permission was originally granted. This then brings into question the fact of there being 5 parking spaces, does this include the HGV? If the application is approved would more development</p>	<p>These points are noted and have also been raised by members of the public. The responses have been explained in further detail later in the report.</p>

<p>lead to an increase in traffic/vehicle use/vehicle parking using an already unsuitable lane.</p> <p>There appears to be a discrepancy regarding the actual sizing of site area. If the site area is 7 hectares (the actual field is we believe 5.57 hectares), this then would surely impact on the grazing area due to the already erected large barn and extension of its concrete curtilage. The application states the site area to be 7 hectares and therefore understates the impact of this large arena on the afore mentioned grazing area.</p> <p>The application states that the site cannot be seen from a public road, public footpath, bridleway or other public land, this is not the case and is untrue. The site is clearly visible from a public footpath, at many points throughout its route close to the site and then in a wide circular arc, and also from the bridleways. The site is also visible from a less used Public Footpath to the South West that has beautiful views of Wymondham nestled in trees. Only the church spire, windmill, Wymondahm House, the Animal shelter and the HGV are currently visible from this Public Footpath – the proposed Arena would also be visible intruding into the landscape setting.</p> <p>We would further request that an archaeological survey is carried out if planning permission is granted, as we believe that this may be a site of archaeological interest.</p>	
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Representations:

A site notice was posted and neighbouring properties consulted. As a result **14 letters of objection have been received from 12 households and 3 letters of support have been received;** the representations are detailed below:

Representations	Assessment of Head of Regulatory Services
<p>Impact upon the Character of the Area</p> <ul style="list-style-type: none"> • Visual within the countryside and from public footpath • Historic character of the village • Large arena will impact visually upon the visual amenity of the area • Would be better situated behind the stable barn which would reduce its impact upon the landscape • Landscaping is inadequate - needs bund and mature trees to east, north and south and west. 	<p>At present the site is a relatively open field with little obstruction other than post and rail fencing. The host dwelling and outbuildings are situated to the rear of the proposal site and they harmonise well together.</p> <p>The proposal will be visible from Footpath E34, the arena however will be a fairly low level flat development with only the proposed 1.5 metre post and rail fencing being readily visible from outside the application site.</p> <p>The location of the arena has been chosen to ensure safety. If the arena was located behind the stable barn it would be more difficult for the owners to observe the arena.</p> <p>In terms of impact on the countryside, the use is one that is frequently found within residential areas that are closely bounded by</p>

	open countryside and the proposal is considered appropriate and in keeping with the rural nature of the site.
<p>Impact upon Highway Safety:</p> <ul style="list-style-type: none"> • 10 tonne HGV Horse box using Spring Lane • Increase in vehicles to and from the site • Spring Lane is narrow lane • 7.7 tonne vehicle restriction • Previous use limited to the 7.5 tonne vehicle to between 7am and 6pm on week days, with a maximum of two movements in and two out each day and a maximum speed of 5mph on the narrow lane. • Spring Lane is an access route to the village primary school. • Spring Lane crosses the junction of Back Walk and Craggs Walk which is regularly used by children and dog walkers • 5 parking bays is excessive for domestic use 	<p>The Local Highway Authority have raised no objections to this proposal, subject to a condition ensuring the proposal remains private and personal.</p> <p>Discussions with the Local Highway Authority have confirmed that there is no weight restriction associated to Spring Lane.</p> <p>It is not anticipated that there will be an increase in vehicular movements to and from the site as a result of this proposal and it is likely that vehicular movements will decrease due to the horses not needing to be transferred to other arenas to exercise. If the proposal was refused, the horses would still be able to be present making use of the pasture land that currently forms the application site and would generate the need for transport to and from this location.</p> <p>There are considered to be no grounds to resist permission based on highways issues.</p>
<p>Other Considerations</p> <ul style="list-style-type: none"> • Large size for domestic use • Commercial development • Smaller arenas in the area • Damage to Roman Villa • Archaeology sensitive site • Land owner is a pension fund, suggesting a commercial relationship. • Concern over floodlighting destroying nature of neighbourhood. • Change of use of animal shelter to stables, erection of horse walker, both without planning permission. 	<p>Information submitted to the Local Planning Authority has confirmed that the proposed arena is for the personal domestic enjoyment of the applicants, an additional statement submitted by the agent has also confirmed that there is no intention for commercial use of the site. Any application for commercial use of this site would require a further planning application which would be considered upon its own merit.</p> <p>Any permission granted could include a condition requesting archaeological details are submitted prior to the commencement of works on the site.</p> <p>The applicant has submitted a revised ownership certificate to resolve the previous ownership error.</p> <p>No floodlighting is proposed as part of this application, a condition could be imposed to any approval ensuring that should floodlighting be requested at a later date then the applicant would have to firstly submit details to the Local Planning Authority for consideration.</p> <p>Unauthorised works to the animal shelter and horse walker are being considered as a planning enforcement matter and are not</p>

	relevant to the determination of this application.
<p>Letters of support received</p> <ul style="list-style-type: none"> • The size of the arena is not only used for commercial enterprises. • The lane is not busy or dangerous in any way • Not aware of any accidents related to vehicles crossing the footpath • The applicants currently transport horses to train them, these journeys would be reduced if the area is given planning permission. • The location makes sense from a safety point of view in that it is visible from Spring Farm should an accident occur. • We own a similar sized arena (60x20) which you are welcome to visit • An arena is vital to train in, avoid icy roads, wet fields and safe for children on a pony. • No new traffic issues from this development • Flat development guarantees no impact to rural appearance of the area. 	These comments are noted.

Other material considerations (not raised through consultation or representation)

Consideration	Assessment of Head of Regulatory Services
Compliance (or otherwise) with Planning Policy	<p>It is considered that the proposal complies with policy OS2 which seeks to allow development outside of the village envelope for small scale development that does not detract from the countryside, and policy BE1 which seeks to ensure that new buildings harmonise with their surroundings. Policy C4 seeks to ensure that stable development is contained within existing groups of buildings.</p> <p>Whilst there are no stables proposed as part of this proposal it is an equestrian use that would be located amongst existing buildings. It is not considered that the proposal would have a harmful impact upon the character of the area due to the topography of the site and the low level design of the proposal.</p>
Impact upon Residential Amenity	<p>The site is located on a large residential garden area; the closest residential dwelling is the applicant with a substantial distance to any other neighbouring dwelling.</p> <p>It is therefore considered that the proposal will not have a detrimental impact upon any existing or future neighbours given that the site already benefits from a number of equestrian buildings and horses.</p>

Conclusion

The application proposes a change of use of land from grazing to a domestic all weather horse exercise arena. The details have been considered by the Local Highway Authority whom have confirmed that there would not be a detrimental impact from this proposal.

It is considered that the design, size and location of the arena is acceptable and would not have an adverse impact upon the character of the area or create an unduly detrimental impact upon any existing or future residents.

As such, the proposal is considered to meet the objectives of policies OS2 and BE1 of the Melton Local Plan, and the relevant sections of the NPPF. Accordingly the proposal is recommended for approval.

Recommendation: PERMIT, subject to:-

(a) The following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission
2. The proposed development shall be carried out strictly in accordance with the proposed plans Dungworth/2016 revisions 2, 3 and 4 dated 16.03.2016.
3. The use of the Arena for Spring Farm, Spring Lane, Wymondham; shall be strictly ancillary to the main use of the residential premises and shall not be used or occupied independently or commercially.
4. Before any external lighting is erected in relation to the use hereby approved, full details shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
5. No demolition/development shall take place/commence until a programme of archaeological work, commencing with an initial phase of trial trenching, has been detailed within a Written Scheme of Investigation, submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
 - The programme and methodology of site investigation and recording (including the initial trial trenching, assessment of results and preparation of an appropriate mitigation scheme)
 - The programme for post-investigation assessment
 - Provision to be made for analysis of the site investigation and recording
 - Provision to be made for publication and dissemination of the analysis and records of the site investigation
 - Provision to be made for archive deposition of the analysis and records of the site investigation
 - Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
6. No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 5.
7. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 5 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reasons:

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt

3. For the avoidance of doubt
4. To prevent unreasonable light disturbance in the interests of neighbouring properties.
5. To ensure satisfactory archaeological investigation and recording
6. To ensure satisfactory archaeological investigation and recording.
7. To ensure satisfactory archaeological investigation and recording.

Officer to contact: **Miss L Parker**

Date: 27 June 2016