

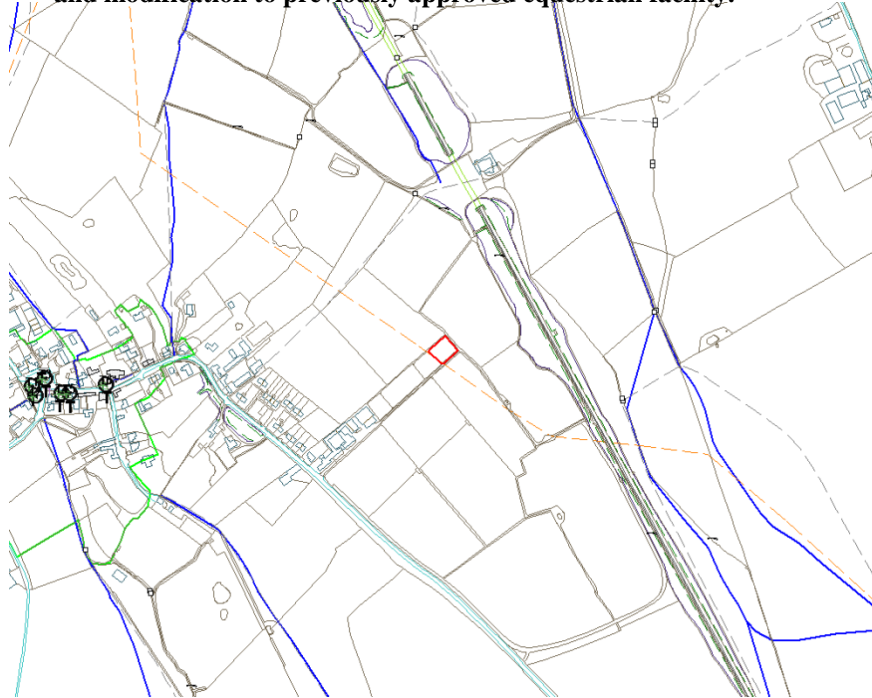
Reference: 13/00491/FUL

Date Submitted: 31.07.2013

Applicant: Hall Farm Stud

Location: Land adjacent former Grimston Lodge Stud, 75 Main Street, Grimston, LE14 3BZ

Proposal: Relocation of Hall Stud to land east of Grimston village including temp dwelling and modification to previously approved equestrian facility.



Introduction:-

The proposal seeks planning consent to construct a workers dwelling with stables on land to the west of former Grimston Lodge Stud. The site consists of 40 acres of 'pasture land' and has an extant planning permission for the erection of a hay barn and stables for commercial use. Hall Farm Stud currently operates from a tenanted site at Goadby Marwood and notice to quit the site has been served giving a vacating date of the 11th October 2013. It is proposed to relocate the stud business to the application site having recently secured a tenancy agreement with the land owner. It is proposed to site a mobile home for a temporary period to allow the business to grow in its new location.

The application site is to the west of former Grimston Stud which has secured planning permission to create five residential dwellings and eight stables for commercial use. It is proposed to site a mobile home and stables further to the west of the approved residential dwellings on a site which currently has an extant planning permission for stable development arranged in a courtyard style. The application has been supported with an Equestrian Appraisal which has been independently assessed.

It is considered that the main issues relating to the proposal are:

- **Compliance with the Development Plan Policies – restriction of isolated dwellings in the open countryside**

- **Impact upon Highways**
- **Impact upon the Character of the Area**

The application is presented to the Committee due to previous committee involvement.

Relevant History:-

07/01249/OUT to demolish existing stable block and erection of 5 single storey dwellings in mews style was approved in January 2008.

07/00653/OUT to demolish existing stable block and construction of 5 dwellings. (Single storey) was refused in Sept 2007.

09/00928/FUL for the demolition of existing stables and accommodation and erection of 5 dwellings and 8 stables was approved on 04th March 2010.

09/00730/FUL for the demolition of existing stables and accommodation and erection of 5 dwellings and 8 stables was withdrawn.

11/00263/VAC Alteration of conditions 5 and 6 and deletion of condition 10 to planning application 09/00928/FUL was approved on 16th June 2011

11/00678/FUL - Erection of additional Equestrian Facilities including Barn, Stabling, and Feed Stores was approved on 8th November 2011.

Planning Policies:-

Adopted Melton Local Plan

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 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 affect 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.

Policy C5 – Stables outside town and village envelopes: The policy confirms that stables in the countryside will not be permitted unless Policy C4 is complied with.

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 LDF) depending on its stage of preparation, extent of unresolved (disputed) issues and compatibility with the NPPF.

The NPPF introduces three dimensions to the term Sustainable Development: Economic, Social and Environmental: It also establishes 12 core planning principles against which proposals should be judged. Relevant to this application are those to:

- **Proactively support sustainable economic development to deliver homes and business that local areas need**
- **Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings**
- **encourage the effective use of land by reusing land that has been previously developed (brownfield land)**
- **Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable**
- **Recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.**

On Specific issues relevant to this application it advises:

Supporting a prosperous rural economy:

Planning should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. Specifically, paragraph 28 states that sustainable growth and expansion of all types of businesses and enterprise in rural areas should be supported through the conversion of existing buildings and well designed new buildings.

Paragraph 28 also goes on to promote the development and diversification of agricultural and other land based rural businesses.

Delivering a wide choice of quality homes:

Paragraph 55 of the NPPF advises that Local Planning Authorities should avoid new isolated homes in the open countryside unless there are special circumstances such as the essential need for a rural worker to live at or near their place of work in the countryside.

Requiring Good Design:

Paragraph 56 of the NPPF states that the Government attaches great importance to the design of the built environment and that good design is a key aspect of sustainable development and is indivisible from good planning. It should contribute positively to making places better for people.

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>Highway Authority :- Consider justification for the dwelling and suitability of the access.</p>	<p>It is proposed to use the existing access from Main Street to gain access into the site. The access will also serve the approved residential dwellings and stables and is required to be modified prior to commencement of the proposal. A further equestrian development proposal has been granted consent with no objections to a commercial use being advanced by the Highways Authority.</p> <p>This current proposal will replace the previous approval 11/00678/FUL – stable development in a courtyard style. The highways authority are not objecting to the proposal for commercial equestrian use providing the dwelling is justified in policy terms and is required for the essential operations of a rural business given that the dwelling would be sited within an unsustainable location.</p> <p>The site lies outside of the village of Grimston but close to it however the village of Grimston has no public facilities and is therefore not a location housing would be supported without special justification.</p>
<p>Parish Council:</p> <p>The Parish Council has discussed the above Application for the proposed relocation of Hall Farm Stud to land east of Grimston village including new dwelling and modification to previously approved equestrian facility.</p> <p>The Parish Council understand it is introducing a dwelling into the open countryside but support the Application on the understanding it is necessary accommodation for the business.</p>	<p>Hall Farm Stud was established in 1990’s and operates as a stud, producing valuable progeny for the race track. The business currently operates from a location on the outskirts of Goadby Marwood comprising of 40 acres of pasture land, dwelling brick stable yard, hay barn, ménage and horse walker. The applicants are tenants on the site and have now been served notice to quit the residences and a new tenancy has been secured on the land in Grimston. There are currently no buildings on the land although planning permission has been secured for a commercial equestrian development consisting of a courtyard arrangement of four stables, tack/wash room and feed store with the inclusion of 2 foaling boxes. A further eight stables have been approved with an earlier residential development but have not been constructed to date.</p> <p>For an application for a residence in the open countryside to be successful there needs to be a justified need in order to promote sustainable development as advocated within planning policies.</p>

	<p>The NPPF (paragraph 55) advises that to approve isolated dwellings there should be an essential need to live in the location, such as to support a rural business. The application has been supported with information in an attempt to justify the need for a dwelling in this countryside location which has been independently assessed. Whilst Annex A of PPS7 has been superseded by the NPPF, the NPPF gives no methodology on how to assess ‘essential need’ but it is considered that a business should be able to be viable and sustainable long term and one way of testing this is through financial information. Recent appeals show that assessing financial and functional needs, whilst not matters of policy, are tried and tested methods in assessing a business needs and therefore still suitable methods to define ‘essential need’ and as a measure of sustainable development..</p> <p>The dwelling and stables would be built upon land that would be tenanted and the costs of construction have been reflected in the rental costs. From the information submitted it is proven that there is a need for 5 full time workers to manage the equestrian business if it was to relocate in full to the proposed site. There are no actual labour costs for the business shown within the accounting information as the applicants, as owners, provide all the labour. For the business to be sustainable long term it is appropriate to examine the viability and whether there is a realistic chance to return to ‘paid labour’. It has been assessed that even if the applicants are the only labour costs there is insufficient profit to be able to return to paid labour. Should the business relocate the rental costs are shown to increase from current costs which is explained as being a contribution to the build costs for the dwelling and further costs burden would be imposed.</p> <p>The submitted information shows that there is a functional need for a worker to live on site should the stud relocate however the business is not able to demonstrate that sufficient profit is generated to provide a ‘Return to Labour’ and ‘Return to Investment’ and therefore the long term sustainability of the business is not proven. It has been accepted that there is an essential need to live on the site however the viability of the business is in question. The applicants have amended the proposal to apply for a temporary dwelling in the form of a mobile home for a three year period as a permanent dwelling is not justified. It is considered that at the end of the three years the relocation of the business would be able to demonstrate that it is sustainable and would be in a position to justify a permanent</p>
--	--

	<p>communities and should avoid new isolated homes in the countryside unless there are special circumstances such as: the essential need for a rural worker to live permanently at or near their place of work in the countryside. (Chapter 6)</p> <p>The proposal is not considered to comply with paragraph 55 of the NPPF which requires Local Planning Authorities to avoid isolated new homes in the countryside unless there is an essential need for a rural worker to live at or near their place of work. Whilst it can be demonstrated that there is a functional need to have an on site presence the long term sustainability of the business can not be proven at this current time. In order to assist the business in becoming established it is considered that a temporary dwelling for a 3 year period would be appropriate. After the three years the applicants would need to show that they can be sustainable in order to get a permanent dwelling on site and the application was amended to apply for a mobile home.</p> <p>A judgment is required to be made as there are policy conflicts between the Melton Local Plan and the NPPF, however the NPPF states that where the development plan is absent, silent or relevant policies are out-of-date, Local Planning Authorities should grant permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Whilst the NPPF makes no allowances for temporary dwellings it is considered to be an acceptable solution to assist the rural business to relocate after finding themselves in this difficult situation.</p>
<p>Impact upon the Character of the Area</p>	<p>The site is located at the very edge of the village with the paddock stretching out into the open countryside. The buildings will be positioned along the boundary hedge which will aid to screen the development from the village. Due to the lay of the land sloping down to the north east the development is considered to have limited impact when viewed across from the approach road into the village. The amended proposal has removed the two storey dwelling from the courtyard and replaced with the siting of a mobile home. The timber clad stables would be built in an L-Shape arrangement to the southwest of the mobile home with parking opposite.</p> <p>The mobile home and stables are relatively low and due to the topography it is considered that the proposal would not have an unduly detrimental impact upon the openness of the site. The proposal</p>

	is considered to comply with the development plan policies OS2, C4 and C5 and the NPPF in support rural economic development.
Impact Upon Residential Amenity	<p>The site is adjacent the built form of the village and an extant planning permission exists for the erection of 5 dwellings to the front of the site in place of the previous equine business. Commercial stables are to be constructed to the northeast of these dwellings that are no longer required to be restricted to personal use following a successful application to remove the personal use condition. Those stables are closer to the approved dwellings than the development as proposed.</p> <p>It is considered that the proposal will not have a detrimental impact upon any existing or future neighbours given that the site already benefits from having a commercial equestrian use and sufficient separation distances can be met.</p>

Conclusion

The application proposes to relocate an equestrian business from Goadby Marwood to a site in Grimston which has a long history as use as a stud. Although planning approval has been granted for a residential development of five dwellings on the former stables the site still has approval for commercial stables. The site subject to this planning application has an extant planning permission for a stable development to be used for commercial purposes and therefore it is considered that the principle for equine development has been agreed with no objections from the Highways Authority. It is considered that the modifications proposed to the design of the stable as approved 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.

At this present time the Stud business is unable to justify that a permanent dwelling can be sustained by the business which questions the long term sustainability however it is understood that there is a need for someone to be present on the site. It is considered that in order to support the business in successfully relocating a temporary dwelling would be the most appropriate solution. Accordingly the amended proposal is recommended for approval subject to no objections arising from the public consultation.

RECOMMENDATION:- Approve, subject to 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 amended plans deposited with the Local Planning Authority
3. The proposed development shall be carried out strictly in accordance with the amended plans deposited with the Local Planning Authority on the 7th October 2013.
4. Prior to first occupation of the dwelling hereby permitted the stables and all other ancillary buildings should have been completed.

Reasons

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

2. For the avoidance of doubt as the previous scheme was not acceptable.
3. The erection of dwellings in the countryside is contrary to the Local Planning Authority's general planning policy for the protection of the open appearance and character of the countryside and were it not for the special justification the development would not be permitted.
4. To ensure that a new dwelling is not created within the open countryside without the associated business.

Officer to Contact: Mrs Denise Knipe

8th October 2013