

**Committee Date: 7<sup>th</sup> April 2011**

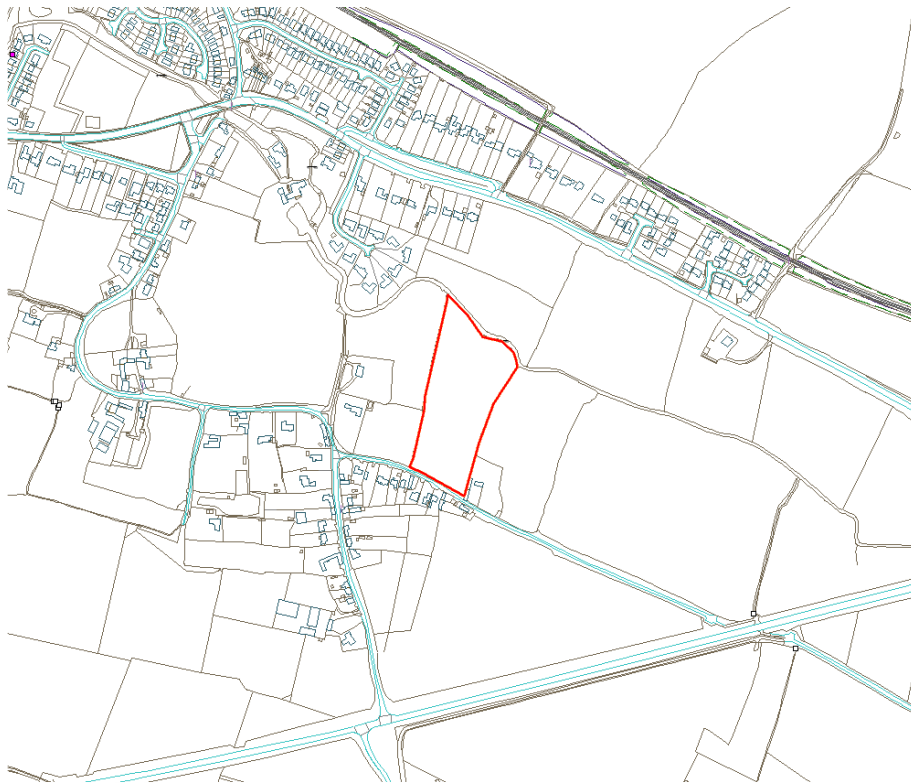
**Reference: 11/00123/COU**

**Date Submitted: 15.02.11**

**Applicant: Mr S Pear**

**Location: Field Number 4756, Muston Lane, Easthorpe**

**Proposal: To provide hard standing of approx 15m x 15m compacted hardcore blinded with gravel/sand and resown with hardy grass to provide base for movable stables for 2 horses. Extend the width of field access from 2.5m to 6m to allow safer access for a horse trailer.**



**Introduction:-**

**This application seeks planning permission for hard standing laid with sand and gravel and sown with hardy grass and wildflower seed, to site wooden movable stables, plus improved access, addition of a 5 bar wooden gate and replacement of fencing and hedgerow for 15m each side of the new access. The site lies outside of the village boundary and designated Conservation Area. The area is currently being used to site the wooden stable positioned on moveable skis and a horse box, while the remaining field is used for grazing.**

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

- **Impact upon the open countryside**
- **Highway Safety**

Members may recall that an application was refused by the Committee in July 2010 on this site for hardstanding as the development was not considered in keeping by virtue of its form, scale and materials, having an adverse impact on the rural character of the locality and is considered contrary to policy OS2. It has subsequently been served with an Enforcement Notice.

The application has been submitted in response to an enforcement investigation and is required to be considered by the Committee because of the number of representations received.

**Planning History:**

**10/00354/COU: Provide hard standing to site wooden movable stables for 2 horses, extend the width of field access to allow safer access for a horse box. REFUSED due to detrimental impact on the rural and open countryside.**

**Planning Policies:-**

**PPS7** - Sustainable Development in Rural Areas – sets out advice on development in the countryside. It states in the key principles (paragraph 1) that the Government’s aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all.

**Melton Local Plan (saved policies):**

Policies OS2 - states that permission will not be granted for development outside town and village envelopes with some exceptions for agriculture, employment, recreation and tourism.

**Consultations:-**

Consultation reply	Assessment of Head of Regulatory Services
<p><b>Highway Authority</b> – <b>No objection</b>, subject to the imposition of conditions.</p>	<p>This application relates the creation of an access which is currently hardsurfaced and subject to an enforcement investigation. The applicant is now proposing to use a mesh protected turf system, as a form of landscaping to improve the appearance of the site. However, the Highway Authority require the first 5 metres of the access to be surfaced in tarmacadam, concrete or similar hardbound material.</p> <p>The application includes plans to reposition the hedge on the highway boundary to significantly improve visibility. The proposal involves new post and rail fencing and planting of Blackthorn and Hawthorn hedging along the access drive from the existing field boundary up to the gate posts.</p> <p><b>It is not considered that the proposal will have a detrimental impact to highway safety.</b></p>
<p><b>Parish Council</b> – Object due to concerns that the development is out of character, would increase traffic and is overbearing to the neighbouring property.</p>	<p>Noted, see assessments to representations below.</p>

**Representations:**

A site notice has been posted and neighbouring properties consulted by letter. As a result 5 letters of representation have been received at the time of drafting the report.

<b>Representations</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Character and appearance of area:</b></p> <p>The retrospective application is for a feature out of character to the area and is not needed for the grounds stated in the application.</p> <p>The topography of the site does not help mitigate visual impact.</p>	<p>The site lies outside of the village boundary and is therefore considered to be open countryside designation. Policy OS2 is therefore applicable.</p> <p>The construction of the hardstanding is positioned to the higher end of the field, close to the boundary hedge abutting Muston lane, which offers substantial screening from this particular development when viewed approaching from the west. The newly created access gives full view to the site when approaching from the east and those residents living along Muston Lane.</p> <p>The topography of the field runs on an incline from West to East whereby the site location is slightly elevated to the adjacent dwellings, with a 1 metre native hedgerow running this boundary with that of Muston Lane. There is no boundary treatment to the east of the site where Chestnut House is situated 3 metres away and approximately 0.5 metres below the ground level of the hard standing.</p> <p>The application seeks planning permission for the construction of a hard standing area. The access and hardstanding is for the purpose of gaining access to the field and to assist with the keeping of horses. The applicant is proposing to use a mesh protected turf system. However,, the Highways Officer has stated that in the interests of Highway safety, the first 5 metres of the new access should be surfaced with tarmacadam, concrete or similar hardbound material. The appearance of this sort of material in this location is not considered to be in keeping with the locality and lies outside of the village envelope where development is only permitted in the interest of agriculture, forestry, recreation or tourism. Conditions could be imposed to restrict the use of the site.</p> <p>The fields to this part of Muston Lane are open countryside and contribute greatly to the character of the area, whereby development has not previously occurred and therefore is considered to be detrimental to the appearance and rural character of the open countryside. <b>The construction of the hard standing in this location is considered to be contrary to policy OS2 of the Melton Local Plan which seeks to safeguard open countryside from unwarranted development.</b></p>

<p><b>Highways issues:</b></p> <p>The original access provides better visibility, the road is wider at that point, and there is not enough space within the site for large vehicles and trailers to turn.</p>	<p>With the requested visibility splays implemented and any gates erected set back, this would enable vehicles to pull safely off the highway, allowing turning facilities within the site using the hardstanding.</p>
<p><b>Use:</b></p> <p>The applicant is using the site in relation to a private motor business. The stable is used for storage, and not horses. The applicant does not own any livestock, the field sublet for grazing of livestock.</p>	<p>The proposal states that the hardstanding is to be used in conjunction with the keeping of horses. The proposal if permitted would not give permission for any other use.</p>

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

<b>Consideration</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Impact on the character of the area:</b></p>	<p>The open aspect to the north side of Muston Lane conveys an intrinsic part to that of the appearance and character of the area. The visual impact caused by the use of a tarmac or concrete hardstanding material, which the Highways Officer has requested in the interests of Highway safety for a new access positioned to this location would depart from Policy OS2 and is considered to have a detrimental impact on the rural and open countryside. PPS7 seeks to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all. The construction of the hardstanding is considered to undermine the countryside setting. The stable is mounted on skis and is considered as a moveable structure where planning permission is not required. It is therefore considered that the hardstanding in this location is not necessary and is not required or needed to enable development.</p>

**Conclusion**

The change of use of agricultural field to a hard standing for moveable stables in the open countryside does not comply with Policy OS2 of the Adopted Melton Local Plan. Although it is appreciated that the use of protective mesh sown with grass, plus a new wooden gate, fence and hedge planting would have an ameliorative effect on the negative visual impact caused by the current unauthorised development, it is considered that the visual impact of the new access alone with hard surfacing which is required in the interests of highway safety, would be detrimental to the rural character of the locality as outlined in policy OS2. It is considered that the change of use would have a detrimental impact on the character and appearance of the open countryside and is therefore recommended for refusal.

**Recommendation : REFUSE**

1. The open aspect to the north side of Muston Lane conveys an intrinsic part to that of the appearance and character of the area. In the opinion of the Local Planning Authority the change of

use of agricultural field to a hardstanding and access positioned to this location departs from Policy OS2 of the Melton Local Plan and is considered to have a detrimental impact on the rural and open countryside. PPS7 seeks to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all. It is considered that the visual impact of the new access alone with hard surfacing which is required in the interests of highway safety, would be detrimental to the rural character of the locality

Officer to contact: **Mrs Lynn Eastwood**

**Date: 24<sup>th</sup> March 2011**