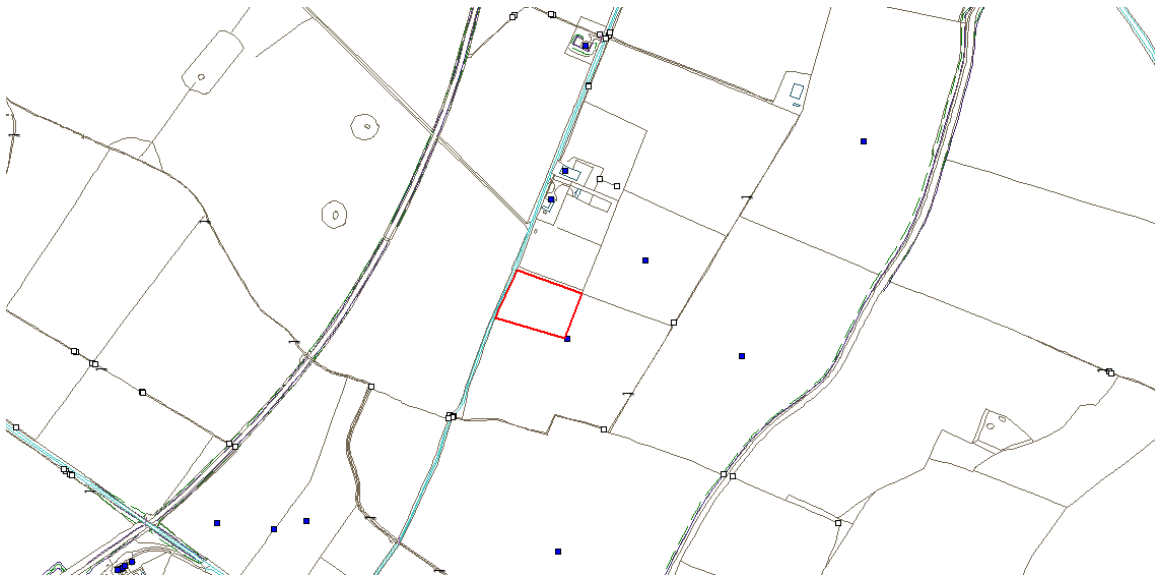


Reference: 12/00407/FUL
Date submitted: 21.06.2012
Applicant: Winterbeck Manor Stud
Location: Field South of Lodge Farm, Barkestone Lane, Bottesford
Proposal: Erection of dwelling, stables, new access and access road, horse walker, lunge ring, muck bunker, loading ramp and nursery paddocks.



Proposal:-

This application seeks approval for the erection of a dwelling, stables, new access and access road, horse walker, lunge ring, muck bunker, loading ramp and nursery paddocks on land currently used for grazing and owned by the applicant for Winterbeck Manor Stud.

Winterbeck Manor Stud is a private stud which currently occupies a site in Belvoir Road, Bottesford and has been established since 2000. The existing site is constrained in size and the successful business is looking to expand to retain more mares and breed more foals. This site is seen as an extension to the existing stud, and both sites would continue to be used should planning permission be granted.

It is considered that the main issues relating to this proposal is:-

- **Impact upon the character of the countryside**
- **The requirement for the additional facilities and dwelling**
- **Sustainability of the proposal**

The application is to be heard by the Development Committee due to the history on the site.

Relevant History:-

08/00088/FUL Livery yard and stud farm with associated quarantine area and dwelling – Refused for the following reasons;

- Out of keeping with the rural landscape
- Harmful sporadic development
- Proposed dwelling not functionally or financially justified

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 Melton Local Development Framework Core Strategy (Publication) Development Plan document February 2012 seeks to protect the countryside and limits all development to small scale for employment and leisure purposes and homes essential for agricultural or forestry requirements.

The National Planning Policy Framework was published 27th March and replaced the previous collection of PPS. It 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 drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs

- 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>Environment Agency – No objection</p> <p>The Agency has no objections to the proposed development but wishes to make comments with regards to the proposed sewerage treatment system.</p>	<p>Noted.</p> <p>Information in relation to the sewage treatment system can be relayed to the applicant in additional notes on any decision notice issued.</p>
<p>LCC Highways - Approve, subject to conditions</p> <p>The Transport Planning Technical Note 1 submitted by the applicants suggest that the level of traffic generated by the proposal would not result in an increase in traffic, and would result in less</p>	<p>Noted.</p> <p>Conditions relating to the access, visibility, drainage and use of the site can be attached to any permission given.</p> <p>It is considered that although the proposed</p>

<p>commercial/equine vehicular movements. However the report commissioned by MBC from the Equestrian Advisor would suggest that the proposal could lead to additional vehicle movements, as there will be trips created by an additional worker each day.</p> <p>Given the restricted width of Barkestone Lane, the proposed passing bays suggested in the Technical Note should be provided, along with the improvement to the bridleway between the site and the made up part of Barkestone Lane to the north of the site.</p> <p>The bridleway fronting the site, (to the south of the proposed site entrance), is not considered suitable for any increase in traffic. Therefore measures will be required to prevent/restrict its use by the development, ensuring that all traffic enters and leave the site from the north. To this end the access should be designed so that vehicles are unable to easily turn left out of, or right into the access. Signage should also be provided within the site to advise all vehicles to turn right out of the site only.</p>	<p>development would lead to an increase in traffic on Barkestone Lane, improvements can be made to the lane via conditions and this could not be considered a reason for refusal.</p> <p>The proposed development is not considered to have an impact on highway safety.</p>
<p>LCC Footpaths</p> <p>The public bridleway F97 runs adjacent to the site, along part of Barkestone Lane. It is recommend along with the comments from Highways that emphasis is placed at the entrance / exit to the site to ensure that the majority of traffic generated by the development turns north along the lane rather than south along the bridleway.</p> <p>There would be a concern if the development generated the movement of more, large vehicles on the bridleway. The lane is narrow and would have to be provided with passing places if the traffic flow was likely to increase.</p>	<p>Noted.</p> <p>See commentary above from LCC Highways. Signs can be erected in the site to ensure that all traffic exiting the site will exit to the North. Passing bays will also be provided on the North part of Barkestone Lane between the A52 and the site. It is not expected that the proposed development would increase traffic on the bridleway.</p>
<p>Trent Valley Internal Drainage Board – No objections</p> <p>The site is served by the Board maintained Winter Beck; an open watercourse which is located some distance to the north of the site. Any proposal which involves the culverting of a private watercourse will require the Board’s prior consent as required under Section 23 of the Land Drainage Act 1991.</p> <p>Surface water will be drained via sustainable drainage systems although no further details have been provided, the applicant should be requested to submit full details of the drainage scheme to the Local Planning Authority for approval. Any</p>	<p>Noted.</p> <p>The applicant has shown on plan 11071-10C soakaways, rainwater harvesting, sewerage treatment, sealed silage tank and drainage channels as part of their sustainable drainage scheme. The Environment Agency have no objections to the proposal (see commentary above) therefore it is considered that the plans provided show how surface water will be adequately dealt with.</p> <p>If a condition was placed on any approval to provide further details of a SUD system there would be no system in place to discharge this condition as there is no objection from the Environment Agency.</p>

<p>alterations to flow of the Board's drainage system must not be made without the prior consent of the Board.</p>	
<p>Bottesford Parish Council – Object</p> <p>The Parish Council has expressed concerns over access to the proposal from the A52 onto Barkestone Lane. They are also concerns that this is a very large development in open country, increasing traffic on a bridleway, concerns that business is not economically viable and outbuildings could then be converted into dwellings, would like to see agricultural constraints placed on dwelling, this would be in exception to the local plan.</p>	<p>Noted.</p> <p>LCC Highways have been consulted on the application and consider that the application is acceptable subject to conditions to overcome issues relating to traffic on the bridleway and Barkestone Lane (see commentary above).</p> <p>In relation to whether the proposal is economically viable, the applicant is no longer required to show that the site is required in financial terms, only in the requirement that there is a functional need (The NPPF replaced the previous collection of PPS, including Annex A of PPS7 which required the functional and financial tests to be passed before allowing a new dwelling within the open countryside). Concerns as to the economical viability of the business cannot therefore be addressed as it is not a Policy requirement.</p> <p>The application was supported with evidence in relation to the need for the proposed development, this information has been assessed by an independent equine specialist who has concluded that there is an essential need for a worker to live at the site to care for the animals. This would therefore comply with the requirements of paragraph 55 of the NPPF which states that Local Planning Authorities should 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.</p> <p>The equine specialist has recommended that there is a need for a link between the existing business and dwelling at Belvoir Road, and this extension to the business and new dwelling could be secured by means of a Section 106 Legal Agreement to ensure that the new dwelling and extended business cannot be sold off as a separate enterprise. There is currently no tie between the existing house and business at Belvoir Road and in order to retain some control over the existing site and the proposed development now and in the future it is considered that all of the sites and properties should be tied to the business This can be controlled through a legal agreement and the use of conditions.</p>

Representations:

A site notice was posted in line with consultation procedures, as a result 2 objections have been received.

The objections are summarised below:

Representation Objection / Concerns	Assessment of Head of Regulatory Services
<p>Lack of Evidence</p> <p>Lack of evidence provided for the requirement of facilities at both sites</p> <p>No proven need for a rural worker</p> <p>No detailed financial assessment – is the Stud making money? Is the business going to be sustainable in the medium / long term?</p> <p>Whilst Phoenix Reach (Stud horse) may have been considered successful on the race track, that does not guarantee financial success as a stallion at stud.</p> <p>Original site is only 5 minutes by car from the new proposed site, therefore this is near enough not to require a new dwelling</p> <p>The development is not necessary</p>	<p>A full planning statement was submitted with the application which set out the proposal, the background of the business and reasons as to why the business needs to expand, the constraints at the existing site and why this new site has been chosen.</p> <p>The statement and all additional information submitted with the application were assessed by an independent equine specialist. The initial response from the specialist considered issues with the facilities at the existing site, the reason for the allocation of the yards, the lunge ring, storage of flammable materials, the potential for the expansion of the Belvoir Road site, the need for an additional house and the size of the proposed dwelling.</p> <p>The agent responded to these issues by providing additional information and the equine specialist advised that the site at Belvoir Road is insufficient to allow for the expansion to 30 horses on site and in their opinion there will be a functional need for someone to live on both sites.</p> <p>It is considered therefore that there is an essential need for a rural worker to live at the site as required by paragraph 55 of the NPPF.</p>
<p>Highways</p> <p>More traffic on a narrow lane</p>	<p>These issues were also raised by the equine specialist and have been considered by the Highways Authority in the commentary above.</p> <p>It is considered that issues relating to additional traffic on the lane can be dealt with by means of condition; this therefore cannot be considered to be a reason to refuse the application.</p>
<p>Consultations</p> <p>Immediate neighbour not consulted</p>	<p>As there are no neighbours that share an immediate boundary with the application site, a site notice was posted in line with the consultation procedure. It was however brought to our attention during the consultation period that the neighbour to the North made representations on the previous application and therefore should have been informed about this application.</p> <p>Their comments have since been received and have been considered. No further consultations are required.</p>
<p>Flooding</p> <p>The proposal will increase flooding which is already an issue in the area</p>	<p>The applicant has shown on plan 11071-10C soakaways, rainwater harvesting, sewerage treatment, sealed silage tank and drainage channels as part of their sustainable drainage scheme. The Environment Agency have no objections to the</p>

	<p>proposal (see commentary above). It is therefore considered that there is not any evidence to demonstrate that the proposal will add to flooding issues in the area.</p>
<p>Impact on open countryside</p> <p>The proposal will have a negative impact upon the open countryside and rural landscape</p> <p>Upgrading of the bridleway surface will have a negative impact on the rural landscape</p>	<p>The proposal relates to relatively small scale development of a rural nature close to other development on Belvoir Road. It is not considered that development of this scale in this location would have a significant impact upon the open countryside and the rural landscape. The site is relatively flat, bordered by hedges and the proposal will not become a significant feature in the landscape. To the North of the site is a further dwelling of a similar size to that proposed, and other farm buildings.</p> <p>It is also not considered that the upgrading of part of the bridleway would have a negative impact upon the rural landscape. The proposal will not widen the bridleway, merely create a better surface to access the site.</p> <p>It is considered that the proposal complies with policies OS2 and BE1 in that it harmonises with its surroundings and is not significantly detrimental to the appearance and character of the countryside.</p>
<p>Policy Considerations</p> <p>The proposal is contrary to policies OS2, C4 and C5 of the Melton Local Plan</p>	<p>It is considered that the proposal complies with policy OS2 which seeks to allow development outside of the village envelope for small scale employment, and policy BE1 which seeks to ensure that new buildings harmonise with their surroundings. The proposal does not comply with policies C4 and C5 with regards to new stables as these are not proposed within groups of existing buildings. The proposal does however comply with paragraph 28 of the NPPF which states that all types of businesses and enterprises in rural areas should be supported through the conversion of existing buildings and well designed new buildings. The development and diversification of agricultural and other land based rural businesses should also be promoted.</p> <p>Para 55 of the NPPF 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.</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</p>

	and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
<p>Residential Amenity</p> <p>The privacy of neighbours will be adversely affected by the proposed dwelling and business</p>	<p>The proposed dwelling is to be located approximately 160m from the nearest residential dwelling to the North, it is therefore considered that the dwelling poses no loss of residential privacy or amenity to neighbouring dwellings. The proposed stables will be located (at the closest) approx 130m from the nearest dwelling which is considered to be an acceptable distance to minimise the impact from potential noise disturbance associated with the keeping of horses.</p> <p>The horse walker which has the potential to cause a noise disturbance is located South of the stables and is at the furthest point of the site away from the neighbouring dwelling (a further 65m away – therefore total distance from the neighbour of approx 245m).</p> <p>It is considered therefore that the proposal will not affect residential privacy or amenity and complies in this respect with policies OS2 and BE1 of the Melton Local Plan.</p>

Conclusion

The proposal is considered to be supported in terms of principle by national policy. The NPPF (para 28) specifically states that all types of business and enterprises in rural areas should be supported through the conversion of existing buildings and well designed new buildings. The proposal has also justified the requirement for the expansion of the business in addition to its current site and the requirement for a dwelling for a rural worker to live at or close to their place of work in line with paragraph 55 of the NPPF. It is considered that the proposal complies with policies OS2 and BE1 which seeks to allow development for small scale employment outside of the village envelope which harmonises with its surroundings. The proposal however does not comply with policies C4 and C5 of the Melton Local Plan which relate to the erection of stables within existing groups of buildings. The proposal has been supported by an independent equine specialist commissioned by Melton Borough Council who has reviewed all of the documents supplied. Accordingly, a judgment is required as to the merits of the proposal due to the conflict of policy between National and Local Plans.

Having considered all the issues, in this instance, the proposal is considered acceptable and is therefore recommended for approval.

RECOMMENDATION: Permit, subject to the satisfactory completion of a Section 106 Agreement securing the link between the existing business and dwelling at Belvoir Road, and this new dwelling and extension to the business at Barkestone Lane, and the following conditions

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be built in accordance with the plans numbered 11:071-10 rev C (Site Layout), 11:071-11 rev A (Stable Yard Floor Plan), 11:071-12 rev A (Stable Yard Elevations 1), 11:071-13 rev A (Stable Elevations 2), 11:071-14 rev A (Dwelling Plans), 11:071-15 rev A (Dwelling Elevations), 11:071-16 rev A (Horse Walker) and the amended site plans numbered 11:071-8 rev B and 11:071-9 rev B received by the LPA on 19th July 2012.
3. Notwithstanding the details submitted, the proposed access should be designed such that vehicles are encouraged/forced to turn left in and right out of the site only, along with the provision of signage within the site to enforce this. No development shall commence until such time as such an access has been provided fully in accordance with revised details that shall first have been submitted to and approved by the Local Planning Authority. Once the access has been provided it shall thereafter be permanently maintained in accordance with the approved details
4. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected they shall be set back a minimum distance of 15 metres behind the highway boundary and shall be hung so as to open inwards only.
5. Before first use of the development hereby permitted, drainage shall be provided within the site such that surface water does not drain into the Public Highway and thereafter shall be so maintained.
6. The proposed stables shall be used only in connection with the Applicant's own livestock and no livery/riding school nor other such business/commercial use is permitted.
7. The proposed grooms dwelling shall always remain ancillary to the existing use of the site and shall not be sold, leased nor otherwise disposed of separately from, the remainder of the premises.
8. Before first use of the development hereby permitted the approved vehicular access road shall be surfaced with tarmacadam, concrete or similar hard bound material (not loose aggregate) for a distance of at least 15 metres behind the highway boundary and shall be so maintained at all times
9. Before first use of the development hereby permitted, minimum visibility splays of 2.4 metres by 59 metres shall be provided at the junction of the access with Barkestone Lane. These shall be in accordance with the standards contained in the current County Council design guide and shall thereafter be permanently so maintained. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.
10. Before the development is first brought into use, the proposed improvements to Barkestone Lane shown within Appendix 2 of the Transport Planning - Technical Note 1 (submitted with the application) namely the additional passing bays and the improvement of the existing public bridleway, shall have been completed in accordance with Highway Authority specifications.
11. The proposed parking and turning facilities shown within the curtilage of the site shall be provided, hard surfaced and made available for use before the development is first brought into use and shall thereafter be permanently so maintained.
12. Prior to first use of the site the drainage system as shown in plan 11:071-10 rev C including the soakaways, rain water harvesting tank, silage tank, drainage channels, permeable surfaces etc shall have been provided and shall remain in perpetuity.

The reasons for the conditions are:-

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt; the original site location plans being unsatisfactory.
3. In the interests of highways safety.
4. To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.
5. To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users.
6. Although the level of traffic likely to be generated by stables is acceptable in highway safety terms, more traffic-intensive livery within the site would be inappropriate due to the limitations of the vehicular access and/or the local road network.
7. Although the vehicular access is adequate to cater for traffic generated by the use of the premises, it is inadequate to cater for additional traffic that sub-division of the site could bring about.
8. To reduce the possibility of deleterious material being deposited in the highway (loose stones etc.)
9. To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.
10. In the interests of highways safety.
11. To ensure that adequate off-street parking provision is made to reduce the possibilities of the proposed development leading to on-street parking problems in the area.
12. To ensure adequate drainage of the site and to reduce the risk of flooding in the area.

Officer to contact: Mrs Sarah Legge

Date: 17.09.12