

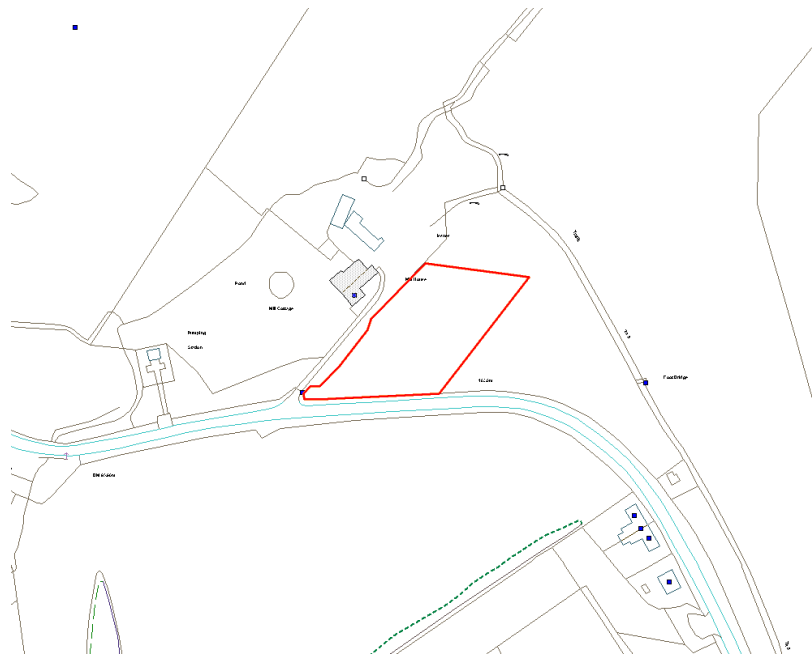
**Reference:** 12/00466/FUL

**Date submitted:** 29.06.2012

**Applicant:** Mrs Lovegrove

**Location:** The Old Mill House, 1 Branston Road, Eaton, NG32 1SF

**Proposal:** Change of use of land and erection of a block of six stables, feed store and tack room.



**Proposal :-**

**This application relates to full planning permission for the development of a stable block comprising six stables, a feed store, and a tack room to be used in connection with the existing Grade II listed Old Mill House and its associated holiday lets.** Positioned within grazing land, south of The Old Mill House, the site lies within open countryside, outside of the village envelope and Conservation Area for Eaton. Accessed via Branston Road the site sits adjacent to the highway lined and screened by native hedge and trees where the land falls off considerably to the south leading down to further boundary hedging, where the dwelling house and holiday lets lie screened beyond. The current application is a resubmission of a previously withdrawn scheme 12/00156/FUL to allow time to negotiate and re-site the proposal to overcome concerns initially raised by the Conservation Officer and the Environmental Agency.

**It is considered that the main issues for consideration of the application are:-**

- **Impact upon the character of the area**
- **Compliance with the development plan policies**

The application is presented to Committee due to the recommendation departing from the local plan.

### **Relevant History:-**

97/00488/FUL & 97/00489/LBC – Planning permission was granted for internal alterations and kitchen extension  
97/00508/FUL & 97/00509/LBC – granted permission for change of use and extension to existing redundant agriculture buildings into three holiday flats  
07/00075/FUL & 01/00076/LBC – permitted for a link between the kitchen and utility room with garaging  
05/00379/FUL – approved for the erection of a conservatory  
12/00156/FUL – For change of use of land and the erection of a block of stables was withdrawn following objections from the Environmental Agency and the Conservation Officer on its initial sitting.

### **Planning Policies:-**

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

Policy OS2 - does not allow for development outside the town and village envelopes shown on the proposals map **except** for development essential to the operational requirements of agriculture and forestry, and small scale development for employment, recreation and tourism.

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 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 Melton LDF Core Strategy (Submission) Development Plan document:** The DPD seeks to support small scale attractions based on enjoying the countryside, historic town and villages, churches, events, festivals, waterways and food. Holiday accommodation (holiday lodges, caravans) linked to existing attractions may also be acceptable.

There are a number of policy objectives contained within the Core Strategy which apply to this proposal and will attract some weight given its close reflection to the NPPF.

Policy CS9 Rural Economic Development – seeks to support and help regenerate the Boroughs rural economy. Through allowing small-scale expansion or intensification of businesses in the countryside, which are not detrimental to their rural location. In regards to tourism and leisure activities they should be sensitive to the character of the area.

Policy CS13: Countryside – seeks to protect the rural environment by requiring development to be of a high standard which respects the character of its location; surroundings, and setting. The form and appearance of development should reinforce its sense of place and take into account the Melton Landscape Character Assessment.

The Melton Landscape and Character Assessment: The assessment identifies 20 Landscape Character Areas within the Borough. New development in the rural area, for whatever purpose it may be for, should be appropriate in scale, design and environmental limitations when weighed against the benefit of the development proposed. Negative impacts on sensitive and historic landscapes, including buildings and structures, are generally not acceptable. Where such impacts occur it is expected that suitable mitigation measures to form part of the development package.

**The National Planning Policy Framework was published 27<sup>th</sup> 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.

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

- **Support sustainable economic development.**
- **Recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.**
- **Promote mixed use development, encouraging multiple benefits from the use of land in urban and rural areas.**
- **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**
- **Take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.**

**On Specific issues relevant to this application it advises:**

**Building a Strong Competitive Economy**

- Planning should encourage growth, not prevent it and should plan proactively to encourage economic growth.
- Significant weight should be given to the need to support economic growth.

**Supporting Prosperous Rural Economy**

- Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both new buildings and conversions.
- Support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside.

**Promoting Sustainable Transport:**

- Safe and suitable access to the site can be achieved for all people.
- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

**Promoting Healthy Communities:**

- Plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments.
- Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

“**Good Practice Guide on Planning for Tourism 2006**” – provides guidance on the role of planning in tourism development. It also underlines the importance of protecting and enhancing the visual quality of sites to ensure the development fits in well with its environs. Annex 1 addresses accommodation and advises:

- Planners should carefully weigh the objective of providing adequate facilities and sites with the need to protect landscapes and environmentally sensitive sites.
- New sites that are close to existing settlements and other services will generally be more sustainable as some local services may be accessed by means other than by car.

**Consultations:-**

<b>Consultation reply</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Highways Authority:</b> No objection subject to conditions relating to:-</p> <ul style="list-style-type: none"> <li>• The existing gates are removed</li> <li>• Any new vehicular access gates, barriers, bollards, chains or other such obstructions erected shall be set back a minimum distance of 10 metres behind the highway boundary and shall be hung so as to open inwards only.</li> <li>• Minimum visibility splays of 2.4 metres by 70 metres shall be provided in each direction out of the proposed site access on to Branston Road and shall thereafter be permanently so maintained. Nothing shall be erected or allowed to grow above a height of 0.6 metres above ground level within the visibility splays.</li> <li>• The existing vehicular access shall have been widened so it has a minimum width of 5 metres with 0.5 metre wide clear margins on each side, for a minimum distance of 10 metres behind the highway boundary and shall have been surfaced in tarmac, concrete or other similar hard bound material</li> <li>• The car parking and turning/manoeuvring facilities shown within the site shall be provided, hard surfaced and made available for use before the development is first</li> </ul>	<p>Access to the site is from Branston Road which is a classified road. The site already has an existing use for holiday lets with appropriate parking provision and the proposal will be run in connection with its existing tourism/leisure use. Subject to the conditions relating to the access, parking and turning facilities, these should provide highway improvements to the safety of the highway users</p> <p>Given the existing use of the site and the number of existing vehicle movements, the Highways Authority have not objected to the expansion nor raised any concerns that any increase in activity on the site would have a detrimental impact upon highway safety.</p> <p><b>It is not considered that the development could be demonstrated to result in a significant increase in traffic and therefore would not have a detrimental impact upon highway safety.</b></p>

brought into use and shall thereafter be permanently so maintained.	
<b>Eaton Parish Council</b>  The Parish Council have studied the plans and visited the site and have no objections to this application providing it complies with all national and local planning requirements.	Noted
<b>Conservation Officer:</b> Further to the withdrawal of App No 12/00152/FUL pleased to note that the suggestion to relocate the stable building to an alternative site has been agreed.  The new site is sufficiently distant from the host listed building so as not to affect its setting. Furthermore there is a mature belt of trees separating the grounds of the host listed building from the proposed stable siting, minimising the impact of the new build further. No object to the proposal.	The current application is a re submission submitted to overcome concerns raised by the Conservation Officer regarding its original location and consequent effects on that of the existing Grade II listed building.  <b>The proposed location of the stables is now considered acceptable and it is not considered that the proposal would have an adverse impact on the setting of the adjacent Listed Building.</b>
<b>Seven Trent Water:</b>  Seven Trent Water have no objections to the proposal but requests a note be added to the permission to advise the applicant of a public sewer located within the site.	Noted
<b>Footpath:</b>  No objections in principle to the path being corridorred given that the field will be more intensely grazed and walkers will feel more comfortable with a separation between them and the horses. This is providing the footpath F40 has a minimum corridor width of 3 metres and no new structures should be placed across the route without prior consent of the highway authority.	Noted, this can be dealt with by means of a condition.
<b>Ecology:</b>  Satisfied with the proposals, provided that the method of works, detailed in the Ecology survey, are forwarded as a condition of the development, should planning permission be granted.	Noted, this can be dealt with by means of a condition.
<b>Environment Agency</b>  The site lies within Flood Zone 1, and is less than I hectare in size and as such is covered by our flood risk standing advice.	Noted  The Environmental Agency raised concerns on the original proposed location 12/00156/FUL due to the site being within Flood Zone 2 & 3 having a medium & high probability of flooding. Thus the application was withdrawn to allow

	negotiation on a more appropriate location and this current improved scheme being presented before the committee
--	--

**Representations:**

A site notice and press notice was posted. As a result no letters of objection have been received to date.

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

Consideration	Assessment of Head of Regulatory Services
<p><b>Compliance (or otherwise) with Planning Policy</b></p> <p>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>Para 215 of the NPPG offers guidance on the application of 'old' local plan policies in the light of its publication and states that their weight is dependent upon the degree to which they are consistent with NPPF. It is considered that Policy OS2 closely reflects the objectives of the NPPF in terms of sustainable patterns of development and countryside protection and as such retains substantial weight in these circumstances.</p> <p>The proposal is to erect stables, to be used in connection with the existing holiday lets for recreational and tourism use which already existing on site. 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 to the South of the holiday lets and dwelling known as The Old Mill House. It is considered that the stables 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. The proposal, however, is not considered to comply with being sited within a group of buildings which is a policy objective of C4 which seeks to avoid the cumulative effect of sporadic, small scale developments in the open countryside such as this proposal can have. Therefore, the application is considered to be a departure from the Development Plan.</p> <p>The siting of the proposal will be to the far north east corner of the field, furthest from the passing highway of Branston Road, with its back to the north boundary hedge and its side adjacent to the east native hedgerow. The topography of the land drops considerably from the highway being south to north towards The Old Mill House and east to west, creating a bowl effect, whereby the embankments and boundary hedging and trees provide a high level of screening from the road and adjacent parcels of land. The field is less than an acre in size, which is too small to be used for a commercial farming activity and has a public foot path F40 passing through it.</p>

<p>National Planning Policy Framework establishes 12 core planning principles against which proposals should be judged. Relevant to this application are those to:</p> <ul style="list-style-type: none"> <li>• <b>Support sustainable economic development.</b></li> <li>• <b>Recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.</b></li> <li>• <b>Promote mixed use development, encouraging multiple benefits from the use of land in urban and rural areas.</b></li> <li>• <b>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</b></li> <li>• <b>Take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.</b></li> </ul>	<p>Guidance within the NPPF states that Local Planning Authority should recognize the intrinsic character and beauty of the countryside. It is not considered that this proposal is in conflict with the NPPF.</p> <p>It is considered that given the topography and screening of the site from neighbouring land that there will be limited impact upon the open countryside and is considered to comply with the policy objectives of OS2. Tourism and leisure is one of the most important sectors of the rural economy. There is potential for the local tourism industry to grow but in a way that is sensitive to the character of the area. The Local Development Framework Core Strategy (Submission) seeks to support small scale attractions based on enjoying the countryside, historic town and villages, churches, events, festivals, waterways and food. Advising that holiday accommodation (holiday lodges, caravans) linked to existing attractions may also be acceptable.</p> <p>The NPPF supports sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This includes supporting the provision and expansion of tourist and visitor facilities in appropriate locations.</p> <p><b>It is considered that whilst there is a conflict with the local plan policy C4 the proposal is not considered to have a detrimental impact on the character of the open countryside and would support local tourism. The proposal is considered to comply with the principles and objectives of the NPPF and will support rural economic growth and sustainable development objectives.</b></p>
<p><b>Impact on adjoining residential properties</b></p>	<p>The stables lie within the designated open countryside, with little or no impact on residential amenity. To the west of the site is the village of Eaton which is over 2km away.</p> <p>The nearest residential dwelling is approximately 243m away to the east and 105 metres to the south east.</p> <p><b>It is considered that there will be no impact upon residential amenities as currently enjoyed by the neighbouring residents due to the level of screening and the separation distance involved</b></p>

<p><b>Design:-</b></p>	<p>Measuring 11m x 22m and comprising 6 stables, a feed store and tack room, the stables would occupy a footprint of approximately 242 sqm constructed in an horse shoe shape formation.</p> <p>The high standard of architectural detailing and construction materials have been considered in context and association with that of the host dwelling, being the Grade II listed building The Old Mill House with its conversion of outbuildings to holidays lets. The proposal is considered in keeping, being sympathetic and envisaged to further conserve and enhance that of the existing buildings on site, while being aesthetically pleasing, with minimal impact upon the character and appearance of the open countryside.</p> <p><b>It is considered that the buildings have 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>
<p><b>Compliance (or otherwise) with Planning Policy</b></p>	<p>As stated above, the development is considered to accord with the applicable Local Plan polices except in the interpretation of C4'. In this instance, the policies are considered to be complemented by the NPPF and should not be set aside because of it. In terms of its promotion of economic growth, the NPPF advises that "significant weight" should be assigned and as such it is considered to weigh substantially in favour of the proposal.</p>

**Conclusion**

The application seeks full planning permission for the change of use of part of the land for equestrian activities and the erection of stables, outside of the village envelope. It is considered that the high level of design of the stables along with boundary screening ensures that any impact on the open countryside is limited. The access to the site is considered to be acceptable subject to the highway conditions and the proposal would not have a detrimental impact upon the highway or residential amenities due to its separation distances.

The proposal is not considered to comply with policy C4 as the proposed building would not be sited within an existing group of buildings, however they will be used in association with an existing rural business within close proximity. Policy OS2 favours tourism and small scale recreational development in the open countryside and this is also supported by the objectives of the NPPF in respect of contributing to the rural economy and facilitating access to the countryside without damage to sensitive landscape or environmental quality. It is considered that due to the limited impact the proposal would have on the open countryside that the proposal complies with OS2, BE1 and the NPPF and 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 development shall be carried out in accordance with plan drawing nos. 23012012-1694-2-ab together with 18012012-1694-1-ab and 26032013-1694-3-ab
3. 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
4. Prior to the commencement of works, amphibian and reptile fencing must be erected in accordance with the 'Plan showing position for proposed reptile fence (26032013-1694-3-ab)' and works must then be completed in accordance with the Method Statement contained within the letter from B J Collins to Kirsty Gamble dated 8th February 2013
5. Before first use of the development hereby permitted, the existing gates to the vehicular access shall be removed. Any new vehicular access gates, barriers, bollards, chains or other such obstructions erected shall be set back a minimum distance of 10 metres behind the highway boundary and shall be hung so as to open inwards only.
6. Before development commences, minimum visibility splays of 2.4 metres by 70 metres shall be provided in each direction out of the proposed site access on to Branston Road. 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 erected or allowed to grow above a height of 0.6 metres above ground level within the visibility splays.
7. Before the proposed development is first brought into use, the existing vehicular access shall have been widened so it has a minimum width of 5 metres with 0.5 metre wide clear margins on each side, for a minimum distance of 10 metres behind the highway boundary and shall have been surfaced in tarmacadam, concrete or other similar hard bound material. Thereafter the access shall be permanently so maintained.
8. The car parking and turning/manoeuvring facilities shown within 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.
9. Any enclosed footpath must have a minimum corridor width of 3 metres
10. No new structures (gates or other barriers) should be placed across the route of the existing footpath, without prior consent of the Highway Authority.
11. Prior to commencement of the development hereby approved details of all proposed floodlighting and other external illumination shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

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
3. In the interest of visual amenity..
4. To preserve any protected species that may be present on the site.
5. 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.
6. 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.
7. In the general interests of highway safety.
8. 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
9. To ensure that the hedge and surface can be maintained by vehicles and annual growth (no longer grazed off) does not block the passage of pedestrians.
10. So as not to block the public access..
11. To safeguard the character and appearance of the area.

**Officer to contact: Mrs D Dowling**

**Date: 15.04.12**