

Committee Date: 28th July 2011

Reference: 11/00353/FUL

Date Submitted: 03.05.11

Applicant: Mr and Mrs Spencer

Location: Field No 8380 Hose Lane Long Clawson

Proposal: Change of use of field from agriculture to a pony paddock, stables, tack room and pole barn also new access of Hose Lane along with hardcore area for parking and turning area.



Introduction:-

This application seeks planning permission for the a change of use from agriculture to equestrian use (private) with the erection of a timber stable consisting of 3 bays and tack room and for a pole barn to be sited within the paddock adjacent the boundary to the Hose Lane. A new access is proposed from Hose Lane. The site lies within designated open countryside between the village envelope of Long Clawson and Hose.

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

- **Compliance with the Development Plan**
- **Impact upon the open countryside**

The application is required to be considered by the Committee as it presents a departure from the approved policies of the Development Plan.

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. PPS7 supports equine based activities in the open countryside providing the intrinsic character is not affected.

Melton Local Plan (saved policies):

Policy OS2 - 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 recreation development, development for statutory undertakers and telecommunications operators, changes of use of existing buildings and affordable housing.

Policy BE1 - allows for new buildings subject to criteria including buildings designed to harmonise with surroundings, no adverse impact on amenities of neighbouring properties, adequate space around and between buildings, adequate open space provided and satisfactory access and parking provision.

Policy C1 – Planning permission will not be granted for development which would result in the loss of the best and most versatile agricultural land (Grades 1, 2 and 3a) unless there is no overriding need for the development; there are no suitable sites for the development within existing developed areas or where agricultural land is of poorer quality; the proposal is on land of the lowest practicable grade.

Policy C4 – allows for the erection of agricultural buildings providing they are within existing groups of buildings and 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.

Policy C5 states that planning permission for stable should only be granted providing the proposal complies with policy C4 to avoid a proliferation of buildings in the open countryside.

Melton LDF Core Strategy: seeks to protect the countryside and limits development to small scale for employment and leisure purposes. An objective of the LDF is to promote the tourism potential of the Borough through its food, equestrianism and heritage assets.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
Highway Authority – No objection to the proposal providing no commercial use takes place.	Whilst the proposed use is likely to generate significantly more traffic than the current use, the proposal does offer a significant highway safety gain as it will remove an extremely substandard vehicular access, and replace it with a far better access from Clawson Lane/Hose Lane. As such the Highway Authority are prepared to look favourably upon the proposal subject to conditions. The proposal is not considered to have an impact on highway safety.

<p>Parish Council – objects to the proposal on grounds that the proposal is contrary to policy OS2 and C1.</p>	<p>Policy OS2 supports recreational and leisure uses whilst policy C1 refers to safeguard best agricultural grades of land. The application site is referred to in the Councils Agricultural Land Study 2005 as being 3a and 3b mixed. The policy seeks to retain grades 1, 2 and 3a. It is therefore considered that the proposal would not result in the loss of the best agricultural land.</p> <p>The proposal is for recreational use for private stables and the keeping of horses. The proposal is considered to comply with policy OS2</p>
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Representations:

A site notice was posted at the entrance of the site and as a result no correspondence has been received to date.

Other material considerations (not raised through consultation or representation)

Consideration	Assessment of Head of Regulatory Services
<p>Application of the Development Plan Policies –</p> <p>The saved policy OS2 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 recreation development, 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 principle it will also be considered against more detailed criteria contained in other policies of the plan which relate specifically to the activity. For stables policy C5 and C4 are applicable.</p> <p>Policy C5 states that planning permission will not be granted for stabling outside of the town or village envelope 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 and 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>PPS7 supports equine based activities in the open countryside providing the intrinsic character is not</p>	<p>The proposal is to erect stables, tack/store room and hard standing fulfills the objectives of OS2 as the development is purely for recreational use. The more detailed policy objectives are defined within policy C4 and C5. Contained within the neighbouring field is a similar set up consisting of stables and pole barn however it is within a separate parcel of land and cannot be called upon when making an assessment of whether the proposal sits within a defined group of buildings.</p> <p>It is considered that the stables can comply in some part with policy C4 due to there being an adequate access and having a limited impact upon the countryside due to its siting and screening. The proposal does not comply with being sited within a group of buildings which is a policy objective of C4 in seeking to avoid the cumulative effect of sporadic, small scale developments in the open countryside such as this proposal can have.</p> <p>However, PPS7 ‘Sustainable Development in Rural Areas’, supports equestrian use providing the intrinsic character of the area is not affected. The application site has a flat topography and the paddock has an irregular shape. The stables are discreetly sited within the southern corner adjacent the highway boundary hedge which alleviates any potential harm resulting from the siting of the stables outside of a group of buildings. It is considered that given the topography and the screening of the paddock from neighbouring land that there will be</p>

affected.	<p>limited impact upon the open countryside and the proposal complies with the objectives of PPS7.</p> <p>PPS7 post dates the development plan and it is considered that in this instance national policy should outweigh the development plan as it can be demonstrated that there will be little impact upon the open countryside which would warrant a refusal in this instance.</p>
Impact upon residential amenity -	<p>The stable and tack room will sit within open countryside designation. To the north of the site is the village of Hose. The nearest residential dwellings are approximately 300 metres away.</p> <p>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.</p>
Design -	<p>The stables occupy a footprint of approx 55 square metre, measuring 14.3 metres by 3.8 metres with a 1.2 metre overhang to provide a covered walkway. The overall height is 3.8 metres sloping to an eaves height of 2.6 metres and is proposed to be constructed from dark oak stained tongue and groove boarding with a green polyester coated steel roof.</p> <p>The pole barn would be of similar dimensions sited perpendicular to the stables measuring 11 metres by 7.3 meters with a mono pitched roof and overall height of 3.9 metres sloping to 3 metre high. The construction materials are proposed to be green plastisol coated box sections.</p> <p>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.</p>

Conclusion

The application seeks full planning permission for the change of use of the paddock for equestrian activities and for the erection of stables, tack/store room and hardstanding within a field outside of the village envelope. The use of the paddock for grazing of horses does not require consent, however, the erection of the buildings for the associated use is development that requires the benefit of planning permission and can only be granted consent provided that there is not a detrimental impact upon the open countryside. It is considered that the design of the buildings along with a high level of screening ensures that any impact is reduced. The access to the site is considered to be acceptable and would not have a detrimental impact upon the highway subject to the development being purely for the purpose of personal use. The proposal is not considered to comply with Local Plan policy C4 as the proposed buildings are not sited within an existing group of buildings. However, PPS7 which post dates the development plan supports equine based activities in the open countryside providing the intrinsic character is not affected. A judgement is required as to whether the stables and barn are acceptable in terms of their impact on the open countryside and whether this is sufficient to outweigh the development plan.

It has been demonstrated that the site will have adequate access arrangements, is of appropriate design and will have no neighbour impact. It is not considered that this small scale development would have a detrimental impact upon the countryside as the siting, close to the access and boundary hedge, ensures that the intrinsic character is not harmed. It is considered that due to the limited impact the proposal would have on the open countryside that the proposal complies with PPS7 and is sufficient to outweigh the Development Plan. **Accordingly the application is recommended for approval.**

Recommendation : Approve, 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 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
3. The existing vehicular access currently serving the site shall be permanently closed before the proposed change of use occurs.
4. Before development commences, minimum visibility splays of 2.4 metres by 100 metres shall be provided on each side of the proposed access. These splays shall be cleared of all obstruction that exceeds a height of 600mm above the level of the adjacent carriageway. Once provided the splay shall thereafter be permanently so maintained.
5. The proposed access shown on the submitted plan, shall be provided and surfaced in tarmac, concrete or other similar hard bound material for a minimum distance of 10 metres behind the highway boundary (centreline of the hedge fronting the site), before the proposed change of use occurs, and shall thereafter be permanently so maintained.
6. 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 10 metres behind the highway boundary (centreline of the hedge fronting the site) and shall be hung so as to open inwards only.
7. 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.
8. The parking and manoeuvring facilities shown within the site shall be provided, hard surfaced and made available for use before the proposed change of use occurs, and shall thereafter be permanently so maintained.
9. The proposed stables shall be used only in connection with the Applicant's own livestock and no livery/riding school nor other business nor commercial use is permitted.

Reasons

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To ensure a satisfactory standard of external appearance.
3. In the general interests of highway safety.
4. To afford adequate visibility at the access to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.
5. In the general interests of highway safety.

6. 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.
7. To reduce the possibility of surface water from the site being deposited in the highway causing dangers to road users
8. In the general interests of highway safety.
9. 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.

Officer to contact: **Mrs Denise Knipe**

Date: 11th July 2011