

22/00553/FUL Change of use of land from agricultural arable to equine; erection of stables with hay and tack room; and new field access at Land OS 480625 329088 Branston Road Eaton

Corporate Priority:	Delivering sustainable and inclusive growth in Melton
Relevant Ward Member(s):	Councillor Alan Hewson
Date of consultation with Ward Member(s):	18 May 2022
Exempt Information:	No

1 Summary

- 1.1 The application can be viewed in full online: [22/00553/FUL | Change of use of land from agricultural arable to equine; erection of stables with hay and tack room; and new field access. | Land OS 480625 329088 Branston Road Eaton \(melton.gov.uk\)](https://www.melton.gov.uk/22/00553/FUL)



- 1.2 The application site consists of a 1.4ha field within the open countryside, located 330m to the west of the village of Branston and 600m to the south east of the village of Eaton. The site is broadly triangular in shape and is bounded by a tree lined public footpath to the west and north, the highway: Branston Road to the south, and a neighbouring field to the east. It was used until recently used for the cultivation of crops, as is the neighbouring field to the east. The site is bounded by mature trees and hedgerow, including adjacent to the highway. The site is currently accessed off Branston Road via an unsurfaced field access located in its south east corner. A second field access exists towards the south west corner of the site however, vegetation has been allowed to grow across it.
- 1.3 Public right of way (PRoW), F49 adjoins, and runs parallel to the site's northern boundary. It lies within the Easton East Ironstone Cutting, a geological feature. The site is identified as a green zone for great crested newts (GCN) meaning it has moderate habitat suitability for GCN and they may be present. There are no other relevant site constraints.
- 1.4 Planning application ref. 21/01252/FUL for a change of use from agricultural arable to equine loose boxes with new field access was withdrawn. The reason for the withdrawal was to allow the applicant to submit a more detailed planning application, in particular details of a landscaping scheme.
- 1.5 The application seeks full planning permission to change of use of land from agricultural arable to equine; the erection of stables with hay and tack room; and the creation of a new field access. The stables with hay and tack room would be located in the south west corner of the site, it would have an I-shaped plan form measuring a maximum of 16.6m in length, by 8.5m in width, by 2.4m in height to the eaves and 3.5m in height to the ridge. The building would have a timber frame construction and would be finished in timber shiplap cladding with a black corrugated rubber roof. The new access would be created by widening the existing field access located in the south west corner of the site and finishing it in a bound material on top of an ironstone sub base. The hardstanding would extend from the access to the front of the proposed stable building to create a parking and turning area. A landscaping scheme including native tree and hedgerow planting is proposed to screen the stable building and area of associated hardstanding.

RECOMMENDATION(S)

1. Approve subject to conditions set out in Appendix C
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2 Reason for Recommendations

- 2.1 The application seeks full planning permission for the change of use of land from agriculture to an equestrian use including the erection of a stable block. Local Plan Policy SS2 sets out the development strategy for the Borough, outside the settlements it restricts development to that which is necessary and appropriate in the open countryside. An equestrian paddock and associated stables are considered to be an appropriate form of development within the open countryside.
- 2.2 Local Plan Policy D2 supports new equestrian development in open countryside locations subject to certain criteria which it is considered the proposal meets including that it would not have an adverse impact upon the landscape or character of the area; the development

will not have an unacceptable impact upon residential development; the development would not result in the loss of best and most versatile agricultural land; its size, scale, design and construction materials are appropriate to its setting and function; it would be closely related to the existing bridleway network; and would not have an overly adverse impact on the highway network.

- 2.3 The site would not be used on a commercial basis, and in the interests of amenity and highway safety it is recommended that this is secured by a planning condition. The submitted ecology survey demonstrates that the proposal would protect and enhance biodiversity, and the substantial tree and hedgerow planting proposed which would result in habitat creation and biodiversity net gain. Biodiversity would be further protected by the impacts of the proposed development through the proposed mitigation measures which would be secured by condition. The design includes sustainability credentials including green energy generation technologies.
- 2.4 The proposed development would therefore accord to Policies SS1, SS2, IN2, D1, D2, EN1, EN2, EN6 and EN8 of the Melton Local Plan, and the overall aims of the National Planning Policy Framework 2019.

3 Key Factors

3.1 Reason for Committee Determination

- 3.1.1 This application is required to be presented to the Committee due to receiving more than 10 letters of objection contrary to the recommendation.

3.2 Relevant Policies

- 3.2.1 The Melton Local Plan 2011-2036 was adopted on 10th October 2018 and is the Development Plan for the area.
- 3.2.2 The Local Plan Policies remain up to date and consistent with national planning policies and guidelines as contained in the National Planning Policy Framework (2021).
- 3.2.3 The Design of Development Supplementary Planning Document (SPD) was adopted on 24th February 2022.
- 3.2.4 There is no made Neighbourhood Plan for Eaton however, the site is included in Croxton Kerrial and Branston Parish therefore Croxton Kerrial and Branston draft Local Plan is relevant. The Local Plan has reached regulation 14 stage and so only negligible weight can be afforded to these policies.
- 3.2.5 Please see Appendix E for a list of all applicable policies.

3.3 Main Issues

- 3.3.1 Position under the Development plan Policies
- 3.3.2 Principle of Development
- 3.3.3 Impact upon the Character of the Area
- 3.3.4 Impact upon Amenity
- 3.3.5 Best Quality Agricultural Land
- 3.3.6 Access and Highway Safety
- 3.3.7 Other Matters

4 Report Detail

4.1 Position under the Development Plan Policies

4.1.1 Local Plan Policy SS1 set out a principle in favour of sustainable development. Where planning applications are in accordance with the relevant planning policies they should be approved without delay. The site is located within the open countryside. Outside of the settlements Local Plan Policy SS2 restricts development to that which is necessary and appropriate in the open countryside. The principle of new equestrian development within the open countryside is supported by Local Plan Policy D2.

4.2 Principle of Development

4.2.1 Local Plan Policy D2 supports new equestrian development in open countryside locations subject to the following criteria being met:

- a) The development will not have an adverse effect on the landscape or the character of the area;
- b) The development, or effects resulting from the development, will not have an unacceptable impact on residential amenity;
- c) The development is grouped where possible with new/existing structures;
- d) The development would not result in the loss of best quality agricultural land; and
- e) Size, scale, design and construction materials are appropriate to its setting and function.

Policy D2 also states that:

- f) Where possible, it should link with the existing Bridleway network.
- g) The development will not have an overly adverse impact on the highway network.

4.2.2 As set out in the supporting text for policy D2 'Equestrian Development': The requirement for formal planning permission is dependent upon the proposed use of the land. The use of land for grazing, for example, does not require planning permission, as per Section 336 of the Town and Country Planning Act 1990. Planning permission would, however, be required where horses are kept on the land. 'Kept', in this instance refers to the existence of a built shelter (be it stable or field shelter) or where horse-feed is supplemented beyond grazing. Where this is the case, planning permission would be required for a change of use from agricultural to equestrian.

4.2.3 In this case the vast majority of the land within the application site would be used for grazing and planning permission would not technically be required for this use. Therefore, the focus of the consideration is on the land to the west of the main block of the proposed screen planting, where the stable block and associated hardstanding is proposed, which is shown as green blocks on the plan below.



4.2.4 The principle of the development is supported by Local Plan policy D2 subject to the consideration of its effect upon the landscape or character of the area; its impact upon best and most versatile agricultural land; appropriate siting, design, and materials; links with the existing Bridleway network; and its impact on the highway network. Further consideration of these matters is outlined in the report below.

4.3 **Impact upon the character of the area**

4.3.1 Local Plan policy D2 supports equestrian development where the development will not have an adverse effect on the landscape or the character of the area; and the size, scale, design and construction materials are appropriate to its setting and function. Policy D1 aims to raise the standard of design by supporting new development which meets criteria including: a) siting and layout must be sympathetic to the character of the area; c) buildings and development should be designed to reflect the wider context of the local area and respect the local vernacular without stifling innovative design; and h) utilises existing trees and hedges, together with new landscaping, to negate the effects of development.

4.3.2 Concerns have been raised by residents that the proposal would have a harmful impact on the landscape character of the area. The site is located within the Knipton Bowl character area defined in the Melton Borough Landscape and Historic Urban Character assessment Report. Its key characteristics include its diverse landcover, medieval field pattern, nucleated settlements, and stone buildings.

4.3.3 The application site is located within the open countryside where there is limited built development. The proposed building would not form part of a cluster of existing buildings and so to limit its impact upon the character of the area the building would be sited in the south west corner of the site where there is existing dense planting located along the

boundary. In practical terms this would also site the stables adjacent to the proposed vehicle access. The height of the building has been kept low and the materials proposed, including timber cladding and dark rubber sheeting to the roof which are considered to reflect its equestrian use and be appropriate to the site's countryside location.

- 4.3.4 The small scale of the proposed development, taking into account the distance between it and the neighbouring settlements of Eaton and Branston of 650m and 500m respectively; would be such that the proposal is not considered to represent either an expansion of the existing settlements or a coalescence of the two.
- 4.3.5 To further mitigate the impact of the proposal on the character of the area a landscaping scheme is proposed as part of the layout. The landscaping scheme includes gapping up the existing boundary hedgerows and new hedgerow planting is proposed to the west, south and east of the proposed building and associated hardstanding using a mix of native hawthorn, beech, hazel, dog rose and dogwood. A bank of trees would be planted to the west of the stables adjacent to PRoW including a mix of native beech, hornbeam, hazel, field maple, willow and aspen. Three beech trees would be planted within the area of grazing land.
- 4.3.6 The existing trees which bound the PRoW to the north and west of the site provide a sense of enclosure which contributes to the site's character. This character is repeated along the southern side of Main Street, opposite the site. It is considered that the enclosed sylvan character of the site would be reflected and complemented in the proposed tree planting scheme and the proposal's siting and layout would be sympathetic to the character of the area.
- 4.3.7 The tree planting scheme submitted is not sufficiently detailed, particularly regarding the size and siting of specimens, to secure a satisfactory scheme is implemented and retained. Therefore it is recommended that a landscaping scheme is secured by planning condition including details of the size, spacing, and species of the proposed tree and hedgerow planting.
- 4.3.8 With regards to sustainable design the proposal includes the provision of solar panels and a small wind generator to the building's southern elevation to power on site facilities including lighting. On site lighting would be restricted in the interests of ecology as outlined below.

4.4 **Impact upon residential amenities**

- 4.4.1 The site is located outside of the neighbouring villages of Branston and Eaton. The nearest residential property is located 185m to the west of the site. The proposal is for a non-commercial equestrian use providing stables and grazing land for three horses. Given the distance between the proposed stables and the nearest properties is substantial, and the scale of the proposal is small, it is considered that the proposal's impact upon residential amenity would be limited and the need for conditions to limit the operational activities or hours of operation are not therefore considered necessary.
- 4.4.2 However, a commercial scale equestrian use could have a greater potential to impact upon the amenity of neighbouring properties, as well as highway safety. Therefore, it is recommended that a condition is included to ensure the use of the site remains private rather than commercial. Subject to the inclusion of this condition, on balance the proposal would not be compromised the amenity of the nearest properties in accordance with Local Plan Policies D1 and D2.

4.5 Best Quality Agricultural Land

- 4.5.1 Local Plan policy D2 supports equestrian development where it doesn't result in the loss of best and most versatile agricultural land. Best and most versatile agricultural land is land defined as grade 1, 2 or 3a of the Agricultural Land Classification. In the submitted Design and access Statement the land is described as grade 4 agricultural land which was most recently used for cereal growing with average yields. In Autumn 2021 it was drilled with a 10 species grass mix.
- 4.5.2 There are a number of sources available to determine agricultural land classification at the strategic level including online mapping provided by both Natural England and Defra, as well as a layer on the planning policy mapping system. Although the strategic level mapping is a useful starting point it is not site specific. In this case the Natural England strategic level mapping shows the site to be split between provisional grades 2 and grade 4 classifications, as shown below. The proposed stables and supporting infrastructure would be located on the land provisionally graded 4. Part of the land used for grazing horses, which would remain as agricultural land, is provisionally graded 2, best and most versatile.



- 4.5.3 To provide greater clarification on the agricultural land classification a soil analysis survey was undertaken. The submitted report dated 03.09.2021 indicates the presence of potassium (K) and magnesium (Mg) are marginal, the soil is slightly acidic, and has low microbial activity. The soil is classed as a heavy clay soil. All of these factors have the potential to limit the choice of crop, timing and type of cultivation/harvesting or level of yield. However, they would not preclude the use of the land for cultivation and the site has until recently been used for the cultivation of crops.
- 4.5.4 Natural England are the statutory consultee on applications which have the potential to impact upon best and most versatile agricultural land. They have advised "In view of the small size of the site, Natural England does not propose to make any comments." The area of land which would house the proposed stables and hardstanding would total approximately 2% of the land within the application site. This area, plus the bulk of the screen planting proposed broadly equates to the part of the site identified as potentially

grade 4 agricultural land. Therefore based on the information available it appears unlikely that the proposal would result in the loss of best and most versatile agricultural land. In addition, taking a proportionate approach, it is not considered necessary or reasonable to seek a definitive land classification for the site in this case.

4.6 **Highway Safety**

- 4.6.1 The proposal would provide a new vehicle access off Branston Road towards the southeast corner of the site which would be formed from the widening of an existing field access. Branston Road is an unclassified adopted road subject to a 60mph speed limit. It is noted that although the road is narrow in the vicinity of the proposed site access, the carriageway is suitable for two-way vehicle movements in accordance with the guidance set out in Manual for Streets (MfS).
- 4.6.2 Concerns have been raised that existing vehicles accessing the site have been parked partially within the highway. The 5m wide vehicle access proposed would be sufficient to enable a vehicle and a horsebox to access in a foreword gear. The proposed area of hardstanding within the site measuring 9.2m x 17.3m would be sufficient to enable a vehicle and horsebox to access, manoeuvre and egress the site in a forward gear. The access will be surfaced in a bound material to prevent deleterious material from being deposited in the highway. The gates would be set back 9m from the carriageway edge, sufficient to enable a horsebox vehicle accessing the site to stand clear of the highway. This would overcome the concerns raised regarding the existing situation.
- 4.6.3 As advised by the LHA, appropriate visibility splays corresponding to recorded speeds have been demonstrated to be achievable. A condition has been suggested to ensure the provision of the required visibility splays in the interests of highway safety.
- 4.6.4 The concerns raised by residents regarding increased traffic resulting from the proposed development are noted. However, the proposal would be for a small scale private equestrian use only, with no commercial purposes, and as such it would not result in a significant increase in tips onto the highway.
- 4.6.5 For the reasons outlined above it is considered that the proposal raised no highway safety concerns and that sufficient on-site parking would be provided for the proposed use in accordance with Local Plan policies IN2 and D1.

4.7 **Ecology**

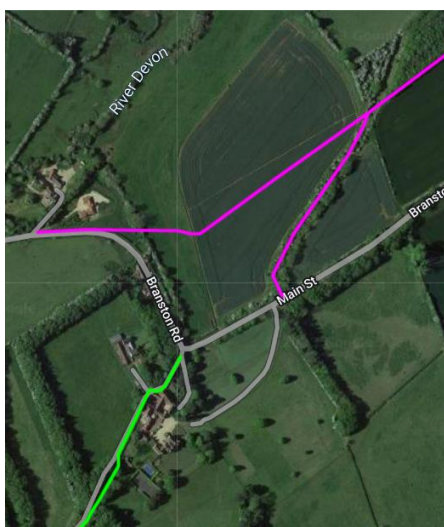
- 4.7.1 Local Plan policy EN2 seeks to achieve net gains for nature and proactively seek habitat creation as part of new development proposals. It also seeks to protect and enhance biodiversity including by supporting applications which: c) create new habitat.
- 4.7.2 A preliminary Ecological Appraisal Report was submitted as part of the application. County Council Ecology have advised that the mitigation measures highlighted within the report should be followed including: 1) Gaps within the eastern hedgerow should be filled; 2) All work should be carried out in accordance with BSI (2012), BS 5837:2012, to protect trees and their root areas; 3) Lighting should be avoided on ecologically sensitive areas (tree belt/woodland and hedgerows), where lighting is unavoidable a lux lighting contour plan should be submitted showing light spill of 1 lux or less on these areas; 4) The boundary hedgerows and mature trees should be retained to avoid impacts to foraging and commuting bats, and to support their conservation status; 5) Good working practices should be adhered to during any future development work, with any trenches covered

overnight and any pipes over 200mm in diameter capped off at night; and 6) To minimise any potential impact or disturbance to protected breeding birds, any clearance should be undertaken outside of the bird breeding season, i.e. from late-August and be completed by late-February. If work is to be carried out in the breeding season, then an ecologist should be consulted and it is likely that work will have to stop if ground nesting birds are found in the grassland. It is recommended that these mitigation measures are secured by planning conditions.

- 4.7.3 Despite the comments made by local residents that certain species were absent from the ecology survey no concerns have been raised over the methodology used by County Council as the technical experts.
- 4.7.4 The proposal includes extensive tree and hedgerow planting including gapping up the eastern hedgerow. The length of hedgerow removed to provide for the new access would measure 5m, less than the 10m which would result in the need for an ecology survey. In addition, the site would change from arable agricultural use to predominantly grazing land/pasture for horses. Taking all of this into account it is considered that the proposal would comply with Local Plan policy EN2 and provide a biodiversity net gain.

4.8 Other Matters

- 4.8.1 The site would be for equestrian use. Although horses and their riders would have to use a short stretch of Main Street/Branston Road measuring less than 200m, it would have good links to the existing bridle way network, indicated by the green line on the plan below. It is noted that concerns have been raised by local residents over the stopping up of an existing permissive footpath across the site. As shown on the plan below no footpaths, shown in pink, pass through the application site.



- 4.8.2 Under the provisions of the Town and Country Planning (General Permitted Development) Order Schedule 2, Part 6 section A1.a, it would be possible to erect an agricultural building within certain limitations. The erection of a steel portal frame building with cement fibre roof Inc. skylights, Yorkshire boarding cladding and concrete panel walls was confirmed under application ref. ref.22/00505/GDOAGR. As shown in red on the site plan below the location of the agricultural building is on a separate parcel of land to the application site. However, the blue line indicates that both parcels of land are within the same ownership. It is not considered that there is a conflict between the current proposal and the agricultural building allowed under permitted development.



- 4.8.3 A Planning application ref. 21/01252/FUL for change of use from agricultural arable to equine loose boxes with new field access within the application site was withdrawn so that further consideration could be given to the impact of the proposal on the open countryside and landscape character. It is not possible to carry across objections from a previous planning application however, local residents and Parish Councils have been provided with the opportunity to comment again.
- 4.8.4 The gates and boundary fencing referred to in the objections received from local residents relates to a neighbouring parcel of land, not the application site. The boundary treatment proposed within the site, other than the planting, includes post and rail fencing. No details of the proposed access gates have been provided. It is important that they reflect the rural character of the area for example a timber open 5 bar gate. It is suggested that details of the proposed gate are secured by planning condition.
- 4.8.5 As outlined above equestrian development within the open countryside is acceptable in principle. It would be unreasonable to suggest that the proposal would set a precedent for development between Eaton and Branston when existing sporadic development exists along Branston Road including stables and a menage to the south of Eaton Grange, on the opposite side of Branston Road.

5 Consultation & Feedback

- 5.1 A site notice was posted at the site, and neighbouring properties consulted.
- 5.2 During the course of the application a soil survey was submitted and consultation with Natural England was undertaken.
- 5.3 Overall, 24 letters of objection were received from 20 separate households and 1 letter of support was received, details of the comments are summarised at Appendix B.

6 Financial Implications

- 6.1 None Identified.

Financial Implications reviewed by: N/A

7 Legal and Governance Implications

- 7.1 None identified

Legal Implications reviewed by: Tom Pickwell (Solicitor)

8 Background Papers

- 8.1 22/00505/GDOAGR - steel portal frame building with cement fibre roof Inc. skylights, Yorkshire boarding cladding and concrete panel walls – determined 13.05.2022.
- 8.2 21/01252/FUL - Change of use from agricultural arable to equine loose boxes with new field access – withdrawn 25.03.2022

9 Appendices

- 9.1 Appendix A: Summary of Statutory Consultation Responses
- 9.2 Appendix B: Summary of Representation Received
- 9.3 Appendix C: Recommended Planning Conditions
- 9.4 Appendix D: Recommended Informatives
- 9.5 Appendix E: List of Applicable Development Plan Policies

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