**DELEGATED REPORT**

**Recommendation Made: 29 September 2011**

**Reference:- 11/00613/COU** **Parish:- Barwell Parish Council**

**Applicant:- Mrs Jane Astley**
**8 Holly Lane**
**Barwell**
**Leicestershire**
**LE9 8BT**

**Location:- Land Rear Of Brooklyn Leicester Road Hinckley Leicestershire**

**Proposal:- CHANGE OF USE OF LAND AND ERECTION OF STABLE BLOCK**

**Introduction:-**

This application seeks full planning permission for the change of use of land to the keeping of horses and the erection of three replacement stables on land to the rear of 'Brooklyn', Leicester Road, Hinckley. The site measures approximately 1.79 hectares and is located in the countryside to the east of Leicester Road between Earl Shilton and Hinckley. The proposed stables are arranged in an 'L' shaped footprint measuring 8.75 by 7.21 metres overall and comprise of 2 loose boxes each measuring 3.6 by 3.6 metres with the corner unit measuring 5.0 by 3.6 metres and approximately 2.46 and 3.5 metres to the eaves and ridge, respectively. The front elevations of the stables have split timber doors and windows with louvered blades. The stables are to be constructed of a timber frame with timber shiplap cladding to the walls mounted on a single course of engineering bricks on a concrete base. The roof is to be constructed of timber purlins covered with onduline roof sheets. Each stable is to be fitted with a strip light.

The land is currently laid to grass and divided into informal paddocks for the keeping of horses. There are three existing timber stables of similar construction and a flat roofed open storage structure containing hay and machinery located approximately 12 metres to the north of those proposed. The site is enclosed on all sides by mature hedgerows with sporadic mature trees. Access to the land is via a track running to the north side of 'Brooklyn' which is accessed off Leicester Road. A public footpath runs alongside the access track and continues south east beyond the site.

The Design and Access Statement submitted to support the application advises that the existing stables are now 25 years old and showing signs of their age. It is proposed that these are retained but used for the storage of bedding and feed. The new stables will be located much further from the public footpath.

**History:-**

No relevant planning history.

**Consultations:-**

No objection has been received from:-

Barwell Parish Council
Head of Community Services (Land Drainage)

No objection subject to conditions has been received from:-

Director of Environment and Transport (Highways)
Head of Community Services (Pollution)

No response has been received at the time of writing this report from:-

Ramblers Association

Ward Members
Site Notice
Neighbours

**Development Plan Policies:-**

National Planning Guidance

Planning Policy Statement 7 (PPS7): Sustainable Development in Rural Areas.

Local Development Framework (2009)

No relevant policies

Hinckley & Bosworth Local Plan (2001)

Policy BE1: Design and Siting of Development
Policy NE5: Development in the Countryside
Policy T5: Highway Design and Vehicle Parking Standards

**Appraisal:-**

The main considerations in the determination of this application are: the principle of development; siting and design; impact upon the countryside; impact on residential amenity and other material considerations.

Principle of Development

The site is situated outside of any settlement boundary as defined in the adopted Local Plan and is therefore in the countryside where there is a presumption against new development. However, some forms of new development, including those relating to sport or recreation uses can be acceptable in rural locations. PPS7 and policy NE5 of the adopted Local Plan support development for sport and recreation purposes providing that it does not have an adverse impact upon the countryside. As the application is for replacement buildings to support a small scale existing equestrian recreational use, the proposed new stables and the formalising of the change of use of the land for the grazing of horses are considered to be a suitable use in the countryside and therefore the principle of this development is considered acceptable in this case subject to the existing stables being demolished and removed from the site within a reasonable period of the new stables being available for use. This can be controlled by a suitably worded condition. The concrete base is to be retained for a hardstanding for a horse trailer.

Siting and Design

The stables will be located 12 metres to the south of the existing stables and storage structure, close to the west corner of the site, well related to two mature hedgerows on the boundaries of the site and well away from the public footpath running close to the sites northern boundary. As such the siting of the stables is considered to be acceptable. With an eaves height of 2.46 and ridge height of 3.5 metres, the scale of the building has been designed to reflect traditional stable buildings within the countryside. The proposed materials of timber walls and stable doors with black onduline roof sheets are considered appropriate materials for stables within the countryside. As such, by reason of their design and scale the proposed stables are considered acceptable.

Impact upon the Character and Appearance of the Countryside

Whilst located in the countryside, by virtue of their use, design, scale and siting it is considered the proposals would not be detrimental to the character or appearance of the surrounding landscape. In addition, the site is well enclosed by mature hedgerows providing screening to all boundaries of the site.

Residential Amenity

The stables would be sited approximately 45 metres from the nearest residential curtilage of the dwellings fronting onto Leicester Road and no external lighting is proposed as part of the development. Given the

existing use of the site and as a result of the siting, scale and design of the stables it is considered that there would be no significant adverse impact upon the amenities of the occupiers of the nearby dwellings. The Head of Community Services (Pollution) does not object to the application but recommends a condition to prevent the burning of horse manure or other waste materials on the site which would have the potential to cause nuisance to nearby residential properties on Leicester Road. However, it is considered that this condition does not meet the tests of Circular 11/95 in respect of being either reasonable or necessary to make the development acceptable.

Other Material Considerations

Access and Highway Safety

There are no proposed changes to the current access from Leicester Road and adequate parking and turning is available within the site. Given the existing use of the site for the keeping of horses and that the existing three stables are to be subject to a condition requiring their demolition and removal within a reasonable period following completion of the proposed stables it is considered that there will be no significant additional journeys to or from the site over and above those already undertaken. In addition, the Director of Environment and Transport (Highways) has no objection to the application subject to the imposition of a condition preventing any business or commercial uses on the site. Overall the proposed development is considered to comply with policy T5 of the Local Plan.

Drainage

Clean rainwater is to be collected from the stables into water butts for use within the site. A note to applicant in respect of the responsibility for ensuring the proper disposal of animal waste and surface water contaminated by animal waste is recommended by the Head of Community Services (Drainage).

Conclusion

The proposed replacement stables and use of the land for the keeping of horses is considered to be a suitable use in the countryside and therefore the principle of development is acceptable. The proposed stables would be sited in an appropriate location within the site and are not considered to be detrimental to residential amenity. By virtue of their design, scale and materials the proposed stables will not have an adverse impact on the character or appearance of the surrounding countryside. There are considered to be no significant impacts upon highway safety. As a result the application is recommended for approval subject to conditions.

**RECOMMENDATION:- Permit subject to the following conditions:-**

**Summary of Reasons for Recommendation and Relevant Development Plan Policies :**

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as the proposed recreational use and stables are an acceptable form of development in the countryside and they would not have an adverse impact on the character or appearance of the countryside, visual or residential amenity or highway safety.

Hinckley & Bosworth Borough Council Local Plan (2001):- BE1, NE5, T5

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Site Location Plan Holding Number 22/212/8002 at 1: 5000 scale; Block Plan at 1: 500 scale and Chester Range Plan and Elevations Drawing received by the local planning authority on 9th August 2011.

3 The stables hereby approved shall be constructed strictly in accordance with the details indicated on the approved Floor Plan and Elevations drawing entitled ‘Chester Range’ and external materials

detailed in the application received by the Local Planning Authority on 9 August 2011unless otherwise agreed in writing by the local planning authority.

4 The use of the paddock and stables shall at all times be for domestic equestrian purposes only and no trade, business or commercial livery/riding school whatsoever shall be operated on the site.

5 Within two months of the stables hereby approved being available for use, the existing three stables shall be demolished and all demolition materials, with the exception of the concrete base, shall be removed from the site.

**Reasons :-**

1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2 For the avoidance of doubt and in the interests of proper planning.

3 To ensure that the development has a satisfactory external appearance to accord with policy BE1 of the adopted Hinckley & Bosworth Local Plan.

4 To preserve the amenities of the locality and in the interests of highway safety to accord with policies BE1, NE5 and T5 of the adopted Hinckley and Bosworth Local Plan.

5 To protect the countryside from unnecessary development and in the interests of visual amenity to accord with policy NE5 of the adopted Hinckley and Bosworth Local Plan.

**Notes to Applicant:-**

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

4 Animal waste and surface water contaminated by animal waste must not be discharged to ditches, watercourses or soakaways. Slurry, contaminated runoff (including wash water) and leachate from stockpiled manure, must be collected in tanks (or lagoons) complying with the standards laid down in the 'Control of Pollution (silage, slurry and agricultural fuel oils) Regulations 1991'. Clean water should be discharged to soakaways (subject to suitable ground strata), ditches or watercourses.

**Contact Officer:- Richard Wright Ext 5894**