DELEGATED REPORT

Recommendation Made: 14 November 2011

Reference:- 11/00445/FUL **Parish:- Bagworth Parish Council**

Applicant:- Mrs Miranda Steel
The Vicarage
53 Main Street
Thornton
Coalville

Location:- The Vicarage 53 Main Street Thornton Coalville Leicestershire

Proposal:- CHANGE OF USE OF LAND FROM AGRICULTURAL TO EQUESTRIAN USE AND FORMATION OF MÉNAGE

Introduction:-

This is an application for the change of use of the land for equestrian use and formation of a ménage.

The land is located outside the settlement boundary for Thornton, within the open countryside and the National Forest.

The land is currently used as paddock land located 178m to the north east of the applicant's dwelling and is bordered by a line of substantial trees along the north western and north eastern boundaries. The northern boundary consists of scrub vegetation together with hedges and tree planting to a height of 5m. The land slopes sharply away by approximately 5m from the ground level of the applicant's dwelling before levelling out towards the northern boundary where the ménage is proposed. A post and rail fence at a height of 1.2m runs along the north western and northern boundaries of the site.

It is proposed to erect a ménage (40m x 20m) towards the northern boundary which will be bordered by a 1.35m high post and rail fence. The ménage will be constructed using a layered system consisting of a drainage membrane covered by loose stone and a geo-textile membrane which will be covered in sand.

Additional information was received via email on 14 November from the applicant providing clarification on external lighting, removal of trees and disposal of waste.

Relevant Planning History:-

10/00225/UNUSE Enforcement Enquiry- Unlawful Use of Land Closed

Consultations:-

No objections have been received from:-

Head of Community Services (Land Drainage)
Head of Community Services (Pollution)

Comments have been received from the Directorate of Chief Executive (Ecology) that trees and hedgerows should be retained wherever possible and that replacement bat roosts/bird nesting sites be provided. They advise that the menage should be re-sited to reduce the impact on trees and recommend a note to applicant.

A site notice was displayed and neighbours notified.

Development Plan Policies:-

PPS7 - Sustainable Development in Rural Areas

Adopted Core Strategy

Policy 21 National Forest

Adopted Local Plan

BE1 - Siting and Design
NE5 - Development within the Countryside
NE21- The Principles of Development within the National Forest
NE22- Criteria for the Consideration of Development Proposals within the National Forest.

Appraisal:-

The main considerations in this case are the principle of development, impact upon the character and visual amenity of the countryside/National Forest, impact on neighbouring amenity and other issues.

Principle

The site is located within the open countryside and the National Forest where there is a presumption against new development. However, PPS7 recognises that horse riding and other equine activities are popular forms of recreation in the countryside, and thus the ménage and change of use to form paddock land, in principle are considered acceptable uses within the open countryside. Both policy 22 of the Core Strategy and NE5 of the Local Plan state that proposals for new development within the National Forest and the countryside for recreational and sports provision will be supported, subject to meeting certain criteria. The change of use and ménage are considered to adhere to the criteria for acceptable uses within the countryside but there is further criteria in respect of the impact upon the character and appearance of the countryside/National Forest which must be complied with.

Character and Visual Amenity

The ménage has a large surface area, which will comprise an un-natural, visually prominent surface (resultant of its surfacing materials). Due to the topography of the land and the substantial line of trees along the north, north eastern and north western boundaries the ménage will only be visible from within the site. Accordingly, it is not considered to have an unacceptable impact on wider views of the area. The ménage will be enclosed by post and rail fence. This could be erected without the requirement for planning permission and comprises a means of enclosure commonly used within the countryside. Accordingly it is not considered to have a visually detrimental impact. Furthermore the character of the surrounding area is defined by paddock land located to the rear of properties on Main Street with stables and ménages located to the north of the site. The ménage's located on sites to the north are of similar scale to the proposals in this case. Therefore, the proposed ménage and change of use are common uses and features within the countryside and the National Forest, and thus are not considered to be alien to the landscape.

Impact on neighbouring amenity

The additional information received from the applicant on 14 November 2011 confirmed that no lighting is proposed to be erected around the perimeter of the ménage. No lighting is proposed in this case, therefore, there is no potential for light pollution.

The ménage will be densely screened by the tree planting along the boundaries and will not be visible from the rear elevation of neighbouring properties on Main Street. The change of use to paddock land is consistent with the use of the land on adjacent sites for equestrian purposes.

On the case officers site visit on 09 November 2011 it was evident that the applicant owned two horses which were for their personal use. The applicant has confirmed in their design and access statement that the ménage will be for their personal use and that the only access to the ménage will be via the applicant's rear garden. In order to prevent the establishment of a commercial enterprise which has the potential to be detrimental to residential amenity it is considered prudent in this case to impose a condition to restrict the use of the ménage for the personal use only.

Other Issues

Topography and Drainage

Due to the sloping nature of the site and the potential for significant surface water run-off from the ménage it is considered prudent in this case to request a levels plan from the applicant. This will ensure that the land can be levelled using an appropriate engineering method to ensure that surface water will be drained from a level surface and will not cause the land to become waterlogged, result in localised drainage issues or subsidence.

Ecology

The applicant has confirmed in their email of 14 November 2011 that they intend to remove scrub vegetation along the northern boundary to allow for the formation of the ménage. The Directorate of Chief Executive (Ecology) has raised concerns about the removal of vegetation which could provide habitat for protected species and recommended that where vegetation loss is required, compensatory planting and provision for protected species be put forward. Whilst the proposed ménage is to be located close to the hedgerow there is no suggestion that the hedgerow will be removed. Accordingly, the matter of protected species and nesting birds will be dealt with by way of note to applicant.

Conclusion

The proposed change of use to form paddock land and the creation of a ménage are considered to be acceptable uses and features within the open countryside and National Forest. Due to its siting, adjacent to the north, north eastern and north western boundaries the proposed ménage will be screened by dense tree planting and is therefore not considered to be detrimental to the character or appearance of the open countryside or to its setting within the National Forest. The proposed change of use and ménage are not considered to result in loss of residential amenity.

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. Resultant of the design, siting and material used there are considered no material impacts on either the visual amenity or character of the surrounding countryside, and due to the use proposed, the principal of development is considered acceptable in this countryside and National Forest location.

Hinckley and Bosworth Council Local Development Framework Core Strategy:- Policy 21

Hinckley & Bosworth Borough Council Local Plan (2001) :- BE1, NE5, NE21, NE22

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: AMENDED BLOCK PLAN RECEIVED _, Site Location Plan and Fencing Plan received on 18 October 2011.

3 The development shall be used for purposes ancillary to the occupation of The Vicarage 53 Main Street Thornton only and shall not be used for any commercial purpose.

4 No development shall commence on site until such time as the existing and proposed ground levels of the site surrounding the menage, and proposed finished floor levels of the proposed ménage have been submitted to and agreed in writing by the Local Planning Authority. The approved proposed ground levels and finished floor levels shall then be implemented in accordance with the approved details before the first use of the ménage hereby permitted.

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 proposed use does not become a source of annoyance to nearby residents in terms of vehicle access, egress and vehicle movement and to accord with policy BE1 of the Hinckley & Bosworth Local Plan.

4 To ensure the development is assimilated into the landscape as far as possible, to ensure compliance with the requirements of Policy BE1 of the Hinckley & 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 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

Contact Officer:- Scott Jackson Ext 5929