HINCKLEY AND BOSWORTH BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

APPEAL UNDER SECTION 73

Hinckley & Bosworth Borough Council

APPEAL BY MRS MARGARET ASHBY AGAINST CONDITIONS 4, 6 AND 7 OF PLANNING PERMISSION FOR THE CHANGE OF USE OF LAND FROM AGRICULTURAL LAND TO MIXED USE OF AGRICULTURAL AND EQUESTRIAN LAND AND RETENTION AND ERECTION OF ASSOCIATED BUILDINGS (PART RETROSPECTIVE) AT LAND OFF MARKFIELD LANE, THORNTON, LEICESTERSHIRE

HBBC REFERENCE 11/00755/FUL

THE PLANNING INSPECTORATE REFERENCE APP/K2420/A/12/2178944/NWF

STATEMENT BY ELEANOR OVERTON BSC (HONS) MASP (DISS)

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1.0 Introduction

1.1 This statement is a written submission in support of the decision by Hinckley and Bosworth Borough Council to permit full planning permission for the change of use of land from agricultural land to a mixed use of agricultural and equestrian land and retention and erection of associated buildings (part retrospective) subject to conditions 4, 6 and 7 at land off Thornton Lane Markfield. (LPA Planning Application reference number 11/00755/FUL). This statement should be read in conjunction with the information previously supplied as attachments to the Appeal Questionnaire. The conditions subject of this appeal read as follows:-

Condition 4: Within three months of the date of the decision notice, the stables, storage building and field shelters illustrated on plan numbers 40 and 50, received by the Local Planning Authority on the 16.9.11 shall be removed. *Reason: In the interests of visual amenity and to protected the character of the countryside, in accordance with Policy NE5 of the adopted Hinckley and Bosworth Local Plan.*

Condition 6: No buildings or structures, including any temporary buildings or structures, other than those approved by this consent, shall be erected within the application site as shown edged in red on plan no P60. *Reason: To reduce proliferation of development on the rural landscape in the interests of visual amenity and character of the countryside and in accordance with policy NE5 of the adopted Hinckley and Bosworth Local Plan.*

Condition 7: The development hereby permitted shall only be used for personal use and shall not be used in connection with a riding school/livery yard or any other business or commercial use. *Reason: To ensure that the use of the site is not to the detriment of highway safety and the requirements of Policies NE5 and T5 of the Adopted Hinckley and Bosworth Local Plan.*

1.2 This application is for the change of use of land from agricultural to a mixed agricultural/equestrian use, and for the erection of associated buildings and parking area. The application is part retrospective, as horses are already grazed on the land and there are existing field shelters, areas of hard surfacing and a parking area.

1.3 The buildings comprise of two 3.6 x 3.6 metre open fronted field shelters, two 2.4 x 2.4 metre open fronted field shelters, one 3.6 x 3.6 metre stable, one 3.6 x 7.2 metre hay store, and one 3.6 x 3.6 metre feed/tool store. These buildings are to be grouped together and sited along the eastern side of the hard standing adjacent to the eastern boundary of the field. In addition the application seeks to retain the two areas of hard standing, located parallel to one another centrally within the field, and the gravel driveway and parking area.

2.0 The Appeal Site

2.1 The site is situated towards the end of a private track road off Markfield Lane and measures approximately 7.5 acres. The site is surrounded by open rolling countryside. The ground falls steeply to the south west. At its southern most point the site bounds Thornton Reservoir. To the north of the site are fields planted with National Forest Trees and to the north west of the site is an equestrian holding and associated built development. South east of the site is farmland. The site is surrounded by native hedgerow. A watercourse runs parallel to the south western boundary of the site.

2.2 Internally the site is subdivided by post and rail, post and wire and movable electric tape fencing. There is an unmade track leading to an area of hard-standing located centrally within the field.

2.3 The following planting on site has recently been undertaken by the applicant:-

- additional hedging along the north side of the field,
- planting along the eastern and southern side of the areas of hardstanding,
- an orchard comprising of 20 parkland trees in the north eastern corner of the hay field, 473 broad leaved trees, shrubs and hedging trees across the site.

3.0 Planning History

12/00182/CONDIT	Variation of Condition 4 (Removal of Buildings) of Planning Permission 11/00755/FUL for change of use of Land from agricultural and equestrian Land and retention and erection of Associated buildings (part retrospective)	Approved 29.05.12
11/00755/FUL	Change of use of land from agricultural land to mixed use of agricultural and equestrian land and retention and erection of associated buildings (part retrospective)	Approved 15.12.11
11/00153/COU	Change of use of land from agricultural Land to mixed use of agricultural and Equestrian and retention and erection of Associated buildings (part retrospective)	Refused 25.05.11

4.0 Central Government Guidance

4.1 National Planning Policy Framework (March 2012). This reiterates the statutory requirement that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. At the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as the golden thread running through both plan-making and decision making. The document continues that LPA's should approach decision-taking in a positive way to foster the delivery of sustainable development and that they should seek solutions rather than problems and should seek to approve applications for sustainable development where possible. Paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing such valued landscapes.

5.0 Development Plan Policies

5.1 The Development Plan policies referred to for the purposes of the application were those provided with the questionnaire, these include:

5.2 Hinckley and Bosworth Borough Council Local Development Framework Core Strategy (adopted December 2009)

5.3 Policy 10: Key Rural Centres within the National Forest supports proposals which contribute to the delivery of the National Forest Strategy and create a new sense of place.

5.4 Policy 20: Green Infrastructure seeks to improve access around Thornton Reservoir and provide additional multi-user access routes in conjunction with any recreational/tourism development.

5.5 Policy 21:- National Forest seeks to ensure the siting and scale of the proposed development is appropriately related to its setting, the development respects the

character and appearance of the wider countryside and that the development does not adversely affect the existing facilities and working landscape of either the Forest or wider countryside.

5.6 Hinckley and Bosworth Local Plan (adopted February 2001) saved policies:-

5.7 Policy BE1 seeks to safeguard and enhance the existing environment and states that planning permission will be granted where the development:- complements or enhances the character of the surrounding area with regard to scale, layout, mass, design and materials; has regard to the safety and security of individuals and property; ensures adequate highway visibility for road users and adequate off street parking and manoeuvring facilities; is not adversely affected by activities within the vicinity of the site which are likely to cause a nuisance to the occupiers of the proposed development; does not adversely affect the occupiers of neighbouring properties and incorporates landscaping to a high standard. This policy is considered consistent with the intentions of the NPPF.

5.8 Policy NE5 states that the countryside will be protected for its own sake. However, planning permission will be granted for built and other forms of development provided that it is important to the local economy and cannot be provided within or adjacent to an existing settlement and only where it does not have an adverse effect on the appearance or character of the landscape, is in keeping with the scale and character of the existing buildings and general surroundings, will not generate traffic likely to exceed the capacity of the highway network or impair road safety and is effectively screened by landscaping. Criteria a – c of this policy are not consistent with the intentions of the NPPF, criteria i – iv are considered consistent.

5.9 Policy T5: 'Highway Design and Vehicle Parking Standards' refers to the application of appropriate standards for highway design and parking targets for new developments. Leicestershire County Council's document 'Highways, Transportation and Development' provides further highway design guidance and parking targets. This policy is considered consistent with the intentions of the NPPF.

5.10 Policy NE14 requires satisfactory arrangements to be made for the disposal of foul sewage and surface water. This policy is considered consistent with the intentions of the NPPF.

5.11 Policy NE12 seeks to ensure that development proposals take into account the existing features of the site and make provision for further landscaping where appropriate. This policy is considered consistent with the intentions of the NPPF.

6.0 The Case for the Local Planning Authority

6.1 On the basis of the reasons set out below, the Council contends that the following conditions should remain in order to ensure that the development proposed is acceptable. As the issues raised, and reasons for conditions 4 and 6 are similar they will be considered jointly.

6.2 Condition 4: Within three months of the date of the decision notice, the stables, storage building and field shelters illustrated on plan numbers 40 and 50, received by the Local Planning Authority on the 16.9.11 shall be removed. *Reason: In the interests of visual amenity and to protected the character of the countryside, in accordance with Policy NE5 of the adopted Hinckley and Bosworth Local Plan.*

6.3 Condition 6: No buildings or structures, including any temporary buildings or structures, other than those approved by this consent, shall be erected within the application site as shown edged in red on plan no P60. *Reason: To reduce proliferation of development on*

the rural landscape in the interests of visual amenity and character of the countryside and in accordance with policy NE5 of the adopted Hinckley and Bosworth Local Plan.

6.4 As mentioned within the introduction above, although additional boundary planting has taken place, this is immature and thus the site remains relatively open, and is visible from Thornton Reservoir to the south. The buildings requested to be removed comprise of a single quarantine stable and mare and foal stable, a single stable and tool/feed store, a hay store and further single stable and 6 field shelters. These are located to the north and west of the larger area of hardstanding in the paddock to the east, and the field shelters are situated across both paddocks to the north of the site. Although the applicant has stated that there is a need for these structures, this is not, on balance considered to override the material harm caused by their siting, to the appearance or character of the landscape, and they are not considered to be in keeping with the scale and character of the general surroundings, which in this case comprises of open rolling countryside. Similarly, the rationale behind condition 6 is to prevent the siting of any additional buildings or structures on this undeveloped landscape, which would result in a further proliferation of structures that could vary is size, appearance, material and siting.

6.5 Both the existing structures, and any additional structures on the land, due to their number, siting, and appearance would result in additional physical and visual clutter within this rural landscape and are therefore considered unacceptable and contrary to the intentions of Saved Policy NE5 of the Local Plan . On this basis conditions 4 and 6 are considered necessary and should remain.

6.6 Condition 7: The development hereby permitted shall only be used for personal use and shall not be used in connection with a riding school/livery yard or any other business or commercial use. *Reason: To ensure that the use of the site is not to the detriment of highway safety and the requirements of Policies NE5 and T5 of the Adopted Hinckley and Bosworth Local Plan.*

6.7 Both Policies NE5 and T5 seek to ensure development has no adverse impacts in terms of highway safety. Specifically, policy NE5 states that development will not be acceptable where it will generate traffic likely to exceed the capacity of the highway network or impair road safety and policy T5 reinforces this. A commercial use whether it be schooling or livery is likely to result in a material increase in traffic visiting the site compared to the permitted use.

6.8 The existing access serving the site is currently substandard in respect of its surfacing, width and visibility onto Markfield Lane.

6.9 The width is a major concern because at present the access is so narrow that it cannot accommodate simultaneous two-way flow. As such, when two cars meet, this would either result in vehicles waiting on Markfield Lane (a unlit, Unclassified County Road subject to a 60mph speed limit) or vehicles undertaking a lengthy reversing manoeuvre. The access to the appeal site is located on a section of Markfield Lane that has a poor horizontal and vertical alignment. This is a point of the network where vehicles are travelling at high speed and in the case of vehicles heading towards Thornton from the north, accelerating down the hill. Due to the proximity of the bend on Markfield Lane, vehicles heading south would have limited forward visibility to a vehicle waiting to turn left or right into the access. It should be borne in mind that a commercial use is more likely to involve an increase in slower moving traffic such as horseboxes and cars towing trailers.

6.10 In accordance with the details in the 6Cs Design Guide for a ‘Medium Duty Vehicle Access – Light Business Use’ the access should have a width of 6m for the first 15 meters back from the carriageway of Markfield Lane with 6m radii.

6.11 In addition to concerns about the width, visibility from the appeal site access is also severely restricted in both directions. As previously stated, speeds are high and vehicles are accelerating past the site access. Based on a conservative estimate of 50mph, the

LPA would normally require visibility splays of 2.4 x 160 meters; this would increase to 215 meters if driven speeds were 60mph.

6.12 In addition based on a desktop exercise, it appears that the roadside hedges and trees restrict visibility to around 20 meters in both directions. This means that cars including slower moving traffic have to pull right into the carriageway before they can obtain a clear line of sight and to judge whether it is safe to complete the maneuver. This would have clear highway safety implications.

6.13 Finally, the surface of the access is substandard and currently results in loose material being deposited in the highway. The standards for a 'Medium Duty Vehicle Access – Light Business Use' stipulate that the first 15 meters should be constructed from a bound material i.e bituminous or concrete.

6.14 For the reasons given above, and on the understanding that no improvements are proposed to the access, the removal of condition 8 is likely to have serious road safety implications which would be contrary to the intentions of Saved policies NE5 criteria iv and T5 of the Local Plan and therefore considered unacceptable. Thus the reasoning for condition 7 is considered justified and the condition is deemed necessary to ensure that the development proposed remains acceptable.

7.0 Conclusion

7.1 The conditions under consideration in terms of this appeal seek to control and minimise the siting of agricultural/equestrian buildings within this rolling countryside location, to ensure that the character and appearance of the countryside is protected, and that the use of the site remains for personal use only to certify that highway safety within the locality is not compromised. Based on the above discussion, conditions 4, 6 and 7 of planning permission 11/00755/FUL are considered necessary to ensure that the development applied for remains acceptable and in accordance with saved Policies NE5 and T5 of the Local Plan.

7.2 With regard to the information contained in this statement and that submitted with the Appeal Questionnaire, Hinckley and Bosworth Borough Council respectfully requests that the appeal be dismissed.