DELEGATED REPORT

Recommendation Made: 19 July 2010

Reference:- 10/00425/FUL **Parish:- Peckleton Parish Council**

Applicant:- Mr And Mrs John Heath
Longlands House
Langlands Cross
Cornworthy
Devon

Location:- Chestnuts Desford Lane Kirkby Mallory Leicester Leicestershire

Proposal:- DEMOLITION OF CHICKEN SHED, ERECTION OF STABLE BLOCK BUILDING AND FORMATION OF MANEGE

Introduction:-

This application seeks full planning permission for the erection of a stable block and creation of a manege to be used in connection with the residential occupation of Chestnuts, Desford Lane, Kirkby Mallory. The proposals include: a new building (9.1 metres X 15.4 metres X 3.7 metres) constructed of a brick plinth with timber boarding and onduline roof sheets containing six stables, a tack room and feed store together with a manege (40 metres X 20 metres) enclosed by 1.4 metres high post and rail timber fencing in the paddock to the rear of the bungalow.

The site is located in the countryside to the north east of Kirkby Mallory on the north west side of Desford Lane, a single track rural lane. The site comprises: a large detached bungalow with a link-detached double garage within an extensive residential curtilage; an adjacent plot containing a former chicken shed of timber construction, a poly-tunnel, an open cultivated area and a small orchard and two fields laid to pasture to the rear. The applicant's land ownership extends to approximately 4.5 hectares and also includes a large spinney to the south west of the application site. There is a mature hedgerow to the frontage of the site along Desford Lane and also along the north east boundary. There is vehicular access to the bungalow and a separate field access to the adjacent plot and fields to the rear. The spinney and an area of marshy grassland to the north of the site are identified as being sites of importance for nature conservation (SINC).

A Design and Access Statement and Biodiversity Report have been submitted in support of the application. The Design and Access Statement states that the proposal does not entail any significant built form as the new stables block would be built over the footprint of the existing chicken shed and represents a modest, sustainable recreational development appropriate to its rural location. The Biodiversity Report concludes that the site was of limited wildlife value and the more important wildlife sites within the area (the spinney to the south west and the marshy grassland to the northern part of the site would not be adversely affected by the proposals. There were no indications of any protected species on or near the proposed site.

History:-

10/00178/COU	Erection of Stable Building, Creation of Manege and Change of Use of Residential Garage to Meeting Room/Classroom	Refused	17.05.10
07/00136/FUL	Extension and Alterations to Dwelling	Refused	21.03.07
88/01253/4	Extensions	Approved	29.11.88
88/00843/4	Installation of Mobile Home and Ancillary Mobile Demountable Accommodation in Connection with Breeding and Rearing Horses	Refused	26.07.88
88/00250/4	Erection of Dwelling House, Stables and Ancillary Buildings in Connection with the Breeding and Rearing of Horses.	Refused	26.04.88

Consultations:-

No objection has been received from:-

Director of Environment and Transport (Rights of Way)
Peckleton Parish Council
Head of Community Services (Pollution)

No objection subject to conditions has been received from:-

Director of Environment and Transport (Highways)
Directorate of Chief Executive, Leicestershire County Council (Ecology)
Environment Agency
Head of Community Services (Land Drainage)

At the time of writing the report comments have not been received from:-

Ramblers Association
Site Notice
Neighbours.

Development Plan Policies:-

National Guidance

Planning Policy Statement 7: 'Sustainable Development in Rural Areas'
Planning Policy Statement 9:' Biodiversity and Geological Conservation'

Hinckley and Bosworth Local Development Framework: Core Strategy (2009)

Spatial Objective 10: 'Natural Environment and Cultural Assets' seeks to enhance and protect the borough's distinctive landscapes, woodlands and biodiversity.

Hinckley and Bosworth Local Plan (2001)

The site is in the countryside as defined in the adopted Local Plan

Policy BE1: ' Design and Siting of Development'
Policy NE2: 'Pollution'
Policy NE5: 'Development in the Countryside'
Policy NE7: 'Sites of County and Local Nature Conservation Significance'
Policy NE12: 'Landscaping Schemes'
Policy NE14: 'Protection of Surface Waters and Ground Water Quality'
Policy T5: 'Highway Design and Vehicle Parking Standards'

Appraisal:-

The main considerations with regards to this application are the principle of development and the impact of the development on: the character and appearance of the site and surrounding countryside; highway safety and biodiversity/ecology.

Principle of Development

PPS7 recognises that horse riding and other equine activities are popular forms of recreation in the countryside. In this case, the proposed development is for the private recreational/leisure use of the occupiers of the existing dwelling and such uses are normally acceptable in a rural location. The proposals are considered to be acceptable in principle in this case, subject to there being no adverse impact on the character or appearance of the countryside, highway safety or biodiversity.

Impact upon the Character and Appearance of the Countryside

Whilst the site is not within or immediately adjacent to a settlement, there is an existing dwelling and other buildings within the site that already introduce built form to the landscape. The proposed stable building would replace an existing redundant chicken shed on a similar footprint and with a ridge height of only 0.7 metres higher (3.7 metres) than the existing building. It would be constructed of brick plinth and timber materials and is designed to reflect the rural location with good screening from Desford Lane provided by a mature hedgerow fronting the site. The manege is located in a paddock to the rear of the bungalow and in a slight depression adjacent to an existing mature field boundary hedge that would provide screening from public areas and the wider landscape. The proposed 1.4 metres high post and rail fencing to enclose the manege is characteristic of the rural location and no lighting is proposed in this case, therefore, there is no potential for light pollution. Given the above, the proposed development would retain the appearance of an isolated dwelling and as it would not entail any significant additional built form is not considered likely to have an adverse impact on the character or appearance of the countryside. The existing hedgerows provide adequate screening of the site such that no further planting is considered to be necessary.

Impact on Highway Safety

The site is located along a single track rural lane from either Kirkby Mallory or Peckleton. There is an existing vehicular access to the dwelling off Desford Lane together with a separate field access adjacent to the western side of the curtilage leading to the paddock to the rear. Visibility from the field access is currently restricted in both directions by hedgerows on either side. However, there are only a small number of isolated dwellings served by the lane and as such traffic levels are relatively low. In addition, only six stables are proposed together with a tack room and feed store and as the proposed development is for the private use of the occupiers of the dwelling it is considered unlikely to result in any significant increase in vehicle movements to and from the site. The Director of Environment and Transport (Highways) does not object to the application but recommends a condition restricting the use of the development to the applicant's own livestock with no business use and for turning facilities to be provided within the curtilage of the site. Whilst the private use restriction has been included in the recommendation, adequate parking and turning facilities already exist within the site and therefore a condition to provide turning facilities is considered unnecessary.

Biodiversity/Ecology

There are Sites of Importance for Nature Conservation (SINC) within close proximity to the site. To the west lies an area of natural woodland known as Sandhole Spinney, and 100 metres to the north of the proposed manege lies an area of wet grassland designated as 'marshy grassland'. The Biodiversity Report and Protected Species Survey submitted to support the application concludes that the areas of the site directly affected by the development have limited wildlife value and that, given the separation distances involved, the SINC sites would not be adversely affected by the proposals. No objections have been received by the Director of Environment and Transport (Ecology) subject to the development being implemented in accordance with the recommendations in the report. No lighting is proposed that would require additional survey work to be undertaken.

Other Issues

There are no nearby residential properties that would be adversely affected by the proposed development.

Conclusion

The development is considered to be acceptable in principle given the low-key and recreational/leisure based nature of the proposals and would not have an adverse impact on the character or appearance of the countryside given the siting, design and construction of the stables and manege. As the development is restricted to personal use it is considered to be unlikely to have an adverse impact on highway safety. The proposals are also unlikely to have an adverse impact on biodiversity as they are sufficiently separated from the sites of significance identified within the biodiversity report. The proposals meet national guidance and relevant policies of the adopted Local Plan and are therefore 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 recreational/leisure uses are an acceptable form of development in the countryside and in this case would not have an adverse effect on the character or appearance of the countryside, highway safety or biodiversity.

Hinckley & Bosworth Borough Council Local Plan (2001):- Policies BE1, NE2, NE5, NE7, NE14 and 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: Drawing No. 987/02 Location Plan, Block Plan and fencing Details; Drawing No. 987/03 Elevations and Plan received by the local planning authority on 1st June 2010.

3 The stables and manege hereby permitted shall be used only in connection with the occupier of Chestnuts own livestock and no livery/riding school nor other business nor commercial use is permitted.

4 The development hereby permitted shall not commence until a scheme to store and dispose of horse manure has been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved scheme.

5 The development shall be carried out in accordance with the recommendations and mitigations in Section 5 of the Biodiversity Report dated 2nd March 2010 by Curious Ecologists.

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 In the interests of highway safety to accord with policies BE1, NE5 and T5 of the adopted Hinckley and Bosworth Local Plan.

4 To prevent pollution of the water environment to accord with policies NE2 and NE14 of the adopted Hinckley and Bosworth Local Plan.

5 To ensure that the development is not detrimental to protected species or their habitat to accord with Planning Policy Statement 9: Biodiversity and Geological Conservation and policy NE7 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 6th 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).

5. The applicant is advised that the site is located on top of a minor acquifer. Run-off from contaminated yard areas, manure heaps, stable washing and hay soaking shall be directed to either an impermeable lagoon or a sealed effluent tank. The liquid can either be removed by a licensed contractor for off-site disposal or, if appropriate be spread to land. Please consult your local Environment Agency office for advice (Tel. 0116 2375589).

   Temporary field manure heaps should be located where there is no risk of run-off causing pollution. They should not be located near field drains, within 10 metres of a watercourse or 50 metres of a spring, well or borehole that supplies water for human consumption.

6. The applicant is advised that public footpath T82 crosses the application site and must not be obstructed or diverted without first obtaining separate consent from Leicestershire County Council.

Contact Officer:- Richard Wright Ext 5894 Date Printed: 19 July 2010