DELEGATED REPORT

Recommendation Made: 18 July 2008

Reference:- **08/00542/CONDIT** **Parish:-** **Earl Shilton Town Council**

Applicant:- **Mrs Sue Klenk**
51 Equity Road East
Earl Shilton
Leicestershire
LE9 7FZ

Location:- **Stanmaur Farm Breach Lane Earl Shilton Leicestershire LE9 7FB**

Proposal:- **CONTINUED USE OF LAND AND BUILDINGS WITHOUT COMPLIANCE WITH CONDITION 4 OF PLANNING PERMISSION 06/01048/FUL, CONDITION 8 OF PLANNING PERMISSION 99/00920/FUL AND CONDITION 3 OF PLANNING PERMISSION 98/00544/FUL.**

Introduction:-

This is a full application that seeks planning permission to remove conditions relating to three separate planning permissions, which, were granted in August 1998, December 1999 and November 2006 under planning references 98/00544/FUL, 99/00920/FUL and 06/01048/FUL respectively. The 1998 condition (3) and the 2006 condition (4) relate to the use of stables that were granted planning permission, the 1999 condition (8) relates to the use of a manege that was granted planning permission. Under the terms of these conditions, the use of the stables and manege is restricted to the applicant's own livestock and no livery/riding school nor other business or commercial use shall be permitted.

The proposal relates to a plot of land, of approximately 3.2 hectares in area and is located in countryside to the south side of Breach Lane, Earl Shilton between Breach Farm and Breach Lane Farm. The application site incorporates a roughly oblong shaped piece of land which slopes downward from its frontage with Breach Lane. Access to the site is off Breach Lane, the first part of which is a residential street, which accommodates two-way traffic. Breach Lane then narrows to single track and its character changes from a residential road to a rural road, which serves several properties including the application site. Beyond the access to the application property there are two other properties Breach Lane Farm and Huit Farm respectively. The conditions were recommended by the Highway Authority at the time of the applications in order to reduce the potential for an unacceptable intensification of use of a substandard rural lane.

History:-

98/00044/FUL	Siting of a Residential Caravan for Farm Worker for Temporary period of 12 months	Withdrawn	11.06.98
98/00544/FUL	Erection of Stable Building and Barn and Construction of Access Drive, Manege and Conservation Pond.	Approved	13.08.98
99/00920/FUL	Stationing of Touring Caravan, Erection of Two Field Shelters, Relocation of Manege and Installation Of CCTV Camera and 6 Floodlights.	Approved	16.12.99
00/00672/FUL	Siting of a Residential Mobile Home	Refused	11.10.00
02/01095/FUL	Erection of Stable Block, Boarding Kennels, Poly Tunnels and Disabled Toilet. Extension to Stable to provide Store and Excavation of Pond and	Withdrawn	06.01.02

	Temporary Siting of Mobile Home.		
02/01096/FUL	Variation of Condition 3 of Planning Permission 98/00544/FUL and Condition 8 of Planning Permission 99/00920/FUL.	Withdrawn	18.11.02
02/01322/CONDIT	Variation of Condition 3 of Planning Permission 98/00544/FUL and Condition 8 of Planning Permission 99/00920/FUL.	Withdrawn	11.12.02
03/01081/CONDIT	Variation of Condition 3 of Planning Permission 98/00544/FUL and Condition 8 of Planning Permission 99/00920/FUL to Remove the Limitation of Personal Conditions.	Refused	03.12.03
03/01102/FUL	Erection of Stable Block, Boarding Kennels, Poly Tunnels and Disabled Toilet. Extension to Stable to provide Store and Excavation of Pond and Temporary Siting of Mobile Home.	Refused	03.12.03
06/01048/FUL	Erection of Implement Store and Stable Block.	Approved	13.11.06

Consultations:-

No objections have been received from:-

Earl Shilton Town Council
Head of Community Services (Pollution)
Head of Community Services (Land Drainage).

No objections have been received subject to conditions from Director of Highways, Transportation and Waste Management (Highways).

Director of Community Services (Ecology) requests that further contact be made if ecology of the site is likely to be affected.

No response has been received at the time of writing this report from neighbours or site notice.

Development Plan Policies:-

BE1 - Design and Siting
NE5 - Development in the Countryside
T5 - Highway Design and Vehicle Parking Standards.

Appraisal:-

The application site is still accessed from the west along Breach Lane at the present time, which was previously considered inadequate by the Highways Authority for commercial use due to the larger volumes of traffic that could potentially be associated with such use. If the personal conditions attached to the previous planning permissions are removed this could still lead to an increase in vehicle trips to the site, however, the construction of the E/S By Pass and construction of a new farm access from the by-pass to the site will change this arrangement in the foreseeable future when the by pass becomes operational. In addition, the rural character of this area will change with the construction of the by-pass and the traffic that will use it. A recent planning permission for stables and a manege with no personal

use restriction has been approved on the adjacent farm, which, proposes similar access from the by-pass and new farm access.

Notwithstanding the previous recommendations and the previously refused application in 2003. the Highway Authority acknowledge that the access arrangements will change in the foreseeable future with the western end of Breach Lane being severed, that the number of stables on the application site will only be likely to give rise to a very modest/non-material increase in turning vehicles onto and off the by-pass and therefore does not consider that there are sustainable reasons to refuse this application. However, the Highway Authority may seek to resist any further traffic generating development at this site and others served by the new farm access off the by-pass in the future in the interests of highway safety. This advice should be included as a note to applicant.

The vehicular access gates already exist and open inwardly, therefore the recommended condition is not considered necessary.

The application does not involve any development that would affect ecology on or around the site, it widens the potential use of what already exists.

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 not materially alter the character of the lane nor be detrimental to highway safety due to the provision of an alternative access from the future Earl Shilton By-Pass and would therefore be in accordance with the development plan.

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

In pursuance of its powers under the Town and Country Planning Act 1990, the Hinckley and Bosworth Borough Council grants permission for the carrying out of the development referred to in Part I hereof in accordance with the application form and plans submitted, subject to the following conditions:-

1. This permission relates solely to the removal of Condition 3 of planning permission 98/00544/FUL, Condition 8 of planning permission 99/00920/FUL and Condition 4 of planning permission 06/01048/FUL and in all other respects shall be subject to the conditions imposed under those permissions.

The reasons for the conditions are:-

1. To define the terms of this permission and to ensure that the general requirements for the developments remain applicable.

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 The applicant is advised that whilst no objection has been raised to this application, the Highway Authority may seek to resist any future development that may generate additional traffic movements at this site and others, served from the new by-pass junction, in the interests of highway safety.

Contact Officer:- Richard Wright Ext 5894