

DELEGATED REPORT

Reference:- 13/00030/FUL

Parish:- Twycross Parish Council

**Applicant:- Mrs Melanie Cook
Winnowing Barn
Main Street
Orton On The Hill
Atherstone**

Location:- Winnowing Barn Main Street Orton On The Hill

Proposal:- Change of use of land from agricultural to equestrian use and the formation of a ménage

Introduction:-

Full planning permission is sought for the change of use from agricultural to equestrian use and the formation of a ménage.

The land is currently in an agricultural use, despite the location of stables (already consented) within it and other associated shelters and structures and seeks to be converted to an equestrian use.

Permission is also sought for the formation of a ménage measuring 60 metres in length by 20 metres in width located to the east of the stables, adjacent to a ditch running to the east of the periphery of this site.

The ménage is proposed to be enclosed by 1.5 metre high post and rail timber fencing, complete with a timber gate.

Following concerns raised by officers the applicant has provided a statement to confirm the following:-

- The proposed riding surface will Flexiride mixed with sand.
- The proposed surface of the ménage will be porous, allowing water to drain away without adding any additional run-off into the existing drainage system. The ditches all flow to the nearby brook so there is no additional risk of local flooding.
- The construction of the ménage will be cut and fill and spoil removed by cutting into the slope will be used to build up the lower levels. The amount of ground works required is not significant and will not have any detrimental affect on the open nature of the countryside.
- The only proposed planting at this stage is to grass seed the disturbed ground.

Land levels rise from the south east of the site to the north west and there are the presence of mature tree specimens on site.

The site is located outside of the settlement boundary, but within Orton on the Hill Conservation Area, as defined by the adopted Hinckley and Bosworth Local Plan (2001).

The application is not accompanied by any technical documentation but a statement to confirm that the ménage is for personal use only.

Relevant Planning History:-

12/00312/S	Running equestrian/livery business from land/stables	Pending	
12/00988/FUL	Change of use of land from agricultural to equestrian use and formation of ménage	Withdrawn	09.01.13
06/00447/FUL	Erection of 4 no. stables and hay store	Approved	14.09.06

Consultations:-

No objections from:-

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

3 letters of objection have been received raising the following concerns:-

- a) Detriment to the Conservation Area;
- b) Contrary to the development plan;
- c) Intrusion into the countryside;
- d) Will be used commercially is for business purposes;
- e) Equestrian business already being ran unauthorised – Trafford Eventing;
- f) This application is to expand the existing business;
- g) Smells, dust and fumes - excess usage of the area as a ménage would cause an un-pleasant smell and fumes – may be detriment to my business;
- h) Inadequate access -the access in and out is already tight and this will cause further obstruction to the highway, and could prevent access and egress from other residences;
- i) Interference with adjacent property; disruption to peace and privacy;
- j) Loss of privacy;
- k) Traffic/parking; increased equestrian traffic resulting from clients stabling and attending the premises and use on street parking which may prevent being able to access and egress our property;
- l) Increased traffic both vehicular and pedestrian would pass adjacent to our home
- m) Human Rights Act provides us with a right to privacy;
- n) On a site adjoining my land, the applicants have located a caravan, and planted trees right on my boundary causing a loss of view;
- o) Excessive foul language of the female owner when she is angry with the animals;
- p) Residents have breached previously planning permissions and could happen again; condition 7 of app ref: 06/00447/FUL has not been adhered to and should be investigated.

Councillor Morrell raises the following objections:-

- a) The ménage is too close to the boundary of a neighbour and the water that will be draining off this development will not be confined to the applicants field but will drain almost immediately into the neighbours ditch which will be unable to take the excess water produced by the development making her land even more flooded than it already is.
- b) The development is going to have to be level and therefore significant amounts of ground work are going to have to take place which will destroy the natural undulating environment and cause a major intrusion in the open countryside.
- c) A neighbour and their family have suffered numerous incursions into there privacy which the police have been involved, putting a development so close to her boundary is only going to acerbate the situation and given the fact that the development could easily be moved at no detriment to the applicant it seems highly un-neighbourly not to do so.

Development Plan Policies:-

Central Government Guidance

The National Planning Policy Framework (NPPF)

Local Plan 2006-2026: Core Strategy 2009

None relevant

Hinckley & Bosworth Local Plan (2001)

Policy NE5: Development in the Countryside
Policy BE7: Development in Conservation Areas
Policy BE1: Design and Siting of Development

Supplementary Planning Guidance/Documents

None relevant

Other Material Policy Guidance

Orton on the Hill Conservation Area Assessment

Appraisal:-

The main considerations with regards to this application are the principle of development impact upon the countryside, impact upon the Conservation Area, impact upon residential amenity and drainage and floodrisk.

Principle of Development

The overarching principle of the NPPF is to protect the countryside but to allow sustainable development where appropriate. The NPPF states that there are three dimensions to sustainable development:- economic, social; and environmental.

The NPPF recognises the intrinsic character and beauty of the countryside and aims to support thriving rural communities within it.

The site is located outside of development limits, and therefore falls to be considered against Policy NE5 of the Local Plan. Policy NE5 of the Local Plan is supportive of sport and recreational uses in the countryside, providing that it does not result in any material harm to the existing character of the landscape. This policy affords only limited weight in consideration of the application.

The site already has an element of equestrian use in the sense that consent has been granted for the erection of stables.

It is considered that whilst a change of use is not required for the grazing of horses, than the site in question has been used for the keeping of horses and associated activities such as riding in the past and this application would regularise the use of this field.

In respect of the ménage it is considered that is for a private equestrian recreation use and it is on this basis that it is considered a suitable use in the open countryside and therefore the principle of this development is considered acceptable in this rural location.

Impact upon the Countryside and the Character and Appearance of the Conservation Area

The proposal is located within Orton on the Hill Conservation Area. It is a statutory requirement that any new development should at least preserve the character of the Conservation Area.

Section 72 (1) of the Planning (Listed Buildings and Conservation Area) Act 1990 provides that where an area is designated as a conservation area "...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area" in the exercise of any of the provisions of the Planning Acts. This statutory requirement is reflected within Local Plan Policy BE7 which is also consistent with the intentions of the NPPF and as such this policy remains a relevant consideration in the determination of this application. In addition, Saved Policy BE1 (criteria a) is considered to be consistent with the NPPF and as such should be given weight in consideration of this application.

Paragraph 17 of the NPPF also states that planning should recognise the intrinsic character and beauty of the countryside and supporting thriving rural communities within it, and paragraph 109 states that the planning

system should protect and enhance valued landscapes.

Notwithstanding the policy conflict between the NPPF and Policy NE5, the design criteria i-iv remain generally relevant to development within the countryside and are similar to those requirements of Saved Policy BE1. Saved Policy BE1 (criteria a) of the Local Plan requires development to compliment or enhance the character of the surrounding area with regard to scale, layout, mass and design.

The ménage has been sited to the east of the existing stables adjacent to a ditch running to the east of the periphery of this site and the site is bordered to the south east by mature woodland planting.

It is considered that the ménage has been sited as to best utilise the existing landscaping screening features to the south east of the site, and is located in close proximity to the existing stables.

Within the exception of the fencing, the ménage itself is low level in nature and post and rail fencing is considered characteristic within a countryside setting. It is however considered that there are changes in levels on the site and that there will be an element of cutting in to the land and building up to the east which at most would be approximately 0.5 metres.

As such despite the changes in levels on the site it is not considered that the ménage would be visually prominent within this countryside setting owing to just 0.5 metre of building up and the mature planting to the south and east of the site.

By virtue of the siting, scale and use of materials, as discussed earlier in the report, combined with the proposed fencing it considered that the proposal would preserve the character and appearance of the Conservation Area.

Impact upon Residential Amenity

Criterion i) of Saved Policy BE1 states that planning permission will be granted where the development does not adversely affect the occupiers of neighbouring properties, this policy is considered to have limited conflict with the intentions of the NPPF and as such should be given weight in consideration of this application.

Whilst located outside development limits the site is located close to recreational/sport and residential uses. The ménage is sited at some 90 metres from the nearest residential property located along Main Street and is screened by existing stables and planting.

There is the potential for the ménage to be directly viewed from No. 10 Main Street given its relationship with the property, but that the ménage is located some 110 metres away which sufficient enough to ensure that there was not any significant material impacts upon the occupiers of this dwelling and the right to a view is not a material planning consideration.

In respect of the level of comings and goings into the site given that the ménage is intended for personal use this should not be relevant to the determination of significantly detrimental to this application.

In summary, the proposal is considered to have minimal impacts upon amenity of neighbouring residents.

Drainage and Flood Risk

Concerns have been raised by a local Councillor in respect of drainage and flood risk.

During the course of the application the applicant has confirmed that the proposed surface of the ménage will be porous, allowing water to drain away without adding any additional run-off into the existing drainage system and that the ditches all flow to the nearby brook so there is no additional risk of local flooding.

The scheme has been considered by the Head of Community Services (Land Drainage) who has confirmed that the creation of a riding ménage on former grassland does not usually result in added flood risk – partly because the ménage area is quite small in relation to the surrounding agricultural land, but mainly because the runoff characteristics of a ménage or sand arena is little different from a meadow. A more significant influence on surface drainage would be a change from pasture to arable, rather than pasture to a riding ménage. Also, a

heavily used paddock (if that is the present use of the site) is normally very compacted and not at all permeable, thereby promoting rapid surface water runoff.

In summary, the proposal is considered to have minimal impacts upon floodrisk over and above that of the existing situation.

Other Matters

The potential breaches of conditions and the fact that the stables are being ran as a business are not for consideration in the determination of this application and are being investigated by the Council's Enforcement Team.

It is considered necessary, as it would in any other application of this type to restrict the use of the ménage for personal use by the applicant and their family.

Conclusion

In conclusion, private equestrian recreation uses are considered a suitable use in the open countryside and therefore the principle of this development is considered acceptable in this rural location. The scheme is not considered to result in any significant material impacts upon this countryside setting, impact upon the amenities of the occupiers of nearby residents, drainage and flood risk and is considered to preserve the character and appearance of the Conservation Area. Accordingly it is therefore recommended for approval subject to the imposition of planning 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 according to their degree of consistency with the National Planning Policy Framework, 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 it is considered an acceptable use in the countryside and the use and ménage would not be detrimental to visual or residential amenity, the surrounding countryside or drainage or floodrisk and would preserve the character of the Orton on the Hill Conservation Area.

Hinckley and Bosworth Local Plan (2001):- Policies NE5 (i-iii) BE1 (i), BE7

In dealing with the application, the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

- 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 following details: Location Plan drawing no. 232/01B; Site Plan and Section drawing no. 232/02; Construction Details drawing no. MPL/STANDARD/01 Rev A received by the Local Planning Authority on 17 January 2013.
- 3 The use of the land hereby permitted and shown edged in red on the submitted location plan (Dwg No. 1232/01B dated Nov 12 and received on 17 January 2013), including the ménage, shall be for the personal use of the owner/occupiers of Wincrowing Barn and their immediate family only. The land shall not be used in connection with any riding school, livery/riding school or any other business or commercial use.

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 to accord with Policy BE1 (criterion i) 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 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).

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