DELEGATED REPORT

Recommendation Made: 19 May 2008

Reference:- 08/00322/FUL **Parish:-** Cadeby Parish Council

Applicant:- Mr And Mrs A Sutton
56 Oak Road
Desford

Location:- Land Off Brascote Lane Cadeby Leicestershire

Proposal:- CREATION OF MANEGE FACILITY

Introduction:-

This is a resubmission of an application for the creation of a manege off Brascote Lane, Cadeby. The proposed menage is smaller than the previous application and is located in the north western corner of the site.

The site contains existing stables buildings.

Consultations:-

Director of Highways Transportation and Waste Managment: no objections
Head of Community Services (Pollution): no objections subject to condition
Head of Community Services (Land Drainage): no objections
Historic and Natural Environment (Archaeology) no objections.
Environment Agency: comments from previous application state that a greater crested newt and badger survey should be required

Development Plan Policies:-

The site is located outside of the settlement boundary of Cadeby in the countryside.

Policy BE1 seeks to ensure a high standard of design in order 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; avoids the loss of open spaces and features which contribute to the quality of the local environment; has regard to the safety and security of individuals and property; incorporates landscaping to a high standard where this would add to the quality of the design and siting; ensures adequate highway visibility for road users and adequate off street parking and manoeuvring facilities; does not adversely affect the occupiers of neighbouring properties.

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 either: important to the local economy and cannot be provided within or adjacent to an existing settlement; is for the change of use, re-use or extension of existing buildings; 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.

Appraisal:-

The site is well screened by existing boundary hedges. The creation of a manege is not considered to have an unduly detrimental impact on the appearance or character of the landscape. The previous application was withdrawn due to highway objections, these has now been overcome.

The proposal will have no impact on any residential properties and will be limited to personal use therefore is unlikely to generate traffic that would be detrimental to this rural locality or impair road safety. Only the existing vehicular access is to be used.

With regard to the requirement for an ecological survey, this would seem to be onerous in connection with the creation of a manege and it is suggested that no condition be imposed.

With regard to the stables within the site, They appear to have been on site for some time, there is no evidence of any commercial use being operated from the site. There are no outstanding enforcement complaints for this site.

RECOMMENDATION :- Permit subject to the following conditions :-

SUMMARY OF DECISION - The proposal is in conformity with Policy/Policies BE1 and NE5 of the Hinckley and Bosworth Local Plan. Planning permission is granted subject to conditions.

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 No horse manure or other waste materials shall be burnt on the site at any time.

3 The manege hereby permitted shall only be used in connection with the Applicant's own livestock and no livery/riding school nor other business nor commercial use is permitted

4 The development hereby permitted shall not commence until drainage works for the disposal of surface water has been carried out in accordance with the details to be submitted to and approved in writing by the Local Planning Authority.

5 Before any development commences, details of the types and colours of materials to be used on the fencing and surfacing of the manege shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

Reasons :-

1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2 To safeguard the amenities of the locality to accord with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

3 To define the permission and the potential traffic generated by a more intensive livery / commercial use could be inappropriate due to the turning traffic onto and off Newbold Road creating additional dangers for road users.

4 To avoid water pollution.

5 To ensure that the development has a satisfactory external appearance to accord with policy BE1 and NE5 of the adopted Hinckley & Bosworth Local Plan.

Notes to Applicant:-

1 Bats, badgers, 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 The applicant is advised that there does not appear to be any formal planning permission for the equestrian use nor the existing stables blocks erected on the land. Whilst the Local Planning Authority accept that the buildings may be immune from enforcement action, there is no evidence that they have been previously used for any livery or commercial use. As such, the buildings may be acceptable for the personal use of the applicant but any attempt to use them for livery/commercial purposes would require planning permission and is likely to be resisted by the Local Planning Authority.

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