DELEGATED REPORT

Recommendation Made: 17 May 2010

Reference:- 10/00178/COU **Parish:- Peckleton Parish Council**

Applicant:- Mr And Mrs J Hooton
44 Marigold Drive
Burbage
Hinckley
Leicestershire

Location:- Chestnuts Desford Lane Kirkby Mallory Leicestershire

Proposal:- ERECTION OF STABLE BUILDING, CREATION OF MANEGE AND CHANGE OF USE OF RESIDENTIAL GARAGE TO MEETING ROOM/CLASSROOM

Introduction:-

This application seeks full planning permission for the erection of stables, creation of a manege and the change of use of a domestic garage to a meeting room/classroom in connection with a proposed equine related learning facility at 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 eight stables (including 6 for personal use and 2 with full livery), a tack room and food store; 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 change of use of a domestic garage to a meeting room/classroom involving the replacement of the garage door with a window and matching brick infill and the creation of a new drive to provide access, parking and turning space.

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 vehicular 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 together with a supporting statement regarding the proposed equine related learning activities have been submitted in support of the application. The Design and Access Statement concludes that the proposal represents a modest, integrated, sustainable and sensitive recreational development and valuable resource within the Borough and 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. The statement in respect of the equine facilitated learning activities outlines the aims and objectives of the learning programs to be offered.

History:-

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)
Environment Agency
Head of Community Services (Pollution)
Head of Community Services (Land Drainage)

No objection subject to conditions has been received from Director of Environment and Transport (Ecology)

Director of Environment and Transport (Highways) recommends refusal of the application on highway safety grounds.

Site notice displayed and neighbours notified, 1 letter received querying the type of classroom and how many vehicles will be using the narrow single track lane and how often, as it is a very popular walking area for residents of Kirkby Mallory.

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

Peckleton Parish Council
Ramblers Association.

Development Plan Policies:-

Central Government Guidance

Planning Policy Statement 1 (PPS1): 'Delivering Sustainable Development' in paragraph 27, states that planning authorities should seek to focus developments that attract a large number of people, including leisure developments, in existing centres to promote their vitality and viability, reduce the need to travel and encourage the use of public transport to promote more sustainable patterns of development.

Planning Policy Statement 7 (PPS7): 'Sustainable Development in Rural Areas' outlines the Government's objectives for rural areas. Paragraph 1 advises that all development in rural areas should be well designed and inclusive, in keeping and scale with its location and sensitive to the character of the countryside. Paragraph 5 encourages planning authorities to support a wide range of economic activities in rural areas. Paragraph 6 supports mixed and multi-purpose uses that maintain community vitality and the provision of small scale local facilities to meet community needs within or adjacent to existing settlements. Paragraph 15 encourages facilitating sustainable development that makes the most of new leisure and recreational opportunities that require a countryside setting, whilst protecting the quality and character of the wider countryside. Paragraph 16 encourages the support of countryside based enterprises that contribute to rural economies and/or promote recreation in and the enjoyment of the countryside whilst taking into account the need to protect natural resources and conserve specific sites of landscape and wildlife value. Paragraph 32 recognises that horse riding and other equestrian activities are popular forms of recreation in the countryside that can help to diversify rural economies and supports equine enterprises that maintain environmental quality and countryside character. Paragraph 34 supports sustainable rural leisure developments that benefit rural businesses and communities which do not harm the character of the countryside and that in areas statutorily designated for their landscape and/or nature conservation there will be scope for leisure related developments subject to appropriate control over their number, form and location to ensure particular features that justified the designation are conserved.

Planning Policy Statement 9 (PPS9): 'Biodiversity and Geological Conservation' includes the broad aim that development should have minimal impacts on biodiversity and enhance it where possible.

Planning Policy Guidance 13 (PPG13): 'Transport' sets out the Governments national transport policy for new development. The objectives of the PPS include the promotion of accessibility to all facilities and services by public transport, walking and cycling and to reduce the need to travel especially by car although recognising that this may be less achievable in some rural areas.

Regional Policy

The East Midlands Regional Plan (2009) provides a broad development strategy for the East Midlands up to 2026. Policy 2 promotes better design. Policy 3 relates to the distribution of new development and recognises that the needs of rural areas should be provided for with priority given to making the best use of previously developed land in sustainable locations. Policy 24 promotes the continued diversification and further development of the rural economy where this is consistent with a sustainable pattern of development and the environmentally sound management of the countryside. Policy 43 seeks to reduce the need to travel and promotes a modal shift away from the private car to more sustainable means of transport.

Local Policy

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

Spatial Objective 1 seeks to strengthen and diversify the economy by providing sufficient, sustainably located good quality premises to encourage appropriate sectors with growth potential. Spatial Objective 3 seeks to ensure rural communities have access to a range of facilities and services to support, enhance and improve the sustainability, vibrancy and vitality of rural areas. Spatial Objective 13 seeks to reduce the high reliance on car travel in the borough through improvements to public transport infrastructure and facilities that promote walking and cycling and the use of travel plans.

Hinckley and Bosworth Local Plan (2001)

The site is located in the countryside outside any settlement boundary.

Policy BE1 seeks to ensure a high standard of design in order to secure attractive development and to safeguard and enhance the existing environment. Development should complement or enhance the character of the surrounding area with regard to scale, layout, mass, design and materials; avoid the loss of features that contribute to the quality of the local environment; incorporate landscaping to a high standard where this would add to the quality of the design and siting; ensure adequate highway visibility for road users and adequate provision for off-street parking together with turning facilities and should not adversely affect the occupiers of neighbouring properties.

Policy REC9 states that proposals in the countryside should have regard to improving access to the countryside for vulnerable groups including disabled people and promote horse riding as a safe and convenient means of access to the countryside.

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, or, is for the change of use 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.

Policy NE7 states that where development is permitted on sites of significance in respect of their flora or fauna or semi-natural woodland, where appropriate, conditions will be imposed to minimise disturbance and conserve its features of natural conservation or ecological interest..

Policy NE12 requires development to take into account the existing landscaping features of the site and make provision for further landscaping where appropriate.

Policy NE14 requires satisfactory arrangements to be made for surface and foul water disposal to protect water quality and ecology of watercourses and groundwater resources.

Policy T5 refers to the application of appropriate standards for highway design and parking targets for new developments unless a different level of provision can be justified.

Appraisal:-

The main considerations with regards to this application are the principle of development in this rural location 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

Whilst PPS1 seeks to focus developments in existing centres to reduce the need to travel and encourages the use of public transport to promote more sustainable patterns of development, PPS7 supports the provision of small scale local facilities to meet community needs within or adjacent to existing settlements and recognises that horse riding and other equine enterprises and activities are popular forms of recreation in the countryside that can help to diversify rural economies. In this case, the proposed development is considered to be a relatively low-key recreational/leisure based equine operation that would normally be acceptable in a rural location and includes the provision a community type service that could benefit various groups as supported by policy REC9 of the adopted Local Plan. Overall and on balance, the proposals are considered to be acceptable in principle in this case, subject to there being no adverse impact on the highway network or highway safety.

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 intrude into the landscape to some extent. The proposed stable building would replace an existing redundant chicken shed on a similar footprint and with a ridge height of only 0.5 metres higher (3.7 metres) than the existing building. It would be constructed of timber materials and 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. The change of use of the existing garage to a meeting room/classroom involves minor alterations to the external appearance of the garage. The proposed small parking and turning area would also be located behind the existing mature hedge fronting Desford Lane and would be well screened. 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 in visual terms.

Accessibility and Impact on Highway Safety

Access to the site is via a single track rural lane from either Kirkby Mallory or Peckleton. Access to the site from Desford Lane would be via an existing field access with hedgerow boundaries either side. Visibility from the access is currently restricted in both directions. There are a small number of isolated dwellings served by the lanes and as such traffic levels are currently relatively low. The lane is also used by horse riders, cyclists and pedestrians. Whilst only eight stables are proposed, including six for personal use and two with full livery, the proposed development is likely to increase the use of the lanes by vehicular traffic. The Design and Access Statement anticipates that because of the specific nature of the applicant's proposed operation, a maximum of 2 to 3 vehicles will visit the site at any one time.

The Director of Environment and Transport (Highways) considers Desford Lane to be poor in terms of its geometry and visibility at bends, and to lack appropriate width for vehicles to pass each other along the majority of its length. Notwithstanding the applicant's specific intentions in respect of the use of the site, the Highway Authority raises concerns regarding the potential increase in vehicular traffic using Desford Lane if no control over the specific 'therapeutic' nature of the proposed use could be imposed by appropriately worded conditions and the site could potentially be used more widely for livery and

general horse riding purposes. A personal condition would not achieve the Highway Authority's desired control to restrict the numbers of comings and goings to the site, nor could a condition controlling the number of vehicles be reasonably enforced. As a result the Highway Authority consider that the proposal, if permitted could result in an increase in vehicles using Desford Lane, which would not be in the best interests of highway safety and therefore recommends refusal of the application on that basis.

Biodiversity and 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 and mitigations in the report.

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 existing development within the site and site characteristics. However, in the absence of any suitable traffic control over the proposed specific uses of the site, the Highway Authority recommend refusal of the application on highway safety grounds due to the potential increase in vehicular traffic using rural lanes with inadequate width and visibility that an unrestricted equine based use could generate.

RECOMMENDATION:- REFUSE, for the following reason:-

1 The proposal, if permitted, could result in an increase in vehicular traffic travelling to and from the site using Desford Lane, which has poor geometry and visibility at bends, and lacks appropriate width for vehicles to pass each other for the majority of its length. Such an increase in traffic could result in additional dangers to road users and would, therefore, not be in the best interests of highway safety. The proposed development is, therefore, contrary to: Planning Policy Statement 1; Planning Policy Statement 7; Planning Policy Guidance Note 13; policies 1, 2 and 43 of the East Midlands Regional Plan (2009); policies BE1, NE5 and T5 of the adopted Hinckley and Bosworth Local Plan and Leicestershire County Council's highway design guidance document 'Highways, transportation and development'.

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