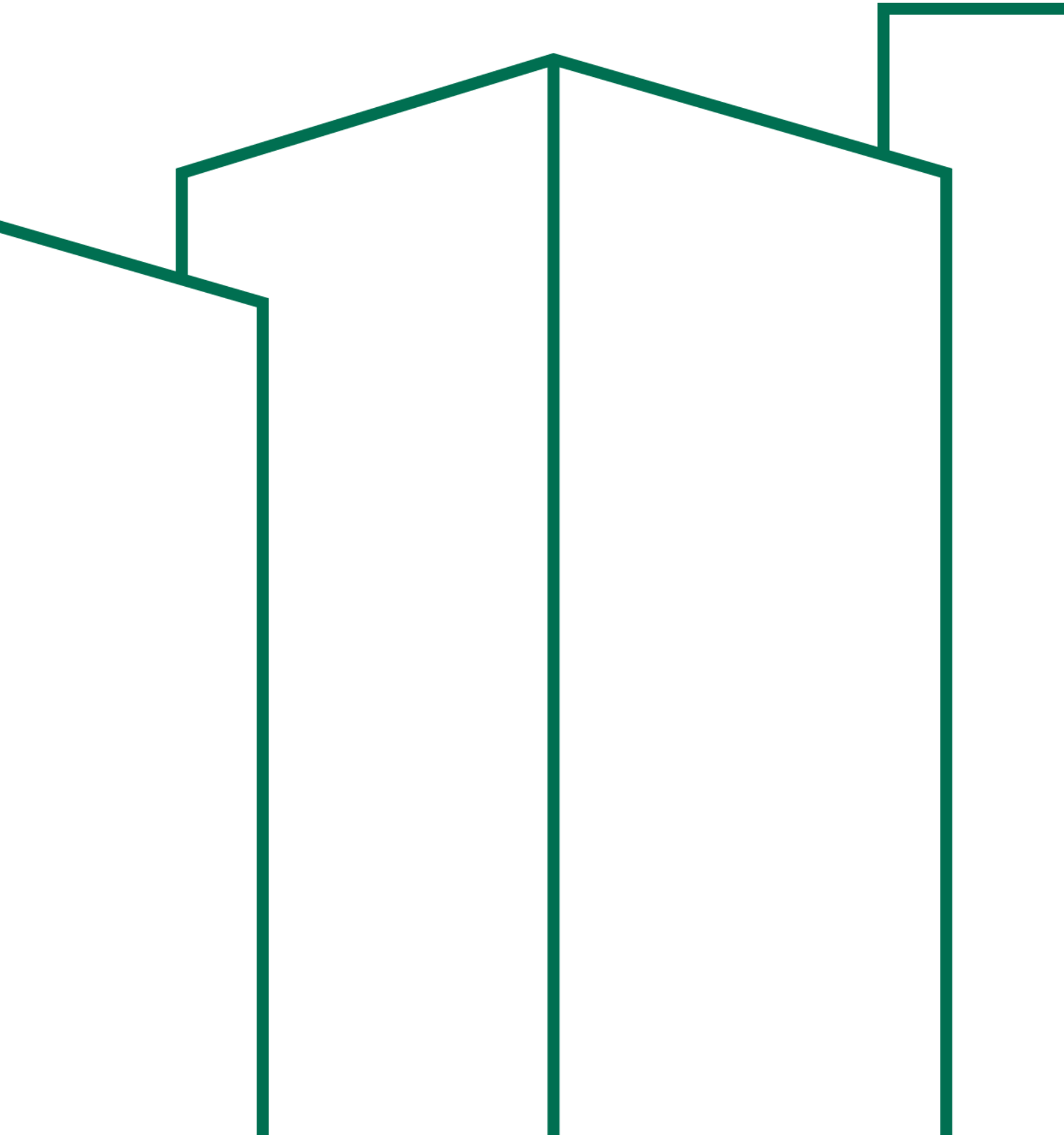


PLANNING STATEMENT

Willow Farm
Thornton Lane
Stanton under Bardon
Leicester
LE67 9TU

Change of use of agricultural land to equestrian
and retention of outdoor riding menage



INTRODUCTION

- 1.1 This Planning Statement has been prepared to accompany a planning application submitted to Hinckley and Bosworth Borough Council on behalf of the applicants Mr and Mrs Wright.
- 1.2 The application seeks retrospective planning permission for the change of use of agricultural land to equestrian use and the construction of a menage.
- 1.3 This application will run alongside 2no. separate Lawful Development Certificate Applications on the basis that the bungalow at Willow Farm, has been occupied without complying with the restrictive occupancy condition for a period in excess of 10 years. The second Lawful Development Certificate application has been submitted to demonstrate that the use of the former agricultural buildings at the site have been used for a continuous period in excesses of 10 years as stabling and equine storage associated with the applicants livery stabling enterprise.
- 1.4 The owners of Willow Farm bungalow are the owners of the former agricultural buildings to the south east, which have been used in association with their equine business and livery yard providing stabling facilities on a commercial basis.
- 1.5 Mr and Mrs Wright occupied the property in 1987 which at the time, they were milking cows as part of an agricultural enterprise. Mr and Mrs Wright then ceased dairy farming in 2001 for financial reasons after the Foot and Mouth epidemic. The livery business then commenced in 2003 with 4 liveries and then grew steadily having 17 stables altogether. The farm was used as a

dairy/stock farm until 2002 with a subsequent 98 acres of the applicants' land put into the National Forest Scheme in 2003/04.

- 1.6 It is therefore the case that the occupation of the property at Willow Farm by someone not solely or mainly employed, or last employed locally in agriculture or forestry is lawful with the former agricultural buildings associated with the livery stabling business operated by the applicants, Mr and Mrs Wright. The menage this application relates to has been used by the associated livery stabling business at the site in excess of 10 years.
- 1.7 The dated aerial photographs below show the all weather riding menage, along with other evidence of the buildings being used in association with a livery yard with clear evidence of horse boxes and trailers parked within the site, along with the surrounding fields clearly separated into different sections with horses associated with the stables grazing the land. As shown on the dated photographs below, this has been the case for a substantial continuous period of time.

2006



2011



2015



2016



2018



2020



2021



2022



2023



The Application Site and its Surroundings

- 1.8 The application site is located on the north western side of Thornton Lane, accessed via a private track. The site is located within open countryside, outside of a defined settlement boundary.
- 1.9 The application site consists of a range of former agricultural buildings to the east of the existing bungalow at Willow Farm. Adjacent to the bungalow is former cattle shed measuring some 36.5 metres in length and 12 metres in depth. This now contains stabling for up to 14 horses. There is a smaller building with a further 5 stables to the east of the former cattle shed. Centrally located is a small wooden stable block and tack room that backs onto the house paddock.

1.10 There is an additional former cattle shed approximately 24.5 metres in length and 12 metres in width used for equipment storage which is further to the east adjacent to the riding menage of which this application seeks to regularise. A former cubicle house is situated to the north, originally used to house 80 cows, which has been used for the storage of hay and bedding for the horses, used by tenants using the stabling livery. To the far east of the application site is a 23 metre by 45 metre all weather riding arena, which this application specifically relates.

1.11 The site is located within open countryside but is not within the Green Belt. The land is not the subject of any statutory or non-statutory landscape designation. The site is outside a Conservation Area and is not close to any designated heritage assets.

The Proposals

1.12 This application principally seeks planning consent for the change of use of agricultural land for equestrian use and the retention of an outdoor riding menage.

1.13 To the far east of the existing former agricultural buildings used as stabling and hay/equipment storage is where the outdoor riding menage is sited. The menage measures some 23 metres by 45 metres and is constructed in fine grade washed silica sand and Fibresand.

Planning History

- 1.11 A review of the publicly available records held by Hinckley, and Bosworth Borough Council has been undertaken to determine the relevant planning history relating to the site.
- 1.12 Planning Permission was granted in 1986 for the erection of an agricultural bungalow (reference 86/00100/4), and a subsequent permission granted for extensions to the bungalow (reference 93/00686/4). There has been no other recent or relevant planning applications at the site.

2.0 PLANNING POLICY

National Planning Policy Framework

- 2.1 Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. Three **"overarching objectives"** to achieving sustainable development in a planning context are set out in Paragraph 8; economic, social, and environmental.
- 2.2 At the heart of the Framework is a **"presumption in favour of sustainable development"**.
- 2.3 Paragraph 84 states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. It encourages the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings; and the promotion of the development and diversification of agricultural and other land-based rural businesses.
- 2.4 Section 12 seeks to achieve good design and sets out that the Government attaches great importance to the design of the built environment (paragraph 126). Paragraph 130 provides greater detail as to the Government's expectations for development and includes the aim that developments will function well and add to the overall quality of the area.

Core Strategy Development Plan Document

- 2.5 The Core Strategy is the key Development Plan Document for the borough. The Strategy relates to the period 2006-2026. It was adopted on 15 December 2009. It is considered that there are no policies contained within this document that are relevant to this application.

Site Allocations and Development Management Policies DPD

- 2.6 The DPD forms part of the Local Plan 2006 – 2026. It was adopted on 12 July 2016. The following policies are considered to be relevant to the determination of this application: -

- Policy DM1: Presumption in Favour of Sustainable Development
- Policy DM4: Safeguarding the Countryside and Settlement Separation
- Policy DM10: Development and Design
- Policy DM17: Highways and Transportation
- Policy DM18: Vehicle Parking Standards

3.0 PLANNING CONSIDERATIONS

Principle of Development

- 3.1 Planning applications are determined in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that they are determined in accordance with the Development Plan, unless material considerations indicate otherwise.
- 3.2 Paragraph 81 of the Framework states that planning decisions should help to create the conditions in which businesses can invest, expand, and adapt. It reads on to state that **“significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.”**
- 3.3 Paragraph 84 states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. It encourages the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings; and the promotion of the development and diversification of agricultural and other land-based rural businesses.
- 3.4 The application site is located outside of a defined settlement boundary and is therefore considered to be located within the countryside, thus not regarded as a sustainable location for new development. However, Policy DM4 of the SADMP considers development in the countryside sustainable in certain circumstances, of which is particularly relevant to this application,

including when it is for outdoor sport or recreation purposes when it can be demonstrated that the proposed scheme cannot be provided within or adjacent to settlement boundaries, and the proposal involves the change of use, re-use or extension of existing buildings which lead to the enhancement of the immediate setting.

- 3.5 The application is for the change of use of agricultural land to equine and the retention of the outdoor riding menage, which is acceptable under Policy DM4(a) of the SADMP as it is considered the development is for outdoor sport and recreational purposes. The menage relating to this application is some 230 metres from the entrance of the site from Thornton Lane and is not visible from the highway.
- 3.6 Uses such as equestrian activities are examples of open recreational uses often found in rural areas. The siting of the menage is not unacceptably prominent in any views of the site from the surrounding land. In these circumstances, the menage does not have any injurious effect upon the character of the site or the surrounding area. It is therefore considered that the development respects the character of the surrounding area and the countryside, which is in accordance with Policy DM10 of the SADMP, and the Good Design Guide.
- 3.7 The nearest neighbouring property to the site is over 600 metres to the north of the site. As a result of this, it would not harm the living conditions of neighbouring occupiers with regards to noise and disturbance. The use of the wider site for stabling and grazing of horses is a use that is entirely appropriate to a rural location. Given the site's location, it is considered that

the proposed use would not give rise to any adverse impact in terms of noise and disturbance. Therefore, is considered to be in accordance with Policy DM10 of the SADMP and the Good Design Guide.

3.8 Policy DM17 of the adopted SADMP supports development that would not have any significant adverse impacts on highway safety. As demonstrate through significant evidence as submitted with both Lawful Development Certificates relating to the wider use of the former agricultural buildings as a stabling livery, the use of the site as a livery yard has existed for in excess of 10 years continuously. Therefore, there are no proposals to amend the existing access arrangements from Thornton Lane, nor will the retrospective nature of the development generate an intensification in the use of the access given the use of the existing buildings at the site has existed for a significant period of time without causing issues to highway safety. The livery business uses the existing lawful access and the level of traffic generated by the scheme will not be significant and its impact on the operation of the local highway network will be negligible. The proposals are in full accordance with the National Planning Policy Framework.

3.9 The existing livery business run by the applicants plays an important economic role of the countryside and wealth of resources it provides. Given the rural nature of Borough, the countryside is hugely important to the character and identity of the area. All efforts should be made to protect the intrinsic value, beauty and open character of the countryside. Development proposals which assist the diversification of the rural economy without detriment to the environment will be supported in principle. Rural enterprise can entail a variety of activities which can all contribute to job creation and

economic growth, including but not exclusively, uses related to agriculture, tourism, business, and community uses. It is considered that the proposals such as those relating to this application which deliver or assist in delivering countryside-based activities, including those that promote recreation, such as equestrian activities should be supported. It is therefore considered that the development accords with National Planning Policy and Policy DM4 of the SADMP.

3.10 Mr and Mrs Wright occupied the bungalow at the site in 1987 which at the time, they were milking cows as part of an agricultural enterprise. Mr and Mrs Wright then ceased dairy farming in 2001 for financial reasons after the Foot and Mouth epidemic. The livery business then commenced in 2003 with 4 liveries and then grew steadily having 17 stables altogether. The farm was used as a dairy/stock farm until 2002 with a subsequent 98 acres of the applicants' land put into the National Forest Scheme in 2003/04.

3.11 Local and National Policy supports the development of new or improved facilities and initiatives which contribute to improved and accessible local health care, the physical and mental wellbeing and safety of the community, including active design and high-quality design which minimises opportunities for crime and antisocial behaviour.

3.12 Being an equine use, the proposal evidently needs to be located within a rural area so to have ready access to land for horses to graze and exercise. Moreover, accommodating this use on an existing urban employment site would compromise the welfare of the horses and would be a less sustainable alternative; removing land from more appropriate employment/industrial

uses where a more central/sustainable location allows for greater movement by public transport.

3.13 Notwithstanding this, Mr and Mrs Wright ceased dairy farming in 2001 for financial reasons after the Foot and Mouth epidemic. The livery business then commenced in 2003 with 4 liveries and then grew steadily having 17 stables altogether. The dated aerial photographs contained earlier within this Statement show the all weather riding menage, along with other evidence of the buildings at the application site being used in association with a livery yard with clear evidence of horse boxes and trailers parked within the site, along with the surrounding fields clearly separated into different sections with horses associated with the stables grazing the land. This is also demonstrated by the following supporting evidence :-

- Photographs (Appendix 1)

3.14 As shown on the dated photographs on pages 4-8 of this Statement, this has been the case for a substantial continuous period of time. The menage this application relates to has been used by the associated livery stabling business at the site in excess of 10 years.

3.15 Section 191(2)(a) provides that for the purposes of the 1990 Act, uses and operations are lawful at any time if “no enforcement action may then be taken in respect of them (whether because they did not involve development or require planning permission or because the time for enforcement action has expired or for any other reason)”. In these circumstances, it is evident

that the menage and change of use of land becomes lawful at the expiry of 10 years; it does not require an application for a Lawful Development Certificate to become lawful. Section 191(1) simply allows any person who wishes to ascertain whether an existing use or operation is lawful to make an application for a certificate. It is therefore considered that the menage is lawful and immune from enforcement action.

4.0 CONCLUSIONS

- 4.1 The application is for the change of use of agricultural land to equine and the retention of the outdoor riding menage, which is acceptable under Policy DM4(a) of the SADMP as it is considered the development is for outdoor sport and recreational purposes.
- 4.2 Paragraph 84 states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. It encourages the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings; and the promotion of the development and diversification of agricultural and other land-based rural businesses. The development has evidently enabled an appropriate business in the countryside to establish and grow. The development is therefore consistent with those policies contained in the Framework and the SADMP that seeks to support sustainable growth and expansion of all types of businesses and enterprise in rural areas.
- 4.3 Uses such as equestrian activities are examples of open recreational uses often found in rural areas. The siting of the menage is not unacceptably prominent in any views of the site from the surrounding land. In these circumstances, the menage does not have any injurious effect upon the character of the site or the surrounding area. It is therefore considered that the development respects the character of the surrounding area and the countryside, which is in accordance with Policy DM10 of the SADMP, and the Good Design Guide.

4.4 The proposed use of the existing access as such it is considered therefore that no harm will be caused to highway or pedestrian safety in compliance with Local Plan Policies DM17 and DM18 of the SADMP.

4.5 In the light of the above circumstances, planning permission should be granted.

JRL/TD/6400

09 August 2023

5.0 APPENDICES

Appendix 1 : Site Photographs

JRL/TD/6400

09 August 2023

Site Photographs

A

P

P

E

N

D

I

X

1















































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PLANNING STATEMENT

Willow Farm
Thornton Lane
Stanton under Bardon
Leicester
LE67 9TU

Our Reference: JRL/TD/6400

Date: 09 August 2023

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