Item: **06**

Reference: **11/00153/COU**

Applicant: **Mrs Margaret Ashby**

Location: **Land At Markfield Lane Thornton**

Proposal: **CHANGE OF USE OF LAND FROM AGRICULTURAL LAND TO MIXED USE OF AGRICULTURAL AND EQUESTRIAN LAND AND ERECTION OF ASSOCIATED BUILDINGS**

Target Date: **31 May 2011**

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as a request for referral to Planning Committee has been received from a Member of the Borough Council.

Application Proposal

This application is for the change of use of land from agricultural to a mixed agricultural/equestrian use, and for the erection of associated buildings. The application is part retrospective, as horses are already grazed on the land and there are existing field shelters. The application has arisen from enforcement investigations.

The existing buildings include four 2.54 metre x 2.45 metre mobile field shelters and two 3.6 metre x 3.6 metre mobile field shelters. Hard standing, a parking area and a roadway have also been installed.

In addition to the above four stables, a hay store and a tack room are also being applied for.

During the site inspection it was noted that there was a small touring caravan on site, however this has not been applied for as part of this application.

The Site and Surrounding Area

The site is situated towards the end of a private track road off Markfield Lane and comprises an agricultural field of 7.5 acres. The field is surrounded by open rolling countryside with the ground falling steeply to the south west. At its southern most point the site bounds Thornton Reservoir. To the north of the site are fields planted with National Forest Trees and to the north west of the site is an equestrian holding and associated built development. South east of the site is farmland. The site is surrounded by native hedgerow. A watercourse runs parallel to the south western boundary of the site.

Internally the site is subdivided by post and rail fencing. To the east of the fence is a hay field, and a hard surfaced track runs adjacent to the central fence. The largest area of hard surfacing, measuring 20 metres x 25 metres and two field shelters are

situated centrally within the ‘Hay’ field and a smaller area of hardstanding and four field shelters are situated in the field adjacent to the track road.

Technical Documents submitted with the application

A Design and Access Statement has been submitted which provides a history of the development of the site and the proposed future development and justification for the solutions provided and the site design. Information is also included on the Eco friendly removal of manure from the site, the use of the caravan and the use of the access track. In addition it is mentioned that the applicant runs a charity for children with cancer which owns two of the ponies and that occasionally children registered with the charity visit and groom these ponies.

A Technical report has been submitted which provides information derived from the Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids, Section 9 (2) (a) of the Environment Act. This includes information on suitable forms of shelter, pasture management and exercise.

Three plans have been provided illustrating the existing and proposed development, landscaping and new tree planting and the position of water courses.

History:-

11/00019/UNBLD Enforcement Enquiry



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Consultations:-

No objections received from:-

The Environment Agency
Severn Trent Water
The Head of Community Services (Pollution).
No objection subject to a Note to Applicant has been received from the Head of Community Services (Drainage).

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

At the time of writing the report no comments have been received from:-

The Ramblers Association
Bagworth and Thornton Parish Council
Site Notice.

Policy:-

Central Government Guidance

Planning Policy Statement 1 (PPS1): 'Delivering Sustainable Development' sets out the overarching planning policies on the delivery of sustainable development through the planning system. Paragraph 5 states that planning should facilitate and promote sustainable and inclusive patterns of rural development by protecting and enhancing the natural environment and the quality and the character of the countryside.

Planning Policy Statement 7 (PPS7): 'Sustainable Development in Rural Areas' sets out the Government's planning policies for rural areas. Paragraph 1 advises that new building development in the open countryside outside existing settlements should be strictly controlled in order to protect the countryside for its intrinsic beauty. Paragraph 32 relates to equine activities, recognising that horse riding and other equestrian activities are popular forms of recreation within the countryside that can fit in well with farming activities and can help diversify rural economies.

Regional Policy - East Midlands Regional Plan 2009

The decision of the Secretary of State for Communities and Local Government ("SoS") on 6 July 2010 to revoke Regional Strategies using powers in section 79 of The Local Democracy, Economic Development and Construction Act 2009 was successfully challenged in the High Court and was quashed in a judgment handed down on 10 November 2010. Following the decision, the SoS has written to local planning authorities stating that the government will introduce the Localism Bill in November containing proposals to abolish Regional Strategies. The government's Chief Planning Officer has also written advising that local planning authorities should still have regard to the SoS's letter of 27 May 2010 and that it should still be regarded as a material consideration. Judgement was recently given in a second challenge by Cala Homes when the Court held that the SoS's intention to reform the planning system by removing regional strategic planning from it is to be taken into account as a material consideration. In relation to the weight to be given to that intention as a material consideration the Court held that `the weight to be given to relevant provisions of Regional Strategies pending the legislative process will be for decision-

makers to gauge. Until the end of that process is reached Regional Strategies will remain in place as part of the development plan.

Local Development Framework Core Strategy 2009

Policy 7: Key Rural Centres

Policy 10: Key Rural Centres within the National Forest supports proposals which contribute to the delivery of the National Forest Strategy and create a new sense of place.

Policy 20: Green Infrastructure seeks to improve access around Thornton Reservoir and provide additional multi-user access routes in conjunction with any recreational /tourism development.

Policy 21:- National Forest seeks to ensure the siting and scale of the proposed development is appropriately related to its setting, the development respects the character and appearance of the wider countryside and that the development does not adversely affect the existing facilities and working landscape of either the Forest or wider countryside.

Hinckley and Bosworth Local Plan 2001

Policy BE1 seeks 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; has regard to the safety and security of individuals and property; ensures adequate highway visibility for road users and adequate off street parking and manoeuvring facilities; is not adversely affected by activities within the vicinity of the site which are likely to cause a nuisance to the occupiers of the proposed development; does not adversely affect the occupiers of neighbouring properties and incorporates landscaping to a high standard.

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 important to the local economy and cannot be provided within or adjacent to an existing settlement 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 NE14 requires satisfactory arrangements to be made for the disposal of foul sewage and surface water.

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

Policy NE21 states that permission will only be granted for built development in the National Forest where development is of a high quality. The design and materials of construction of buildings and the layout and planting of open space between them should reflect the local architecture and the setting of the proposal in the forest.

Policy T5 'Highway Design and Vehicle Parking Standards' refers to the application of appropriate standards for highway design and parking provision for new developments. Leicestershire County Councils document 'Highways, Transportation and Development' provides further highway design guidance.

Appraisal:-

The main considerations in the determination of this application are the principle of development, siting and design, impact on the character of the countryside and National Forest, highways and other considerations. No weight can be given to the fact that elements of this application are retrospective.

Principle of Development

Whilst central government guidance, contained within Planning Policy Statement 7 and Policy NE5 of the adopted Local Plan seeks to protect the character and appearance of the countryside for its own sake and restrict new built development, it is recognised that certain forms of development, including those associated with equine activities, which are land based recreational actives, and require a countryside location are generally acceptable in principle.

Therefore in principle the change of use of the land to a mixed equestrian/agricultural use and the siting of the field shelters and associated hardstanding is considered to be acceptable and will be subject to the general design and siting requirements.

Impacts on the Countryside and National Forest

Originally the land in question would have comprised large fields of open rolling pasture land, enclosed by native hedging. As a result of the existing development which has taken place, the character of the land has changed through its subdivision into smaller paddocks, the creation of areas of hard standing and the siting of field shelters. However this said it is accepted that through the development of land for equestrian activities, some of the original rural character of the site will be eroded. In this case, although the areas of hardstanding are large, their surfacing is of a temporary nature which will become increasingly vegetated over time, and although there may be slight views of them from the reservoir to the south, due to the rolling nature of the land and the vegetation along the southern boundary, the hard surfacing will only be partially visible and will appear against the backdrop of the land. There is no planning control over the sub-division of fields. Accordingly impacts on the character of the countryside are not considered to warrant refusal of the scheme.

In respect of the field shelters and stables, these are of wooden construction and have green steel roofs. They vary in size with the largest being the hay store and single stable. This building has a footprint of 38 metres squared and a maximum height of 3.4 metres. The existing and proposed buildings are clustered around the existing areas of hard standing. Although they will be visible in the landscape, their materials and colouring will aid their assimilation, and due to the sites screening and the lay of the land, they will not be visually prominent from either Markfield Lane or Thornton Reservoir. Further, many of the fields in the surrounding area are used for equestrian activities, and thus the provision of field shelters and stables do not appear as alien structures within the wider setting and are not considered to have a detrimentally harmful impact on the character of the countryside or National Forest.

Policy 21 of the adopted Core Strategy requires landscaping proposals to accompany new developments. Due to the density of the hedgerow surrounding the site, and the low heights of the development in question, it is considered that the development will be effectively screened within the National Forest and that no further landscaping proposals are required as part of the proposed development.

In respect of the caravan, this is small and of a temporary nature. Accordingly this is considered to be ancillary to the activities conducted on land and will have minimal impacts on the character of the countryside. Therefore it is considered acceptable.

Siting and Design

The field shelters and stables have been grouped together in two clusters positioned centrally in the two paddocks nearest to the access track. This reduces further encroachment into the open undeveloped countryside and thus the siting of the buildings is considered acceptable. In respect of the design of the buildings, they are of typical stable design, size and material and are of an appropriate scale for the size of the development and number of animals on site. Accordingly they will not appear out of place within the countryside and are considered acceptable.

Highways

The sites access and parking provision is existing and both are considered adequate for the development in question. The Director of Environment and Transport (Highways) has requested a condition restricting the site to personal use only, and as such it is considered necessary to impose this condition, as requested.

Other Issues

There has been some speculation that the site in question is currently being used to host 'Pony Parties'. The applicant has been questioned in respect of this and has confirmed that the only visitors to the site are her family members and occasionally children registered to the Cancer Charity who own two of the ponies on site. She has admitted to operating 'Pony Parties' off site and to hosting bi-annual BBQs and fundraising events , however such activities due to their temporary nature would not require planning permission.

Conclusion

In conclusion the change of use of the land to part equestrian and the siting of the associated buildings and hardstanding, is considered acceptable within this countryside location and by virtue of the siting, design, materials proposed and screening of the site, the proposed development is not considered to be harmful to the character and appearance of the open countryside, and will have no adverse impacts on highway safety. Accordingly the proposed development is considered to be in accordance with policies BE1, NE5, NE2, NE21 and T5 of the adopted Hinckley and Bosworth Local Plan and Planning Policy Statement 7.

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 be in accordance with the development plan. Resultant of the design, scale, siting and materials proposed, there are considered to be no material impacts on visual or residential amenity, on the character of the countryside or on highway safety. Accordingly the scheme is considered acceptable.

Hinckley and Bosworth Borough Council Local Plan (2001):- Polices BE1, NE5, T5, NE14, NE12, NE21

Hinckley and Bosworth Local Development Framework: Core Strategy (2009):- Policy 10, Policy 20, Policy 21

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 submitted application details, as follows:- Drg Refs:- 'Plan (o)' 'Plan (1)' 'Proposed Plan (2), Drg Nos:- 30, 30A, 40, 40A, 50, 50A, 2, 10, and 60 received by the Local Planning Authority on the 25 March 2011.

3 The development hereby permitted shall be carried out in complete accordance with the schedule of materials stated in the planning application form.

4 The development hereby permitted shall only be used for personal use and shall not be used in connection with a 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 building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy NE5 and policy BE1 of the adopted Hinckley and Bosworth Local Plan.

4 To ensure that the use of the site is not to the detriment of highway safety and the requirements of Policies NE5 and T5 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).

5 Provision shall be made to ensure that animal waste and surface water contaminated by animal waste will not be discharged to ditches, watercourses or soakaways. Slurry, contaminated runoff - including wash water - and leachate from stockpiled manure, must be collected in tanks (or lagoons) complying with the standards laid down in the 'Control of Pollution (Silage, Slurry and Agricultural Fuel Oil) Regulations 1991'. Clean roof water should be discharged to soakaways (subject to suitable ground strata), ditches or watercourses.

Contact Officer:- Eleanor Shaw Ext 5680