DELEGATED REPORT

Recommendation Made: 10 December 2010

Reference:- 10/00758/COU **Parish:- Higham On The Hill Parish Council**

Applicant:- Mr Malcolm Watson
The Willows
Willow Park
Upton Lane
Stoke Golding

Location:- Agricultural Building Adj To Vale Farm Stoke Lane Higham On The Hill Nuneaton

Proposal:- PART RETROSPECTIVE CHANGE OF USE FROM AGRICULTURAL BUILDING TO STABLES AND LAND FOR ASSOCIATED PARKING

Introduction:-

This is an application for the change of use of a vacant agricultural building for use as six stables with covered area and an area of land associated with the building for parking, adjacent to Vale Farm, Stoke Lane, Higham on the Hill. A recent site visit has revealed that part of the development has taken place.

The site is located on the eastern side of Stoke Lane, beyond the settlement boundary for Higham in an area of countryside. There is farmland, farms and dwellings located within the nearby area. The existing access to the application site also serves the neighbouring Vale Farm to the north. The building is a modern block and corrugated sheet construction with an open side which faces south. There is a public footpath which crosses part of the site. The boundaries to the site are mature hedgerows.

During consideration of the application, the applicant has confirmed that it is his intention to use part of the development for livery.

History:

None relevant to the consideration of this application.

Consultations:-

No objections subject to note to applicant received from:

The Directorate of the Chief Executive (Archaeology)
The Directorate of the Chief Executive (Ecology) (note on nesting birds)
The Head of Community Services (Land Drainage) (note on soakaways).
The Director of Environment and Transport (Footpaths)

No objection subject to condition received from:

The Director of Environment and Transport (Highways)

The Head of Community Services (Pollution)

Development Plan Policies:-

Central Government Guidance
PPS7
PPS9

Local Development Framework Core Strategy 2009
No relevant policies

Hinckley and Bosworth Local Plan 2001
The site is located in the countryside as defined in the adopted Hinckley and Bosworth Local Plan.

BE1 (design and siting of development)
BE20 (Conversion of Rural Buildings)
NE2 (Pollution)
NE5 (development in the open countryside)
NE12 (Landscaping Scheme)
NE14 (Protection of Surface Waters and Groundwater Quality)
T5 (Highway Safety)

Other Documents

SPG on the Conversion of Rural Buildings

Appraisal:-

The main considerations with regards to this application are: the principle of development; the impact on the countryside, highway safety and other issues.

Principle of Development

The site lies outside of the defined settlement boundary for Higham and within the countryside. Whilst planning policy at both national and local level seeks to strictly control development within the countryside, the conversion of existing redundant buildings can be acceptable. In this case, the proposed use is part private/part livery stables use at which is an acceptable use within the countryside requiring an insignificant level of conversion of the building, subject to all other material considerations being satisfactorily addressed.

Impact on the Countryside

The external appearance of the building is not significantly altered by the proposal. A view into the covered area and stables is available through the open side (southern elevation) of the building. The stables are constructed of timber and are acceptable in terms of its form appropriate within this location. It is not considered that further planting is required in order to make the proposal acceptable.

Highway Safety

The existing field gate is located 20 metres from the highway boundary, therefore there is no requirement to provide any additional set back into the site. The application refers to 8 spaces being available on site for vehicle parking and whilst these are not formally laid out, there is sufficient space within the site for on-site parking. The Director of Environment and Transport (Highways) does not object to the proposal but originally recommended that the stables be restricted to private use only. However, he has reconsidered the proposal in terms of a livery use and suggests a restriction to no more than 3 stables used for livery. The location is unsuitable in terms of traffic generation for a larger enterprise. He has also recommended conditions in terms of turning and surfacing be provided and that the hedge be cut back in order to ensure maximum visibility is available from the access in the interests of highway safety. Whilst improvements to the access may be desirable to the Highway Authority, given the number of horses in livery, it is unlikely that it could be satisfactorily demonstrated that the development would result in a significant increase in traffic to and from the site and that, therefore, the improvements are necessary and reasonable to make the proposed development acceptable in highway safety terms. As a result, the recommended improvements for turning and surfacing are considered to be unreasonable and unnecessary in relation to the provision of the stables and will alter the appearance of the field access to the detriment of the rural character of the area. A condition in relation to providing improved visibility to and from the site has been included.

Other Issues

The Head of Community Services (Pollution) has raised no objections subject to a standard condition that no burning of manure or other waste shall be carried out on the site and that animal waste and contaminated

water shall be disposed of in an appropriate manner. There are dwellings to the north, south and southwest of the site at some distance, but which could be affected by burning waste.

The Head of Community Services (Land Drainage) has requested a note to applicant on soakaways.

The Directorate of the Chief Executive (Archaeology) has reported that the site has low potential and the ground remains are unlikely to be affected by the works.

The Director of Environment and Transport (Footpaths) has requested a note to applicant on the footpath which crosses the site.

There are no nearby neighbouring dwellings that would be adversely affected in terms of residential amenity.

Conclusion

The change of use of the redundant agricultural building and paddock to a part private/part livery stables on the site restricted to a maximum of three stables as livery is considered to be an acceptable form of development in this countryside location. A restricted livery use will be acceptable in terms of highway safety and is a use usuallt found within the countryside, there are no close neighbouring dwellings considered to be affected by the proposal. As a result of the layout, design, scale and appearance of the stables and paddock, together with existing boundary treatment, it is considered that the development will not have a significant adverse impact on the character or appearance of the site or the wider landscape and that it is not out of keeping with the size of the land holding. The intended use and scale of development is acceptable subject to improvements to the visibility from the access to the site as it is considered that it will not have an adverse impact on highway safety. The application is therefore recommended for approval subject to 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, 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 would be for equine related use in association with the land holding and as a result of the design, scale and appearance of the stables would not have a significant adverse impact on the character or appearance of the countryside or highway safety.
Hinckley & Bosworth Borough Council Local Plan (2001):- BE1, NE5, NE2, NE12, NE14 and T5

1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Elevation and floor plan Drawings received 23 September 2010. Site and block plan received 15 October 2010

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

3 Within two months of the date of this planning permission, visibility splays of 2.4 metres by 59 metres shall be provided at the junction of the access with Stoke Lane. These shall be in accordance with the standards contained in the current County Council design guide and shall be so maintained thereafter. Nothing shall be allowed to grow above a height of 0.9 metres above ground level within the visibility splays.

4 The livery use shall be limited to no more than three of the approved six stables used for livery at any time.

Reasons :-

1 For the avoidance of doubt and in the interests of proper planning.

2 To safeguard the amenities of the occupiers of adjacent properties to accord with policies BE1 and NE5 of the adopted Hinckley and Bosworth Local Plan.

3 To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety, to accord with policy T5 of adopted Hinckley and Bosworth Local Plan.

4 To define the level of activity, as the location is unsuitable for a larger commercial enterprise in terms of traffic generation within the countryside location, to accord with policies BE1, 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 The applicant will be responsible for ensuring that the line of the footpath T47 is not affected by any operations associated with the development and that safe access by pedestrians is maintained at all times. Particular attention should be given to ensuring that vehicles associated with the stables are not parked either along or across the line of the footpath. Any damage that may occur to the surface of the footpath as a result of private vehicular use will be the responsibility of the applicant to repair at his own expense to the satisfaction of the Highway Authority. The applicant will be responsible for ensuring that no additional structures are installed either on a temporary or a permanent basis across footpath T47 without the written consent of the Highway Authority having been obtained. Unless a structure has been authorised by the Authority, it constitutes an unlawful obstruction of the right of way and the County Council would be obliged to seek its immediate removal.

6 Animal waste and surface water contaminated by animal waste must 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.

7 Nesting birds are protected. Any clearance/cutting back of vegetation on the site should pay due regard to the potential for nesting birds, and should be carried out outside of the bird nesting season.

8 In order to provide the visibility splays as required by condition, it may be necessary to trim back the hedge to and maintain it, at the highway boundary.

9 For clarification, no outdoor lighting has been approved as part of this application.

10 The applicant should consider carefully the security issues with the site. Existing Council policy would not permit any residential use of the site, including the siting of a caravan.

11 The applicant is reminded that the application for change of use is restricted to the land shown edged red submitted with this application. No livery or equestrian use has been approved for other land edged blue within the applicants control as part of this application.

Contact Officer:- **Louise Forman** **Ext 5682**