

The application is for the change of use of the land for the keeping of horses. Permission is also sought for the reconstruction and extension to the existing stable block and retention of the track that leads to the previously approved ménage.

The site lies within the Green Belt Proposals Map and an area of Landscape Restoration. Mow House Farmhouse as defined on the Local Development Framework. A Grade II Listed Building is located approximately 20 metres south of the proposed replacement stable block.

**The 8-week period for the determination of this application expires on the 6<sup>th</sup> May 2014.**

**RECOMMENDATION**

**PERMIT subject to conditions relating to the following matters:**

- 1. Standard time limit condition**
- 2. Development to be carried out in accordance with the approved listed plans**
- 3. Prior approval of materials to be utilised (surfacing of track, facing and roofing materials) and implementation of approved details**
- 4. Prior approval of any external lighting implementation of approved details**
- 5. Non commercial use only**
- 6. No jumps and similar features**

**Reason for Recommendation**

The proposed development, whilst involving an element of inappropriate development within the Green Belt – the change of use of land to the keeping of horses, is considered acceptable as it would not harm the openness of the Green Belt, or the purposes of including land within it. Very special circumstances are considered to exist, as the change of use would go hand in hand with the stables, and refusal of that element may lead to additional hacking on the highway network, and increased highway danger. Further, the development by virtue of its design, scale and materials, would not harm the character of the rural area or the Area of Landscape Restoration, and there would be no adverse impact to highway safety or trees. The development would not affect the setting of the Grade II Listed Mow House Farmhouse. The development is considered to accord with Policies N12, N17, T16, B5 and N21 of the Local Plan, Policy CSP 1, CSP 2 and CSP 3 of the Core Spatial Strategy and the aims and objectives of the National Planning Policy Framework.

**Statement as to how the Local Planning Authority has worked with the applicant in a positive and proactive manner in dealing with this application**

The Local Planning Authority worked in a positive and proactive manner in dealing with this application, advising of issues of concern and the need to provide additional supporting information. The development is considered a sustainable form of development and complies with the aims and objectives of the National Planning Policy Framework.

**Policies and Proposals in the approved Development Plan relevant to the decision-**

Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy 2006-2026 (adopted 2009) (CSS)

- Policy SP1: Spatial Principles of Targeted Regeneration  
Policy SP3: Spatial Principles of Movement and Access  
Policy ASP6: Rural Area Spatial Policy  
Policy CSP1: Design Quality  
Policy CSP2: Historic Environment  
Policy CSP3: Sustainability and Climate Change

## Newcastle-under-Lyme Local Plan 2011 (NLP)

Policy S3: Development in the Green Belt  
Policy N12: Development and the Protection of Trees  
Policy N17: Landscape Character – General Considerations  
Policy N21: Area of Landscape Restoration  
Policy B5: Control of Development affecting the setting of a listed building  
Policy T16: Development – General Parking Requirements

### **Other material considerations include:-**

National Planning Policy Framework (NPPF) (March 2012)

National Planning Practice Guidance (March 2014)

### Supplementary Planning Guidance

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document (SPD)

Waste Management and Recycling Planning Practice Guidance Note (January 2011)

### Relevant Planning History

00/00841/OUT	Permitted	Proposed dwelling
03/00413/FUL	Permitted	Three stables
06/00715/FUL	Refused	Relocation of stables and construction of horse exercise area (manege)
10/00213/FUL	Permitted	Front conservatory
11/00205/FUL	Permitted	Proposed 40m x 20m outdoor equestrian arena / manege for domestic use

### Views of Consultees

**Kidsgrove Town Council** has not responded to the consultation by the end date for consultation comments, therefore it is assumed that they have no comments to make.

The **Environmental Health Division** of the Borough Council has no objections.

The **Landscape Development Section** has no objections.

The **Highway Authority** has no objections on highway grounds subject to the inclusion of a condition restricting the permission to private use by the applicant and their family and preventing the development from being operated as a commercial enterprise or for special events.

The **Conservation Officer** has no objections to the change of use, as it is unlikely to have an impact upon the setting of the listed building.

### Representations

No representations have been received.

### Applicant's/agent's submission

The applicant has submitted a design and access statement along with the requisite plans and application form.

All of these documents are available for inspection at the Guildhall and at [www.newcastle-staffs.gov.uk/planning/22ChurchlaneMowCop](http://www.newcastle-staffs.gov.uk/planning/22ChurchlaneMowCop)

## **KEY ISSUES**

Full planning permission is sought for the change of use of land for the keeping of horses, an extension to the existing stable block and the retention of the track recently laid, leading up to the ménage. The keeping of horses is already taking place and as such this element of the application is also retrospective.

The track has already been constructed within the last few months and is almost completed. It leads up from the property known as 22 Church Lane to the ménage. A section of the track also leads to the rear area of Mow House Farm, as indicated. The applicant has advised that the need for the creation of a track arose from deteriorating ground conditions during the wet winter of 2013/14, with the route between the stables and ménage being particularly bad. The track is 1.8m wide, and constructed from recycled materials that would otherwise go to landfill.

The existing stable block is proposed to be reconstructed and extended. The current stable block measures 12.6m by 3.6m (in length and width), 2.4m to eaves height and 3m to ridge. The new stable block would measure 17.5m in length and 3.6m in width. It would measure 2.4m to eaves height and 3.5m to the ridge. The external walls of the stable will be clad in tanalised shiplap boarding. The roof will be clad in green felt shingles.

The key issues for consideration in the determination of this application are considered to be:-

- Is the development considered appropriate development in the Green Belt?
- Is there any conflict with policies on development in the countryside?
- Is the design of the proposed development acceptable?
- Are there any highway safety issues?
- Is the impact on residential amenity and the environment acceptable, and finally
- If inappropriate, are there any very special circumstances to justify approval?

### Is the development considered appropriate development in the Green Belt?

Policy S3 of the Local Plan states that development for sport and recreation uses of a predominantly open character, whether formal or informal, or for other uses of land that preserve the openness of the area, may be located in the Green Belt so long as it does not disrupt viable farm holdings. It goes on to state that any buildings must be limited to those essential to the use and must be sited to minimise their impact on the openness of the Green Belt.

Paragraph 87 of the National Planning Policy Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances

Paragraph 89 of the NPPF indicates that the construction of new buildings in the Green Belt is inappropriate development, unless they are for purposes listed as exceptions. One such exception is the provision of appropriate facilities for outdoor sport and recreation, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. The provision of a replacement stable building for the keeping of horses at the scale as proposed is considered appropriate development in the Green Belt, as it would fall within the scope of appropriate facilities for outdoor sport and recreation, would not materially affect the openness of the Green Belt over and above the existing building, and would not be contrary to any of the purposes of including land within the Green Belt including that of safeguarding the countryside from encroachment.

Paragraph 90 of the NPPF identifies other forms of development, not involving the construction of new buildings, which are not inappropriate in Green belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Engineering operations are listed. The construction of the track is an engineering operation which preserves the openness of the Green Belt and does not conflict with the purposes of including land within it and as such is appropriate development.

The use of land for the grazing of horses is something that would not involve "development" (and would therefore not require planning permission) but that is not what is proposed. Changes of use of land are not listed within the NPPF as appropriate development. Therefore the starting point for the

consideration of the change of use of the land must be that it would be inappropriate development in this Green Belt Location.

Any conflict with policies on development in the countryside?

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

The site lies within an Area of Landscape Restoration. Policy N21 of the Local Plan states that in these areas development that would help to restore the character and improve the quality of the landscape will be supported. Within these areas it is necessary to demonstrate that development will not further erode the character or quality of the landscape.

The site is relatively well screened from the surrounding countryside and no landscape features would be affected as a result of the development. The site is not in an isolated location, with other buildings within the vicinity and adjacent to the highway. It is not considered that the character or quality of the landscape would be harmed to a sufficient extent to justify refusal.

Is the design of the proposed development and the impact on the adjacent Listed Mow House Farmhouse acceptable?

The NPPF states that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.

The proposed stables would be of a traditional design and would utilise materials commonly used in stable construction. They would be located in the same position as currently located, albeit with a larger footprint, and with a 500mm higher ridge height. The proposed location is not isolated, sited just outside the residential curtilage of the dwelling known as 22 Church Lane and Mow House Farmhouse.

The materials used in the construction of the track are considered appropriate.

It is considered necessary to condition the prior approval of the materials to be used for the proposed stables, and condition the colour of the exterior materials to be a dark recessive colour to help them appear less conspicuous in the landscape.

Turning to the impact on the neighbouring listed building, Mow House Farmhouse is a Grade II Listed Building, located approximately 20 metres from the proposed stable block. Policy B5 of the Local Plan states that the Council will resist development that would adversely affect the setting of a listed building. Whilst the building is relatively close to the Farmhouse it would not have any greater impact on the setting of the listed building than the existing. The proposals are therefore considered of an appropriate design and would have no impact upon the setting of the neighbouring Grade II Listed Building.

Are there any highway safety issues?

It is important to ensure that the development would not have any adverse impact upon highway safety.

The Highway Authority has requested that a condition be included that the development shall be restricted to private use, and shall not be used for commercial purposes. This is considered appropriate, as by attaching such a condition, as the level of vehicular movements for a commercial use would be materially different to the private use as proposed and would require closer consideration.

Overall, subject to the highways related condition as indicated, the proposed development would be acceptable in terms of highway safety.

Is the impact on residential amenity and the environment acceptable?

It is important to ensure that new development would not have any adverse impact upon residential amenity or the environment. The keeping of horses often gives rise to complaints regarding noise,

odours, smoke, insects and light disturbance. These complaints are often caused by the burning of wastes, poor stable hygiene and poor management of horse manure.

The replacement stable would be located broadly in the same location as is currently located, and it is considered that this would not raise any new residential amenity issues.

The Environmental Health Division has no objections to the proposed development subject to conditions relating to approval of any external lighting scheme proposed.

Therefore, the development is considered acceptable in this regard.

If inappropriate, are there the required very special circumstances to justify approval?

As indicated above whilst the replacement stable building and the construction of the track are “appropriate” development in Green Belt terms, but that part of the proposal which involves the change of use of the field to the keeping of horses is not. Accordingly the Authority has to now go on to weigh in the balance any elements of harm associated with that aspect against any other material considerations.

The NPPF states in paragraph 88 that when considering planning applications, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt, and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other circumstances. Inappropriate development by definition is harmful to the interests of the Green Belt. However beyond that no element of “other harm” has been identified associated with the change of use of land.

There is no suggestion that the use of land for the keeping of horses involves any particular proposals for the provision of jumps or other more permanent equestrian paraphernalia within the field in question (and in any case that could be the subject of a condition). No harm to the Green Belt’s openness or to any of the purposes of including land within the Green Belt arises from the use in question, and the use is one that is directly connected with the “provision of appropriate facilities for outdoor sport and recreation”. It is considered that, as the stabling is accepted as appropriate development, it would be unreasonable to not allow the change of use of the land, which would go hand in hand with the stables. Indeed the consequence of such an approach might also be perverse – leading to additional hacking on the highway network, which might itself bring with it a risk to highway safety. This is a material consideration that the Local Planning Authority can take into account.

In conclusion any element of harm arising from just the fact that the development is inappropriate is considered to be clearly outweighed by the above considerations, and the required very special circumstances can be considered to exist in this case.

Conclusion

In conclusion, subject to the inclusion of appropriate conditions, the developments as set out in the plans and application form are considered acceptable and would comply with the aims and objectives of the NPPF.

Background Papers

Planning files referred to  
Planning Documents referred to

Date report prepared

24<sup>th</sup> April 2014