

PADDOCK ADJ TO ROSE COTTAGE, SNAPE HALL ROAD, BALDWINS GATE  
MR. AND MRS RUDD

14/00689/FUL

The Application is for full planning permission for the change of use of agricultural land to a paddock for the keeping of horses and the erection of a stable block adjacent to the newly built residential property.

The application site is located within the open countryside on land designated as being within the North Staffordshire Green Belt and a Landscape Maintenance Area (Policy N19), as indicated on the Local Development Framework Proposals Map.

**The 8 week period for the determination of this application expired on the 29<sup>th</sup> October 2014**

### **RECOMMENDATION**

**Subject to details being received from the Applicant that further grazing land is available, permit subject the following conditions;**

- 1. Standard time limit**
- 2. Approved plans**
- 3. Materials as per approved plans**
- 4. Existing planting removed within one month**
- 5. Details of boundary treatment within one month**
- 6. Tree and hedgerow protection measures**
- 7. No external lighting**
- 8. Stable waste details**

### **Reason for Recommendation**

The proposed development, whilst involving an element of inappropriate development within the Green Belt (i.e. 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 stable block which is appropriate development within the Green Belt. Conditions are considered necessary to separate the land from the residential property in order to control the development and to protect the openness of the Green Belt.

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

Further information has been requested from the applicant to address concerns and subject to this being received it is considered to be a sustainable form of development that complies with the provisions of the National Planning Policy Framework.

### **Policies and Proposals in the approved development plan relevant to this decision:-**

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

Policy ASP 6: Rural Area spatial policy  
Policy CSP1: Design Quality

Newcastle-under-Lyme Local Plan 2011(NLP)

Policy S3: Development in the Green Belt  
Policy N13: Felling and Pruning of Trees  
Policy N17: Landscape Character – General Considerations  
Policy N19: Area of Landscape Maintenance

### **Other Material Considerations include:**

National Planning Policy Framework (March 2012)  
National Planning Practice Guidance (March 2014)  
Whitmore Village Design Statement

### **Relevant Planning History**

08/00289/FUL                      Replacement dwelling                      Permit

### **Views of Consultees**

**Whitmore Parish Council** objects to the application due to the size being too big and contravening Whitmore Village Design Statement whilst also having a highway safety implication due to its location. The Parish Council also detail that the site is within the Green Belt, zoned as 'agricultural and a material change of use has occurred, it currently looks to be a garden and is very tidy, Rose Cottage never was a farm, there are no windows shown in the plan and the access doors to the individual stalls seem rather narrow for horse access.

The **Landscape Development Section** raise no objections but advise that the location of the building should be adjusted slightly to allow access for maintaining the existing retained roadside hedgerow. They also advise that native hedgerow species (rather than Laurel which has been recently planted within the paddock area) would be more appropriate in this rural countryside setting, (Laurel is also poisonous for horses).

The **Environmental Health Division** raises no objections subject to a lighting condition and details of waste storage and disposal arrangements.

### **Representations**

No letters of representation have been received.

### **Applicant/agent's submission**

The applicant has provided a statement to address the concerns of the Parish Council. The applicant details the following:-

The plan clearly shows that the stable block is at least 1m from the curved boundary and there is a high hedge and shrubs on the verge before the highway/lane. Furthermore the stable is at least 1.5 m lower than the highway, the hedge and shrubs are at least 3-3.5m above the verge, therefore as the building is only 3.95m high to the ridge it will be barely visible from the highway. The paddock is in the condition that it is, having been reinstated from the former derelict farm yard that was on this site, as can be seen on an aerial photograph provided.

The applicant has also detailed that they are seeking written confirmation from the adjacent land owner that the applicant has access to an additional 5 acres, which adjoins his paddock. The applicant also details that they consider that the proposal can be classed as appropriate development because it comprises facilities for outdoor recreation, and would in this location preserve the openness of the Green Belt. It would not conflict with any of the purposes of including land within the Green Belt.

The applicants intend to stable a retired horse on this site. The horse would be from Sefton Lodge, Newmarket. The retired horse would not require access to the same extent of land as a younger and more active horse, and the existing paddock edged red on the application drawings is more than adequate for one or two retired race horses.

Whilst the drawings do show two stables, at first it is the applicants' intention to take care of one retired horse. The other stable would be used when the horse has to move stables for deep clean matters (or for overspill of feed, bedding and hay in winter months).

Further, the horse would receive exercise by all the hacking that is available to the applicant in the local area, if necessary.

The application details can be viewed at the Guildhall or by using the following [www.newcastle-staffs.gov.uk/planning/1400689FUL](http://www.newcastle-staffs.gov.uk/planning/1400689FUL)

## **KEY ISSUES**

The application is for full planning permission for the change of use of agricultural land to a paddock for the keeping of horses and the erection of a stable block adjacent to the newly built residential property located within the open countryside. The site is within the North Staffordshire Green Belt on land designated as an Area of Landscape Maintenance (policy N19), as detailed on the Local Development Framework proposals map.

In terms of the determination of this application whilst the decision should be made in accordance with the provisions of the development plan and all other material considerations the NPPF indicates that as from 29th March 2013 only due weight is to be given to the relevant policies in the existing plans according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the framework, the greater the weight that may be given).

The key issues in the determination of the development are:

- Is the proposal appropriate development within the Green Belt?
- The design of the proposals and the impact on the landscape, and
- Other matters
- if not appropriate do the required very special circumstances exist?

### **Appropriate development within the Green Belt?**

Paragraph 79 of the NPPF details that “The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.”

The NPPF details in paragraph 89 that the provision of appropriate facilities for outdoor sport and outdoor recreation can be classed as appropriate development within the Green Belt as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

The proposed stable building will be traditional in appearance and modest non-commercial stable buildings are a common feature within rural landscapes. Insofar as it includes a log store – presumably for use in connection with the adjacent house, that element would be for a residential, ie inappropriate use, but in substance the building, as described, is for outdoor sport and recreational purposes.

In order to reach the conclusion that the building is appropriate in the Green Belt it is necessary to assess whether it is suitable for the identified purposes. It is noted that the land associated with the building is very limited and would not meet the guidance from the British Horse Society in respect of the necessary grazing land for one horse. The applicants indicate, however, that further grazing is available on adjacent land. The site is also within the rural landscape with hacking routes available for exercise. In light of this it is considered that the stable represents an appropriate facility for outdoor sport which, due to its scale, would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it and as such is considered to be appropriate development within the Green Belt.

Paragraph 90 of the NPPF indicates that certain other forms of development, in addition to the construction of new buildings in exceptional cases, are also not inappropriate if they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. Whilst the use of the land as a paddock would not be harmful to the openness of the Green Belt the NPPF does

not identify changes of use as being appropriate in the Green Belt and as such it must be concluded that this element of the proposal involves inappropriate development.

#### The design of the proposals and the impact on the landscape

NLP Policy N19 details that the Council will support proposals that will maintain the character and quality of the landscape.

The proposed building would measure 6.9 metres by 9.7 metres with a height of 3.95 metres and accommodate two stables, store and an open sided log/ wood store.

The building would be timber framed with oak timber boarding and a tile/ slate roof. The general size and appearance of the building will be of a high quality and is set down behind a natural hedgerow. Therefore due to its location, high quality design and natural screening it is considered that the proposal would not harm the appearance of the landscape or the amenity of the area in general.

The paddock and the building would be located adjacent to the main dwelling house and it is considered to represent a sustainable form of development in the rural area that meets the requirements of the NPPF.

In consideration of the above, the proposals are considered to represent acceptable designs that would comply with the requirements of the NPPF whilst also being in accordance with local planning policy.

#### Other matters

The Parish Council has raised a concern that the proposed stable would result in a loss of visibility at the junction of Snape Hall Road and Common Lane. However, the proposed stable is set down compared to the highway, and behind a hedge that already obstructs forward visibility. Therefore an objection on these grounds cannot be sustained.

The Landscape Development Section has raised concerns about the proximity of the proposed stable to the existing hedgerow. In this instance a one metre gap between the stable and the existing hedgerow would be maintained and subject to protection measures during construction this is considered acceptable.

The planting that has taken place has a suburbanised appearance and is not considered acceptable. In addition there is no boundary treatment between the residential curtilage and the paddock area (as there should be in accordance with a condition of the planning permission for the house). Therefore a condition is considered necessary seeking a suitable boundary treatment to differentiate the two along with the removal of the planting to ensure that it does not become residential garden land.

#### Do the required very special circumstances exist?

The NPPF details that very special circumstances will not exist unless potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The history of the site suggests that it has always been in agricultural use despite it being referred to as a paddock in previous applications. The use of land as a paddock would be closely associated with the stable which is accepted as an appropriate facility for outdoor sport and would not harm the Green Belt's openness or to any of the purposes of including land within. 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.

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.

#### **Background Papers**

Planning File referred to  
Planning Documents referred to

**Date report prepared**

25th November 2014