

The application is for full planning permission for the change of use of land to the keeping of horses and the erection of two stables and a tack room at land adjacent to 1 The Woodlands, Liverpool Road East, Kidsgrove. The overall site area is approximately 0.3 of a hectare. The application is retrospective as the development has already been undertaken.

The application site is located within the Green Belt as indicated on the Local Development Framework Proposals Map.

The 8 week period for the determination of this application expires on 20th April 2015.

Recommendation

Permit subject to conditions relating to the following matters:

- **Plans referred to in consent**
- **External lighting**
- **Means of storing and disposing of stable wastes**
- **non commercial use only**
- **No storage, as opposed to parking when visiting, of horse boxes and similar**
- **No Jumps and similar features without prior approval**

Reason for Recommendation

The 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, and there would be no adverse impact to highway safety or trees. The development is considered to accord with Policies N12 and T16 of the Local Plan, Policy CSP 1 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

This is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

KEY ISSUES

Full planning permission is sought, retrospectively, for a change of use of the land to the keeping of horses and the erection of a stable and tack room block at land adjacent to 2 Moss Cottages, Gloucester Road, Kidsgrove. The application is retrospective, as the development has already been undertaken.

The application site is located within the Green Belt as indicated on the Local Development Framework Proposals Map.

The site is accessed from an unadopted private track, which serves several dwellings, and also has a public footpath running along it.

The stable is located to the northern side of the site, along with the access into the field and the parking area. There are three stables and a tack room in the building, and the building is constructed from plywood sheets with a mono pitched roof of green profile sheeting.

Stone gravel has been laid for the parking area.

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?
- 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?

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.

Since the introduction of the NPPF in March 2012, only “due weight” should now be given to relevant policies of existing plans according to their degree of consistency with the NPPF; the closer the policies in the plan to the policies in the framework, the greater the weight that may be given.

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.

The construction of new buildings in the Green Belt is inappropriate development, unless they are one of the exceptions listed in paragraph 89 of the NPPF. One such exception is the provision of appropriate facilities for outdoor sport and recreation, as long as it would preserve the openness of the Green Belt and would not conflict with the purposes of including land within it. The provision of modest sized stables for the keeping of horses as here 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 preserve the openness of the Green Belt, 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.

Turning now to the change of use of the land - the applicants seek consent to use the land to keep horses upon. 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 change of use of the land must be that it would be inappropriate development in this Green Belt Location.

The design of the development and impact on the character of the area

Paragraph 56 of the National Planning Policy Framework advises of the importance attached to the design of the built environment, and that good design is a key aspect of sustainable development. 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 materials used in the construction of the stable building are considered appropriate for the location and use, and the design and scale is considered appropriate.

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.

The development therefore accords with Policy CSP1 of the Core Spatial Strategy and the aims and objectives of the National Planning Policy Framework.

Are there any highway safety issues?

It is important to ensure that the development would not have any adverse impact upon highway safety. The site is accessed from a private and unadopted road which serves several properties and the application site.

The site provides space for a vehicle to pull off the road, and it is laid with stone gravel. It is considered that there are no highway safety issues arising from this development and it is noted that the Highway Authority has no objections.

Is the impact on residential amenity and the environment acceptable?

It is important to ensure that new development will 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 area is likely to be inherently dark at night and the installation of any external lighting may unacceptably affect the amenity of the neighbouring premises. The Environmental Health Division therefore recommends that a condition is included on any approval for the prior approval of any external lighting at the site.

The Environmental Protection Division recommends a further condition for the prior approval of details of storing and disposing of stable waste.

Therefore, provided the above conditions are included on any approval, 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 stable building (and its associated hardstanding/parking area) are "appropriate" development in Green Belt terms, 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 weigh in the balance any elements of harm associated with the use 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.

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

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

Policy CSP1: Design Quality
Policy ASP6: Rural Area Spatial Policy

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy S3: Development in the Green Belt
Policy N12: Development and the Protection of Trees
Policy T16: Development – General Parking Requirements

Other Material Considerations include:

National Planning Policy

National Planning Policy Framework (2012) (NPPF)
Planning Practice Guidance (2014) (NPPG)

Relevant Planning History

00/00736/PLD Permitted 16.11.2000 Certificate of proposed lawful development
for the growing of christmas trees

Views of Consultees

The **Highways Authority** has no objections.

The **Environmental Health Division, Landscape Division, County Footpaths Officer** and **Kidsgrove Town Council** had not provided their comments at the time of writing the report. Any comments will be reported to the planning committee via a supplementary

Representations

None received.

Applicant/Agent's Submission

Documents submitted for this application are available for inspection at the Guildhall and at www.newcastle-staffs.gov.uk/planning/1500016FUL

Background Papers

Planning file
Planning documents referred to

Date report prepared

17th March 2015