

The Application is for a change of use from a private to a commercial equestrian centre, extensions to an existing barn to provide 10 stables, the siting of a horse walker and the siting of a chalet dwelling on a concrete pad.

The application site, of approximately 0.2 hectares, is within an Area of Landscape Enhancement as indicated on the Local Development Framework Proposals Map.

The application has been referred to the Planning Committee at the request of two Councillors due to concerns regarding highway safety, concerns that the proposed business is unsustainable, inappropriate and harmful to the character of the area, a dwelling on the land is not in keeping with the surrounding location, and concerns that the land could be used to support other activities.

A decision on the application was deferred at the meeting of the Committee held on 13th May until further information regarding hours of use, the size of vehicles and other information associated with the vehicular movements to and from the site, has been received.

The 8 week period for the determination of this application expired on 28th April 2015.

RECOMMENDATION

Permit, subject to conditions relating to the following: -

- 1. Standard Time limit for commencement of development**
- 2. Approved plans**
- 3. Permission for the dwelling to be restricted to a period of 3 years only**
- 4. Occupation of the dwelling restricted to a person/persons employed full time by the equestrian business**
- 5. Details of materials**
- 6. Details of external artificial lighting**
- 7. Provision and retention of access, parking, servicing and turning areas**
- 8. Surfacing of access drive**
- 9. Gates to open away from the highway**
- 10. Provision of visibility splays**
- 11. Landscaping scheme**
- 12. Any other conditions considered necessary following the receipt of further details from the applicant**

Reason for Recommendation

Although the proposal would not represent sustainable development due to its location outside of a rural service centre away from services, facilities and sustainable transport modes, it is considered that the particular nature and demands of this equestrian business make it essential for a worker to be resident on the site in accordance with Paragraph 55 of the NPPF. It is not considered that there would be any significant adverse impact on the character or appearance of the area from any of the elements of the development and subject to conditions it is not considered that the proposed traffic movements would be so significant to cause severe harm to highway safety.

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

No amendments were considered necessary during the course of the application.

Key Issues

The application is for full planning permission for the following:

- The change of use from a private to commercial equestrian centre
- An extension to an existing barn to provide 10 stables
- The siting of a horse walker
- The siting of a chalet dwelling on a concrete pad

The site is located within an Area of Landscape Enhancement as indicated on the Local Development Framework Proposals Map. It is considered that the main issues for consideration in the determination of this application are:

- Is the principle of development on this site acceptable?
- Would the proposed development have a significant adverse impact on the character and appearance of the area?
- Would the proposed development have any adverse impact upon highway safety?
- Would the proposed development have any adverse impact on residential amenity?
- Other issues

Is the principle of the development on this site acceptable?

The applicant has an established business known as 'Horsedrawn Occasions' which has been trading in Walsall for 14 years. It offers a range of horse-drawn services to clients throughout England that include weddings, special occasions, promotions and films and funerals. Due to a change in personal circumstances the applicant is no longer able to use her existing facilities and is proposing to relocate the existing equestrian business to this site. The business owns a total of 10 horses and offers a range of 14 different carriages with teams of two, four or six horses.

Paragraph 28 of the NPPF states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings.

The operation of an equestrian business such as this is considered an appropriate rural business subject to detailed considerations which will be addressed below. The principle of the associated stable building and horse walker is also considered acceptable.

In terms of the principle of a new dwelling, CSS Policy SP1 states that new housing will be primarily directed towards sites within Newcastle Town Centre, neighbourhoods with General Renewal Areas and Areas of Major Intervention, and within the identified significant urban centres. Aston is not one of the targeted areas. It goes on to say that new development will be prioritised in favour of previously developed land where it can support sustainable patterns of development and provides access to services and service centres by foot, public transport and cycling.

CSS Policy ASP6 states that there will be a maximum of 900 net additional dwellings of high design quality primarily located on sustainable brownfield land within the village envelopes of the key Rural Service Centres, namely Loggerheads, Madeley and the villages of Audley Parish, to meet identified local requirements, in particular, the need for affordable housing.

Furthermore, Policy H1 of the Local Plan seeks to support housing within the urban area of Newcastle or Kidsgrove or one of the village envelopes.

This site is not within one of the identified Rural Service Centres nor is it within a village envelope, and the proposed dwelling would not serve an identified local need and as such is not supported by policies of the Development Plan.

The LPA, by reason of the NPPF, is however required to identify a supply of specific deliverable sites sufficient to provide 5 years' worth of housing against its policy requirements and in accordance with paragraph 49 and as a consequence, policies such as NLP H1 with its reference to the village

envelope and CSS ASP6 with its reference to Rural Service Centres all have to be considered to be out of date, at least until there is once again a five year housing supply.

Paragraph 14 of the NPPF details that at the heart of the Framework is a presumption in favour of sustainable development, and for decision taking this means that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

The examples given of specific policies in the footnote to paragraph 14 however indicate that this is a reference to area specific designations such as Green Belts, Areas of Outstanding Natural Beauty and similar. The application site is not subject to such a designation.

Whilst it is not considered that this is a sustainable location for a new dwelling, Paragraph 55 of the NPPF states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside.

PPS7: Sustainable Development in the Rural Area (2004) was replaced by the publication of the NPPF in 2012. However, the annex to PPS7 contained advice relating to occupational workers' dwellings and it is considered that the criteria contained within the annex remain an appropriate way to assess this issue. Although PPS7 did not specifically give advice on the considerations to be applied to dwellings required in connection with horse related establishments (it referred to other occupational dwellings), it did advise that similar tests as relevant to agricultural dwellings should be applied.

Regarding temporary dwellings, Annex A of PPS7 states that if a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, it should normally, for the first three years, be provided by a caravan, a wooden structure which can easily be dismantled, or other temporary accommodation.

PPS7 indicates that temporary agricultural dwellings should satisfy the following criteria:

- i) clear evidence of a firm intention and ability to develop the enterprise concerned;
- ii) functional need;
- iii) clear evidence that the proposed enterprise has been planned on a sound financial basis;
- iv) the functional need could not be fulfilled by another existing dwelling on the unit, or by any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and
- v) other normal planning requirements, e.g. on siting and access, are satisfied.

Firstly, turning to the functional need for a dwelling on the site. PPS7 states that a *functional test* is necessary to establish whether it is essential for the proper functioning of the enterprise for one or more workers to be readily available at most times. Such a requirement may arise, for example, if workers are needed to be on hand day and night to provide essential care at short notice or to deal quickly with emergencies. It goes on to say that the protection of livestock from theft or injury by intruders may contribute on animal welfare grounds to the need for a new agricultural dwelling, although it will not by itself be sufficient to justify one.

The applicant's Supporting Statement is produced by Reading Agricultural Consultants (RAC). It is stated that an equestrian enterprise such as this requires 24-hour supervision for the following reasons:

- The close supervision, management and daily requirements of horses boxed in their stables;
- The strict exercise and training routine for individual horses;
- The strict training routine for pairs of horses working with the carriages and managing their temperament when doing road work;
- The provision of security for valuable horses from theft or malicious attack;

- Dealing with unforeseen emergencies including a horse with colic, damage to the stables from the horses or severe weather conditions.

It states that horses should be inspected regularly for signs of illness, distress or injury, and equine establishments have a duty of care to ensure the rapid diagnosis and treatment of injury, disease or infestation. It concludes that it is RAC's view that there was an essential need for an equestrian worker to be resident at the site in Walsall to ensure the welfare needs of the horses stabled there were not compromised and exactly the same essential needs will persist once the business is relocated to the new site. Workers living off site are unable to provide the same level of care and scrutiny.

The Supporting Statement highlights that the continued success of the applicant's business is absolutely dependent on the availability of on-site accommodation to provide the welfare needs of the horses stabled on site. Your Officer accepts that the particular nature and demands of this equestrian business as listed above make it essential for a worker to be resident on the site. It is not considered that this need could be adequately met through measures such as the installation of CCTV.

The applicant's agent states that an analysis of houses for sale have revealed no properties available to purchase in the immediate locality that would be suitable and available to meet the essential needs of the applicant's enterprise. Your Officer has conducted a similar search and accepts that there are no dwellings available sufficiently close to the site to fulfil the identified functional need.

For a temporary dwelling, there are other tests to be considered. In particular, clear evidence of a firm intention and ability to develop the enterprise concerned is required. The applicant clearly has ability and experience in this field and a number of her customers have written letters of support. She has had a mortgage offer agreed to purchase the site over a twelve year term.

As stated above, the business has been operating successfully for 14 years in Walsall and this demonstrates the sustainability of the business in that location. Business accounts have been made available to Officers and the applicant has also provided a cash-flow forecast for the year ending April 2015 which shows a positive balance carried forward each month taking account of income and expenditure.

However, given that the business will be relocated, the proposed dwelling would support what will be effectively a new business. However, a temporary consent for a dwelling would enable the Council to further test financial performance if or when a subsequent application is made for a permanent dwelling. It is considered therefore, that sufficient evidence has been provided to allow your Officers to conclude that criteria (i) to (iv) listed above have been met. The requirements of siting and access are considered below.

Would the proposed development have a significant adverse impact on the character and appearance of the area?

CSS Policy CSP1 states that new development should be well designed to respect the character, identity and context of Newcastle and Stoke-on-Trent's unique townscape and landscape and in particular, the built heritage, its historic environment, its rural setting and the settlement pattern created by the hierarchy of centres. It states that new development should protect important and longer distance views of historic landmarks and rural vistas and contribute positively to an area's identity and heritage (both natural and built) in terms of scale, density, layout, use of appropriate vernacular materials for buildings and surfaces and access. This policy is considered to be consistent with the NPPF.

The Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010) has been adopted by the Borough Council and it is considered that it is consistent with the NPPF. Section 10.5 of the SPD states that new development in the rural area should respond to the typical forms of buildings in the village or locality.

The site lies within an Area of Landscape Enhancement. Policy N20 of the Local Plan states that within these areas it will be necessary to demonstrate that development will not further erode the character or quality of the landscape.

The application site has an existing steel framed building with a lean-to which currently comprises three stables and a tack room. Two extensions are proposed to the building. One would measure 4.57m x 8.08m in plan with a maximum height of 4.53m to form an additional bay to the barn which would be used to store the carriages and tack and the other would measure 9.14m x 18.29m with a maximum height of 4.84m to form ten stables. The materials would comprise red brickwork and metal cladding with a box profile sheeted roof, similar to the existing building. A horse walker with a diameter of 9.14m and a height of 2.5m is also proposed.

Whilst relatively large, the proposed stable building would be adjacent to existing buildings on the site and the materials would be similar to those of the existing buildings. Such buildings are typical of a rural location. The proposed dwelling would be a relatively small bungalow at just 48 square metres and it would be sited within a paddock adjacent to the existing and proposed stable buildings. It would however, be a temporary chalet style structure, the design of which would not be appropriate on a permanent basis. However, subject to a condition restricting the dwelling to a temporary period, it is not considered that there would be any significant adverse impact upon the character and appearance of the area.

Would the proposed development have any adverse impact upon highway safety?

A significant number of objections have been received on highway safety grounds. In particular, concerns have been expressed that the lanes are very narrow and horse-drawn carriages would create danger for other road users, particularly as there are no passing points for large vehicles.

In response to a request from the Highway Authority, the applicant's agent has submitted the following additional information:

- A plan showing the access drive at a width of 5m and the provision of achievable visibility splays
- Details of the existing and proposed traffic movements from the site showing an estimated increase of just fewer than 5 traffic movements per week
- Details of the amount and location of vehicles that will be parked at the site

On the basis of the additional information submitted, the Highway Authority has no objections to the proposal subject to the imposition of conditions. In particular they state that the level of traffic movements are appropriate and that the visibility splays are acceptable due to the low levels of existing traffic movements along Holloway Lane.

Paragraph 32 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

The applicant's agent highlights that the site already has permission for private equestrian use. The applicant owns a single horse box and trailer which will leave and return no more than on a daily basis. The applicant has advised that only very infrequently (at present once a month) are a team of horses taken out with a carriage. The team is working 4 days per week away from the area. Representations have been received stating that the applicant has overstated the current vehicle movements from the site and has underestimated the proposed vehicle movements. Your Officer has no evidence that this is the case but even if it were, it is not considered that the proposed traffic movements would be so significant to cause severe harm to highway safety. Subject to conditions, it is not considered that an objection could be sustained on highway safety grounds.

Notwithstanding the above, further information has been requested from the applicant regarding the size of vehicles and other information associated with the vehicular movements to and from the site. This will be reported to Members once received.

Would the proposed development have any adverse impact on residential amenity?

Objections have been raised regarding the potential impact on the amenity of the occupiers of nearby residential properties. The nearest residential dwelling is more than 100m from the site and no adverse comments have been received from the Environmental Health Division subject to the

imposition of a condition regarding details of external artificial lighting. It is not considered that there would be any significant adverse impact on the amenity of any residential properties but notwithstanding this, further details have been requested from the applicant regarding the hours of operation of the business and this will be reported to Members once received.

Other matters

Representations have been received referring to a previous application for a stockman's dwelling on this site being refused. Outline planning permission was refused in 1995 for the erection of a dwelling for a stockman (Ref. 95/00120/OUT). The applicant bred miniature Shetland ponies but in that particular case it was considered that there was insufficient justification for a dwelling. Notwithstanding this, it is considered that in relation to the current application there is an essential need for a rural worker to live on site for the reasons outlined above.

Concerns have also been expressed stating that there is insufficient area on site to support 10 horses from a grazing and exercise perspective and that it does not meet British Horse Society guidelines. The guidance refers to a requirement for 0.4ha of grazing for each horse but that guidance relates to horses that are simply grazing on the land and does not relate to horses that are being kept or stabled on the land. The applicant's agent states that in this particular case, the reliance on available grazing land is not such an important consideration as the horse walker provides the necessary exercise area for the horse not being worked. In addition, feed is brought onto the land and the horses are provided with a very specific and managed diet.

A representation has been received stating that there is an on-going legal dispute regarding part of the site. A land ownership dispute is a civil matter that is not material to the consideration of the planning application and should planning permission be granted, it would be for the applicant to resolve any outstanding matter of land ownership before carrying out the development.

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

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 CSP3: Sustainability and Climate Change
Policy CSP4: Natural Assets

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy H1: Residential Development: Sustainable Location and Protection of the Countryside
Policy T16: Development – General Parking Requirements
Policy N17: Landscape Character – General Consideration
Policy N20: Area of Landscape Enhancement

Other Material Considerations include:

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

Supplementary Planning Guidance/Documents

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance SPD (2010)

Relevant Planning History

Nil

Views of Consultees

The **Highway Authority** has no objections subject to conditions regarding access, parking, servicing and turning areas, surfacing of the access, gates to open away from the highway and provision of visibility splays.

The **Environmental Health Division** has no objections subject to a condition regarding external artificial lighting.

Maer & Aston Parish Council considers that the proposed use would not be suitable on the narrow rural roads and states that further information regarding access, vehicle movements and storage of vehicles should be requested. Conditions should be imposed restricting the number and type of vehicles and controlling the hours for HGV traffic. The size of the plot appears insufficient. Conditions should be attached restricting the use of the chalet for the owners only, only one such building should be allowed on the site, the other buildings should be restricted to storage and stables, any lighting should be non-intrusive to the surrounding countryside and there should be no public events on site to include any motor vehicles, bikes or large groups of people requiring parking.

No comments have been received from **Loggerheads Parish Council**. Given that the period for comment has expired it must be assumed that they have no comments to make.

Representations

Approximately 146 letters of objection have been received. Objection is made on the following grounds:

- A previous application for a stockman's dwelling on this site was refused.
- The 4 horse stabling currently on the land is for private use and is not an equestrian centre.
- The proposed use is not for a commercial equestrian centre as stated, but a horse-drawn carriage business that is akin to a haulage business.
- Additional stabling for 10 horses and a building to house 14 vehicles would be over intensification of the use of this land.
- No information on the existing and proposed parking spaces or details of increased vehicle movements was given with the application.
- Equestrian centres have restrictions on the number of horses allowed on a given area of land. There is insufficient area on site to support 10 horses from a grazing and exercise perspective. It does not meet BHS guidelines.
- No provision has been made for the disposal of dirty water from the site.
- The lanes are exceptionally narrow and horse-drawn carriages would add danger to other road users, particularly as there are no passing points for large vehicles.
- There are no bus services in the area.
- The proposed development of this greenfield site is contrary to policies in the NPPF as it is in an isolated location and would not materially enhance or maintain the viability of a rural community and is an unsustainable location.
- The proposal will not materially add to the housing that is needed and is contrary to Policy H1 of the Local Plan and Policy ASP6 of the Core Spatial Strategy.
- There are no special circumstances and no essential need for a dwelling as there is no established business for that need, nor is the proposal in agriculture or forestry. The business could be located in a more sustainable location especially as grazing does not appear to be a pre-requisite.
- The proposal would set a precedent.
- There will be significant impact on amenity value for neighbours and locals.
- It has not been demonstrated that there is a lack of suitable and available alternative sites for this business.
- There is no indication of the operating hours or whether external lighting will be required.
- The lane is already heavily used by horse riders and farm vehicles and the proposed use will put people at risk.
- Badgers and bats are in close proximity.
- There are alternatives to living on site including CCTV.

- The applicant has overstated the current vehicle movements from the site and has underestimated the proposed vehicle movements.
- Since the dwelling would be tied to the business it would not contribute to the Council's 5 year housing supply and is not sustainable development.
- The development would be over-intensification of the use of the land.
- Removal of the existing embankment, high hedges and telegraph pole to improve visibility would adversely change the character of this area.
- Part of the land does not belong to the applicant and there is an ongoing legal dispute.

Four letters of support have been received. A summary of the comments made is as follows:

- The applicants are reliable, hardworking and professional people and the care of the horses is of paramount importance to them.
- Working horses need to be stabled most of the site to ensure they are clean and injury free. This requires a lot of unsociable hours preparing and caring for the horse late at night or very early in the morning. There is also the issue of security as there is thousands of pounds worth of equipment required.
- The business makes a valuable contribution to the local community and preserves traditional skills of horsemanship.
- Would continue to use them no matter where they are located.

Applicant's/Agent's submission

The application is accompanied by a Supporting Statement and information relating to traffic movements. These documents and the representations referred to above are available for inspection at the Guildhall and can be viewed on the website using the following link

www.newcastle-staffs.gov.uk/planning/1500173FUL

Background papers

Planning files referred to
Planning Documents referred to

Date report prepared

14th May 2015