

The application is for the construction of a 50m X 25m ménage for private use on land adjacent to New Springs Cottage, Audley Road, Talke.

The application site is located within the Green Belt and an Area of Landscape Restoration as indicated on the Local Development Framework Proposals Map.

The 8 week period for the determination of this application expired on 9th October 2017 but the applicant has agreed an extension of time to the statutory determination period to the 8th December 2017

RECOMMENDATION

PERMIT subject to conditions relating to the following matters:

- 1. Time limit relating to the commencement of development**
- 2. Approved plans**
- 3. Prior approval of any external lighting**
- 4. Prior approval of any boundary treatment/means of enclosure of the menage**
- 5. Non commercial use only**
- 6. Prior approval of jumps or similar features**
- 7. Submission of a contaminated land verification report**

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 coincide with the construction of the proposed ménage which is appropriate development within the Green Belt. In addition, 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 is considered to accord with Policies N12, N17, T16 and N21 of the Local Plan, Policy CSP1 of the Core Spatial Strategy and the aims and objections 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 applicant has failed to overcome fundamental highways objections to the development despite discussion with officers of the LPA and the Highways Authority. The development remains an unsustainable form of development and therefore fails to accord with the aims and objectives of the National Planning Policy Framework 2012.

KEY ISSUES

Full planning permission is sought for the change of use from agricultural land to a use involving the keeping and exercising of horses, including the erection of a ménage. The application site is located within the Green Belt, and an area of Landscape Restoration and within the rural area, as indicated by the Local Development Framework Proposals Map.

The proposed ménage would measure 50m by 25m and would be situated in a field to the East of New Springs Cottage.

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?
- Is the impact to trees and hedges acceptable?
- Are there any highway safety issues?
- Is the impact on residential amenity and the environment acceptable, and finally,
- If inappropriate development, 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 (NPPF) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 90 of the NPPF identifies other forms of development, not involving the construction of new buildings, which are not inappropriate in the 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 as one of these exceptions. The creation of the ménage is considered an engineering operation that 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.

Changes of use of land are not listed, within paragraph 90 of 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.

Is there 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 appearance of the development will be open in nature and would not unacceptably intrude visually into the wider landscape. Therefore it is not considered that the proposed development would not further erode the character of the landscape and so would accord with Policy N21.

Is the design of the proposed development acceptable?

The NPPF states that the government attaches great importance to the design of the built environment, and 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 ménage would measure 50m by 25m and would be surfaced in 150mm thick silica sand. No details of any means of enclosure to surround the ménage have been submitted with this application. However, this detail could be secured via an appropriate condition.

The design proposed is standard for this type of development, and there are no concerns identified with regards to any potential harm to the visual amenity of the wider landscape. It would have no adverse impact upon the Area of Landscape Restoration as it will not erode the character or quality.

The design of the ménage is therefore considered to comply with Policy N21 of the Local Plan, Policy CSP1 of the Core Strategy and the aims and objectives of the NPPF.

Is the impact to trees and hedges acceptable?

Policy N12 of the Local Plan states that the Council will resist development that would involve the removal of any visually significant tree, shrub or hedge, whether mature or not, unless the need for the development is sufficient to warrant the tree loss and the loss cannot be avoided by appropriate siting or design. Where appropriate developers will be expected to set out what measures will be taken during the development to protect trees from damage.

The Landscape Development Section (LDS) requested that an Arboricultural Impact Assessment and Tree Survey should be submitted with the application to establish any potential impacts that the proposed development would have on the adjacent trees and hedgerows. Having received such information the LDS raises no objections as it is considered that no harm to trees or hedges would be caused by the proposed development. The development would therefore be in accordance with Policy N12 of the Local Plan.

Is the impact on residential amenity and the environment acceptable?

Paragraph 17 of the NPPF states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

The dwelling of New Spring Cottage is an isolated property with the nearest residential neighbour located approximately 323m east of the application site. Therefore the development would not raise any significant adverse impact to the residential amenity enjoyed by neighbouring properties. The ménage would be for private use of the occupiers of New Springs Cottage and so there would be no significant increase in noise or activity on the site. The Environmental Health Division (EHD) 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.

The site is subject to an ongoing retrospective application with the County Waste Authority to regularise the importing of waste materials to the site for field alterations and the creation of a turning area/hard standing adjacent to the access road.

The Councils Environmental Health Division was consulted by Staffordshire County Council on the retrospective application (Reference N.16/02/2025 W) who submitted a holding objection due to land contamination. A land contamination report was subsequently provided which confirmed the presence of asbestos.

The proposal for the construction of the ménage has been put forward as a suitable mitigation measure to contain the contaminated waste/soils and sever the linkage between the asbestos-contaminated soils and site end users. The EHD initially raised objections as the construction details were not clear. Additional information has since been provided with specific details on the separate construction elements of the ménage and in consideration of this the EHD raises no further objections to the application subject to appropriate conditions to secure the submission of a verification report to demonstrate the satisfactory completion of its construction, the development is considered acceptable.

If inappropriate development, are there any very special circumstances to justify approval?

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 the land as a ménage involves the provision of other permanent equestrian paraphernalia (jumps etc.) and so 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 questions, and the use is one that is directly connected with the "provision of appropriate facilities for outdoor sport and recreation". The land would remain open with the only alterations being to the surfacing of the land and potentially new boundary treatments (although these could be implemented under permitted development rights).

Given the lack of substantial harm to the openness of the Green Belt the change of use of the land it is considered that the required very special circumstances can be considered to exist in this case.

APPENDIX

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 ASP6: Rural Area Spatial Policy
Policy CSP1: Design Quality
Policy CSP4: Natural Assets

[Newcastle-under-Lyme Local Plan \(NLP\) 2011](#)

Policy S3 Development in the Green Belt
Policy N17 Landscape Character – General Considerations
Policy N21 Area of Landscape Restoration

Other Material Considerations

National Planning Policy

[National Planning Policy Framework \(NPPF\) \(2012\)](#)
[Planning Practice Guidance \(PPG\) \(2014\)](#)

Other Guidance

[Newcastle-under-Lyme and Stoke-on-Trent Urban Design Guidance Supplementary Planning Document \(2010\)](#)

Relevant Planning History

92/00380/FUL Conversion of redundant agricultural outbuilding to two dwellings – Refused

16/01074/CPO Retrospective application to regularise the waste material brought in for field alterations and creation of a turning area/hard standing adjacent to the access road

Views of Consultees

The **Coal Authority** has no objections given that the nature of the development would not require substantial earthworks.

The **Landscape Development Section** has no objections to the development

The **Environmental Health Division** in respect of land contamination raises no objections to the development. The Environmental Health Officer objected to the proposal in comments received on the 18th of August, however additional information was submitted to address these concerns. A condition requiring the submission of a verification report is considered necessary in this instance to demonstrate the satisfactory completion of the development construction. A condition is also required for the prior approval of the installation of any external lighting.

Kidsgrove Town Council and **National Grid** have not responded by the due date and as such it is assumed that they have no comments.

Representations

One representation received with comment summarised as follows;

- Would like clarification whether this will be for public or private use
- Concerns over increase in traffic given the narrow road is not built for heavy use
- As the land is contaminated it should not be used

Applicant/agent's submission

The requisite plans and application forms were submitted together with a Design and Access Statement, Topographical Survey and a Tree Survey. These documents can be viewed on the Councils website;

<https://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/17/00651/FUL>

Background Papers

Planning File
Development Plan

Date report prepared

17th November 2017