

LAND OPPOSITE WYNBROOK, WERETON ROAD, AUDLEY  
MR P LOMAX. 12/00392/FUL

**The Application** is for full planning permission for the change of use of land to the keeping of horses, the erection of a timber stable block comprising two stables, tack room, and hay stores, and a new access, turning and parking area. The overall site area is approximately 2 acres (0.8 hectares).

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

Wereton Road is a C class road.

**The 8 week period for the determination of this application expires on 3 September.**

**Recommendation**

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

- (i) **Commencement of the development.**
- (ii) **Plans referred to in consent.**
- (iii) **Materials to be utilised (Hard landscaping, facing and roofing materials).**
- (iv) **External lighting.**
- (v) **Means of storing and disposing of stable wastes.**
- (vi) **Surfacing of the Access.**
- (vii) **Parking and turning areas.**
- (viii) **Visibility splays.**
- (ix) **Set back of any gates.**
- (x) **Tree and hedge protection plan for the construction phase.**
- (xi) **Non commercial use only.**
- (xii) **No storage, as opposed to parking when visiting, of horse boxes and similar.**
- (xiii) **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 is considered to accord with Policies N12, N17, T16 and N21 of the Local Plan, Policies D2, D4, NC1, NC2 and T13 of the Structure Plan, Policy CSP 1 of the Core Spatial Strategy and the aims and objectives of the National Planning Policy Framework.

**Policies and Proposals in the Approved Development Plan Relevant to This Decision:-**

West Midlands Regional Spatial Strategy 2008 (WMRSS)

Policy QE1: Conserving and Enhancing the Environment  
Policy QE3: Creating a High Quality Built Environment for all

Staffordshire and Stoke-on-Trent Structure Plan (SSSP) 1996 – 2011

Policy D2: The Design and Environmental Quality of Development  
Policy D4: Managing Change in Rural Areas  
Policy D5B: Development in the Green Belt  
Policy T13: Local Roads  
Policy NC1: Protection of the Countryside: General Considerations

Policy NC2: Landscape Protection and Restoration  
Policy NC13: Protection of Trees, Hedgerows and Woodlands

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 N17: Landscape Character – General Considerations  
Policy N21: Area of Landscape Restoration  
Policy T16: Development – General Parking Requirements

**Other Material Considerations include:**

**National Planning Policy**

National Planning Policy Framework (2012) (NPPF)

Circular 11/95 The use of conditions in planning permissions

**The Secretary of State's Announcement of His Intention to Abolish RSS**

The Secretary of State has made it clear that it is the Government's intention to revoke RSSs and the Localism Act 2011, which includes powers to give effect to that intention, received Royal Assent on 15 November 2011. However, pending the making of a revocation order in accordance with the new Act, the RSS remains part of the statutory development plan. Nevertheless, the intention to revoke the RSS and the enactment are material considerations.

**Relevant Planning History**

None

**Views of Consultees**

**Environmental Health Division** – No objections subject to conditions regarding approval of a lighting scheme, and prior approval of the means of storing and disposing of stable wastes

**Audley Parish Council** – Object over concern regarding the access for horses on this dangerous section of road, due to the bend, and over development in the Green Belt

**Highways Authority** - No objections, subject to conditions.

**Representations**

One representation has been received in support of the application, on the basis that it is "very horsey" around Audley

**Applicant/Agent's Submission**

A Design & Access Statement has been submitted as part of this application which incorporates a planning statement. The statement concludes that the location of the site is predominantly semi-rural and residential, that the proposed design is sensitive and has been prepared to comply with planning policy guidelines, that the issues of design and access have been carefully considered so as to be appropriate and in context with the landscape and surrounding properties within this area, and that planning approval should be granted.

This document is available for inspection at the Guildhall and on [www.newcastle-staffs.gov.uk](http://www.newcastle-staffs.gov.uk).

## **Key Issues**

Full planning permission is sought for a change of use of the land to the keeping of horses and the erection of a timber stable block, comprising two stables, tack room and a hay store, and a new access, turning and parking area.

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 stable block is proposed to be located alongside the hedging to the western boundary of the site, adjacent to the road. The stables would measure approximately 15.5 metres in length by 5 metres in width. They would be approximately 2.5 metres to eaves height and 3.7 metres to the ridge height.

The existing access is to be utilised, with gates being located 6.5 metres rear of the highway edge. A muck heap is proposed to be sited on the southern side of the proposed stable block, and a concrete area is proposed outside of the stables. A large area of hardstanding is proposed to provide parking and turning facilities within the site.

The stables are proposed to be constructed from timber, with black Onduline roofing sheets.

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?**

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 for purposes listed in the NPPF as an exception to this. One of 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 it. 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.

### 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.

Policies NC1 and NC2 of the Structure Plan seek to protect the countryside for its own sake and Policy NC2 sets out a list of criteria by which applications should be determined.

Policy D4 of the Staffordshire and Stoke on Trent Structure Plan seeks to maintain and improve the essential character and economic and social fabric of rural areas, and seeks to protect the open countryside for its own sake.

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 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 to trees and hedges acceptable?

Policy D4 of the Structure Plan states that the open countryside will be protected for its own sake and development with undesirable traffic impacts or that would be of a scale or type which would adversely impact on the rural setting will not be permitted.

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 proposed stables are to be wooden, with black onduline roofing sheets which are considered appropriate materials for the development in this location. It is considered necessary to condition the colour of the wood to a dark recessive colour to help the stables appear less conspicuous in the landscape.

The siting of the stable would be acceptable, with the block proposed to be sited along the boundary adjacent to the existing boundary hedge. It is proposed to retain the hedging around the site; however it is considered that a condition requiring the prior approval of a tree protection plan is necessary to show how the trees and hedges will be protected during the construction phase. As the site currently benefits from mature hedging and trees to the boundary with the Highway, it is considered that further planting would not be necessary to condition

The hardstanding area for parking and turning would be constructed from dark grey hardcore, and the area immediately outside the stables would be concrete. Whilst the area of hardstanding would be fairly large it, is considered that this size would be reasonably required for the parking and turning of horse boxes or trailers as discussed below and therefore it is considered acceptable.

Grassed areas are proposed to be retained to either side of the entrance to the site, which will help soften the area of proposed hardstanding.

It is considered that there is a risk of long term parking and storage of horse boxes on the site, and a condition ensuring that this is addressed is considered appropriate.

Overall, provided the conditions as discussed above are included, the development is considered acceptable in terms of design and impact on trees.

Are there any highway safety issues?

It is important to ensure that the development would not have any adverse impact upon highway safety. The Parish Council has objected to the application as they are concerned regarding the access for horses on this section of the road, which they consider is dangerous due to the bend.

In terms of parking and turning provision at the site, the proposed size of hardstanding is considered acceptable. In terms of the access arrangements, the gates are proposed to be set back approximately 6.5 metres from the highway edge, however the Highway Authority has requested a condition for the gates to be located a minimum of 10 metres rear of the highway boundary, opening away from the highway, to ensure that a vehicle towing a horse box can park clear of the carriageway whilst opening the timber gates. This would ensure that vehicles waiting to turn into the site are off the road while the gates are opened, reducing the likelihood of highway danger by having vehicles stopped on the road.

Clarification will be given to the Committee as to what visibility splay is required, but your Officer's view at present is that appropriate landscaping between the building and the road can be provided without compromising highway safety.

The Highway Authority has requested that a condition be included restricting the development to private use, and shall not be used for commercial purposes. This is considered appropriate, as by attaching such a condition, the consequence of non-private use could be assessed if proposed.

The Highway Authority do not object to the proposal, and their views have to be given considerable weight in the circumstances. Overall, subject to certain highways related conditions 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 stables would be located approximately 32 metres from 2 residential properties to the south west (Wynbrook and No 3 Wereton Road) and 50 metres from Honeysuckle Cottage to the north west. The proposed waste heap would be located 26 metres from the front elevation of No 3 Wereton Road, and approximately 28 metres from Wynbrook.

The Environmental Health Division has no objections to the proposed development subject to conditions relating to approval of any external lighting scheme proposed, and prior approval of the means of storing and disposing of stables wastes. The assumption made is that by appropriate management issues can be addressed.

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 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 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. Two stables are

proposed and the site extends to approximately 2 acres – the British Horse Society recommend a stocking level of no more than one horse per acre, so there is no reason (from the area involved) to consider that the land will inevitably become overgrazed and poached (subject to appropriate management of course). 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.

**Background Papers**

Planning file

Planning documents referred to

**Date Report Prepared**

23 August 2012