

The application is for full planning permission for the change of use of land to livery, change of use of an agricultural building to a stable block, formation of a ménage and installation of lighting units.

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

The 8 week period for the determination of this application expires on 20th May 2013.

Recommendation

Permit subject to conditions relating to the following matters: -

- **Commencement of the development**
- **Approved plans**
- **Prior approval of materials to be utilised (surfacing of ménage)**
- **Prior approval of means of storing and disposing of stable wastes**
- **Prior approval of jumps and similar features**
- **Surfacing and maintenance of access**
- **Provision of parking and turning**
- **Prior approval of levels of ménage**

Reason for Recommendation

The proposed development, whilst involving an element of inappropriate development within the Green Belt - the change of use of land for the purposes of keeping 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 the ménage, and refusal of that element may lead to additional hacking on the highway network, and increased highway danger. Further, the development would not harm the character of the rural area, and there would be no adverse impact to highway safety or residential amenity. The development is considered to accord with Policy N20 of the Local Plan, Policies D2, D4, NC1 and NC2 of the Structure Plan, Policy CSP4 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.

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

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

Policy CSP1: Design Quality

Policy CSP4: Natural Assets

Policy ASP6: Rural Area Spatial Policy

Newcastle-under-Lyme Local Plan (NLP) 2011

Policy S3: Development in the Green Belt

Policy N17: Landscape Character – General Considerations

Policy N20: Area of Landscape Enhancement

Policy T16: Development – General Parking Requirements

Other Material Considerations include:

National Planning Policy

National Planning Policy Framework (2012) (NPPF)

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).

Planning for Landscape Change: Supplementary Planning Guidance to the Staffordshire and Stoke-on-Trent Structure Plan 1996-2011, formally adopted on 10 May 2001

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. The Secretary of State has now announced his intention to lay the Revocation Order before Parliament following the Easter 2013 recess.

Relevant Planning History

09/00403/FUL Extension to existing farm building Approved

Views of Consultees

The **Environmental Health Division** has no objections.

The **Highway Authority** has no objections subject to conditions regarding the surfacing and maintenance of the access drive rear of the public highway in a bound and porous material and the submission and approval of details of the parking and turning of vehicles within the curtilage of the site.

The **Landscape Development Section** has no objections.

Audley Rural Parish Council does not support the application for the following reasons:

- Change of use from agricultural land
- Green Belt
- Light pollution
- Saturation of ménages in the area

- Highway safety issues, approached by 2 blind bends on 60mph road
- Drainage issues already present by junction causing flooding and ice which could be added to by the water that runs off/drainage to the ménage

Representations

Nil

Applicant/Agent's Submission

A design and access statement has been submitted with the application. A summary of the points made is as follows:

- The change of use is for part of the farm to be used as a livery business. A maximum of 12 stables will be used for livery at any one time.
- Clients will be able to visit the farm between the hours of 6.30am and 9pm.
- Access will be from the rear entrance off Peel Hollow.
- An old workshop to the rear of the house will be converted to form a stable block using recycled plastic partitions.
- The ménage measures 40m x 60m and is constructed from a clean stone base with a silica sand and rubber surface, contained by post and rail fencing and a gate.
- The ménage means that there will be no need to exercise the horses on the roads which are getting more dangerous. There have been a number of accidents in the area.
- The ménage is in the corner of an existing field along the side of a cattle shed.
- The ménage is set back from the highways and is screened on all sides by a well established hedge, a cattle shed, a farm house and open fields.
- Access to the farm site is via an existing entrance from the road with no alterations necessary as the access is sufficient for vehicles to pass each other. There is sufficient parking for horseboxes and trailers.
- The arena will be available to use between the hours of 7am and 9pm daily.
- Eight directional lighting units will be fitted to the perimeter fence with two lights on each unit. The lights allow for horses to be exercised safely through the short dark winter months and they will not be necessary during the summer months. They will be most frequently used though winter between the hours of 5pm and 7pm.

A Lighting Assessment has also been submitted.

Both documents can be viewed at the Guildhall and on the Council's website www.newcastle-staffs.gov.uk/planning/OldPeelFarm

KEY ISSUES

The application is for full planning permission for the change of use of land for the purposes of keeping horses (livery), change of use of an agricultural building to a stable block, the formation of a ménage and installation of lighting units. The facilities would be operated as a livery business.

The application site is located within the Green Belt and an Area of Landscape Enhancement as indicated on the Local Development Framework Proposals Map. The main considerations in the determination of this application are as follows: -

- Whether or not the proposal would constitute appropriate development
- Whether the development complies with policies on development in the countryside and impact on the character and appearance of the landscape
- Whether there would be any impact on highway safety
- Whether there would be impact on residential amenity
- If inappropriate development in the Green Belt whether the required very special circumstances exist

Is the development considered appropriate development in the Green Belt?

The NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. It states that certain forms of development 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 in the Green Belt. A change of use of land is not listed as appropriate development and therefore the change of use of the land for the purposes of keeping horses must be concluded to constitute inappropriate development.

However, the re-use of buildings is listed as a form of development that can be appropriate in the Green Belt, provided that the buildings are of permanent and substantial construction. The building to be converted is a large steel framed outbuilding comprising blockwork and cement fibre sheets. No external alterations are proposed, just the installation of partitions and therefore it is considered that the proposed conversion of the building to stables would preserve the openness of the Green Belt and constitutes appropriate development.

Whilst the NPPF does not specifically mention the construction of a ménage in the Green Belt, it does, however, refer to engineering operations not being inappropriate provided they preserve the openness of the Green Belt and does not conflict with the purposes of including land within it. The applicant does not propose any significant change in land levels and although the ménage would involve the erection of fencing around its perimeter and the erection of lighting units, it is not considered that it would have any adverse impact upon the openness of the Green Belt. As such the ménage is considered to constitute appropriate development in the Green Belt.

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 Enhancement as designated on the Local Development Framework Proposals Map. Policy N20 of the Local Plan states that in these areas the Council will support, subject to other plan policies, proposals that will enhance the character and quality of the landscape. Within these areas it will be necessary to demonstrate that development will not further erode the character or quality of the landscape.

Since 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. It is considered that Policy N20 of the Local Plan is consistent with the Framework and therefore should be given due weight.

No external alterations are proposed in the conversion of the farm building to stables and therefore this element of the proposal would have no impact upon the surrounding countryside. The proposed ménage would be sited to the north of the farm immediately adjacent to existing farm buildings. The land is gently undulating and so only a relatively minor cut and fill exercise would be required to achieve a flat area. Given the proposed siting of the ménage it is not considered that the character or quality of the landscape would be eroded to a sufficient extent to justify refusal.

It is noted that the applicant states that the ménage would be used for preparation for show jumping events, which would involve the use of jumps. It is considered appropriate to condition prior approval of the appearance and number of jumps to be sited on the ménage, and where they are to be stored when not in use.

Are there any highway safety issues?

Access to the site would be via an existing entrance off Peel Hollow, which currently serves the farm. Although the proposed livery use would generate additional traffic visiting the farm, the access is of sufficient width to allow two vehicles to pass and there is sufficient space within the site for the parking and turning of vehicles.

Although Audley Rural Parish Council raises concerns regarding highway safety issues, visibility on both access to and egress from the site is considered acceptable. The Highway Authority has no

objection to the proposal subject to the imposition of conditions regarding the surfacing of the access and the provision of parking and turning areas within the site.

It is not considered that an objection could be sustained on the grounds of impact on highway safety therefore.

Is the impact on residential amenity acceptable?

The proposal involves the operation of a business use and therefore impact on residential amenity needs to be considered. A number of external lights are proposed and a Lighting Assessment has been submitted to accompany the application.

The development would be sited adjacent to the existing farm buildings and it would be a significant distance from any residential dwellings. The Environmental Health Division has considered the application and has no objections to the proposed development.

It is not considered that an objection could be sustained on the grounds of adverse impact on residential amenity.

Other issues

Audley Rural Parish Council has raised concerns regarding a saturation of ménages in the area. However, there is no policy basis for such an objection and each application has to be considered in terms of its own individual merits.

The Parish Council also raises concerns regarding existing drainage issues at the junction which could be exacerbated by run off from the proposed ménage. Only the impact of the proposed development can be considered, rather than any existing matters, and as the surface of the ménage would be porous, it is not considered that it would result in any significant additional run-off.

If inappropriate, are there the required very special circumstances to justify approval?

As indicated above, the element of the proposal involving a change of use of the land is considered to be inappropriate development, and the Authority has to now go on to weigh up and balance any elements of harm associated with the proposal against any other material considerations.

As indicated above, 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.

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 - that for the purposes of keeping horses - is directly connected with the "provision of appropriate facilities for outdoor sport and recreation". It is considered that as the stables and ménage are 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

22 April 2013