

The application is for full planning permission for the change of use of land from agricultural to use for keeping and exercising horses, the erection of a manège and a stable block.

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 the 29<sup>th</sup> July 2013.**

**Recommendation**

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

- **Commencement of the development**
- **Plans referred to in consent**
- **Prior approval of external lighting**
- **Prior approval of means of storing and disposing of stable wastes**
- **Non commercial use only**
- **Prior approval of landscaping scheme**
- **Protective fencing for hedgerows and trees throughout construction**
- **Prior approval of 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 proposed stables and manège, and refusal of the change of use 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, 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:-**

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

Policy CSP1: Design Quality

Policy CSP 4: Natural Assets

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

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

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Supplementary Planning Document (2010)

### **Relevant Planning History**

None considered relevant

### **Views of Consultees**

**Environmental Health Division** – No objections subject to conditions relating to:

- Prior approval of lighting
- Prior approval of storage and disposal of waste
- Stables and Manège for domestic use only

**Audley Rural Parish Council** – No objections

**Highways Authority** – No objections (the existing access to the site is suitable to cater for the movement of horse boxes and other traffic associated with the proposed private stables)

**Landscape Development Section** – Suggest a landscaping condition is applied and that native trees, shrubs and hedgerow planting with appropriate protection from grazing animals is used to soften the visual impact of this development from the surrounding landscape setting. The proposals should include strengthening and infilling existing hedgerow along Boon Hill Road with native hedgerow planting and hedgerow trees, and consideration should also be given to softening the visual impact of level changes from the surrounding landscape setting. Also suggest hedgerow planting used around the existing hardstanding adjacent the new stable block. It would appear that this development would be at a sufficient distance to have no impact upon existing trees and hedgerows.

### **Representations**

One representation of support has been submitted which is summarised below:

- The area is rural and there are many horse owners in the area
- There is a need for more exercising areas and stabling for this type of business/hobby
- There was an incident recently involving a speeding motorist and a horse and this needs to be avoided in future
- If the application is permitted it will mean that horses and riders can exercise in safety

### **Applicant/Agent's Submission**

A Design and Access Statement has been submitted along with the requisite plans and application form.

The Design and Access Statement specifies the following::

- The stables will be built in timber with a shallow pitched roof in dark finish. It will be arranged in a I-shape. It is shown on the plan

- The stables will provide for 3 stables, a tack room and food store
- The stables will be 2.1 metres to eaves level and 2.9 metres to the ridge. They will be 3.65m wide and they will be 13.2 long
- No landscaping is need or proposed for the stables though some will required for the manège itself
- The stables will look like and are standard wooden stables. Each stable or room will have a stable door and small window
- The stables are sited on a concrete apron adjacent to the proposed manège. No disabled access provision is made as the applicant has no need or requirement for the same

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

### **KEY ISSUES**

Full planning permission is sought for the change of use from agricultural land to be used for the keeping and exercising of horses, including the erection of a manège and a stable block at Beech Cottage, Boon Hill Road, Bignall End. The application site is located within the Green Belt, an Area of Landscape Restoration and within the rural area, as indicated by the Local Development Framework Proposals Map.

The application site measures approximately 1265 square metres. The stable block would be located on an existing area of hardstanding, and would measure 2.1 metres to eaves level and 2.9 metres to the ridge height. They would form an L shape, measuring 3.65 metres wide and 13.2 metres long. The manège would measure 60 metres by 20 metres and would involve engineering works to the land levels to create a flat area to construct the manège upon. The manège would be situated in a field to the north of Beech Cottage, and would run parallel with Boon Hill Road.

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

### **Is the development considered appropriate development in the Green Belt?**

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 applicant seeks consent to use the land to keep horses upon, to construct a manège to exercise the horses on and a stable housing 3 stables, a tack room and a food store. The manège and stable can be considered to form appropriate development in the Green Belt.

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 here. 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.

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 proposal would involve minor engineering works to the land levels to create a flat area for the manège. It is considered that these works have been designed to have a minimal impact upon the wider landscape. A post and rail fence measuring approximately 1.4metres in height is proposed around the perimeter of the manège. This is considered acceptable, however it is considered that landscaping will be required to soften the overall appearance of the development within views of the landscape.

The stables would be constructed upon an existing area of hardstanding, to the east of an existing building used for storage. The L shape of the proposed stables is considered an appropriate design and of appropriate construction materials which are proposed to be dark stained oak timber walls and black onduline roof sheets. It is considered that the design and materials would not detract from the character of the wider Area of Landscape Maintenance.

The manège surface is proposed to be made up of a triple washed silica sand base with recycled rubber pieces (equestrian rubber crumb) laid on top of the sand, all upon a permeable textile membrane. This is considered acceptable for the manège surface materials.

Overall, the proposed development is considered to be acceptable in this location.

#### 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.

No harm to trees or hedges would be caused by the proposed development. However, it is considered appropriate, in line with the landscape development sections comments, to include a landscaping condition to secure strengthening and infilling of the existing hedgerow along Boon Hill with native hedgerow planting and hedgerow trees, and hedgerow planting would be beneficial around the existing hardstanding where the new stable block is to be situated, to soften its appearance in views from the wider landscape.

#### Are there any highway safety issues?

It is important to ensure that the development would not have any adverse impact upon highway safety. Access to the manège, stables and fields would be gained through the existing site access off Boon Hill Road.

It is considered the proposed use would not generate any further significant traffic movements and a condition ensuring that it is for personal use only will help to ensure traffic movements are kept to a minimum and there would be no detrimental impact on highway safety in the area.

The Highway Authority does not object to the proposal, and their views have to be given considerable weight in the circumstances.

Overall, as the manège is not proposed for a commercial enterprise, there would be no issues with traffic generation or parking associated with the site, and the development is therefore considered acceptable in terms of highway safety and parking issues.

**Is the impact on residential amenity and the environment acceptable?**

New development should not have any material adverse impact upon residential amenity or the environment. 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.

Therefore, the development is considered acceptable in this regard.

**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.

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 is one that is directly connected with the "provision of appropriate facilities for outdoor sport and recreation". It is considered that, as the stabling has been 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**

18<sup>th</sup> July 2013