



## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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<b>APPLICATION NO:</b>	<b>DM/16/02237/FPA</b>
<b>FULL APPLICATION DESCRIPTION:</b>	<b>Change of use of the land to private equestrian and construction of a building to house 6no. new private stables plus ancillary rooms.</b>
<b>NAME OF APPLICANT:</b>	<b>Mr Darran Green</b>
<b>ADDRESS:</b>	<b>Land To The Rear Of Johnsons Buildings Iveston Lane Iveston DH8 7TH</b>
<b>ELECTORAL DIVISION:</b>	<b>Leadgate and Medomsley</b>
	<b>Sarah Seabury</b>
	<b>Planning Officer</b>
<b>CASE OFFICER:</b>	<b>Telephone: 03000 261 393</b> <a href="mailto:sarah.seabury@durham.gov.uk">sarah.seabury@durham.gov.uk</a>

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### DESCRIPTION OF THE SITE AND PROPOSAL

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#### THE SITE:

1. The application site is located within a 10 acre plot of land to the east of two rows of terraced properties known as Johnsons Buildings and Parkers Buildings. This land is separated into two fields. The application site is located 3.3km to the south east of Consett at Iveston. However, the land and properties are physically and visually isolated from the village of Iveston which is located approximately 160m to the east of the application site.
2. The land is accessed via an existing field access gate to the north east of the site from the A691. The two fields are separated by post and rail fencing which extends from the northern boundary of the site, at approximately 85m from the access gate, 70m toward the south and then extends east to the garden boundaries of Parkers Buildings. The remaining land (Field 2) is enclosed by a mixture of stone walls and fencing. The applicant is currently in the process of installing 1.2m close boarded fencing around the perimeter of the Field 1 in replacement for the existing post and rail fencing.
3. Field 1 is located in an elevated position within the landscape on a relatively flat section of land. Field 2 is relatively flat to the east however the land drops markedly to the west down toward the Stockley Burn.

4. The field is currently occupied by the applicants' kennels and chicken runs. There had previously been five stables located on the application site however this structure fell into disrepair and has been removed within the last 6 years. The concrete plinth upon which it was located remains in situ.

#### THE PROPOSAL:

5. The application is for the change of use of the 10 acre plot of land to equestrian use and the construction of a stable block. The land is currently used for the grazing of the family's horses however this application seeks to formally change this use to equestrian.
6. The stable block would comprise 6 stables, a hay store, tack store, rug drying area, wash bay, feed store and accommodate space for a tractor and horse box. The building would measure 10.95m by 22.4m with an eaves height of 2.8m and maximum height of 4.1m. It would be constructed of low level concrete walls and high level softwood board with a galvanised steel gable roof. The stable block would be accessed from the south via bi-sliding galvanised steel doors measuring approximately 3.6 by 2.55m in height. The stable block would be located to the northern boundary of the site on the location of the previous stable block and adjacent to the applicant's kennels. There would be a 1m stand-off from the northern boundary fence to allow for maintenance.
7. The stables would be used to house the applicants' family horses comprising two driving horses, three riding horses and five ponies. The horses are currently cared for in Field 2 of the applicants land however the indoor stables are sought to accommodate the horses during the winter months and store food and equipment safely and indoors.

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## **PLANNING HISTORY**

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None relevant

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## **PLANNING POLICIES**

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#### NATIONAL POLICY:

8. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The overriding message is that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependant.
9. The presumption in favour of sustainable development set out in the NPPF requires local planning authorities to approach development management decisions positively, utilising twelve 'core planning principles'
10. The following elements are considered relevant to this proposal:

11. NPPF Part 1 Building a Strong, Competitive Economy. The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.
12. NPPF Part 7 Requiring Good Design. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
13. NPPF Part 8 – Promoting Healthy Communities – the planning system is considered to have an important role in facilitating social interaction and creating healthy, inclusive communities, delivering social recreational and cultural facilities and services to meet community needs. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.
14. NPPF Part 11 Conserving and Enhancing the Natural Environment. The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils; recognising the wider benefits of ecosystem services; minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

NATIONAL PLANNING POLICY GUIDANCE:

15. *Design -The importance of good design.* Good quality design is an integral part of sustainable development. The National Planning Policy Framework recognises that design quality matters and that planning should drive up standards across all forms of development. As a core planning principle, plan-makers and decision takers should always seek to secure high quality design, it enhancing the quality of buildings and spaces, by considering amongst other things form and function; efficiency and effectiveness and their impact on wellbeing.
16. *Noise.* - Noise needs to be considered when new developments may create additional noise and when new developments would be sensitive to the prevailing acoustic environment. Consideration should be given to whether significant adverse effect or an adverse effect occurs or is likely to occur; or whether a good standard of amenity can be achieved. Paragraph 123 of the NPPF provides policy support to this aspect.
17. *Natural Environment* - Section 40 of the Natural Environment and Rural Communities Act 2006, which places a duty on all public authorities in England and Wales to have regard, in the exercise of their functions, to the purpose of conserving biodiversity. A key purpose of this duty is to embed consideration of biodiversity as an integral part of policy and decision making throughout the public sector.

## LOCAL PLAN POLICY:

### The Derwentside District Local Plan (1997):

18. *Saved Policy GDP1 General Development Principles* – outlines the requirements that new development proposals should meet, requiring high standards of design, protection of landscape and historic features, protection of open land with amenity value, respecting residential privacy and amenity, taking into account 'designing out crime' and consideration of drainage.
19. *Saved Policy EN1 Development in the Countryside* – will only be permitted where it benefits the rural economy or helps maintain or enhance landscape character. Proposals should be sensitively related to existing settlement patterns and to historic, landscape, wildlife and geological resources.
20. Policy EN26 – Control of Development Causing Pollution – permission will only be granted for development which is not likely to have an adverse impact on the environment having regard to likely levels of air, noise, soil or water pollution.
21. Policy AG1 – Development of land of grade 2 or 3a agricultural quality will not be permitted unless there is no irreversible loss of agricultural land or where no other site on lower grade land exists upon which the development could reasonably be located.
22. *Saved Policy TR2 – Development and Highway Safety* – relates to the provision of safe vehicular access, adequate provision for service vehicle manoeuvring, etc.

## RELEVANT EMERGING POLICY:

23. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

*The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at <http://www.durham.gov.uk/article/3266/Whats-in-place-to-support-planning-and-development-decision-making-at-the-moment>.*

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## **CONSULTATION AND PUBLICITY RESPONSES**

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### **STATUTORY RESPONSES:**

24. Highways –No objection subject to a condition requiring the setting out of the access in accordance with the submitted plan.

### **INTERNAL CONSULTEE RESPONSES:**

25. Landscape - The proposals would not have significant landscape and visual effects and would not conflict with policies dealing with those matters, subject to hedge planting.
26. Environmental Health – The stables will be 40m from the residential terrace and there is some potential impact for noise and odour however the building is fairly contained and noise should not result in a significant impact on nearby properties. Equestrian use is not considered to be as highly odorous or intensive as some agricultural uses. Horses will be grazed external and the stables used only in inclement weather. Assuming that the applicants adopt good animal husbandry measures, the trailer is stored in an appropriate location and removed regularly, then it is unlikely that the use of the stables will increase odour over and above normal agriculture/equestrian use of the open land. Proposal is not considered likely to lead to a statutory nuisance and no objection is raised to the development in principle.
27. Environmental Health (Contamination) – No objection.

### **PUBLIC RESPONSES:**

28. A total of three letters of representation have been received. These raise concerns with regard to odour, noise, privacy, the potential use of the stables for a livery business or for housing dogs and an existing covenant on land restricting its use to agricultural.

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## **PLANNING CONSIDERATION AND ASSESSMENT**

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29. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of development and the impact upon the character and the appearance of the surrounding area, neighbouring amenity and highway safety.

### Principle of the Development

30. The use of the land for keeping of horses for personal recreational use and the construction of a building to serve the use would be acceptable in accordance with Derwentside Local Plan Policy EN1 if it would be of benefit to the rural economy or maintain or enhance the landscape character. Being a personal equestrian use there would be no economic benefits from the use, however in terms of the maintenance/enhancement of the landscape given the relatively small size of the structure and siting any impact upon the character of the landscape would be

minimal therefore it is considered that the proposal accords with this local plan policy. This issue is addressed however in greater detail below.

31. Paragraph 28 of the National Planning Policy Framework refers to horse riding and other equestrian activities being popular forms of recreation in the countryside which can help to diversify rural economies. The proposed change of use of the land to equestrian and construction of a stable block for personal use is considered compatible with its countryside location.
32. Policy AG1 of the Derwentside District Local Plan restricts development on land grades of 2 or 3a agricultural quality unless there would be no irreversible loss or there is no alternative lower grade site that could be used. Paragraph 112 of the NPPF encourages the use of better quality land for agricultural purposes. The land in question is rated of poor agricultural quality rating 4 out of 5 by Natural England and their Agricultural Land Classification.
33. Section 3 of the NPPF seeks to facilitate social interaction and create healthy, inclusive communities and recognises the importance of access to opportunities for sport and recreation. Being a personal equestrian use this proposal would gain the support from the National Planning Framework in this respect.
34. Overall the use of the land for the keeping of horses for personal use and construction of stables appears a reasonable level activity for the size of the site and given its location is considered acceptable in principle in this countryside position subject to other material planning considerations as detailed below, consistent with Paragraphs 28 and 112 of the NPPF and Policy EN1 of the saved Derwentside Local Plan.

#### Impact upon the Character and Appearance of the Area

35. Clearly developments such as this need to be located in the countryside however the NPPF and Saved Policy EN1 of the Derwentside District Local Plan state that development should only be allowed where it enhances or maintains landscape character and does not harm the intrinsic character. Whilst the proposed stable block would be located within the countryside it would be within close proximity to residential properties. The application site is not protected by any landscape designations and is predominantly agricultural in character with a mix of agricultural fields, woodland belts and farm steadings. The majority of the site would remain open and undeveloped and therefore the development would not harm the character or rural landscape.
36. The proposed stable block would be predominantly screened from the south and east due to the existing buildings and woodland areas. Views from the north would be predominantly screened by existing woodland areas however it would be visible from the A691 when heading south. In addition, users of the Public Right of Way to the north of the site would have open and uninterrupted views of the proposed stable block. However the stable block would be viewed in the context of the existing buildings and would have an agricultural appearance in keeping with its location. Furthermore the applicants have agreed to lower the maximum height of the stable block by 0.7m to 4.1m at the request of the Planning Department. This has resulted in a lower roof pitch which would reduce the prominence of the structure within the landscape. Views from the west toward the stable block would be at a distance for

the majority of receptors and due to its proposed position it would be seen within the context of the existing buildings.

37. Development of this nature, change of use of land to equestrian and construction of a stable block for personal use, is common within the countryside. The scale of the stable block in this instance is relatively large however this is the result of the number of horses and ponies in the applicant's ownership. There is sufficient land to accommodate the number of horses proposed to be kept on the land. Should consent be granted a condition would be recommended restricting the use of the stables for domestic use only to prevent an intensification of activity at the site. It is considered that the scale of the building would not result in undue harm to the wider landscape due to its location, design and existing screening. This is confirmed by the Councils' Landscape Officer who advises that the proposed stable block would not represent a significant reduction in the visual amenity value of the area or of the value of the landscape character subject to additional hedge planting.
38. It is considered that whilst the proposed stable block would result in a new structure within the landscape it is appropriate to the character of the area and would be viewed in relation to existing buildings rather than resulting in a new isolated feature within the landscape. Furthermore, the change in use of the land is not considered to be an intensification of the use of the land, thereby changing its character, as horses have grazed on the land for a number of years. The keeping of horses is considered to be a compatible land use in the countryside. It is therefore considered that the proposed change of use of the land and construction of a stable block is in accordance with the NPPF and Saved Policy EN1 of the Derwentside District Local Plan.

#### Impact upon Neighbouring Amenity

39. Saved Policy GDP1(h) of the Derwentside District Local Plan requires new development to respect the amenity of neighbouring residential occupiers and adjoining land users. The boundary of the nearest residential properties to the proposed stable block are located 40m to the east. Equestrian development of the nature proposed can have a number of different impacts upon residential properties which would need to be carefully managed to reduce these impacts to a level considered acceptable for residential properties.
40. Representations have raised concerns over odour, noise, privacy, the potential use of the stables for a livery business or for housing dogs and an existing covenant on land restricting its use to agricultural.
41. With regard to noise and odour, the stable has minimal openings therefore noise and odour would be relatively well contained. In addition it is proposed that the horses would normally be grazed in Field 2 and only use the stables during inclement weather. However, it would not be reasonable or enforceable to control this by condition. The applicant has advised that horse manure will be stored on an agricultural trailer and filled every 2-3 weeks prior to exportation off site for recycling. The trailer would be located to the west of the proposed stable block which is approximately 60m from the existing residential properties and a condition would ensure that the waste management plan is adhered to. The Environmental Health Officer has been consulted on the application and considers that equestrian use generally is not considered to be as highly odorous or intensive as agricultural uses. With regard to this application they have advised that the proposal would not result in

a statutory nuisance and is therefore raising no objection to the proposal and Officers are of the view that the proposal would not have an unacceptable impact on residential amenity in relation to noise and odour due to the position and distance between the stable block and neighbouring properties, the scale of use proposed and the scheme for the disposal of waste.

42. The applicant owns the land to the rear of the properties of Johnsons Buildings and Parkers Buildings and he and his family have had access and use of this land for a number of years. The proposed stable block would be located to the west of Field 1 adjacent to the northern boundary of the field approximately 40m from the nearest residential property. Furthermore due to the location of the proposed stable block and the availability and existing use of Field 2 by the horses it is considered that the privacy of the neighbouring properties would be maintained as the majority of activities would be carried out away from the rear boundary of the properties. It is therefore considered that the proposal would not result in an intensification of use of the land that would impact upon the privacy of neighbouring residential properties and that the amenity of the occupiers of these properties would not be adversely affected.
43. The letters of representation raise concern with regard to the use of the stables, both in terms of a commercial livery and for the housing of dogs. The applicant has stated in the application that the stable block would be used to house horses and ponies for personal use only by the applicant and his family. The use of stables and land for personal equestrian use can be controlled by condition in accordance with the NPPF. Therefore as set out above should permission be granted a condition can be included ensure that no commercial activity takes place on site and that the stables shall only be used for the keeping of horses.
44. Overall, the proposal would have some impacts upon the amenity of neighbouring occupiers. However, subject to conditions to control these impacts it is considered that this impact would be sufficiently reduced to be considered to be acceptable and in accordance with the NPPF and Saved Policy GDP1 of the Derwentside District Local Plan.

## Highways

45. Paragraph 32 of the NPPF and Saved Policy TR2 of the Derwentside District Local Plan require new development to achieve safe and suitable access to the adopted highway network for the type of use that is being proposed. In this case, access is proposed via an existing field access to the north east of the site and onto the A691.
46. The proposed change of use of the land and construction of the stable block should not result in a substantial increase in traffic or parking as the horses are already on the land. The Councils Highways Officer is satisfied with the improvements proposed for the site access and that both a vehicle and horse box can be accommodated off the public highway while the gates to the site are opened to allow vehicular access.
47. In addition to the above the applicant owns and resides within one of the neighbouring properties of Johnsons Buildings with on-street parking available in addition to the space available within the field itself. It is therefore considered, subject to a condition requiring the improvements to the access that the provision of specific parking adjacent to the stables is unnecessary and the site can be safely accessed by traffic associated with the proposed use. It is therefore considered that the



proposal is in accordance with the NPPF and Saved Policy TR2 of the Derwentside District Local Plan.

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## **CONCLUSION**

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48. The proposal introduces a rural activity into a rural setting. Issues in regard to visual impact, impacts upon residential amenity and impact on the highway are considered controllable by condition. All of these aspects weigh in favour of the proposed development.
49. The use of the site would be restricted to personal use only to prevent a commercial business taking place on the land such as livery and a condition would restrict the use of the stables to the keeping of horses only. The proposal is therefore considered to be acceptable and in accordance with Derwentside Local Plan Policies GDP1, EN1, EN2, EN26 and TR2 and the NPPF.

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## **RECOMMENDATION AND CONDITIONS**

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That the application be **APPROVED** subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

2. The development hereby approved shall be carried out only in accordance with the application form and the approved plans, specifications and conditions hereby imposed:
  - a) Red Line Site Location Plan Woody Close Ref No WC70 Dated July 89 received 19 October 2016
  - b) Proposed Floor Plan 16-97 Dwg No.03 received 12 July 2016
  - c) Proposed Site Plan 16-97 Dwg No.02 Rev B received 4 October 2016
  - d) Proposed Elevations 16-97 Dwg No.04 Rev B received 4 October 2016
  - e) 16/97/02 REV B
  - f) Sections 4.0 Proposed Materials and 6.0 of the Design and Access Statement received 19 July 2016

*Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Saved Policies GDP1, EN1 and TR2 of the Derwentside District Local Plan.*

3. The site and stable block shall be used for personal equestrian use related to the keeping and grazing of horses only.

*Reason: To ensure that the amenity of the neighbouring properties is protected in accordance with Saved Policy GDP1 (h) of the Derwentside District Local Plan.*

4. No floodlighting shall be erected or used on site without the prior written consent of the Local Planning Authority.

*Reason: To ensure that the impact upon the surrounding countryside is controlled in accordance with Part 11 of the NPPF and Saved Policy EN1 of the Derwentside District Local Plan.*

5. Within 1 month of the commencement of development a detailed landscaping scheme and plan shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include the provision of Native species hedge planting within 3m wide stock-proof fenced corridors along the field sub-dividing internal fence to the west of the site and hedge planting to the northern boundary of the field. Any submitted scheme must be shown to comply with legislation protecting nesting birds and roosting bats. The approved scheme shall be implemented in full.

*Reason- To ensure that the impact upon the surrounding countryside is controlled in accordance with Part 11 of the NPPF and Saved Policy EN1 of the Derwentside District Local Plan prior to the construction of the stable block.*

6. Prior to the occupation of the stable block by horses the site access improvements shown on plan 'Proposed Site Plan 16-97 Dwg No.02 Rev B received 4 October 2016' shall be implemented in full.

*Reason - In the interests of highway safety and to comply with Saved Policy TR2 of the Derwentside District Local Plan.*

7. The approved arrangements for the storage and disposal of animal waste shall be implemented in full and shall be undertaken in perpetuity. If the arrangements are not undertaken in accordance with the approved arrangements the use of the site shall cease and the field shelter shall be permanently removed from the site.

*Reason: In the interests of residential amenity in accordance with Policy EN26 of the Derwentside District Local Plan.*

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## **STATEMENT OF PROACTIVE ENGAGEMENT**

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The Local Planning Authority in arriving at its decision to approve the application has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (Statement in accordance with Article 35(2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015)

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## **BACKGROUND PAPERS**

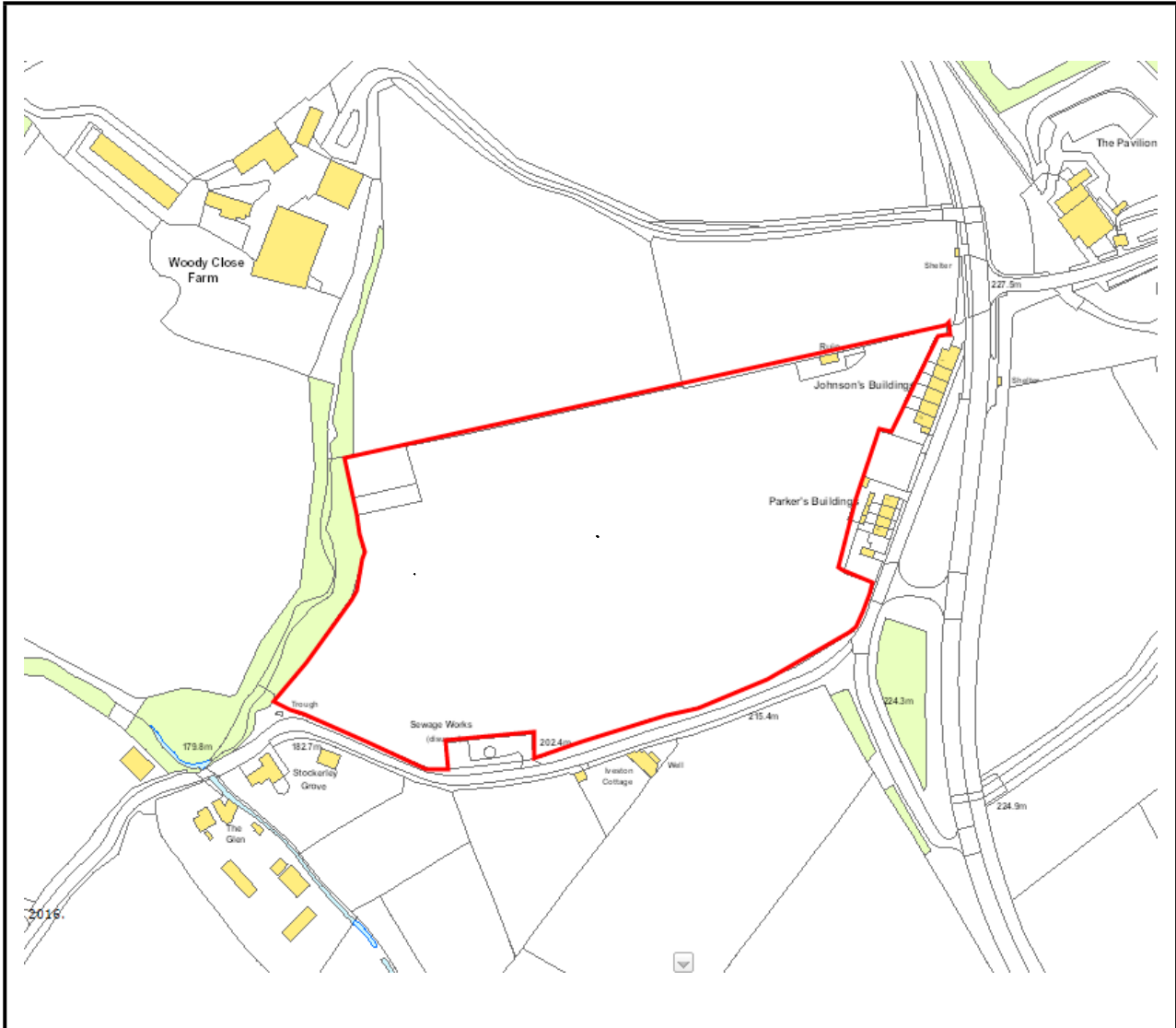
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Submitted application form, plans supporting documents and subsequent information provided by the applicant.

The National Planning Policy Framework (2012)

National Planning Practice Guidance

Derwentside Local Plan (Saved Policies 2007)



**Planning Services**

Change of use of the land to equestrian and construction of a building to house 6no.new private stables plus ancillary rooms.

Application Number : DM/16/02237/FPA

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**Comments**

**Date** 24.11.16

**Scale** 1:2500