

PLANNING COMMITTEE 17 July 2006

**CHESTER-LE-STREET DISTRICT COUNCIL**

**DIRECTORATE OF DEVELOPMENT SERVICES**

**REPORT TO PLANNING COMMITTEE**

**17 JULY 2006**

**REPORT OF THE ACTING PLANNING SERVICES MANAGER**

**ITEM 1** District Matters Recommended Approval

**ITEM 2** Planning General

**COPIES OF ALL PLANS, ELEVATIONS AND SUPPORTING DOCUMENTATION  
CAN BE VIEWED IN THE PLANNING SERVICES DIVISION PRIOR TO THE  
COMMITTEE MEETING**

**COPIES OF PLANS AND ELEVATIONS FOR APPLICATIONS WHERE THE  
APPLICANT / OBJECTORS / SUPPORTERS WISH TO SPEAK OR FOR OTHER  
MAJOR APPLICATIONS WILL BE DISPLAYED IN THE COUNCIL CHAMBER PRIOR  
TO AND DURING THE COMMITTEE**

**REPORT OF THE PLANNING SERVICES MANAGER**

**ITEM 1** District Matters Recommended Approval

1.

**Reference: 06/00230/FUL**

**Proposal** Retrospective application for stable.

**Location** Land West of 12 Low Flatts Road Chester-le-Street Durham

**Applicant** Robert Ryle

**The Proposal**

Detailed planning approval is sought, in retrospect, for the construction of a free standing stable building at this existing paddock to the west of the East Coast mainline and Lyndhurst Avenue, Chester le Street.

The stable building in question has been built in breezeblock construction with a profiled steel roof. The stable building measures 6.9 metres x 3.85 metres and is approximately 2.6 metres high. The paddock itself measures approximately 2000 square metres.

The eastern boundary of the tri-angular shaped paddock is flanked by the East Coast main line. The remaining two sides are flanked by agricultural land. Vehicular access to the site is taken via the railway bridge from Low Flatts Road. The application site is illustrated on the attached location plan.

The closest residential properties to the application site are located at Low Flatts Road and Lyndhurst Avenue, approximately 50 metres to the east of the application site.

**Supplementary information supplied by the Applicant / Tenant**

The applicant has confirmed that the paddock area, which is the subject of this planning application, has traditionally been used for equine purposes having previously contained stables and a hay shed. Unfortunately, these buildings were burnt to the ground. It has been stated that the tenant replaced these buildings with a single structure without appreciating that planning approval was required.

This current planning application has been submitted in an attempt to regularise this matter.

The existing tenant has informed planning staff that the building is used to stable a single horse, which belongs to him and his partner. He also stated that the horse is kept for recreational purposes and that he does not intend to run a business from the site. He has indicated that in the future he may wish to stable a further companion horse or pony in this location. Since renting the paddock he has tried to improve the visual appearance of the site and repaired the boundary fencing around the paddock to secure the site.

### **Consultation Responses**

Durham County Council, as Highway Authority, were contacted regarding this application and their views were awaited at the time of drafting this response.

The Acting Environmental Health Manager has raised no objections to the proposal. If required, any future noise or odour issues that are emitted from the development can be dealt with reactively using a wide range of statutory powers available to Environmental Health Team.

This planning application was advertised via both direct neighbour notification and the posting of a site notice at the entrance to the paddock. As a result, a letter containing 13 signatures has been received from local residents. This correspondence recognises that the existing tenant is making every effort to ensure that the stables are maintained in good condition and that the re-use of the building for stabling has improved security and acted as a deterrent for the unauthorised use of the building.

The letter goes on to state that if the Planning Committee agree that the structure is acceptable .... we have no objection to the above development provided that the following criteria are satisfied;

- the area is only used for equine use,
- the area is kept clean and tidy,
- as far as is practicable the deterrent to accessibility by others is maintained,
- the site is not used for caravan storage nor is this used for vehicular parking,
- that maintenance is carried out with the minimum of disruption to holders and at a reasonable time,
- there are no fires lit on site.

One further response was received from a resident living at Low Flatts Road. This respondent observed that the existing road across the railway line leading to the stables was heavily utilised by a wide range of users including railway maintenance staff, the farmer, this Council's grass cutting and refuse vehicles, children using the adjacent play area, walkers exercising their dogs, the current stable owner and cyclists using the neighbouring cycle track.

He raised concern that if the proposed stables were to be used commercially this would lead to further traffic generation in the area, which it was feared would lead to highway safety concerns. The number of horses to be kept on site and access arrangements were also queried.

Concern was also raised that the stable was in close proximity to the existing play area, it was stated that horses previously kept at this stable had escaped twice before. Leading to concerns that children playing at, or walking to, the play area may be injured accidentally.

### **Relevant Planning Policies and Considerations**

#### **Chester-le-Street Local Plan**

Policy RL11 of the Local Plan provides specific advice in regard to equestrian facilities. The Policy acknowledges that such facilities are, in principle, acceptable uses in the countryside and will be permitted provided that:

- i. New facilities are appropriate in scale and situated next to existing buildings and do not detract from the landscape;
- ii. The number of stables proposed and the number of horses to be grazed relate to the amount of grazing land available;
- iii. iii) New commercial establishments where tracking facilities are needed are in close proximity to existing bridle ways; Other types of commercial establishments should either be close to bridle ways or make provision within the scheme to adequately exercise horses;
- iv. New commercial establishments are close to existing residential accommodation, which will allow proper supervision at all times;
- v. The proposal fulfils the criteria of Policies NE4 and RL10 (which relate to green belt issues).

Policy NE4 ii) permits the construction of new buildings for essential facilities for outdoor sport and recreation ... that preserve the openness of the Green Belt, as is the case here.

Policy RL10 permits recreational uses and participatory sports provided that:

- i. the uses are predominantly participatory and outdoor;
- ii. ancillary facilities such as club houses are small in scale, and are essential for the leisure facility in question,
- iii. the proposed development would not harm the visual amenity of the Green Belt.

Whilst the existing stables are not located next to any existing buildings it should be noted that this site has housed a small number of equine / agricultural buildings for many years up until the recent fire destroyed the timber stables on site. This fact is supported by both historical Ordnance Survey drawings and aerial photography. As such, the continuation of this former use is considered acceptable 'in principle' in planning policy terms.

The building in question is to be used for recreational purposes and because of the limited size of the replacement building it is considered that this would not compromise the openness of the Green Belt.

When viewing the stables from the bridge across the railway line, these are viewed against the backdrop of the existing wooded area flanking the A693. The stables themselves are not, therefore, unduly prominent. However, it is considered that their design would be significantly improved if the external walls of the stables were timber clad and stained dark brown. This is considered to be particularly important bearing in mind the Green Belt location of the stable.

The fact that the area has been brought back into productive use has meant that the new tenant has already improved the visual appearance of the paddock area, a factor recognised by those who signed the submitted petition.

The buildings are currently utilised to stable one horse although the existing tenant has stated that he may also bring a companion horse or pony onto the site. Some grazing is

available within the existing paddock and the tenant has stated that the farmer, who he rents the paddock from, has offered him additional grazing, if required.

The tenant has stated that the stables are for his own private use only and these are not designed as a commercial livery yard and Members will note that a condition of approval is recommended to prevent any commercial use of the site.

#### Other Material Considerations

##### Highway Safety

Notwithstanding the concerns raised by local residents regarding both highway safety and the potential traffic flow to and from the site. It should be recognised that although the existing bridge over the railway is relatively narrow, the area immediately adjacent to the stable entrance is substantially wider, thereby, allowing traffic to the stables to pull up to open the gates without obstructing the access across the bridge itself.

Provided that the premises are not utilised on a commercial basis, a factor considered unlikely bearing in mind the limited size of the building in question and the wording of the approval, the continuation of this equine use on this site it is not considered that a refusal would be justified on highway safety grounds. The views of Durham County Council, as Highway Authority, are, however, awaited at the time of drafting this report.

##### Environment Improvements

As previously mentioned local residents have stated that the re-use of the paddock for stabling has prevented this area being used for anti-social behaviour and led to improvements in the visual appearance of the site as the new tenant has repaired fencing and gates etc. This situation would be further improved if timber cladding were added to the external walls of the existing structure and this was stained dark brown. Indeed this is considered important to help the structure blend into the surrounding Green Belt.

It is acknowledged that this site has been the subject of anti-social behaviour in recent times including the burning down of the previous stable block. From the information submitted by local residents it would appear that the re-use of the site including the construction of a more secure building here has led to a reduction in trespass and unauthorised use.

##### Health and Safety

One respondent has raised concerns that the close proximity of the stables to the adjacent play area could result in a health and safety risk if one of the horses stabled here escaped, as has happened in the past apparently. Whilst the Local Planning Authority recognise this concern it should also be noted that if permission for the building itself were refused, this would not prevent horses being grazed on site. It should also be noted that the existing tenant has already taken steps to improve the security of the site.

The Local Planning Authority are of the opinion that the potential risk caused by an animal escaping would not be so sufficient so as to justify refusal of this planning application. The applicant will, however, be made aware of these concerns so that measures can be taken to minimise the potential for horses to escape into adjacent land.

##### Other Issues Raised

The signatories stated that have no objection to the stables requested provided that the area of land be kept clean and tidy. Although the Local Planning Authority cannot secure the condition of the land via a planning condition powers do exist under Section 215 of the Town and Country Planning Act 1990, in this regard.

Were the land to be used for either caravan storage or vehicular parking this would be the subject to a separate planning application.

The Local Planning Authority cannot ensure that maintenance of the land is carried out with the minimum of disruption to householders and that no burning is carried out on site. Although these issues are outwith the remit of planning control actions could, if necessary, be taken by the Environmental Health section of this Council.

### **Conclusion**

In conclusion, the continuing use of this parcel of land for stabling is considered satisfactory from a planning viewpoint being compliant with Policies NE4 and RL 10 and 11 of the Chester le street Local Plan and other 'material' considerations. It is, however, recommended that a planning condition be attached in order to ensure that the external walls of the building are clad in timber and this is to be stained dark brown within three months of the date of this approval. This would improve the appearance of the building and help ensure that this 'blends' into the landscape when viewed from the access road and Bridle path to the north of the paddock. It is also recommended that a planning condition be attached restricting the use of the premises to that of private equestrian purposes only.

The above recommendation is made subject to no objection being raised by Durham County Council, as Highway Authority.

### **RECOMMENDATION** **CONDITIONS:-**

Approve SUBJECT TO THE FOLLOWING

Extra 1.

Notwithstanding any description of the materials in the application, the external walls of the stables shall be clad in timber and stained dark brown to the satisfaction of the Local Planning Authority within three months of the date of this planning approval, in the interests of visual amenity and in accordance with the provisions of Policy RL11 i) of the Chester-le-Street District Local Plan.

Extra 2.

The building hereby approved shall be used only for private equestrian purposes and shall not be used for livery, riding lessons or commercial breeding of any kind, in order to ensure that vehicular traffic to and from the site is minimised in the interests of residential amenity and highway safety.

**Item 2** Planning General

**2.1 APPEALS UPDATE**

Members are requested to note the content of the updated list of planning appeal decisions in respect of planning appeals lodged during 2005 and 2006.

**2.2 APPEAL HEARINGS / PUBLIC INQUIRY**

In order to keep the Planning Committee fully up to date with those outstanding planning appeals which are subject to hearings or a public inquiry, the following dates have now been confirmed by the Planning Inspectorate:-

Tuesday 18 July

Venue: Civic Centre

Outline application for detached dwelling at Twizell Hall Farm, Twizell Lane, West Pelton (05/00260/OUT)

Tuesday 25 July

Venue : Civic Centre

Application for "prior approval" of telecommunications mast, Carlingford Road, Chester-le-Street (05/00245/TEL)

Wednesday 26 July

Venue : Waldridge Parish Rooms, 1 Poplar Street, Waldridge

Application for "prior approval" of telecommunications mast, south west of roundabout, Waldridge Road, Chester-le-Street (05/00118/TEL)

Tuesday 1 August

Venue : Pelton Fell Village Hall, Pelton Fell

Public Inquiry into refusal of certificate of lawfulness on land adjoining Owlett Coachworks, Pelton Fell (05/00142/CLU)

Wednesday 2 August

Venue : Civic Centre

Outline application for dwelling at land east of Ravenscroft, Stoney Lane, Beamish (05/00108/OUT)

Members are requested to note that the hearings and public inquiry are scheduled to commence at 10am.

**S REED  
ACTING PLANNING SERVICES MANAGER**

**6 JULY 2006**



## **Chester-le-Street District Council**

Civic Centre, Newcastle Road, Chester-le-Street, Co. Durham DH3 3UT

Tel: 0191 387 1919 Fax: 0191 387 1583

Directorate of Development Services

**26 June 2006**

### ***List of Planning Appeals and Current Status (Appeals received during 2005)***

The Planning Applications listed below have been, or are currently, the subject of appeals against the decision reached by the Planning Committee. Planning Appeals are considered by a Planning Inspector from the Planning Inspectorate, a body which is independent of Chester-le-Street District Council.

#### Key to Appeal Type Code

- W - Written Representations
- I - Hearing
- P - Public Inquiry

If you wish to view a copy of an Inspector's decision letter regarding any one of the appeals listed below please contact the Planning Division on 0191 387 2172 or 0191 387 2173 in order to arrange this.

<b>Application Number / ODPM reference number</b>	<b>Applicant</b>	<b>Appeal Site</b>	<b>Proposal</b>	<b>Appeal Type / Appeal Start Date</b>	<b>OS Grid Reference</b>	<b>Status / Date of Appeal Decision</b>
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04/00603/FUL / APP/G1305/A/05 /1176740	John Clark & Fern Stuart	57 Hilda Park South Pelaw Chester-le-Street Durham DH2 2JR	Proposed conversion of existing garage to kitchen / dining room and construction of a replacement garage.	W / 22.03.2005	E:426596 N:551977	Appeal Allowed / 30.06.2005
04/00657/FUL / APP/G1305/A/05 /1187066	Mr & Mrs Cutter	40 George Street Chester-le-Street Durham DH3 3NE	Erection of dwelling house.	W / 06.09.2005	E:427700 N:550640	Appeal Dismissed / 16.12.2005
04/00660/FUL / APP/G1305/A/04 /1170813	Mr & Mrs Shield	13 Lindom Avenue Chester-le-Street Durham DH3 3PP	Proposed single storey rear extension to provide utility room and garden room.	W / 07.01.2005	E:427881 N:551059	Appeal Dismissed / 01.06.2005
04/00711/TEL / APP/G1305/A/04 /1171160	Turner & Partners Telecom Services	Highway Verge Outside Arizona Chemical Vigo Lane Chester-le-Street Durham	Installation of telecommunications equipment including 15m slimline street furniture monopole and associated radio equipment housing and ancillary development.	W / 06.01.2005	E:427794 N:553929	Appeal Allowed / 21.06.2005

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04/00719/COU / APP/G1305/A/05 /1174067	Mr Jackson	Land North East of 136 Warkworth Drive Chester-le-Street Durham DH2 3TW	Change of use from public open space to private garden and erection of 2m high, close boarded timber fence.	W / 07.02.2005	E:426503 N:550095	Appeal Dismissed / 04.07.2005
04/00728/COU / APP/G1305/A/05 /1180079	Mr L. Crawford	Land North East of 99 Picktree Lodge Chester Le Street Durham	Retrospective application for change of use & enclosure of land to the side of 99 Picktree Lodge.	W / 13.05.2005	E:428016 N:553727	Appeal Dismissed / 18.08.2005
04/00811/COU / APP/G1305/A/05 /1178622	Mr S Batty	Land to The West of 129 Rydal Road Chester-le-Street Durham DH2 3DS	Change of use from open space to domestic garden (retrospective)	P / 20.04.2005	E:426894 N:550313	Appeal Allowed / 10.08.2005
04/00836/FUL / APP/G1305/A/05 /1185913	Stuart Allison	24 Graythwaite Chester-le-Street Durham DH2 2UH	Erection of detached single garage at front of dwelling (siting and roof design amended 21/01/05)	W / 08.08.2005	E:425940 N:551125	Appeal Allowed / 07.11.2005

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05/00015/OUT / APP/G/1305/A/0 5/1183530	Mr S. Wales	Land South of 12 Woodlands Chester-le-Street Durham	Erection of dwelling house (Outline).	W / 29.06.2005	E:427284 N:551898	Appeal Dismissed / 29.09.2005
05/00108/OUT / APP/G1305/A/05 /1187709	Bruce Coyle	Land North East of Ravenscroft Stoney Lane Beamish Durham	Proposed erection of 1 no dwelling.	I / 15.09.2005	E:422993 N:553406	Appeal In Progress /
05/00118/TEL / APP/G1305/A/05 /1186410	O2 (UK) Ltd	Land South West of Roundabout Waldridge Road Chester-le-Street Durham	Erection of 15 metre high streetworks monopole with associated equipment housing and ancillary works.	I / 30.09.2005	E:425697 N:550444	Appeal In Progress /
05/00244/OUT / APP/G1305/A/05 /1189483	Mr M. Calzini	Land South of Courtney Drive Perkinsville Chester-le-Street Durham	Erection of 2 no single storey dwellings (outline with details of access provided).	W / 28.09.2005	E:425675 N:553439	Appeal Dismissed / 01.02.2006
05/00248/FUL / APP/G1305/A/05 /1185820	Mr S. Levison	West House Waldridge Road Chester-le-Street Durham DH2 3AA	Extension to existing care home.	W / 05.08.2005	E:426776 N:550751	Appeal Dismissed / 10.11.2005

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05/00245/TEL / APP/G1305/A/05 /1185984	O2 (UK) Ltd	Land South of Carlingford Road Chester-le-Street Durham	Erection of 12m high telecommunication pole (Imitation telegraph pole), including 3 antenna and associated equipment cabinets and ancillary development.	I / 05.08.2005	E:426865 N:550388	Appeal In Progress /
05/00260/OUT / APP/G1305/A/05 /1186137	Mrs N. Marsden	Twizell Hall Farm Twizell Lane West Pelton Chester-le-Street Durham DH9 6SN	Proposed construction of detached dwelling.	I / 11.08.2005	E:421877 N:551932	Appeal In Progress /
05/00271/FUL / APP/G1305/A/05 /1187017	David Ewart	31 Northlands South Pelaw Chester-le-Street Durham DH3 3UN	Conservatory to front of property.	W / 19.08.2005	E:427236 N:552423	Appeal Allowed / 16.11.2005
05/00272/FUL / APP/G1305/A/05 /1187019	Mr S. Brannen	29 Northlands South Pelaw Chester-le-Street Durham DH3 3UN	Conservatory to front of property.	W / 19.08.2005	E:427244 N:552424	Appeal Allowed / 16.11.2005

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05/00385/FUL / APP/G1305/A/05 /2005406	Garry Walker	Land West of Bruce Street Sacriston Durham	Re-modelling of land levels to form winter feeding area (retrospective). Installation of feed shelter and erection of retaining wall (part retrospective).	W / 22.12.2005	E:423784 N:548599	Appeal Dismissed / 05.04.2006
05/00380/FUL / APP/G1305/A/05 /1192917	P. Kettle	Land South West of Woodstone Terrace Bournmoor Chester-le-Street Durham	Proposed erection of a 5 no compartment stable block and 1 no tack room.	W / 02.11.2005	E:430913 N:549996	Appeal Dismissed / 17.02.2006
05/00449/FUL / APP/G1305/H/11 92895	Miss Rebecca Thorne / Primesight Advertising Ltd	Hett Hills Garage Hett Hills Pelton Fell Chester-le-Street Durham DH2 3JU	Installation of 1 no free standing, internally illuminated, double-sided, 6 sheet advertisement panel.	W / 31.10.2005	E:423832 N:551428	Appeal Dismissed / 05.12.2005

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05/00142/CLU / APP/G1305/X/06 /2010026	Owlett Coachworks	Land Adjoining Owlett Coachworks Front Street Pelton Fell Chester-le-Street Durham	Certificate of Lawfulness application for an existing use comprising the parking / storage of vehicles.	P / 15.03.2006	E:425371 N:551991	Appeal In Progress /

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05/00325/FUL / APP/G1305/A/06 /2005628	McCarthy & Stone (Devs) Ltd	Chalmers Orchard Newcastle Road Chester-le-Street Durham DH3 3TS	Erection of 46 sheltered apartments plus resident managers accommodation, 17 car parking spaces and associated landscaping.	W / 05.01.2006	E:427455 N:551791	Appeal In Progress /
05/00378/OUT / APP/G1305/A/06 /2012037/N	Mr Andrew Bradley - Northumbrian Water	Plawsworth Reservoir Chester Moor Durham	Outline application for a single dwelling house, including siting and means of access.	W / 13.04.2006	E:426253 N:548185	Appeal In Progress /
05/00531/ADV / APP/G1305/H/06 /1197954	Miss R. Thorne - Primesight Advertising Ltd	Park Road Service Station Park Road North Chester-le-Street Durham DH3 3SU	Installation of 2no double sided, internally illuminated, pole mounted display units. (Retrospective application - amended 21/12/05 to include second display unit).	W / 17.02.2006	E:427762 N:551939	Appeal Dismissed / 12.05.2006
05/00555/OUT / APP/G1305/A/06 /2011645/W	Colin Noble	Land Between 1 to 24 Queens Park Chester-le-Street Durham	Outline application for the erection of 2 no bungalows.	W / 28.04.2006	E:427988 N:550915	Appeal In Progress /

