

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	6/2012/0081/DM
FULL APPLICATION DESCRIPTION:	Change of use from agricultural to equestrian with retrospective permission for changes to outbuildings
NAME OF APPLICANT:	Miss Karen Hepple
SITE ADDRESS:	10 Etherley Bank, High Etherley, Bishop Auckland, County Durham, DL14 0LG
ELECTORAL DIVISION:	Evenwood
CASE OFFICER:	Adam Williamson 03000 260826 adam.williamson@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The site

1. The application site consists of an area of land to the rear of numbers 10, 11 and 13 Etherley Bank, High Etherley. There are outbuildings to the southeast of the site, originally used as 5 Goat Houses, approved in 1998, with a detached shed to the north and a hay store to the south. The land to the west of the dwellings is open agricultural land, with the land to the south already used for equestrian purposes. The applicant has extended the existing outbuildings by creating a further 2 stables and a store.

The proposal

2. Retrospective planning permission is sought for the erection of 2 stables, a steel container and the change of use from agricultural use to equestrian use on land at the above address.
3. The stables measure 3.4 metres by 2.9 metres and 2.6 metres by 4.6, and 2.5 metres to the highest point. The stable to the northern end of the outbuildings has been constructed from blockwork with a steel corrugated roof, whilst the stable to the southern end of the outbuildings has been constructed from timber with a steel corrugated roof.
4. The scheme also involves the installation of a steel storage container used as a store. The container has been painted green, and has a corrugated steel pitched roof to resemble a building. The container measures 6.1 metres by 2.4 metres and 3.2 metres to the highest point.

5. The application has been reported to the Planning Committee at the request of Cllr Hugill who has raised concerns that the application is retrospective and that a business is being run from the property. Concerns have also been raised in respect of the parking of agricultural machinery and a horse box at the site, as well as the creation of a recyclable garden and ditch which prevents cutting of a boundary hedge.

PLANNING HISTORY

6. 6/2011/0084/DM Feed and implement building. Approved
6/1999/0219/DM Wood hut/ Garden shed. Approved
6/1998/0320/DM Erection of Goat house. Approved

PLANNING POLICY

NATIONAL POLICY

7. On March 27th 2012 the Government published the National Planning Policy Framework (NPPF). The framework is based on the policy of sustainable development and establishes a presumption in favour of sustainable development. Three main dimensions to sustainable development are described as economic, social and environmental factors. The presumption is detailed as being a golden thread running through both the plan making and decision-taking process. This means that where local plans are absent, silent or relevant policies are out of date planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole or specific policies in the Framework indicate development should be restricted. However, the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused, unless other material considerations indicate otherwise. The Regional Spatial Strategy remains part of the Development Plan until it is abolished by Order using powers within the Localism Act

REGIONAL PLANNING POLICY

8. *The North East of England Plan - Regional Spatial Strategy to 2021 (RSS) July 2008*, sets out the broad spatial development strategy for the North East region for the period of 2004 to 2021.
9. In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when Orders have been made under section

109 of the Localism Act 2011, and weight can now be attached to this intention. The following policies are nevertheless considered relevant;

10. Policy 8 – Protecting and Enhancing the Environment states that planning proposals should seek to maintain and enhance the quality, diversity and local distinctiveness of the environment.

LOCAL PLAN POLICY:

11. The following policies of the Teesdale District Local Plan as amended by Saved and Expired Policies September 2007 are considered relevant in the determination of this application:
12. *GD1 General Development Criteria*- sets out key criteria against which new development should be judged to ensure a high standard of layout, design and landscaping.
13. *ENV1 Protection of the Countryside*- presumes against development other than that which necessarily requires a rural location, and emphasises the requirement for proposals to not harm the landscape and wildlife resources of the area.

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.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

14. None

INTERNAL CONSULTEE RESPONSES:

15. *The County Landscape Officer* has no objection to the proposals as the site is not conspicuous and the alterations do not significantly change the visible presentation of the site.

PUBLIC RESPONSES:

16. Neighbouring properties have been consulted in writing. The only representations received have been from Cllr Hugill who has objected to the application.

APPLICANTS STATEMENT:

17. The applicant has not submitted a statement.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <http://82.113.161.89/WAM/showCaseFile.do?action=show&appType=planning&appNumber=10/00955/FPA>

PLANNING CONSIDERATIONS AND ASSESSMENT

18. Having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase Act 2004, relevant guidance, development plan policies and all material planning considerations including representations received it is considered that the main planning issues in this case relate to the principle of development, impact on the countryside and residential amenity

Principle

19. The scheme seeks retrospective approval for the erection of 2 stables, a store (the steel container), and a hay store. The application also includes change of use of this area of land to accommodate the equestrian use.
20. Policy ENV1 of the Teesdale District Local Plan seeks to protect the countryside from development which is not appropriate in a rural area.
21. The site is in the open countryside, and would appear to have historically been used for some form of agriculture. There are a number of stables and equestrian jumps on land to the surrounding area. The area subject to this application would essentially form a small paddock area to the rear of the dwelling. It is considered that the keeping of horses on this land would be commensurate with the rural character of the village and the wider countryside setting.
22. The principle of having a stable and equestrian paddock on this land is considered to be acceptable, given the rural nature of the location and the outbuildings building being sited away from boundaries with neighbouring residential properties. The principle of equestrian use in this location is therefore considered to be in accordance with Teesdale Local Plan Policies GD1 and ENV1.

Impact on the character and appearance of the surrounding area

23. The proposed stables are modest in scale and are designed and constructed in a manner typical of other forms of rural development within the County. The proposed stables are of a sympathetic scale and size for the location in which they are located. The topography of the site is such that the outbuildings are approximately 1.5 metres lower than the level than the A68 road to the east of the site. As the ground level drops away towards the proposed stables, and the height to the ridges of the buildings being between 2.5 metres and 3.2 metres, it is considered that the buildings do not detract from the character of the surrounding area.
24. Normally the installation of a steel container on a site is not encouraged, however, in this instance, the container has been given a pitched roof to match the other outbuildings on the site, and it has been positioned in such way so it blends into the existing structures on the site, between a stable block and the hay store.

25. Given the overall scale and nature of the development, it is considered that the structures are not be visually prominent when viewed from the neighbouring residential properties or the surrounding area and therefore it is not considered that views of the wider countryside have been lost or unduly compromised in accordance with Teesdale Local Plan Policy ENV1.

Amenity

26. The equestrian buildings are sited approximately 23m away from 11 Etherley Bank, and approximately 55 metres from the rear of 13 Etherley Bank to the north and northwest of the site. It is acknowledged that there are residential properties which share a boundary with the site; however it is considered that the buildings are not detrimental to residential amenity given the distance from these properties. Waste storage and disposal arrangements can be secured by condition. The land could be used to accommodate livestock without any planning permission, and there is agricultural land bordering the northern boundary of the site and adjacent properties. Use of the land for horses would not have a materially greater impact on the amenity of neighbouring residential properties. The proposal is therefore considered to be in accordance with policy GD1 of the Teesdale District Local Plan.

Other Issues

27. Concerns have been raised in respect of a business being run from the site. Officers are satisfied that the keeping of horses on the site is a hobby in nature and the sales taking place are not to an extent that it constitutes a business. The website address provided now does not exist. Nevertheless, a planning condition restricting the site not for business use is recommended to ensure that this remains the case as business use could bring further traffic movements and greater activity on the site, the impact of which would need to be properly considered through the application process.

28. The fact that parts of this application are retrospective is not a material planning consideration.

29. The situation in respect of parking to the rear of the neighbouring property is unfortunate, however parking a horse box is not development and in any case the evidence from aerial photographs suggests vehicles have parked in that location for more than 10 years. This appears to be an issue of neighbour dispute and is not a material planning consideration. Given this and the length of time that the parking has been taking place in that location, it is not reasonable to control it through this application.

30. In relation to the vegetable patch and ditch, this is not development which requires planning permission. Again, the issue of access to a hedge is a neighbour dispute and is not a material planning consideration.

CONCLUSION

31. In summary the proposals are for a retrospective change of use of land to equestrian and the erection of 2 stables and a container.
32. Given the nature of the site and its relationship with the wider countryside, equestrian use is this is considered to be an acceptable use in this location.
33. The siting and design of the buildings are considered to be acceptable, and would not have any unacceptable impact upon the open countryside or on the amenity of neighbouring residential properties. The proposals are considered on balance to be acceptable and would accord with Local Plan Policies GD1 and ENV1.
34. The issues of objection raised are not considered to be material planning considerations and are not therefore sufficient reason to refuse the application.

RECOMMENDATION

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 in strict accordance with the following approved plans:-

Plan	Reference Number	Date received
Red line plan		11.04.2012
Proposed block plan	2214-9	11.04.2012
Proposed out buildings	2217-7	11.04.2012
Roof plans	2218-8	11.04.2012

Reason: To define the permission and ensure that a satisfactory form of development is obtained in accordance with Policy GD1 of the Teesdale District Local Plan 2002.

3. Within 56 days of the date of this planning permission details of the arrangements for the storage and disposal of animal waste from the buildings shall be submitted to and agreed in writing with the Local Planning Authority. The operation of the site shall then conform to the approved details.

Reason: In the interests of protecting residential amenity in accordance with Policy GD1 of the Teesdale District Local Plan 2002.

4. The buildings and use hereby approved shall be used for private equestrian activities only, and shall not be used for any trade, business or livery purposes.

Reason: In the interests of protecting residential amenity in accordance with Policy GD1 of the Teesdale District Local Plan 2002.

REASONS FOR THE RECOMMENDATION

1. The development was considered acceptable having regard to the following development plan policies: -


GD1	General Development Criteria
ENV1	Protection of the Countryside

2. In particular the development was considered acceptable having regard to consideration of visual impact, affect on the open countryside, amenity and design.
3. The objections which have been received, have been given due consideration. On balance the scheme is considered to be acceptable. The proposals are considered to accord with both local and national planning policies, and would constitute an acceptable form of development subject to conditions

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
North East of England Plan Regional Spatial Strategy to 2021 (RSS) July 2008
Teesdale District Local Plan 2002
Response from County Landscape Officer



 <p>Durham County Council</p> <p>Planning Services</p>	<p>6/2012/0081 Change of use from agricultural to equestrian with retrospective permission for changes to outbuildings at 10 Etherley Bank, High Etherley</p>	
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	<p>Date 11.09.2012</p>	<p>Scale NTS</p>