

COMMITTEE REPORT

APPLICATION DETAILS

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| APPLICATION NO: | DM/16/00473/FPA |
| FULL APPLICATION DESCRIPTION: | Change of Use of land to horse grazing, erection of stable block and retention of existing shed (resubmission) |
| NAME OF APPLICANT: | Mr Kenneth Metcalf |
| ADDRESS: | Land at the South of Broomhill South Farm Ebchester Hill Ebchester DH8 6RZ |
| ELECTORAL DIVISION: | Leadgate and Medomsley Graham Blakey Planning Officer |
| CASE OFFICER: | Telephone: 03000 264865 graham.blakey@durham.gov.uk |

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site relates to two fields located to the south of the former Broomhill South Farm, now a private dwelling separate from the surrounding land holdings. The fields are rectangular in shape, with the exception of the western field which has the property of Broomhill South Farm in the North West corner. To the western boundary is the B6309, the main road in the area linking Leadgate to the south and Ebchester to the north. To the north is the wider group of buildings and dwellings commonly referred to as Broom Hill, around 500 metres to the south is Medomsley Edge cross roads where main roads in the immediate area intersect. The Dene lies under 200 metres across an adjacent field to the east.
2. The topography of the area sees the field sit at the beginning of a slight plateau, albeit not level, that begins to drop markedly to the north down to the River Derwent below. The area is characterised by an increasingly open aspect south of Broomhill South Farm, with low level boundary walling and strong vistas north and west across the wider Derwent Valley prevalent.
3. Works have already begun on site with the creation of an access through the stone walling to the highway and the erection of storage shed. The fields have been divided up into smaller paddocks by the erection of fencing; however this fencing is permitted development under Part 2 of the General Permitted Development Order 2015 (As Amended).

The Proposal

4. Permission is sought to change the use of the land from the current agricultural use (once part of the wider land holding of the nearby Glebe Farm) to that for the grazing and keeping of horses for personal use. The retained storage building is proposed for retention and the erection of a stable block for 3 horses is proposed. The current unauthorised access would be made good, with a new point of access located 50 metres south, due to visibility concerns from a previous application, with an access 'track' from the new access point turning immediately north to the applicants land holding and then running along the southern boundary to the proposed stable block along an unmade track.
5. The stable block is to be located in the eastern field, with its back against the southern field boundary and stables facing north. It would measure 11.5 metres long by 4.1 metres wide (with additional 1 metre roof overhang) and reaching a height of 3.9 metres at its ridge. The building would be finished with a nature stone facing walls and slate roof. The repositioned storage building would be located to the eastern side of the stable block facing in to the field. Both would be to the east of a large mature tree and a screen planting scheme has been proposed to the southern and eastern flanks of the building group.
6. The application is reported to members for determination at the request of the local member.

PLANNING HISTORY

7. In 2015, an initial application was submitted for broadly the same development but was withdrawn by the applicant (ref: DM/15/02717/FPA). Concerns in regard to the use of the new access point and visibility would have made the proposal unacceptable in highways safety terms.

PLANNING POLICY

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. In accordance with paragraph 215 of the National Planning Policy Framework, the weight to be attached to relevant saved local plan policy will depend upon the degree of consistency with the NPPF. The greater the consistency, the greater the weight. The relevance of this issue is discussed, where appropriate, in the assessment section of the report below.
11. The following elements of the NPPF are considered relevant to this proposal;

12. *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.
13. *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.
14. *NPPF Part 11 – Conserving and enhancing the natural environment.* The planning system should contribute to and enhance the natural environment by; protecting and enhancing valued landscapes, recognizing the benefits of ecosystem services, minimising impacts on biodiversity and providing net gains in biodiversity where possible, preventing new and existing development being put at risk from unacceptable levels of soil, air, water or noise pollution or land instability, and remediating contaminated and unstable land.

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.

LOCAL PLAN POLICY:

The Derwentside Local Plan

17. *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.
18. *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.
19. *Policy TR2 – Development and Highway Safety* – relates to the provision of safe vehicular access, adequate provision for service vehicle manoeuvring, etc.

RELEVANT EMERGING POLICY:

The County Durham Plan

20. 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 was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 15 February 2015, however that report was Quashed by the High Court following a successful Judicial Review challenge by the Council. As part of the High Court Order, the Council has withdrawn the CDP. In the light of this, policies of the CDP can no longer carry any 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.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

21. Highways – The visibility for a driver of a vehicle egressing the proposed site access and looking south (left) is well above the required standard even for a derestricted road (that is so long as the highway verge is maintained). The visibility for a driver of a vehicle egressing the proposed access and looking north (right) is required to the same standard. During the previous application a requirement for a visibility splay of 2.4m x 160m would be needed in this direction. The relocation of the access to the position shown in these proposals is capable of achieving this requirement (that is so long as the highway verge is maintained).

Therefore if the proposed use is for personal use stables, and the existing field access is improved to include 6 metres entrance radii and a setback of the entrance gates by 12 metres from the highway edge, no objections are raised to the proposals. A condition to ensure the removal of the existing unauthorised access should also be included.

The applicant intends to walk from road to the proposed stables. Parking on the Road B6309 (if this is done) would not appear an ideal arrangement. It is also said that this arrangement of walking from the road will continue. Questions of how feed and supplies get to the stables and animal transportation would subsequently be raised. The loading and unloading of horses directly from on the Road B6309 must not occur, therefore an area within the site whether it be next to the stables or just within the site boundary will need to be shown suitable for use by a vehicle and horse box to be used to park, turn and egress.

INTERNAL CONSULTEE RESPONSES:

22. Landscape - The site is prominently visible from surrounding distant viewpoints, including the public footpath, 120m to the north, and the Dene Hamlet, c.200m to the east. Ebchester Road is a Primary receptor where a straight approach from the south east offers non-drivers and others opportunities for rewarding views across unbroken countryside to the east side of the road. The effect on landscape features and character would be adverse. The degree of significance would be affected by the

likely presence of horse boxes and vehicles, bedding and manure heaps, unsightly materials and items usually associated with such facilities, and the detailed design of the track, parking, turning facilities and lighting installations. Some form of visual impact mitigation in the form of field boundary hedge planting should be included along the southern and eastern boundaries by way of compensation.

23. Environmental Health - No objection to the development in principle however in order to minimise the environmental impact a condition to any planning consent requiring a scheme of storage and disposal of animal waste and sewage should be submitted to control the impacts.
24. Public Rights of Way – No objections as the existing footpath would be unaffected.

PUBLIC RESPONSES:

25. Neighbours have been consulted by way of direct notification, and 12 objections have been received. In summary their concerns are:-

- Development of this nature in this location is having a negative impact upon the landscape of the wider area that is affecting the beauty of the valley. The associated buildings, vehicles and general items that are associated with these developments have had a detrimental effect on the local area. The location is random within the field and no screening is proposed.
- The existing fencing, storage building, new access and formerly a caravan were all erected or placed on site without planning permission prior to this and the previous application.
- Stable block is extremely large and disproportionately so in the context of the green open agricultural space.
- Plans do still not show the location of the proposed parking space, the new pedestrian access or change to the right of way, the hours of use, numbers of people allowed to visit the site, the surface of the access track
- The applicant has no horses of his own and various other people have visited the site to tend to horses on site, lending suspicion towards a sub-let arrangement that is by definition commercial and not for personal use.
- No details in regard to the storage and disposal of waste at or from the site is included in the application.
- Storage shed is an eyesore in the landscape through shoddy construction and appearance.
- Stabling of horses in an intensive manner would transform the fields into brown mud through overuse and neglect.
- There would be a loss of privacy to the nearest neighbouring property as a result of the change of use, with regular horse riding taking place up to the boundary of the dwelling and the field.
- There would be an impact upon the security of the nearby dwellings as a result of the large number of comings and goings from different people since the applicant purchased the site and this will continue if this application is approved.
- Proximity to the mains gas supply to the Consett area.

APPLICANTS STATEMENT:

26. The site has been a recent purchase by the applicant to graze several ponies owned by the applicant for the enjoyment of the applicant's grandchildren. The applicant has until recently had a static caravan on the site, this was used to store horse feed and tack on the site. The reason for a static caravan was that this was given free to the

applicant, the applicant was ignorant of the planning implications of having a static caravan on the site. The static caravan was always considered to be a temporary use for the storage of feed and tack while the stable application was being considered by the Local Planning Authority. The static caravan has now been removed from the site.

27. The application is primarily for the erection of 3no. stables with a building footprint of 47m². The construction of the proposed stable block is stone face with a slate roof covering in a style, type and arrangement of a standard horse stable, with stable doors and a single window to each unit. The application also includes a new highway access, parking area and landscaping all in accordance with the discussions with the Local Planning Authority.

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 <https://publicaccess.durham.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=NVKYEAGD0A500>

PLANNING CONSIDERATIONS AND ASSESSMENT

28. 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

29. The National Planning Policy Framework (Para. 28) 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 personal equestrian use is considered compatible with its countryside location and the inclusion of stables are intended to facilitate this use. The land in question is rated of poor agricultural quality rating 4 out of 5 by Natural England and their Agricultural Land Classification. Poorer quality agricultural land would be preferred for alternative uses outside of agriculture, whereby paragraph 112 of the NPPF encourages the use of better quality land for agricultural purposes.
30. Overall the use of the land for the keeping of three 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

31. The NPPF and policy EN1 of the local plan only allow development where it enhances or maintains landscape character. The application site is located in open countryside. Generally hedgerow trees are sparse, however a row of large mature and visually imposing ash trees are located on the field/site boundary that divides the proposed site of the stable block from the Ebchester Road. One overhangs the proposed site.

32. It is noted that whilst this general area does not benefit from any protected landscape designations, it nonetheless has visual merit and is largely characterised by improved pastures and arable land within an enclosures period field pattern, typically divided by hedges. The landscape within which the application fields lie has substantial value as part of a consistent and undeveloped area of countryside within this extensive section of the Derwent Valley.
33. Views from Ebchester Road to the west of the application site would be the most common vistas of the site and the setback of the development from the roadside edge, where the fields are open, helps screen the development from these points due to the row of mature ash trees along the internal field boundary.
34. Views from the East (The Dene) and the North (public footpath) are more likely to see the building in the context of the open countryside and so a scheme for landscape mitigation would reduce this visual impact. Amended drawings have been submitted which indicate the inclusion of screen planting proposed to the rear (south) and side (east) of the proposed building and repositioned storage building. Although no detail is included – this detail can be obtained by way of condition – the planting would aid the screening of the building from these and longer distance views.
35. Development of this nature, stable block with storage building for use at the personal level is a type of development that is commonly found in the countryside. The scale of the proposals are a positive in landscape impact terms and it is considered that this specific development would not result in undue harm to the wider landscape. Floodlighting would be a possible future inclusion, although none is shown as proposed, which would have significant harmful impacts upon the landscape in the winter months. A condition preventing floodlighting from taking place without the prior consent of the Local Planning Authority would therefore be an appropriate inclusion in this instance.
36. Subject to the agreement of the Council's Landscape Officers and of details reserved by condition, the visual impact of the building would be reduced by the proposals put forward by the applicant after lengthy dialogue and would be consistent to the requirements of Policy EN1 and the wider NPPF in protecting the character and appearance of the landscape.

Impact upon Neighbouring Amenity

37. Policy GDP1 (h) of the Local Plan requires new development to respect the amenity of neighbouring residential occupiers and adjoining land users. Equine 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.
38. The site lies to west of The Dene where several properties to the lower part of the estate lie around 120 metres away from the proposed stables. To the east lies Broomhill Farm that resides around 300 metres away from the position of the proposed stable building. Representations have raised concerns over waste management from the intended use and building, as well as issues in regard to direct impacts from the users of the fields upon the adjacent dwellings.
39. The Council's Environmental Health Officer has commented upon the application and has raised a concern with the lack of detail in regard to the management and disposal of waste from the site. They do not consider this an issue sufficient to warrant refusal of the application however and agreement of a suitable scheme by way of condition would be an appropriate route in this instance.

40. Representations have been made that express concern regarding the use of the fields by the applicant that are in proximity to a neighbouring property, where the application site is at an elevated level compared to the dwelling. The previously withdrawn planning application indicated a sub-divided field pattern adjacent to the dwelling, where a storage building and small paddock were located. The paddock was an area where the applicant regularly cuts the grass akin to that of a domestic property. Concerns have been raised over regular grass cutting (quoted as twice a week in summer months) of part of the site in close proximity to the nearest property. This was done using a semi-domestic sit-on lawn mower and would, according to representations, take a significant amount of time and create a prolonged noise impact up against the boundary of the adjacent dwelling. This level of maintenance of the land would not be consistent with the proposed equestrian use as the horses would be grazing the land. In order to protect the amenity of the nearby residents, the level of grass cutting activity can be controlled by way of condition allowing, for example, no more than two cuts per annum.
41. Amended drawings have re-located the storage building adjacent to the stables in the eastern field to be used for storage connected to the stables. This is considered to move the focus of activity within the fields away from the neighbouring property and beyond the field boundary lined with mature trees. The subdivided paddock fencing has been removed from the plans, although the fencing can be re-erected up to a height of two metres without planning permission in the future under permitted development rights.
42. A further concern has been raised in relation to the riding of horses against the boundary of the neighbouring property. This matter could not be controlled by condition. The site benefits from a large land holding that does have a focus to the eastern paddock and so there is an expectation that this would not be a regular occurrence. Were this to be the case on a regular basis this is likely to be viewed as anti-social behaviour and which would be covered by either the Council's own powers or Durham Constabulary.
43. Prior to the submission of the application, representations contest that the land had frequent and differing visitors that correlated to multiple alternative uses. This would not be expected from personal equestrian use. A condition requiring the use of the stables and land for personal use would be appropriate and enforceable in this instance (in accordance with the tests for conditions contained within paragraph 205 of the NPPF) would control the level of activities at the site.
44. Overall, the proposal would have some impacts upon the amenity of neighbour occupiers, however for the use proposed and subject to controls these impacts would be considered similar to the previous agricultural use of the land. The use of suitable conditions to secure an appropriate waste management plan and to control unnecessary activity such as grass cutting would be sufficient to ensure that the impacts upon the residential amenity are reduced to a level considered acceptable and which accord with Policy GDP1 of the saved Derwentside Local Plan.

Highways

45. Paragraph 32 of the NPPF and Policy TR2 of the 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 adjacent field and an existing agricultural field access from the B6309.

46. Under the previously withdrawn scheme an access was proposed further to the north however concerns in regard to visibility up and down the B6309 was not sufficient for the proposed use and vehicle speeds on the road. In response, the current application proposes the new access point further south, utilising a current break in the wall. Comments from the Council's Highways Officer have requested that a minimum 6 metre radii entrance be provided with a 12 metre setback of the access gates. Both of these would allow the applicant to pull a vehicle and trailer fully off the highway before opening the site gates.
47. Amended details for the provision of these have been provided, and subject to the comments of the Highways Officer would be considered to accord with Policy TR2 of the saved Derwentside Local Plan in this regard.
48. Within a supporting statement to the proposals the applicant indicates that they would be unlikely to park any vehicles within the site when visiting. This would in itself produce problems for the applicant as the distance between the highway and the proposed stables (250 metres, or 275 yards, approximately) is relatively large when considering what the upkeep of horses would require. As such the submitted drawings indicate the provision of a parking area within the site adjacent to the proposed stables for the applicant to use when visiting the site. This would allow the proposal to comply with Policy TR2 of the saved Derwentside Local Plan.

Other Issues

49. Objectors have mentioned the proximity of the site to a gas main. Plans that the Local Planning Authority have access to does indicate the position of a gas supply pipeline that runs across the site. However, given the small scale nature of the proposal and subsequent foundation depth it is not considered that the change of use or physical works will conflict with the pipeline.
50. The acceptance of the principle of the development and changes made to the scheme are considered to outweigh the retrospective nature of the proposal, despite a recent ministerial statement which adds weight against developments of retrospective nature.

CONCLUSION

51. The proposal introduces a rural activity into a rural setting. Issues in regard to visual impact and impacts upon residential amenity are considered controllable by condition. The applicant has demonstrated that a suitable access can be achieved with subsequent engineering. All of these aspects weigh in favour of the proposed development.
52. The use of the site for anything other than the grazing and keeping of horses for personal use, as described in the application, would leave the potential for the applicant to be open to enforcement proceedings by the Local Planning Authority.
53. The acceptance of the principle of the development and changes made to the scheme are considered to outweigh the retrospective nature of the proposal, despite a recent ministerial statement which adds weight against developments of retrospective nature.

RECOMMENDATION

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

1. The stable block 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:

Location Plan

201 Rev C – Proposed site plan and stable details

15th February 2016

29th April 2016

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

3. Within three months of the date of this permission, the previously created access point from the B6309 shall be removed and the wall rebuilt to match the adjacent walling as shown on plan ref: 201 Rev C.

Reason: To ensure that the unsafe access is not used in the future contrary to Policy TR2 of the saved Derwentside District Local Plan.

4. Within three months of the date of this permission, the storage building currently located in the western paddock shall be relocated to the position as shown on plan ref: 201 Rev C or shall be permanently removed from the site. If retained the building shall within 3 months be painted dark green in colour and not used otherwise than as storage connected to the proposed stable block only.

Reason: The building was brought on to the land unlawfully and the proposed position and colouring would reduce the visual impact of the structure in accordance with Policies GDP1 and EN1 of the saved Derwentside Local Plan.

5. Within six months of the date of this permission, the improved access shall be installed to the proposed entrance in accordance with the details as shown on plan ref: 201 Rev C. The stable block hereby approved shall not commence construction until the improved access is installed in accordance with agreed details.

Reason: To ensure that safe access and egress from the site can be achieved in accordance with Policy TR2 of the saved Derwentside Local Plan.

6. Within one month of the commencement of the proposed stable block hereby approved, details of the proposed screen landscaping shall be submitted to the Local Planning Authority. Once agreed the screening must be planted in the first available planting season before 31st December. Trees, hedges and shrubs shall be planted and subsequently maintained in accordance with good practice to ensure rapid establishment, including watering in dry weather, protection from rabbits where required, and replacement of failed plants, damaged stakes and ties. Any failed plants within 5 years shall be re-planted with the same species.

Reason: To ensure that the visual impact of the proposed development is reduced in accordance with Policies GDP1 and EN1 of the saved Derwentside Local Plan.

7. Within one month of the commencement of the proposed stable block hereby approved, details of a scheme for the storage and disposal of animal waste and sewage shall be submitted to the local planning authority. The details should be agreed before the proposed use commences. The aim of the scheme shall be to minimise any impact from odour/flying insects on sensitive receptors. Once agreed, the development should be carried out in accordance with the agreed details.

Reason: To ensure that the impact upon the neighbouring properties is reduced in accordance with Policy GDP1 (h) of the saved Derwentside Local Plan.

8. No more than two cuts of grass shall be taken from the fields within the application site boundary in a calendar year.

Reason: To reduce the disturbance upon the neighbouring occupiers in accordance with Policy GDP1 (h) of the saved Derwentside Local Plan.

9. The site, stables and storage building 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 Policy GDP1 (h) of the saved Derwentside Local Plan.

10. 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 Policy EN1 of the saved Derwentside Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

54. The Local Planning Authority in arriving at its decision, has, without prejudice to a fair and objective assessment of the proposals, issues raised and representations received, sought to work with the applicant 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.)

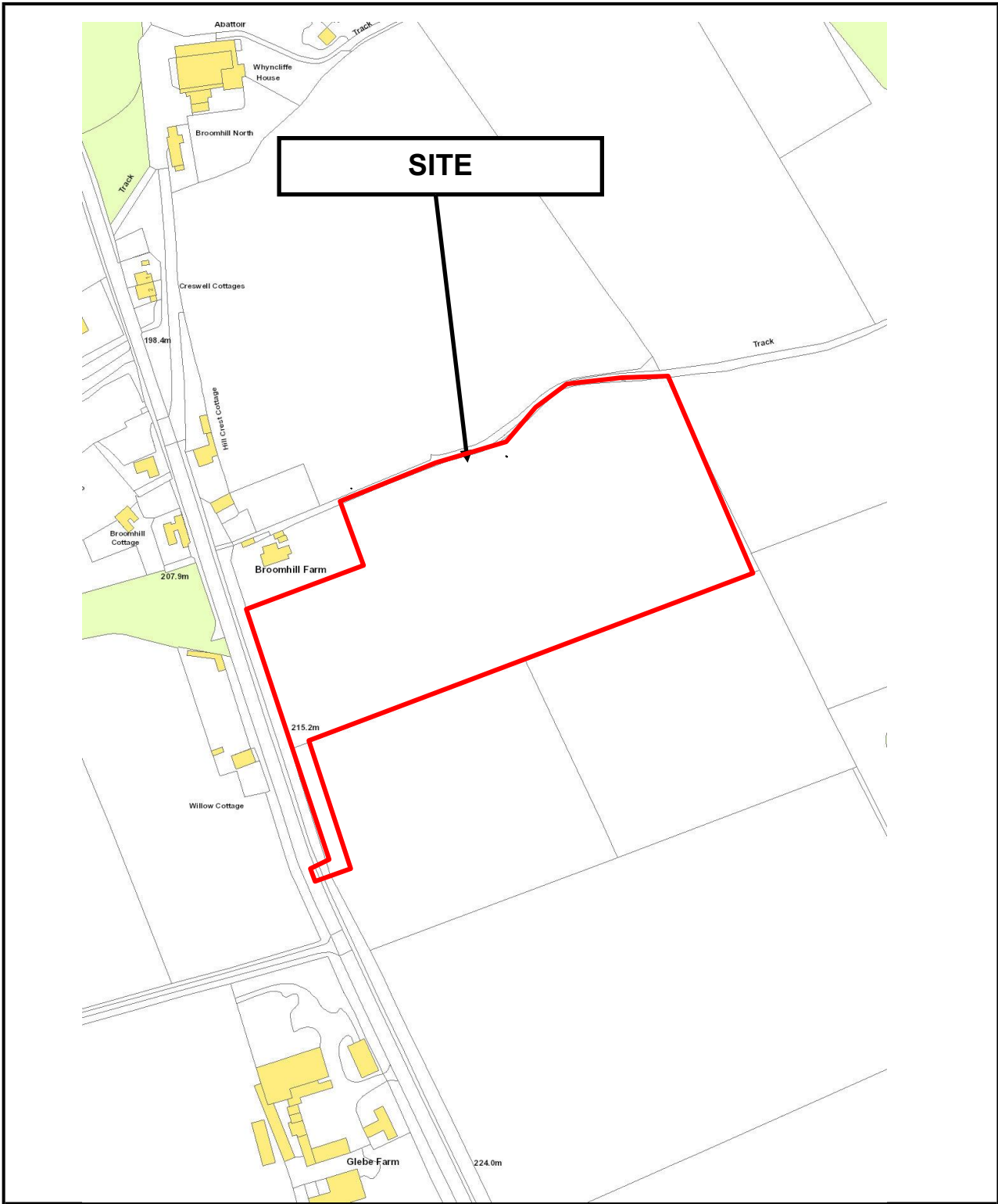
BACKGROUND PAPERS

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

Land At The South Of Broomhill South Farm,
Ebchester Hill, Ebchester, DH8 6RZ

Application Number DM/16/00473/FPA

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Comments

Date 19th May 2016

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