

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO: DM/16/00616/FPA

FULL APPLICATION DESCRIPTION: Proposed change of use from agriculture to equestrian use and erection of stables and ménage for mixed commercial livery and private use

NAME OF APPLICANT: Mrs K Clark

ADDRESS: Land to the North of High Westwood, NE17 7RD

ELECTORAL DIVISION: Leadgate and Medomsley
Louisa Ollivere
Planning Officer

CASE OFFICER: Telephone:03000 264 878
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DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site measures 3.20 hectares in area and currently forms three fields to the north of and adjacent to Shaw Lane and Cut Throat Lane that run through the hamlet of High Westwood in the open countryside between Medomsley and Hamsterley. The site slopes from south to north. At present the only building on site is a timber field shelter. To the north and west of the site is woodland and to the east are a Public Right of Way and pasture land and three dwellings. South of the site are a further group of dwellings. The current boundary treatment is post and wire fencing. This site falls within a High Risk Area in terms of Coal Mining legacy.

The Proposal

2. Planning Permission is sought to change the use of the land from agriculture to equestrian use and for the erection of a stable block for commercial livery and personal use, ménage, parking area and upgraded access track with entrance gates.
3. It is envisaged that the livery would create employment for two full time and two part time employees. The proposed hours of opening are 07.00am to 8.30pm Monday to Friday and 08.00am to 8.30pm Saturday, Sundays and Bank Holidays.
4. The physical elements of the proposal would be located near the western boundary of the site. The stable building incorporates ten stables, six of which would be for commercial livery and four for personal use and also areas for storage of carts and horse boxes, feed and wash and kitchen facilities. The building would measure 30.5m by 12.2m and would have a pitched roof to 5.3m in height a ridge and 3.6m

high at eaves. The stable building would incorporate concrete panels for the lower walls with Yorkshire boarding above and olive green steel sheeting for the roof.

5. To the west of the stable block would be a ménage measuring 40m by 25m. To the north of the livery shed would be a tarmac parking area for seven vehicles which will be accessed by a new tarmac access track. This track would run from the existing field access which is proposed to be widened with a concrete surface and a granular sub base surface and road kerbs.
6. The applicant has proposed to plant native species tree and hedge planting in a 2.5m wide planting zone along the southern boundary of the proposed access track.
7. The application is reported to the County Planning Committee as it is a major commercial planning application with a site area exceeding 2 hectares and as a local Councillor, Councillor Watts Stelling has also requested that this be determined at this level.

PLANNING HISTORY

8. None on record.

PLANNING POLICY

NATIONAL POLICY:

NATIONAL PLANNING POLICY FRAMEWORK

9. In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the draft National Planning Policy Framework (NPPF). The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic headings – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, the most relevant of these in this instance being:
10. *NPPF Part 1 – Building a Strong, Competitive Economy* – reinforces the Government’s commitment to securing economic growth to create jobs and prosperity, ensuring the planning system supports this aim – ‘significant weight’ is to be placed on this aim. Planning policies should seek to address potential barriers to investment, setting out clear economic vision and strategy which proactively encourages sustainable economic growth, identifies sites and inward investment, and identifies priority areas for economic regeneration. There is no specific advice on decision making.
11. *NPPF Part 3 – Supporting a Rural Economy* – Requires planning policies to support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development, supporting all types of business and enterprise, promoting development and diversification of agricultural and rural

business and supporting tourism and leisure activities that benefit rural businesses, communities and visitors whilst respecting the character of the countryside.

12. *NPPF Part 4 – Promoting Sustainable Transport* - notes the importance of transport policies in facilitating sustainable development and contributing to wider sustainability and health issues. Local parking standards should take account of the accessibility of the development, its type, mix and use, the availability of public transport, levels of local car ownership and the need to reduce the use of high-emission vehicles.
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. Planning policies and decisions must aim to ensure developments; function well and add to the overall quality of an area over the lifetime of the development, establish a strong sense of place, create and sustain an appropriate mix of uses, respond to local character and history, create safe and accessible environments and be visually attractive.
14. *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.
15. *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.
16. 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.

<http://planningguidance.planningportal.gov.uk/>

NATIONAL PLANNING PRACTICE GUIDANCE:

17. The National Planning Practice Guidance (NPPG) both supports the core government guidance set out in the NPPF, and represents detailed advice, both technical and procedural, having material weight in its own right. The advice is set out in a number of topic headings and is subject to change to reflect the up to date advice of Ministers and Government.
18. *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.

19. *Land Stability* - The guidance provides advice to local authorities and developers to ensure that development is appropriately suited to its location, and that there are no unacceptable risks caused by unstable land or subsidence.
20. *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.
21. *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.
22. *Light Pollution* - Artificial light can be a source of annoyance to people, harmful to wildlife, undermine enjoyment of the countryside or detract from enjoyment of the night sky. Some proposals for new development, but not all, may have implications for light pollution. Impacts upon background light levels, impacts from existing lighting, impacts upon protected species and wildlife, dark landscapes and reflection from existing buildings all are important factors to consider. If any of these are affected, then where light shines, when it shines, how much shines and ecological impacts should be investigated.
23. *Brownfield land, soils and agricultural land* – Character of landscapes and landscape management plans need to be assessed and there is also a legal duty to do some for some designations. There is a duty to conserve biodiversity and where possible enhance biodiversity. Green infrastructure should be incorporated into development where possible. The biodiversity of brownfield sites needs to be assessed. Valued soils need to be protected and enhanced. The best and most versatile agricultural land should preferably be protected from significant development.

<http://planningguidance.planningportal.gov.uk/>

LOCAL PLAN POLICY:

24. The following section details the saved policies in the Derwentside District Local Plan thought most relevant to the consideration of this application:
25. *Policy GDP1 – General Development Principles* – outlines the requirements that new development proposals should meet.
26. *Policy EN1 – Development in the Countryside* – will only be permitted where it benefits the rural economy / helps maintain / enhance landscape character. Proposals should be sensitively related to existing settlement patterns and to historic, landscape, wildlife and geological resources.
27. *Policy EN2 – Preventing Urban Sprawl* – Except where provision has been made in the plan, development outside built up areas will not be permitted if it results in: the merging / coalescence of neighbouring settlements; ribbon development or; and encroachment into the countryside.

28. *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.
29. *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.
30. *Policy TR2 – Development and Highway Safety* – relates to the provision of safe vehicular access, adequate provision for service vehicle manoeuvring, etc.

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/Pages/Service.aspx?ServiceId=494>

EMERGING POLICY:

31. 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.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

32. *Highways Officer*: Considers the revised access arrangements are now acceptable for approval. It is advised that to facilitate these proposals an application to stop up the existing highways is required. This will be subject of a separate application under S247 of the Town and Country Planning Act to enable the development to be carried out in the event that planning permission is granted.
33. *Coal Authority*: Objects to this planning application, as the required Coal Mining Risk Assessment Report, or equivalent, has not been submitted as part of the application.

INTERNAL CONSULTEE RESPONSES:

34. *Environmental Health Officer*: Notes that the existing site is agricultural in nature however is in close proximity to residential properties in High Westwood. It is advised that the existing noise climate currently on site is likely to be very low with little traffic or other specific noise sources. The Officer advises that the main noise source in relation to a development of this kind is from traffic accessing the site and horse owners carrying out operations such as mucking out etc. It is pointed out that operations associated with this kind of development are often carried out in the early morning. The Officer however notes the applicant has advised that opening hours

will be from 7am on a weekday and 8am on a weekend, therefore although early it is proposed within daytime hours.

35. The Officer advises that the noise from this type of development cannot be quantified by assessment as it is very difficult to identify the specific noise sources and levels. However based on the hours of use proposed and the indoor nature of the stables, although there will obviously be some increase in noise the Officer considers that it is unlikely to be sufficient to constitute a statutory nuisance. However the Officer advises that in terms of residential amenity tests that the planning department needs to consider the nature of the site in relation to the likely noise associated with the development.
36. With regards to odour the Officer notes that the proposed use obviously has some potential odour issues associated with it from the accumulation of waste. As a general rule it is advised that horse manure is unlikely to be significantly odorous unless stored for extended periods of time near residential properties. It is noted that the applicant advises that waste will be stored in a trailer and removed in an unidentified time period. The Officer considers the lack of detail insufficient and it is advised that a more robust waste management plan needs to be provided to address the waste from the stables. In relation to waste within the field, the Officer notes that the existing use is agricultural and as such could be used for livestock without further consent. Therefore, considering the open nature of the site and its existing rural land use, the Officer does not consider that odour from waste in the field is likely to be a significant issue.
37. With regards light it is noted that the applicant has not applied for floodlights for the ménage and as such the Officer assumes no significant lighting structures will be affixed. Whilst it is assumed that there will be some localised lights illuminating the building for safe access and egress during opening hours given the distance to properties and cover provided by the tree line, the Officer considers that these are unlikely to cause a statutory nuisance were they orientated correctly and only in use during operating hours.
38. The Officer concludes that he would not object to the development in principle however in order to minimise the environmental impact requests a condition restricting the opening hours to the hours proposed with access outside of these hours to only be permissible in emergency situations or for the purpose of animal welfare requirements and a condition requiring the submission and approval of details of the arrangements for the storage and disposal of animal waste and sewage.
39. *Landscape Officers:* Advise that the site lies just outside and above an area identified in the Derwentside Local Plan as an Area of High Landscape Value (AHLV) and that the site lies within an area identified in the County Durham Landscape Strategy (2008) as a Landscape Conservation Priority Area with a strategy of 'conserve and restore'.
40. The Officer points out that the site and locations are undeveloped with contained views. Primary viewpoints are identified as being from adjacent Cut Throat Lane (35m), Shaw Lane and Westwood Village to the south and a bridleway linking Low Westwood to High Westwood passes the holding to the east (200m).
41. It is advised that much of the proposed development would be partially screened by the narrow shelterbelt dividing the facilities from the primary viewpoints and adjacent housing. However it is considered that the proposed gates and yard in particular

would be conspicuous and would represent some reduction in the quality and nature of landscape character re-established in recent times.

42. The Landscape Officer advises that experience of similar developments elsewhere suggests that acceptability is, in part, dependant on the provision and successful establishment of native species hedge and tree planting around visually exposed features in mitigation of the negative effect on visual amenity value.
43. It is advised that a detailed planting design that specifies and quantifies the plants and planting process would be required if the application were to be considered favourably. The Officer concludes that as it stands the proposals would have some adverse landscape and visual effects which may conflict with Policies GDP1 and EN1.
44. *Ecology Officer*: Considers that the development should not have any significant impacts on biodiversity, however advises that there could potentially be impacts on bat flight lines as the development lies adjacent to woodland. The Officer advises that the applicant should ensure that the development does not directly or indirectly affect trees and there should be a suitable low level lighting scheme which ensures the woodland edge remains suitable for bats to forage and commute. It is advised that the lighting scheme can be left to a condition on any planning permission.

PUBLIC RESPONSES:

45. A site and Press Notice have been published and neighbouring land owners and occupiers have been consulted and this has resulted in twelve letters of objection and three letters of support.

Objectors' comments are summarised as follows:

- Design and Access statement originally not submitted and when submitted is unsatisfactory in detail.
- Lack of Coal Mining Risk Assessment to demonstrate the site is safe, stable and suitable for development.
- Lack of consideration of other sites.
- The size, design and materials are not in keeping with the general residential character of High Westwood.
- The stables should be smaller in scale, for personal use only and of traditional timber design.
- As other applicants have had to adhere to the advice of Conservation Officer to develop in High Westwood so should this applicant.
- Lack of justification for the development as there are many stables within a ten mile radius and this is of no benefit to local residents.
- It is likely that more than 10 horses would be accommodated on the land as some horses would be grazed.
- As a commercial venture there would be many visitors all year round mainly early in the morning and at evenings bringing unacceptable noise and disturbance to this peaceful quiet village.
- Insufficient parking and number of visitors mean that there will be an overspill of parked cars onto the lane damaging the verge and in the village with implications to highway safety.
- Shaw Lane and surrounding roads are unsuitable for extra traffic of this nature as they are unrestricted, very narrow with high hedging and bends, difficult to traverse, already used by large farm vehicles, untreated in winter and have a history with Road traffic accidents.

- The entrance to the site is on a blind bend.
- The speed limit on Shaw Lane is 60 mph and vehicles consequently travel fast along it.
- Pedestrians also have to walk along the roadway near the access.
- In the past planning applications have been refused in the village due to poor road accessibility to the village.
- This would set a precedent for extensions and lead to further development here such as a caravan/dwelling.
- This would change the status of the site to a brownfield site.
- There would be business signs that would further detract from the village.
- The building and car park and cars, horse boxes etc. would be visible from neighbouring dwellings.
- Impacts from lighting, standard menage lighting would be out of place and invasive.
- There will need to be on-site storage of chemicals safely stored.
- The Council may not be able to ensure that the trailer is emptied on a regular basis.
- The barn is not suitable to store hay, straw shavings and feed for a business of this scale which will lead to other buildings and containers on the site.
- The amount of land is insufficient to graze 10 + horses and would lead to overgrazing and damaged fences and risk of horses escaping on to the road.
- The applicants other sites are eyesores and the applicant does not tend to or maintain his fields or fences or existing field shelter.
- The grazing fields are contaminated with ragwort.
- Impacts to privacy of residents who live opposite the site.
- The area is home to wildlife including deer and noise would be detrimental to their wellbeing.
- Horses have escaped from this site in the past.
- This will lead to more horses using the Derwent Walk and consequently more manure on the walk and local roads.
- Manure will attract flies and insects
- Detrimental impact on visual landscape and views from High Westwood.
- Were the business to fail the site may not be maintained or may be used for industrial purposes.
- Property prices will depreciate.

46. In support of the application local residents have commented that:

- Objectors' comments are untrue.
- The applicant's horses, fields and fences are well cared for.
- The applicant has ample anchorage to sustain the horses.
- The applicants are responsible local people.
- The proposal will create jobs and prove work experience for young persons.

APPLICANTS STATEMENT:

47. My family and I have always had an interest in horses. This is the background to this application which seeks planning permission for the change of use from agriculture to equestrian use, the erection of a livery shed and a ménage for 10 stables. Please note that 6 of the stables will be for commercial livery and the remaining 4 stables will be for our private use. In our opinion the site is well situated for this, for reasons including the Derwent Valley Walk, a route popular with riders, being readily accessible.

48. A number of suggestions have been made during the course of the application period. We have sought to respond positively to these, including through the submission of amended plans. Amongst other things, the amendments have reduced the size of the ménage, relocated the stable and we have included additional planting.
49. In our opinion, the proposed development would preserve neighbour amenity, would integrate into the area and is acceptable in other respects. We would therefore ask the Council to grant planning permission subject to the conditions considered necessary.

PLANNING CONSIDERATIONS AND ASSESSMENT

50. 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 effect of the proposal on, firstly, the rural economy and the creation of sustainable patterns of development in the area, having regard to local and national planning policies and, secondly, the impacts upon neighbouring residential amenity, and whether the proposal is acceptable in terms of visual amenity, highways safety, land safety and whether appropriate drainage can be achieved.

Principle and the General Policy Context

51. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material planning considerations indicate otherwise. The NPPF is a material planning consideration. The Derwentside District Local Plan (DDLDP) remains a statutory component of the development plan and the starting point for determining application as set out in paragraph 12 of the NPPF. However, the NPPF advises at paragraph 215 that local planning authorities (LPAs) are only to afford existing Local Plans material weight insofar as they accord with the NPPF. NPPF Paragraph 211 advises that Local Plan Policies should not be considered out of date simply because they were adopted prior to the publication of the NPPF. However, notwithstanding this, it is considered that a policy can be out of date if it is based upon evidence which is not up to date/is time expired.
52. Paragraph 14 of the NPPF states that there is a 'presumption in favour of sustainable development', which should be seen as a golden thread running through both plan making and decision taking. For decision-taking this means:
- approving development proposals that accord with the development plan without delay; and
 - where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
 - (i) 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
 - (ii) specific policies in the Framework indicate development should be

restricted.

53. Whilst the application should be considered as to whether it represents sustainable development, the implications of the proposal in terms of the landscape, highway safety, and residential amenity issues must be fully considered. Paragraph 14 indicates that where a decision is made in the context of development plan policies which are out-of-date, permission for sustainable development should be granted unless specific policies elsewhere in the Framework indicate development should be restricted. Those policies include policies relating to the rural economy, residential amenity and landscape.
54. Whilst it is acknowledged that local residents consider this should be a private rather than a commercial venture in this village location in terms of principle the use of the land for keeping of horses for commercial and the 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. As the site is to be used in the main as a commercial livery it would boost the rural economy and create local jobs and with screening it is considered that the landscape character would be maintained. It is considered therefore that the proposal accords with this local plan policy. Given that this policy is partially consistent with the NPPF and is only inconsistent in so far as the NPPF is less restrictive in relation to suitable uses this type of development is considered acceptable in this location in policy terms.
55. It is noted that 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. This site is known to fall within the grade 3 category and the area upon which the stable building and menage would occupy would result in some irreversible loss of agricultural land and the applicant has failed to demonstrate that there are other sites where the development could be reasonably located. The proposal therefore conflicts with this local plan policy and local residents have objected on the basis that alternative sites have not been considered. However consideration has been given to the fact that only a relatively small section of the site would be built upon. Furthermore this policy is out of date and only partially compatible with the NPPF which advises that whilst account should be taken of the benefits of the best and most versatile agricultural land that it is only where significant development is proposed that other areas of land need to be considered. Given that the building and menage only take up a small proportion of the 3 hectare site and that most of the remainder would be used for equestrian purposes and could easily be returned to agriculture is not considered that this development is significant and therefore alternative sites do not need to be considered.
56. Whilst there are no saved local plan policies in relation to recreational developments such as this 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 commercial livery this proposal would gain the support from the National Planning Framework in this respect.
57. Bearing the above in mind the use of the agricultural land and erection of stables for the mixed commercial livery and personal use of the applicant is acceptable in principle.

Impacts in terms of Character of the area

58. By their very nature such proposals have to be in the countryside however to be acceptable the National Planning Policy Framework and Derwentside District Local Plan Policy EN1 require such development to not harm the intrinsic character of the countryside. It is considered that with the benefit of a landscaping scheme incorporating planting close to the building and access track and also including roadside planting to screen views of the site that the proposal would not be harmful to the character of the countryside or the landscape.
59. It is noted that the general character of the site is undeveloped and therefore were the substantial building and ancillary features to be highly visible in the landscape that this would alter the undeveloped character of the landscape. However close views of the stable building and ménage would be prevented by the existing tree belt to the south of the site. Whilst views of the access track and parking area would be possible from Astley House opposite the development site in mitigation the applicants have proposed to plant native species hedging to the south of these areas which in time will reduce the visibility of these features from this property. Other local properties would also have indirect views onto the new access however given that only a modest simple timber gateway is proposed which would not be unusual in a countryside setting it is not considered that the visual appearance of this feature would be incongruous in this countryside setting. Longer distance views of the proposed building and parking areas would be possible from the adjacent roadways and some properties to the south and a bridleway to the east. However it is considered that with the provision and successful establishment of native species hedging and tree planting around the exposed features as suggested by Landscape Officers and also along the roadside the visibility would be significantly mitigated and therefore the harm from the development upon the local landscape reduced to an acceptable level.
60. It is considered that any substantial lighting would have a negative effect on the landscape character in addition to residential amenity and ecology therefore it is considered necessary to restrict any floodlighting of the ménage.
61. With conditions to restrict high level lighting and to ensure suitable landscaping is proposed and implemented the development is supported in terms of the NPPF and Derwentside Local Plan Policies GDP1 and EN1.

Design

62. Section 7 of the NPPF and Derwentside Local Plan Policy GDP1 seek to ensure that a high standard of design is incorporated into all developments. The stable block is of a simple design not dissimilar to many other modern agricultural and equestrian buildings seen in the countryside. It is noted that objectors consider that the design and materials are not in keeping with the character of High Westwood however as the stable building would not be seen in the context of the stone and brick dwelling houses it is not considered necessary that the design and material reflect the nearby properties and instead that the use of timber cladding for the walls is more appropriate to blend in with the surrounding landscape.
63. The size, scale and appearance of ménages and associated equipment are dictated by the proposed requirements of the user and are fairly standard. The design of the ménage is considered appropriate.

Highway Safety

64. In accordance with Derwentside Local Plan Policy TR2 all developments should have a safe access. In response to the requirements of the Highways Officer the applicants have revised the access arrangements for the proposal and the arrangement is now considered acceptable in terms of highway safety. It is noted that objectors are concerned about the highway and pedestrian safety implications of further use of the unclassified Shaw Lane which has the national speed limit and is very narrow and untreated in winter. Concerns are also raised regarding the surrounding narrow and winding roads to access the site however these issues have not been raised as a concern by Highways Officers. Therefore it is considered that the revised access would be adequate and vehicle movements/types of vehicles associated with the usage would not be detrimental to the safety of the local roadways in accordance with Derwentside Local Plan Policy TR2.
65. It is noted that there are concerns that there will be an overspill of parked cars onto the lane and in the village however this is not considered likely given that parking is available on the site, the relatively small number of horses to be kept at the site, that visitors would not all be at the site at the same time and that visitors to the site are likely to want to park as close to the stables as possible. It should be noted that the Highways Officer has not raised such concerns.

Residential Amenity

66. Derwentside Local Plan Policy GDP1 seeks to ensure that neighbouring amenity is protected from harmful development. Section 11 of the NPPF requires Local Planning Authorities to take into account the potential risks of pollution when considering applications. Proposals such as commercial stables and keeping of horses have the potential to cause detrimental impacts upon the amenity of local residents in terms of noise, odour and general disturbance from comings and goings.
67. The stables would be approximately 43m from the nearest neighbouring property (Astley House) and the access would be approximately 14m away from this property. There are several other properties within 200m of the stables. At these distances and given the commercial nature of the development, it is recognised that neighbours have concerns in relation to noise and disturbance from traffic and activities on site. However the Environmental Health Officer considers that the hours being proposed 7am (weekday) 8am (weekend) to 8.30pm are not likely to lead to a statutory nuisance. It is considered that with a condition restricting the opening hours to these times that although the acoustic character of the area would be slightly affected during operating hours the noise experienced would not be unacceptable or lead to a perceived change in the quality of life for local residents.
68. It is noted that local residents have raised concerns over odour and flies etc. resulting from manure on site. Whilst the proposed use has some potential odour issues associated with it from the accumulation of waste, given that horse manure is only significantly odorous if it is stored for extended periods of time near residential properties it is considered that providing that a robust waste management plan is submitted and adhered to by way of condition that the storage of waste is unlikely to result in harm to local residential amenity in terms of odour. It is noted that there may also be waste within the fields in addition to the stables however the levels would not be dissimilar were the 3 hectares to be returned to agriculture such as a hobby farm or grazing.

69. With regards to light pollution no lighting is being proposed for the ménage and this will be restricted by planning condition. Whilst it is recognised that there will need to be lighting of the building for safe access and egress during opening hours given the distance to neighbouring properties and the cover provided by the tree line the Environmental Health Officer considers that there would not be a statutory nuisance from such lighting provided that they were orientated correctly and only in use during operating hours. It is not considered reasonable to restrict lighting to this extent however bearing in mind these concerns it is considered appropriate to restrict any high level lighting of the ménage so that the impacts from lighting would not be significantly detrimental to neighbouring amenity.
70. It is noted that concerns have been raised in relation to neighbouring privacy, however given the distance from residential property and proposed screening of parking and access areas it is not considered that residential privacy would be negatively affected.

Ecology Impacts

71. The NPPF Section 11 seeks to minimise impacts upon biodiversity and advises that where significant harm to biodiversity cannot be avoided then planning permission should be refused. Paragraph 109 and 118 of the NPPF require impacts upon biodiversity to be minimised and net gains provided where possible. Derwentside Local Plan Policy GDP1 requires protected species to be safeguarded.
72. Although local residents have raised concerns over impacts upon local wildlife the Ecology Officer does not consider that the development would have any significant impacts on biodiversity, but advises that in order to reduce impacts to bats that forage and commute in the adjacent woodland that surrounding trees should not be affected and that only low level lighting should be used. No trees would be affected by the proposal and high level lighting can be restricted via condition and with such a condition protected species and local biodiversity would be suitably protected in accordance with these National and Local Policies.

Drainage Issues

73. Section 10 of the NPPF requires Local Planning Authorities to ensure that developments do not result in an increase in flood risk off site. Derwentside Local Plan Policy GDP1 seeks to ensure that developments have adequate provision for drainage. Whilst objectors have raised concerns over drainage the drainage proposed for surface water is to a soakaway which would be in accordance with the requirements of the County Durham Surface Water Management Plan and Building Regulations and is considered acceptable.

Contamination and Land Safety and Stability issues

74. Section 11 of the NPPF requires Local Planning Authorities to prevent new development from being put at unacceptable risk from amongst other effects land instability which is of relevance as the site lies within a Coalfield development High Risk Area.
75. In terms of land stability it is noted that the Coal Authority have objected to the development as they consider there is insufficient information to assess whether or not issues of land instability relating to the past coal mining activity on the site can be satisfactorily overcome and objectors have raised concerns over the land stability implications. Under such circumstances it is considered appropriate to attach a condition to ensure that further assessment is undertaken to assess whether the site

can be remediated and if so that any necessary remediation carried out prior to the commencement of the development. This approach is consistent with that which has routinely been applied

Other Issues

76. It is noted that a design and access statement was not submitted with the original application however one subsequently was submitted and is considered to be proportionate to the complexity of the application.
77. It is noted that objectors consider that consideration should be given to other sites within the applicant's ownership. However in the absence of any demonstrable harm, Members can only consider what is being proposed rather than alternative sites and the application must be determined on its own planning merits. Comments in relation to the applicant's other activities are not material planning considerations.
78. Objectors comment that there may well be more than 10 horses accommodated on the land as some horses would be grazed. Whilst the land could accommodate over 10 horses as 1 acre per horse is advised as a minimum requirement by the British Horse Society it is unlikely that the number of horses the land could accommodate would be significantly more than 10. It is noted that objectors consider the amount of land insufficient to graze 10 + horses however the applicants own and rent a total of 19.2ha in the area which is considered sufficient given the 1-1.5 acres per individual recommend by the British Horse Society Guidelines.
79. It is noted that objectors refer to other applications being refused due to the poor accessibility to the village however there are no comparable recent planning applications that have been refused on highway safety grounds.
80. It is noted that objectors are concerned that this would set a precedent for extensions and further development here such as houses and signage however any further equestrian related or other development would require planning permission and would be considered on its own merits.
81. Comments in relation to the status of the site being changed to brownfield are noted however only the areas that would be built upon would become brownfield land and only if other national and local policy criteria be met would a brownfield site be suitable for further redevelopment.
82. It is noted that equine care may require on-site storage of chemicals however a condition can ensure that these are stored within the stable building which will be secured outside of opening times.
83. Objectors consider the building not to be suitable for all storage requirements. Whilst it is preferable for hay to be stored in a separate building from horses in the event of fire it is not essential and fire precautions will be subject of the Building Regulations.
84. It is noted that objectors have concerns that the grazing fields are contaminated with ragwort however as there is other legislation to deal with this issue (the Weeds Act 1959 and the Ragwort Control Act 2003) which is under the remit of DEFRA it is considered that an informative in relation to the developer responsibilities on this matter is sufficient.
85. Objectors comments in relation to need are noted however need does not have to be considered for equestrian developments, nonetheless whilst there are several

stables in close proximity of this site the vast majority are for personal use rather than offering commercial livery.

86. It is noted that objectors have commented that horses have escaped from this site in the past and it is not considered that the current fencing is particularly suitable for the proposed use therefore it is considered that more substantial fencing will be required and can be ensured via condition.
87. Comments in relation to additional horse manure on the local bridleways and roads are noted and whilst it is recognised that this is unpleasant there is no legislation to address this as it is not a threat to human health therefore it is considered that an informative in relation horse riders being courteous to other users would be sufficient in relation to this matter.
88. Members will be aware that objectors' concerns over impacts to their view and property price are not material planning considerations.
89. Concerns over the business failing or being used for inappropriate uses are noted however whilst this is a risk with any business application there is no policy requirement to demonstrate financial viability and planning permission would be required to change the building and land to any other use.

CONCLUSION

90. On balance, the benefits to the rural economy and social and health benefits of the proposal would outweigh the limited harm in terms of residential amenity and the landscape character subject to conditions controlling opening times and waste management and requiring landscaping in mitigation, suitable lighting and land stability remediation works if required. The highways safety implications of the use and the proposed access and parking are considered acceptable in terms of highway safety. The proposal is therefore considered to be acceptable and on the whole in accordance with Derwentside Local Plan Policies GDP1, EN, EN2, EN26 and TR2 and the NPPF. Whilst there is conflict with Derwentside Local Plan Policy AG1 given that the policy is out of date and the NPPF allows the use of such land where development is not significant it is not considered this policy conflict outweighs against the otherwise general support in planning policy terms.

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.

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 following approved plans:

Plan Ref:	Date Submitted:
02 Rev C	1/06/2016
03 Rev A	1/06/2016
04 Rev A	1/06/2016

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policy GDP1 of the Derwentside District Local Plan.

3. Prior to the use commencing details of boundary fencing shall be submitted to and approved in writing by the Local planning authority. The fencing shall be constructed in accordance with the approved details prior to the use commencing and shall be retained thereafter or replaced with similar fencing.

Reason: In the interests of the visual amenity of the area and to comply with policy GDP1 of the Derwentside District Local Plan.

4. No development shall commence until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority.

The landscape scheme shall include accurate plan based details of the following:

Details of hard and soft landscaping including planting species, sizes, layout, densities, numbers.

Details of planting procedures or specification.

The establishment maintenance regime, including watering, rabbit protection, tree stakes, guards etc.

The local planning authority shall be notified in advance of the start on site date and the completion date of all external works.

Trees, hedges and shrubs shall not be removed without agreement within five years.

All planting in the approved details of the landscaping scheme shall be carried out in the first available planting season following the commencement of construction of the stable building.

Any trees or plants which die, fail to flourish or are removed within a period of 5 years from the substantial completion of the development shall be replaced in the next planting season with others of similar size and species.

Replacements will be subject to the same conditions.

Reason: In the interests of the visual amenity of the area and to comply with policy GDP1 of the Derwentside District Local Plan.

5. Notwithstanding the details submitted with the application no floodlights or arena lighting shall be erected or installed and details of the position, number and orientation of any other type of external lighting shall be submitted to and agreed in writing prior to their installation.

Reason: In the interests of the appearance of the area, residential amenity and to comply with Policy GDP1 of the Derwentside District Local Plan.

6. The development hereby approved shall not be open to livery customers or the general public outside the hours of 07.00 to 20.30 on weekdays and 08.00 to 20.30 Saturday, Sundays and Bank Holidays. Access outside of these hours shall only be permissible in emergency situations or for the purpose of animal welfare requirements.

Reason: In the interests of the residential amenity of the area and to comply with Policy GDP1 of the Derwentside District Local Plan.

7. The development hereby approved shall not be used for competitions, events, gymkhanas. No riding instruction or training shall be provided to visiting members of the public.

Reason: In the interests of the appearance of the area and to comply with Policy GDP1 of the Derwentside District Local Plan.

8. Prior to the use commencing details of the arrangements for the storage and disposal of animal waste and sewage shall be submitted to and approved in writing by the Local Planning Authority and the arrangements shall be carried out in accordance with the approved arrangements.

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

9. Any chemicals to be stored on site shall be stored securely within the stable buildings.

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

10. No development shall take place before a Coal Mining Risk Assessment or similar information has been submitted to and approved in writing by the Local Planning Authority in relation to the assessment of the coal mining legacy risks within the site. In the event that the assessment confirms the need for the treatment of any areas of shallow mine workings and/or the mine entry for stability purposes, and/or any other mitigation measures to ensure the safety and stability of the proposed development, these works shall be detailed within the report and undertaken prior to commencement of development. The site shall be developed wholly in accordance with said document with confirmation of the completion or remediation works in full being provided prior to the commencement of construction of the stable building.

Reason: To protect the development against potential Coal Mining legacy issues that may affect the site in accordance with the NPPF.

11. The site access shall be improved in accordance with the approved details prior to the use of the site commencing.

Reason: In the interests of highway safety in accordance with Derwentside Local Plan Policy TR2.

12. The car parking area shown on the plans hereby approved shall be constructed and laid out prior to the development being brought into use. Thereafter the car parking spaces shall be maintained in such a manner as to ensure their availability at all times for the parking of private vehicles.

Reason: In the interests of highway safety in accordance with Derwentside Local Plan Policy TR2.

13. No external plant, machinery or equipment shall be operated on the site other than between the hours of 08.30 to 20.30 on weekdays and 09.00 to 20.30 Saturday, Sundays and Bank Holidays

Reason: In the interests of the residential amenity of the area and to comply with Policy GDP1 of the Derwentside District Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

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

BACKGROUND PAPERS

Derwentside District Local Plan (saved policies 2007)
National Planning Policy Framework, March 2012
National Planning Practice Guidance



The Application Site



Planning Services

Land To The North Of High Westwood
NE17 7RD

Application Number DM/16/00616/FPA

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Comments

Date 5th July 2016

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