

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	DM/17/00202/FPA
FULL APPLICATION DESCRIPTION:	Proposed change of use from allotments to equestrian use and erection of stable for horses for personal use and hay storage
NAME OF APPLICANT:	Mr G Rimmington
ADDRESS:	Land to the rear of Pleasant View, DH8 6RE
ELECTORAL DIVISION:	Leadgate and Medomsley
CASE OFFICER:	Louisa Ollivere Planning Officer Telephone:03000 264 878 louisa.ollivere@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site measures 0.08 hectares in area and was last used as three separate privately owned allotments. These were recently sold to the applicant and the allotments were cleared to form one site and have been levelled and surfaced with hardcore. The site is enclosed with steel fencing to three sides and timber fencing and a rendered blockwork wall with timber fencing above along the northern boundary and brick pillars at either side of the entrance. The site lies adjacent and to the west of allotments to the rear of a residential terrace (Pleasant View) which is a roadside terrace adjacent to the Dere Street Roadway that runs between Leadgate and Medomsley Edge. To the north, south and west of the site are agricultural fields. The site is accessed by an unmade access track that runs from Dere Street and which also serves the rear of adjacent properties and garages. 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 allotments to equestrian use and for the erection of a stable block for personal use. An area of concrete hardstanding would be created and gates would be installed. Permission is also sought for the retention of the hardcore cover for the site and the application states that permission is sought for the retention of the wall, fencing and brick pillars adjacent to the access track. During the course of the application the height of these has been reduced and other than one small section the height does not exceed two metres therefore Officers are of the view that overall they constitute Permitted Development.

3. The stables and associated hardstanding would be located near the south western boundary of the site. The stable building incorporates two stables and also areas for storage of feed. The building would measure 12m by 6m and would have a lean to roof to 3m in height to the ridge. The stable building would be constructed in green box profile steel sheeting with green steel sheeting also for the roof.
4. To the east of the stable block would be an area of concrete hardstanding for manure storage. It is proposed to use the existing unadopted access track to serve this development. The applicant rents 4.87 acres of grazing land approximately 500m to the north east of the site on which he intends to exercise and graze his ponies.
5. The application has been submitted following an enforcement investigation into unauthorised works taking place on the site.
6. The application is reported to Committee as a local Councillor, Councillor Watts Stelling has requested that this be determined at this level given concerns in relation to access and egress to and from the site, visual impact, the use and the retrospective nature of parts of the proposal.

PLANNING HISTORY

7. In October 2016 an application for the erection of stable building for horses and storage of feed was withdrawn as the correct notices had not been served on all owners of the shared access and incorrect ownership certificates had been completed (DM/16/01803/FPA).
8. EN/16/00318 Enforcement enquiry into use of land for storage of building materials.
9. EN/16/00587 Enforcement enquiry into fencing erected around the site.

PLANNING POLICY

NATIONAL POLICY:

NATIONAL PLANNING POLICY FRAMEWORK

10. 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:
11. *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.

12. *NPPF Part 7 – Requiring Good Design* - The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning. 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.
13. *NPPF Part 8 – Promoting Healthy Communities* – the planning system is considered to have an important role in facilitating social interaction and creating healthy, inclusive communities, delivering social recreational and cultural facilities and services to meet community needs. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities.
14. *NPPF Part 11 – Conserving and enhancing the natural environment* -The planning system should contribute to and enhance the natural 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.
15. 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:

16. 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.
17. *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.
18. *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.
19. *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.

20. *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:

21. The following section details the saved policies in the Derwentside District Local Plan thought most relevant to the consideration of this application:
22. *Policy GDP1 – General Development Principles* – outlines the requirements that new development proposals should meet.
23. *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.
24. *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:

25. 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:

26. *Highways Officer*: Considers that vehicle speeds are likely to be very low and there would be no accessibility or visibility issues. The proposals are considered acceptable and no objections are raised from the highways aspect.
27. *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:

28. *Environmental Health Officer*: Considers that the information submitted demonstrates that the application complies with the thresholds stated within the TANS and therefore this would indicate that the development will not lead to an adverse impact in relation to noise and odour.
29. The Officer is also satisfied, based on the information submitted with the application and provided the operation of the site is carried out as per the application information, that the development is unlikely to cause a statutory nuisance.
30. *Landscape Officers*: Advise that the site lies within an area identified in the County Durham Landscape Strategy as a Landscape Improvement Priority Area with a strategy of 'restore or enhance'.
31. The Officer considers that the stables would be seen against the skyline in most views but notes that they will be seen in the context of neighbouring garages and outbuildings and advises that providing the building is either clad in timber or pre-coated block profile sheeting in anthracite grey, juniper green or slate blue with a dark mineral felt roof it will not be out of keeping. The Officer considers that the boundary treatment of the compound is very urban and at odds with the surroundings and is very prominent.

PUBLIC RESPONSES:

32. Neighbouring land owners and occupiers have been consulted and this has resulted in 33 letters of objection from 18 local residents.

Objectors' comments are summarised as follows:

- Land ownership issues.
- Highways safety hazards from traffic, the unsuitable nature of road and junction, damage to road.
- Dust and mud from use of the access.
- Inappropriate design and harm to landscape
- There are other structures such as caravan, play equipment and storage container on the site not included in the application.
- Retrospective nature of the proposal.
- Change of use also required.
- Concerns over drainage and provision of a water supply.
- Noise from traffic and animals.
- It will attract undesirables if used for storage.
- Concerns over the site being used for industrial storage purposes.
- The applicant is inconsistent in his intentions for the land.
- Impacts from animal waste/smell/pollution/vermin.
- Conflict between walkers and vehicles on access.
- The site should only be used as originally intended as an allotment.
- Covenant on deeds of neighbouring plots state that they are not agricultural land but an allotments/garage plot and it is likely to be the same for this plot.
- The applicant may have a view to further development including residential.
- The fencing is extending over a walkway to neighbouring allotments and cutting light to two greenhouses.
- Lack of detail of materials.
- Inaccuracies within application forms.
- The allotments should be for the benefit of local residents.

- Proliferation of stables in the area.
- The previous owners supporting comments are inaccurate.
- Other stables in area are not as close to residential areas.
- The kennels mentioned by the applicant are no longer in business and were sufficient distance to not cause any problems.
- Concerns over stability of land and the access road and lack of CMRA.
- The previous uses were the norm on allotments.
- Hard surfacing not suitable on an allotment site.
- Fencing erected in unsuitable.
- Works have led to water drainage problem.
- Caravan not required on site.
- Query the applicants experience in horse husbandry.
- Does the applicant have the correct permission in place for water connections.
- Lack of detail of construction times.
- Concern for animal welfare.
- Who will monitor and manage this type of work?
- The grazing land rented is more appropriate for stables.
- Horses will need to be led along a busy road and across two roads to reach the grazing site.
- The applicant has shown disregard for planning protocol.
- It is not known whether the applicant is Mr Rimmington senior or junior.
- The Applicant has connection to a replacement window company that may be his intended use for this site.
- Lack of consultation.
- The applicant has no regard to resident's environment, property or privacy.
- Being a Public Right of Way excess traffic could be a danger to walkers.
- This is the fourth proposal for the site.
- The ownership Press Notice from the applicant was only published in the Advertiser which is not widely distributed.

APPLICANTS STATEMENT:

33. Horses are the only animals to be housed within the stables. No other animals would be kept there. I intend to visit the site twice a day only, once in the morning and once in the evening. No-one else will be visiting the site except myself, the stables are for my own personal use only. This is not a business venture in any way shape or form. The stables have been positioned to be as far away from neighbouring properties as possible in the top left hand corner. The animal waste heap is to be located in front of the stables as shown on the block plan on top of a concrete pad. It would be covered by a tarpaulin at all times. It would be removed from site by myself using a trailer attached to my own car and disposed of at a local waste management / recycling company, again covered by a tarpaulin , once every two weeks.
34. I have not fenced off any land which does not belong to me, in fact I have left land in my ownership unfenced adjacent to the entrance to the site. I believe the condition of the track is good however I can confirm that I intend to make good any damaged areas of the existing track and make good all potholes at my own expense as a gesture of goodwill.
35. Google Earth imagery and photographs showing that formerly the site was occupied by various dilapidated buildings including four large pigeon lofts, stable, garage, caravan, storage container, various sheds, muck pile, etc. which I have personally removed from the site. I firmly believe the site is now in a much better condition visually than it ever was previously.

36. There are quite a few other stables with horses currently in the immediate vicinity plus there are presently cows in the adjacent fields and until very recently boarding kennels very close by. In my opinion I believe my proposals sit very well with what exists in the immediate vicinity.

PLANNING CONSIDERATIONS AND ASSESSMENT

37. 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 the development, design, protection of existing landscapes, residential amenity, highway safety, land stability and drainage.

Principle and the General Policy Context

38. The Development Plan is silent on the issue of equestrian uses therefore paragraph 14 of the NPPF directs the Council to grant planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the framework as a whole, or where specific policies in the framework indicate that the development should be restricted. There are no specific policies in the framework that indicate that the development should be restricted therefore detailed consideration must be given to the benefits/harm associated with the development.
39. The application site lies at the edge of the rural/urban fringe where there are a variety of existing buildings including garages and those associated with the allotments. It is not uncommon to find stables/equestrian facilities on the edge of settlements and in principle the use of the land for these purposes is considered to be acceptable subject to detailed consideration of the other issues outlined below.
40. Members will be aware that when considering other applications for equestrian development in the former Derwentside area they have been directed to Policies EN1 and EN2 of the Derwentside District Local Plan. However in this instance these policies are not relevant as the site is not within in the countryside, as referred to in Policy EN1, or outside of the built up area as specified in Policy EN2. While the site is situated at the edge of the built up area within the transition between the urban and rural area it has the visual appearance of being part of the settlement rather than being within the countryside. Historical imagery shows that the site appears to have been fenced or enclosed and has had several different buildings of a similar size and position to that proposed on site during the last 16 years. The site would not therefore encroach into the countryside and is viewed as being a part of the existing settlement. As such members are asked to disregard Policies EN1 and EN2 in consideration of this application.

Design

41. Derwentside Local Plan Policy GDP1 (criteria a) requires a high standard of design in keeping with the character and appearance of the area. The form, mass, layout, density and materials must be appropriate to the site's location and should take into account the site's natural and built features. This fully complies with Section 7 of the NPPF. It is noted that objectors consider that the design is not in keeping with the character of the area. However the stable block is of a simple design and of a suitable

size, scale and height for personal equestrian use. The design of the proposal is similar to many other modern equestrian buildings seen throughout the County and the proposed materials have been amended in accordance with the advice of Officers. Furthermore the stable building would not be highly visible being screened by the boundary fencing and would be of an acceptable standard of design for the type of building proposed. The building would be visible from the first floor windows of the residential properties approximately 56 metres distant and would be seen in the context of the surrounding garages and sheds etc. which are constructed of a variety of materials and are of differing designs. In this location the design and appearance of the building would not be viewed as being out of context. The fencing adjacent to the access track and the entrance pillars have been reduced in height to not exceed two metres and are therefore Permitted Development. While the solid metal sheeting is not ideal consideration cannot be given to this aspect of the development and it is noted that altering the height or style would result in the buildings etc. being more visually prominent.

Protection of Existing Landscapes

42. It is accepted that by their nature such proposals are frequently found in the countryside or at the edge of settlements. Policy GDP1 requires the protection of existing landscapes, natural and historic features. In response to comments raised by objectors and Landscape Officers the applicant has amended the application in terms of the materials to be used in the construction of the stables and reducing the height and the domestic appearance of the entrance pillars. While it would have been preferable for these to be reduced further the applicant was unwilling to do this for security reasons. The fencing adjacent to the access track and the entrance pillars will however have an impact on the landscape given their prominence, design and height however as noted above this aspect of the proposal is Permitted Development. While it would have been preferable for a fence to be erected of a more appropriate style it should be noted that if it were possible to control the type of fencing and reducing it in height or altering it to a more agricultural open design this would make the stable, associated trailers and equipment and manure heap proposed on site more visible which would result in greater harm on the landscape.

43. The Landscape Officer has noted that the proposed building will be seen in the context of the existing buildings adjacent to the site and has not objected to the application. It is not considered that the proposed development would have an adverse impact on the existing landscape therefore the application complies with policy.

Impacts on residential amenity

44. Derwentside Local Plan Policy GDP1 seeks to ensure that neighbours are protected from harmful development. Policy EN26 of the Derwentside Local Plan only allows for development to be granted where it is not likely to have an adverse impact on the environment having regard to likely levels of noise pollution. Both of these policies accord with Section 11 of the NPPF which advises that decisions regarding developments should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development and should aim to mitigate and reduce impacts arising from noise through the use of conditions.

45. Proposals involving 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 which are all concerns raised by local residents.

46. The stables would be approximately 56m from the nearest neighbouring properties (Pleasant View). Whilst the concerns of neighbours are recognised the Environmental Health Officer considers that the proposal is unlikely to lead to a statutory nuisance and would not lead to an adverse impact in relation to noise or odour for local residents due to the waste management proposed and number of horses detailed in the application.
47. It is considered therefore that there would not be adverse impacts in terms of residential amenity and therefore the proposal accords with both the policies of the DLP and the NPPF and there is a presumption in favour in this respect.

Highway Safety

48. In accordance with Derwentside Local Plan Policy TR2 all developments should have a safe access to the Highway. Whilst it is recognised the unmade unadopted access track is in a poor state of repair the Highways Officer is satisfied with the use of the existing private unmade access track given the likely level of use. It is noted that objectors are concerned about further damage to the access however this is a civil matter between the various land owners who share the ownership of the road. Concerns raised by objectors in relation to access visibility, additional traffic, mud on the road, pedestrian/vehicle conflict, horse and vehicle conflict on the main road have not been raised as concerns by the Highways Officer. Therefore it is considered that the 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.
49. This policy is only partially consistent with the NPPF as the NPPF is also concerned with sustainable transport options however given the site is considered moderately sustainable being close to bus stops the NPPF is supportive of this proposal in respect of sustainable transport.

Land stability

50. The site is within a high risk area in terms of former mine workings which could affect the safety and stability of the area. Land stability and the lack of detail in relation to this matter is a concern that has been raised by several local residents. The Derwentside Local Plan is silent in respect of land stability therefore there is no presumption in favour in this respect.
51. In terms of the NPPF, Section 11 requires Local Planning Authorities to prevent new development from being put at unacceptable risk from amongst other effects land instability. 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. The applicants have been advised to undertake a Coal Mining Risk Assessment however they are unwilling to do so prior to a decision and have requested that should the application be approved that this be made subject of condition. 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 across the County for several sites including major development proposals.

Drainage Issues

52. Derwentside Local Plan Policy GDP1 seeks to ensure that there is adequate provision for surface water drainage. This has been raised as a concern by local residents who detail drainage issues on neighbouring land since the site has been cleared and hardcore laid. It is proposed that surface water will drain to a soakaway which would accord with the County Durham Surface Water Management Plan and therefore this is considered acceptable subject to a condition requiring its installation within a specific timescale. This policy is consistent with Section 10 of the NPPF therefore there is a presumption in favour in respect of this issue.

Promotion of Health

53. 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 proposal that enables personal outdoor pursuits this proposal would gain the support from the National Planning Framework in this respect.

Other Issues

54. The objectors have raised a number of issues many of which are not material planning considerations and do not therefore form a part of the assessment of the application. In addition a number of comments have been made regarding the previous application which are not relevant to the determination of the current application. Issues regarding the ownership of the site and access are not relevant as notice has been served on the land owners.

55. Objectors are concerned that the application may be prejudiced by some of the features already being on site. This is not the case and in fact the applicant's previous disregard for planning law is a material planning consideration in regard to the Government's advice issued through their ministerial statement; however this in its own right is not enough to warrant refusal of the application.

56. Concerns over provision of a water supply have been raised however for a development of this scale a water trough would suffice and this would not require planning permission or connections to be made.

57. It is noted that objectors consider that the existing use should be retained for local residents and the leased grazing land is more appropriate for the stables however in the absence of any demonstrable harm, Members can only consider what is being proposed rather than alternative uses and the application must be determined on its own planning merits.

58. Objectors refer to covenants within the land deeds restricting the use to allotments however this is a civil matter rather than a material planning consideration.

59. Objectors claim that the proposal encroaches onto land not in the applicant's ownership that is used as a walkway to other neighbouring allotments however the walkway appears to have been sold along with plot 3. Any accrued rights of access is a civil matter between the land owner and any interested parties.

60. Concerns have been raised over the lack of consultation over the amendments however neighbouring land owners and occupiers have been consulted in writing as per the statutory and the Council's own requirements.
61. Whilst it is acknowledged that local residents are dissatisfied that enforcement action has not been undertaken in relation to the works already undertaken it would not usually be expedient to take Enforcement Action whilst a planning application is under consideration.
62. It is noted that objectors are concerned that approval of the application would set a precedent for further development however any further applications would be considered on their own merits.
63. Concerns have been raised over the cumulative impacts of equestrian development in the vicinity of Medomsley. This has come about in recent years due to the national trend of closure of riding schools and the breakup of agricultural smallholdings in the area. Whilst there are several similar developments in the Medomsley Edge vicinity compared to other sites this is comparable in scale and would not be seen in the same view as any other similar developments nor would the residential amenity and highways impacts of the proposal be significant or impact upon residents or users of the wider areas outside of Pleasant View.
64. Objectors have pointed out that the kennels mentioned by the applicant are no longer in business and were sufficient distance to not cause any problems. It is agreed that this former local use has no bearing on the acceptability of this proposal on this site.
65. It is noted that the structures referred to by the applicants were the norm on allotments however the buildings and structures are comparable in size and appearance to the stable building now being proposed and are of relevance.
66. Objectors have queried the applicants experience in horse husbandry and animal welfare issues however experience is not relevant to an application of this personal nature. Whilst the site area itself would not support the keeping of horses as it falls short of the 1 acre per horse as recommended by the British Horse Association the applicant has detailed grazing land that he leases within 400m of the site that would suffice for grazing and exercise. Members should note that in a recent appeal decision for a site elsewhere in the County of a similar scale with no supporting grazing land that the Inspectorate considered the site to be adequate for horses as they would be relying on supplementary feeding rather than grazing and with a regular exercise regime involving riding out on local bridleways (APP/X1355/C/16/3142407). This amount of land allocated the horses is therefore considered acceptable in terms of animal welfare.
67. Comments have been raised that there is a lack of detail regarding construction times however given the scale of the development it is considered that an informative would suffice with regards to this.
68. Concerns have been raised over who will monitor the development and use, the Planning Enforcement Team will respond to any future concerns raised in relation to any conditions or operations on site.
69. Comments have been made in relation to dangers to a public right of way however this is an informal footpath rather than a registered right of way and vehicles numbers would not be significantly greater than at present.

PLANNING BALANCE AND CONCLUSION

70. Policy 14 of the NPPF directs the Local Planning Authority to grant planning permission unless any adverse impacts would significantly and demonstrably outweigh the benefits. As detailed above the proposal would bring health benefits, albeit limited to a private individual and his family. There would be no adverse impacts in terms of highway safety or residential amenity. Subject to conditions there would be no adverse impacts in terms of drainage or land stability. While the design of the fencing could be improved it is noted that this is Permitted Development and that it screens the proposed stables and other associated development on the land. The site is situated on the edge of the rural/urban fringe where there are a variety of existing structures constructed of a variety of different materials and the building would be seen within this context. The issues raised by objectors would not justify refusal of the application. It is not considered that there are any adverse impacts that would significantly and demonstrably outweigh the benefits therefore the proposal is considered to be acceptable. Approval is recommended subject to conditions restricting the use to personal use and requiring the submission, approval and implementation of land stability measures prior to the commencement of any construction and the submission, approval and implementation of a soakaway onsite within two months of any approval.

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:
Revised Block Plan	06/03/2017
Proposed stables	04/03/2017
Location Plan	23/01/2017

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. The development hereby approved shall only be used for personal equestrian use and not for commercial livery purposes.

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

4. The use of the stables shall only be for the keeping of two horses and no other animals.

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

5. Manure shall only be stored on the concrete pad and shall be covered by a tarpaulin at all times. The waste shall be removed from the site on a fortnightly basis.

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

6. No construction 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 construction. 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. Given the implications of this issue, this element of the scheme is considered required pre-commencement, the advice of the DMPO 2015 having been taken into account.

7. The use hereby permitted shall cease unless, subject to land suitability, a soakaway or other suitable drainage system has been installed on site within two months of the date of this decision. Details of which shall be submitted to and approved in writing by the Local Planning Authority beforehand.

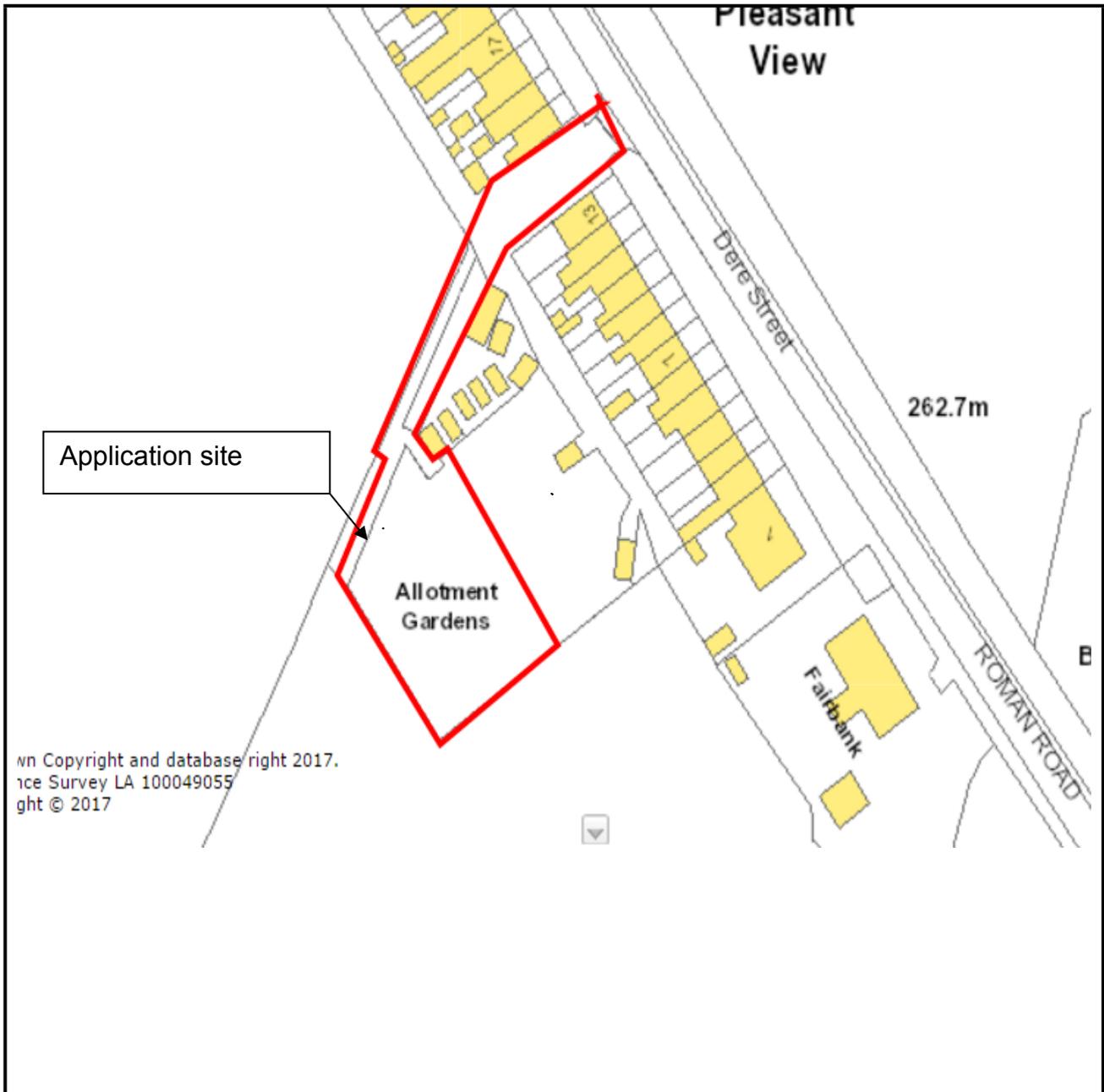
Reason: In the interests of ensuring satisfactory surface water drainage of the site in accordance with Derwentside Local Plan Policy GDP1.

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



Ordnance Survey
 Ordnance Survey LA 100049055
 Ordnance Survey © 2017



Planning Services

Land to the rear of Pleasant View, DH8 6RE.

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Comments

Date 30th March 2017

Scale 1:2500