

DELEGATED DECISION REPORT

HPK/2017/0695
Valid 22/12/2017

MILLSTONE WILLOWS
BEET LANE
NEW SMITHY
CHINLEY

PROPOSED STABLE
BUILDING AND ACCESS
TRACKWAY

(FULL - MINOR)

MAIN ISSUES

- Green Belt development
- Impact on open countryside/landscape
- Impact on residential amenity
- Highway considerations

DESCRIPTION OF SITE

The application site relates to the residential curtilage of Millstone Willows and an area of a field located to the east of the residential property. The field extends from beet lane, rising towards a public footpath to the south which connects Beet Lane to the wider countryside. The residential property and neighbouring property, Lowburn sit at a lower level to the field. A number of sheds and trees form the boundary with Lowburn to the north.

PROPOSAL

Planning permission is being sought for the erection of a new stable building and access track. The track would extend to the east of the host dwelling, through the existing garden area, rising towards the location of the proposed stable building.

The stable would be arranged in an “L” shape with a maximum length of 14.5m and a depth of 5.4m. A total of three stables would be provided with a separate hay/feed store and tack room. The building would extend to an eaves height of 2.2m and an overall height of 3m. In order to achieve a level area, the existing ground would be excavated to a maximum depth of 1m, although this varies across the site. Materials of construction comprise shiplap boarding to the elevations and black corrugated roof sheeting. The access track would be constructed with two strips of consolidate hard core with natural stone around a central grassed strip.

Revised plans have been received correcting an error on the floor and elevation plans (windows were omitted from the western elevation) and a blue line added to the location plan showing the extent of the land owned by the applicant. Overall the applicant has control over 5.5 acres of land.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

High Peak Local Plan 2016

S 1 Sustainable Development Principles
S 1a Presumption in Favour of Sustainable Development
EQ2 Landscape Character
EQ3 Rural Development
EQ4 Green Belt Development
EQ 6 Design and Place Making
CF 6 Accessibility and Transport

National Planning Policy Framework

Paragraph 17
Section 7 – Requiring good design
Section 9 Protecting Green Belt Land
Section 11 Conserving and enhancing the natural environment

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/000/7416 – One two storey house and new stable to replace existing stable –
Approved

CONSULTATIONS

Publicity

Site Notice expiry date: ADD IN
Neighbour consultation period ends: ADD IN
Press Advert: N/A

Public Comments – One letter of objection has been received raising the following concerns:

- The building is substantial and equivalent to the size of a three bedroom property.
- It will not preserve the openness of the green belt.
- The stables amount to inappropriate development in the green belt, no special circumstances have been put forward to justify the proposal.
- The building is excessive, it has been designed for three horses whereby each stable exceeds the British Horse Society guidelines for the keeping of horses. According to BHS guidelines the recommended size of a stable should be between 3.6m by 3.6m to 3.6m by 4.3m depending on the size of the horse.
- No justification has been put forward as to why the owners need such a large hay/feed store.
- The application drawings do not include the height of the building.
- The introduction of the building along with the hard surfacing access will significantly change the character of the immediate area and erode the openness of the green belt, therefore the development is contrary to Policy EQ3.

- The building is only 25m from Lowburn and only a few meters from the rear garden boundary.
- The construction of the access immediately adjacent to Lowburn will mean vehicles accessing the stables on a regular basis raises the potential for vehicles to slip into their garden.
- No drainage details have been provided, surface water could run into the rear garden.
- No details have been provided about external lighting.
- The submitted plans are incorrect as the floor plans do not correspond with the elevation plans.
- There are existing stables at the site.
- The plans do not meet the requirements of Policies EQ3, EQ4 and EQ6.

In response to the above points the applicant responds as follows:

- Our neighbours requested to buy the land before we purchased it.
- The neighbours object to having horses on the land and should be near their child.
- The existing stables have never been used as stables as they are unsuitable for use, the door width and heights are inadequate.
- The access track will only be used for visiting vets, farriers (once, every 6-8 weeks or to take hay and bedding.
- We do not intend to apply to build in the field.
- The neighbours garden is unkempt and dilapidated buildings are not used.

In response to the above points raise the neighbour raises the following points:

- It is disappointing that our neighbour has made personal and false allegations against us.

Chinley, Buxworth and Brownside Parish Comments – No objection.

Derbyshire County Council Highways – No objection, subject to development remaining private and ancillary to Millstone Willows with no future sub letting or selling off.

OFFICER COMMENTS

The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.

Section 38(6) requires the local planning authority to determine planning applications in accordance with the development plan, unless there are material circumstances which 'indicate otherwise'. Section 70(2) provides that in determining applications the local planning authority "shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations." The Development Plan currently consists of the High Peak Local Plan 2016.

Paragraph 14 of the National Planning Policy Framework (NPPF) explains that at the heart of the Framework is the presumption in favour of sustainable development. For decision makers this means that when considering development proposals which accord with the development plan they should be approved without delay; or where the development plan is absent, silent or relevant policies are out of date, grant planning permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF when taken as a whole,

Principle of Development

The application site lies within the green belt and countryside whereby policies EQ3 and EQ4 apply. Policy EQ3 supports equestrian uses in the countryside provided that it does not have an adverse impact on the character and appearance of the area. Policy EQ4 sets out the need to maintain the openness of the green belt and supports development provided that it meets the requirements of the National Planning Policy Framework (NPPF).

Paragraph 89 of the NPPF states new buildings within the green belt should be regarded as inappropriate development, unless it meets one of the exceptions detailed. Of those exceptions are facilities for outdoor recreation provided that it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

In this case, the proposals comprise facilities for outdoor recreational providing to three stables and hay/feed store and tack room and therefore is an appropriate form of development in the green belt. It is noted that the objector considers the building to be inappropriate development because of the size of the stables exceeding guidelines by the British Horse Society and the size of the hay/feed store. However in this case, the applicant has a total of four horses of which two are 16 and 17 hands, and the remaining ones 14 and 15 hands. Of the smaller horses, one is 2 years old and predicted to grow to 15 hands. Whilst it is noted that the guidelines provided by the BHS are recommended sizes for stables they are not mandatory or a statutory requirement. The proposed sizes of the stables are 4.3m by 3.6m, whereas the BHS guidelines recommend a stable size of 3.6m by 3.6m. The applicant owns 4 horses of which 2 at least are large horses, and therefore whilst the proposed stables may be slightly over the recommended BHS sizes, they are marginally bigger to accommodate the size of the horses. Therefore it is considered that the proposed stables would meet the requirements of the equestrian use of the land and size of horses. Moreover although the building does contain two other rooms for use as hay and tack storage, this is not considered unreasonable and a common requirement associated with the keeping of horses.

In terms of openness, the stables are a low level building which are position in one corner of the field adjacent to an existing stone wall, which forms the boundary with the public right of way and an existing beech hedge which forms the boundary to the residential curtilage of the host dwelling. Existing ground levels would be lowered in order to achieve a level surface, resulting in a building which sits low in the

landscape. Given the size and low level nature of the building combined with the use of materials (wooden panelling), it is not considered that the openness of the green belt would be injured.

It is proposed to install an access track through the existing residential garden of the host dwelling, allowing direct access from the host property to the stables. The submitted plans do not indicate that any ground level changes are needed, and that the access track will comprise two strips of hard core and natural stone either side of a central grassed strip. Paragraph 90 of NPPF also identifies other forms of development which are not considered to be inappropriate development provided that they preserve the openness of the green belt. The laying down of a form of hard surfacing, and in the manner proposed is commonly found in the countryside and green belt, providing access to fields, farms and other rural enterprises. In this case, as there are no engineering operations proposed with the laying of the track, and therefore would not harm openness. Moreover, given that its location is within the domestic curtilage of the dwelling, its effect would be not different that the laying, for example, a large patio area.

The development comprises an appropriate form of development in the green belt which would not harm the openness of the green belt and therefore complies with Policy EQ4.

Impact on the countryside/landscape

As noted above equestrian development is considered to be acceptable in rural areas provided that it does not harm the character and appearance of the area.

The siting, height and use of materials in the stable building would not form a prominent addition in the landscape or harm the character and appearance of the area. Indeed with the presence of the boundary wall and beech hedge combined with the lowered ground levels would almost screen the building from wider views. Stables are commonly found building in the landscape and countryside, therefore the siting of the building tucked into a corner of the existing field and the surrounding boundary treatment, would not harm the character of the area. The plans also show the addition of new hedging along the southern boundary, which would assist in enhancing the existing boundary treatment and soften the development. Overall the development would not harm the character and appearance of the area and therefore complies with Policy EQ3.

Amenity

Policy EQ6 of the adopted Local Plan seeks to ensure that new development does not harm the amenities of existing and future residents, taking account of matters such as overlooking, the overbearing effects of development and visual intrusion.

The development would be positioned to the south of the neighbouring property Lowburn, some 22m from the rear elevation of the property and 6m from the rear garden boundary. Lowburn is a detached bungalow which is positioned on significantly lower ground level than the application site. Within the rear garden are a

number of garden sheds/buildings and trees and shrubs along the common boundary. Given the significant changes in ground levels and the presence of the boundary treatment and garden sheds, it is considered that the stables would have no overbearing effects or adversely impact on the amenities of this neighbouring property.

The proposed access track would extend from the existing parking area to the front of the host dwelling, extending to the eastern side and within the garden area, beyond which the neighbouring property is located. Whilst it is acknowledged that the access would be visible from a side facing window on the neighbouring property and be positioned approximately 13m from this window, its use would be solely by the owner of the horses and occasionally by vets/farriers. Although having an access would be noticeable change for the neighbours, it should be borne in mind that the location of access is wholly within the residential curtilage of the property, and therefore the day to day use of this garden area could cause general noise and disturbance. It is considered that the position of the access track would not have a substantially greater impact on their amenities of the neighbours than the present use of the land. However to ensure that the track and stables are not intensively used beyond that associated with a domestic property, it is considered necessary to restrict the use of the stables and access track to the applicant and for no commercial purposes. It is therefore considered that the development meet the requirements of policy EQ6.

Highway Safety

The proposed development would not interfere with the existing car parking arrangements to the front of the property and therefore the development is not considered to harm the operation of the adjacent public highway. The field also has an entrance onto Beet Lane, which could be used by larger vehicles if necessary. Overall the development would meet the requirements of Policy CF6.

Other Matters

Other concerns raised by the objector relate to the means of surface water drainage, external lighting and the location and storage of manure. The applicant has indicated that drainage will be installed, therefore it would be appropriate and reasonable to impose a planning condition to secure further details of this. Moreover planning conditions could be imposed requiring the submission of details for the location, storage and disposal of manure and any external lighting in order to protect the amenities of the neighbouring property.

Revised plans have been submitted correcting a drafting error on the proposed elevations, which now includes two windows on the western elevation. This would not harm the neighbouring property as these window would look towards the applicants own rear garden.

There is a stable building located to the front of the host property, which has been reviewed internally, and which formed part of the original permission for the house.

However these stables do reflect current size guidance and are unsuitable for the size horses which the applicant owns.

CONCLUSION / PLANNING BALANCE

Overall the development would meet the requirements of the above relevant policies of the adopted Local Plan and comprises a sustainable form of development. It is therefore recommended that planning permission be granted subject to conditions.

OFFICER RECOMMENDATION : Approve with conditions

Case Officer: Jane Colley

Recommendation Date: 28/02/18

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of High Peak Borough Council