

<b>APPLICATION NO</b>	<b>PA/2018/264</b>
<b>APPLICANT</b>	Mr B Smith
<b>DEVELOPMENT</b>	Planning permission to change the use of land for the grazing of horses and to erect a stable block
<b>LOCATION</b>	OS Field 8023, Carr Lane, East Lound, DN9 2LT
<b>PARISH</b>	Haxey
<b>WARD</b>	Axholme South
<b>CASE OFFICER</b>	Andrew Willerton
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by Haxey Parish Council

## **POLICIES**

**National Planning Policy Framework:** Paragraph 14 states that at the heart of the National Planning Policy Framework 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.

Paragraph 28 states that the rural economy and other land-based rural businesses should be supported.

Paragraph 56 states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraph 60 states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

Paragraph 61 states that planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Paragraph 63 states that in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 118 states that local planning authorities should aim to conserve and enhance biodiversity by refusing planning permission if significant harm cannot be avoided or adequately mitigated. Opportunities to incorporate biodiversity in and around developments should be encouraged.

Paragraph 123 states that planning policies and decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

Paragraph 129 states that local planning authorities should identify and assess the significance of any heritage asset that may be affected by a proposal.

Paragraph 131 states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 132 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

Paragraph 134 continues to state where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Paragraph 186 states that local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development.

Paragraph 187 states that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work

proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Paragraph 196 states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

Paragraph 203 states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

Paragraph 204 states that planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms
- directly related to the development
- fairly and reasonably related in scale and kind to the development.

Paragraph 206 states that planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

#### **North Lincolnshire Core Strategy:**

CS1 (Spatial Strategy for North Lincolnshire)

CS2 (Delivering More Sustainable Development)

CS3 (Development Limits)

CS5 (Delivering Quality Design in North Lincolnshire)

CS6 (Historic Environment)

CS18 (Sustainable Resource Use and Climate Change)

#### **Housing and Employment Land Allocations DPD:**

Inset Map for East Lound

#### **North Lincolnshire Local Plan:**

RD2 (Development in the Open Countryside)

LC14 (Area of Special Historic Landscape Interest)

T2 (Access to Development)

DS1 (General Requirements)

DS14 (Foul Sewerage and Surface Water Drainage)

## **CONSULTATIONS**

**Highways:** No objection subject to conditions and an informative.

**Drainage:** No objection.

**Environmental Health:** No comments to make.

**Historic Environment Record:** No objection subject to conditions.

**Tree Officer:** No comments to make.

**Public Rights of Way:** No objection subject to no works before, during and post construction encroaching onto the public right of way.

**IDB:** Provides standing information in relation to surface water drainage.

## **PARISH COUNCIL**

Haxey Parish Council has been consulted and originally objected to the proposal for the following reasons:

- no justification for its need other than to provide shelter for horses
- previous permissions have lapsed and therefore the horses do not require shelter
- the amount of land falls short of the British Horse Society's recommendation of 1-1.5 acres per horse
- there is no provision for storage of foodstuffs, a tack room, or waste storage or disposal
- proximity of the building to watercourses
- it is a permanent structure and it is unknown whether there are plans for commercial horse use
- the applicant does not live locally and it is questionable as to how the stables could be used sustainably
- it will not create additional employment or tourism
- previous permissions should not be taken into consideration
- if planning permission is granted a condition should be imposed to prohibit the change of use of the stable to a dwelling
- it is not considered the proposal complies with policies CS1, CS2, CS3, CS6, LC14, RD14, SPG3, SPG5, R8 or paragraphs 118 and 187 of the NPPF.

The applicant has amended the proposal to include the change of use of land adjacent to the proposed stable block to the grazing of horses. Following the change in description the

parish council has been re-consulted. The parish council notes the amendment and objects to the proposal, re-iterating previous concerns.

## **PUBLICITY**

The application has been advertised by site notice for a period of not less than 21 days prior to writing this report. No comments have been received.

## **ASSESSMENT**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance the development plan consists of the North Lincolnshire Local Plan (NLLP) which was adopted in May 2003, the North Lincolnshire Core Strategy (NLCS) which was adopted in June 2011 and the Housing and Employment Land Allocations (HELA) DPD which was adopted in March 2016. Material considerations exist in the form of national planning policy and guidance contained within the National Planning Policy Framework (NPPF) and the suite of documents comprising Planning Practice Guidance (PPG).

The application site comprises 2.93 hectares of land off Carr Lane, East Lound which currently forms agricultural land. The site has previously gained planning permission for the siting of a stable block under PA/2004/1951 and PA/2014/0188 to the north-east corner of the field. The site perimeter is bounded by drains to the north and east, and fields to the south and west. Directly across the drain to the north lies an electricity substation which is constructed of a red facing brick. Carr Lane itself is partially tree lined with mature hedgerows present. Other land on Carr Lane was observed to be used for both agricultural and equestrian purposes.

**The main issues for consideration with regard to the determination of this application are whether the change of use of land from agricultural to equestrian use is acceptable, and whether the design and siting of the stable block is appropriate to the site's historic context.**

### **Principle**

The application site is OS Field 8023, Carr Lane, East Lound. The site is outside the HELA DPD defined development limit for East Lound and is therefore considered to be within the open countryside. Policy RD2 of the NLLP therefore applies. This policy states that only development that is essential for the efficient operation of agriculture or forestry is, in principle, acceptable in this location. However, NLCS policy CS3 adds to this by stating that other uses that require a countryside location are also acceptable. In this instance there are already stable blocks within the vicinity. Again this is evident, given that the application site obtained planning permission for a stable block in 2014 and 2004. It is considered that to have a stable block in this location is acceptable and accords with policy.

Objection has been received from the parish council in relation to the need for the structure which does not contribute to tourism and it is unknown whether the site will be used commercially. The parish council also questions whether the use is sustainable given the applicant lives some distance away from the site. The applicant has stated it is for personal use and that horses are currently kept by a family member in Doncaster who is looking to

move into the area. The structure is required by the applicant for the welfare of the horses should they be moved to graze at the site.

### **Change of use**

The proposal has been amended to include the change of use of adjacent land for the grazing of horses. The area comprises 2.93 hectares of grade 2 agricultural land which is one grade lower than the best and most versatile agricultural land. The loss of this land is nonetheless considered acceptable as there is an abundance of this resource within the district and, as the land is not proposed for built development, it could be used for agricultural purposes in future. Furthermore, the site has historically been unused, with consent granted for equestrian purposes, and it is noted that other fields within close proximity to the site are used for the grazing of horses.

### **Design and siting of the stable block**

The proposed stable block measures 18.7 metres by 4 metres and is to be sited to the north-eastern corner of the field. The stable block contains five stables. The block features a shallow pitched roof with the roof ridge at 3.4 metres. The block is to be constructed of blockwork, timber and red pantiles. The Historic Environment Record has been consulted and has raised no objection to the proposal in terms of its impact on the area of historic landscape interest. The proposed design is considered to be in keeping with the character of the area and concurs with SPG3 Design in the Countryside which describes that dark grey colours are acceptable for buildings other than dwellings in the open countryside. The use of red pantiles to the roof is considered to reflect the historic character of settlements within the Isle of Axholme and open countryside. The use of this traditional material is considered to be sympathetic to its location and is preferred against more modern materials.

### **Other matters**

The Highways team has been consulted on the proposal and has raised no objection subject to conditions and an informative. On this basis it is considered that the proposal would not adversely affect the operation of the highway. There is a public right of way (PROW) abutting the northern perimeter of the site. The PROW Officer has raised no objection to the proposal provided that there is no obstruction to the PROW during and post construction which the officer notes will be unaffected by the proposal.

The Drainage team has been consulted and has raised no objection to the proposal. The IDB has provided standing information with regard to the need to obtain the Board's consent for development within 9 metres of a watercourse and if surface water is to be discharged into a Board controlled drain. The applicant has indicated that surface water is to be discharged into the existing watercourse on site and it is advised that a surface water drainage scheme is secured by condition following consultation with both the Drainage team and the IDB.

The Environmental Health team has been consulted on the proposal and has confirmed it has no comments to make. The parish council has objected to the proposal on the grounds that no information has been provided in relation to waste disposal. Historically this information has been requested by condition at the recommendation of Environmental Health and it is recommended a condition be imposed to secure a waste management plan.

The parish council has raised concerns regarding the possible conversion of the proposed stable block to a dwelling in the future. The proposed development is for a stable block and not for a dwellinghouse. If it was desired to convert the stable block into a dwelling this would require planning permission as it would be a material change of use. It is considered unreasonable to refuse an application on the basis that it may change use in the future. Each application should be judged on its own merits at the time of submission in accordance with relevant planning policy.

**RECOMMENDATION      Grant permission subject to the following conditions:**

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: 18/006-01 Revision B, 18/006-03 Revision B and 18/006-02 Revision B.

Reason

For the avoidance of doubt and in the interests of proper planning.

3.

No loose material shall be placed on any driveway or parking area within 10 metres of the adopted highway unless measures are taken in accordance with details to be submitted to and approved in writing by the local planning authority to prevent the material from spilling onto the highway. Once agreed and implemented these measures shall be retained.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

4.

The proposed new vehicle parking and turning facility shall not be brought into use until the vehicular access serving it has been completed within highway limits.

Reason

In the interests of highway safety and to comply with policy T19 of the North Lincolnshire Local Plan.

5.

No development shall take place until a scheme for the disposal of surface water has been agreed in writing by the local planning authority and none of the dwellings shall be occupied until it is connected to the approved drainage system.

Reason

To ensure satisfactory drainage is provided in accordance with policy DS14 of the North Lincolnshire Local Plan.

6.

Prior to the commencement of the use hereby permitted, a scheme for the collection, storage and disposal of manure and foul bedding shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented on commencement of the use and retained thereafter.

**Reason**

To ensure the satisfactory storage and disposal of manure in areas where the impact on the surroundings is minimal, in accordance with policy DS1(iii) of the North Lincolnshire Local Plan.

**Informative 1**

The applicant is advised to review the comments made by the Internal Drainage Board in relation to other consents that may be required for the proposed works.

**Informative 2**

The applicant is advised to note comments made by the Public Rights Of Way Officer in relation to the requirement to ensure that the Public Right Of Way abutting the northern perimeter of the site remains accessible at all times during and post construction.

**Informative 3**

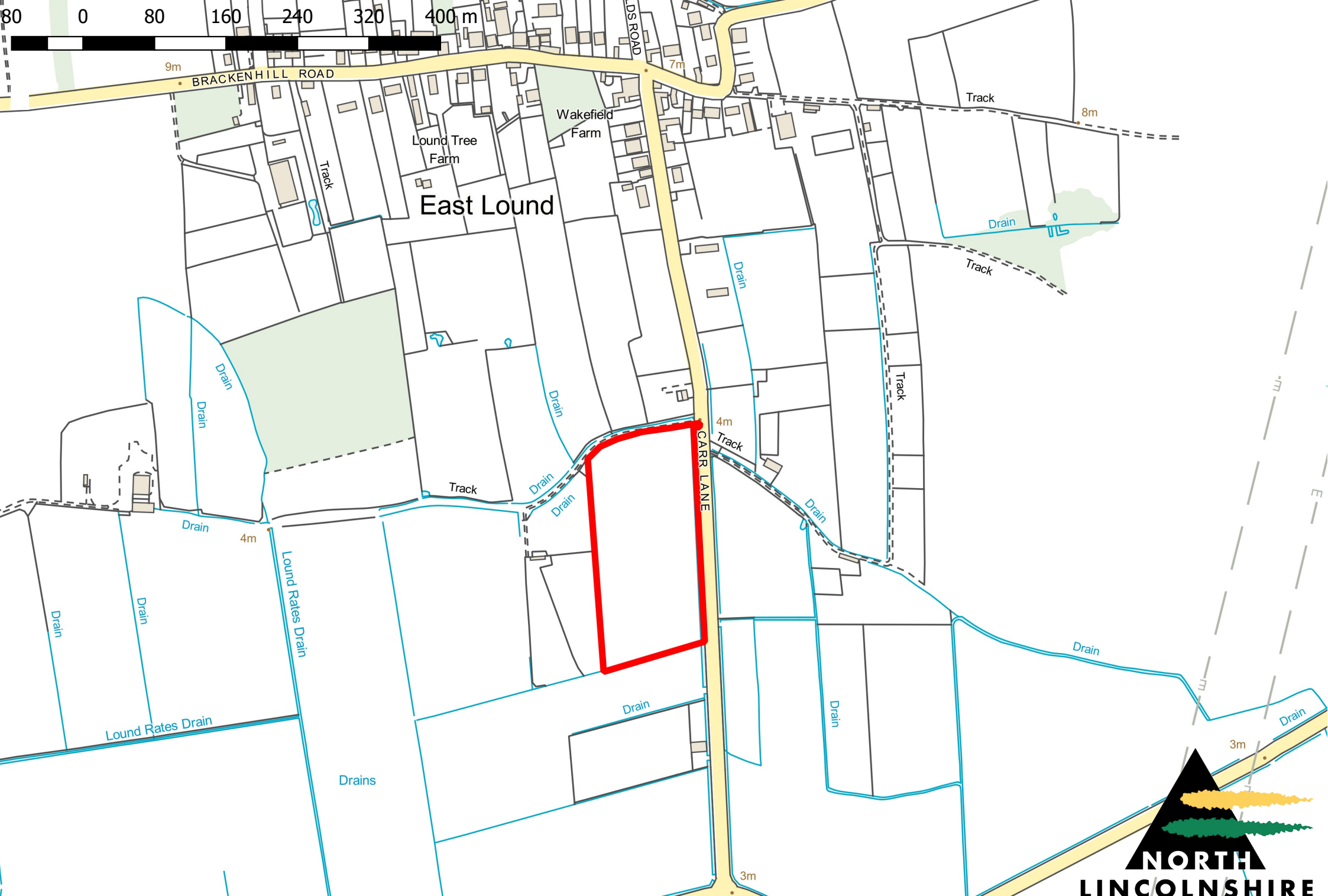
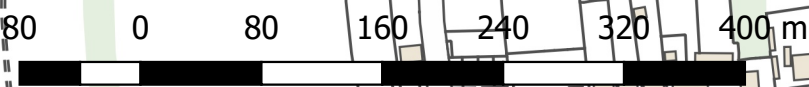
The development hereby granted planning permission requires works to be carried out within the limits of the adopted (public) highway. Therefore:

- before ANY construction works take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297000 to arrange for the relevant permissions/licenses to be issued;
- before ANY service (utility) connections take place within the limits of the highway you MUST contact the highway authority on telephone number 01724 297319 to arrange for the relevant permissions/licenses to be issued.

**Informative 4**

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.





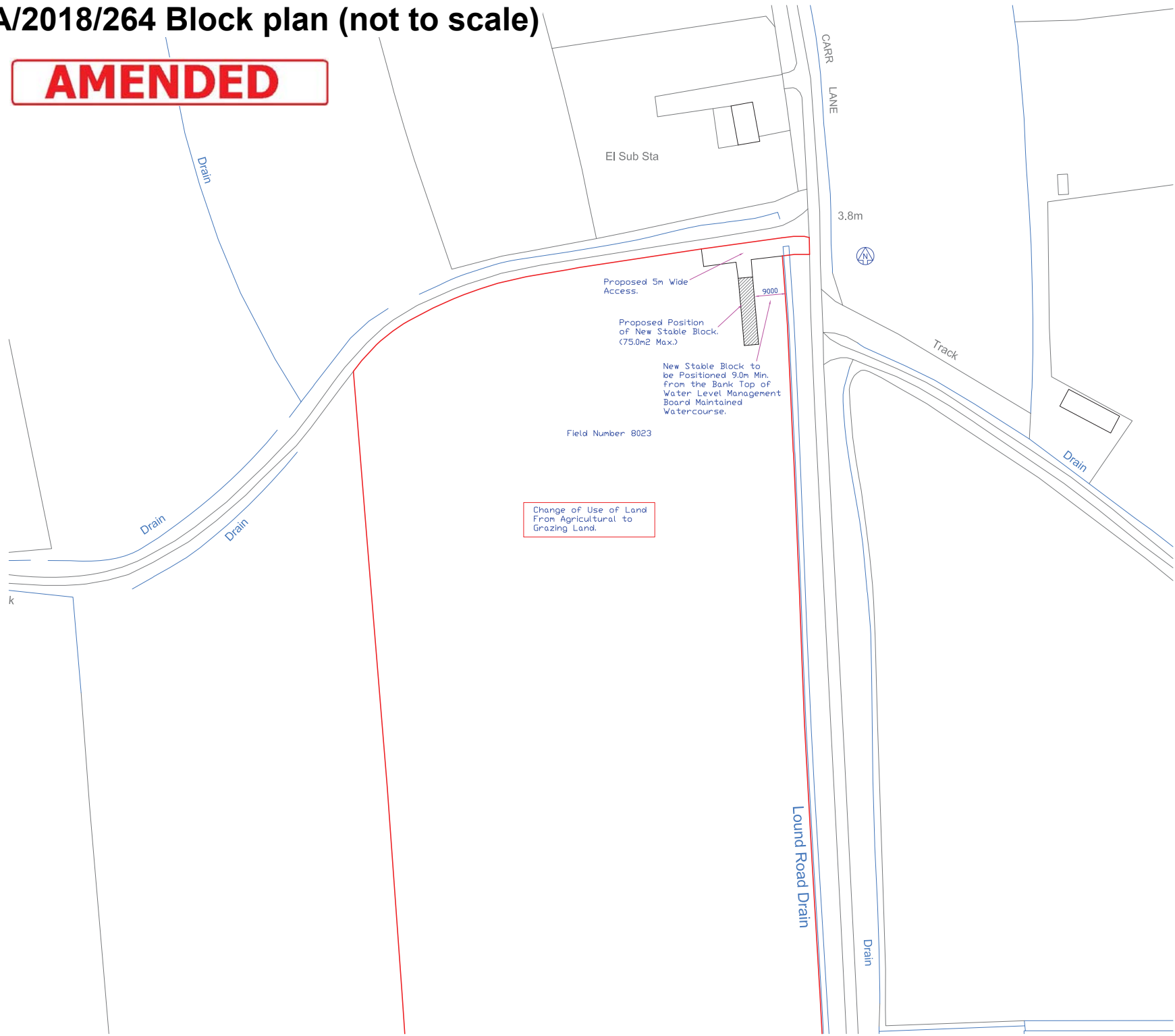
**PA/2018/264**

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# PA/2018/264 Block plan (not to scale)

**AMENDED**



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NOTES

B	PLAN TO INCLUDE CHANGE OF USE FROM AGRICULTURAL TO GRAZING LAND.	22 05 18
A	ROOF OVERHANG OMITTED. RED & BLUE LINES MOVED TO SUIT.	16 02 18

REVISION

  
**D E S I G N**  
 58, Sedgwick Street  
 Jacksdale  
 Nottinghamshire  
 NG18 5JY  
 TEL : 07721 075788  
 E-MAIL: godesignplanning@aol.com

CLIENT  
Mr. B. Smith

PROJECT  
Land off Carr Lane  
East Lound. DN9 2LT

TITLE  
Proposed New Stable Block, plus Change of Use from Agricultural to Grazing.  
**Block Plan**

DRAWN BY  
G. O'Shea | A1 | CHECKED BY

SCALE DATE DWG No. RBY  
1:500 | 06/02/18 | 118/006-031 | B