

Item No. 5

Application Reference Number P/19/2559/2

Application Type:	Full	Date Valid:	06/01/2020
Applicant:	Mrs S Pole		
Proposal:	Continuation of use of land for the keeping and riding of horses		
Location:	The Stables School Lane Leicestershire Woodhouse LE12 8UJ		
Parish:	Woodhouse	Ward:	Forest Bradgate
Case Officer:	Deborah Liggins	Tel No:	01509 634733

This item is referred to Plans Committee in accordance with the Council's scheme of delegation embedded within section 8.2 of the Constitution.

Description of the Site

Members will recall that this site came before them recently with a proposal under P/19/2340/2 to convert the building to a dwelling which members refused. This application concerns a former agricultural field located to the north-west of the stables and just over 0.9 hectare in area which has been used for the exercising and grazing of horses. The site borders Forest Road to the north and is bounded by hedges and hedgerow trees to the west and north and a hedge to the east. The application site and its access is located towards the end of School Lane and although the existing stable building is outside the conservation area, the boundary runs down its north-eastern wall with the application site itself lying wholly outside the designated Conservation Area.

The surrounding land uses are as follows:

Boundary	Adjacent land use
To the west	Agricultural land
To the north	Forest Road
To the south	No 48 School Lane
To the east	Agricultural land

A separate application for the retention of stables and a hay store is reported separately under application reference P19/2559/2.

Description of the Application

The proposal is to retain the use of the field for the keeping and riding of horses as a recreational activity for the benefit of the applicant and her family/friends.

The application is accompanied by a Planning Statement. This sets out that the site has been within the family for several decades and has been associated with the keeping and riding of horses with the applicant having personally used the land as such for over 10 years.

The use is intended for private recreation and not in association with any business or livery.

Development Plan Policies

Charnwood Local Plan 2011-2028 Core Strategy (adopted 9 November 2015)

The following policies are relevant to this application:

Policy CS1 – Development Strategy – sets out the housing directions for growth over the plan period and establishes a settlement hierarchy of locations in terms of their sustainability. Woodhouse is identified as being a small village or hamlet within the Charnwood Local Plan (2011-2028) Core Strategy and is set within the countryside, where a restrictive approach is taken towards new development.

Policy CS2 – High Quality Design – requires new developments to make a positive contribution to Charnwood resulting in high quality inclusive design which responds positively to its context and results in places where people would wish to live. New developments should respect and enhance the character of the area, having regard to scale, density, massing, height, landscape, layout, materials and access arrangements. The policy also requires new development to protect the amenity of people who live and work nearby and those who will live in the new development.

Policy CS11 – Landscape and Countryside - requires new development to protect landscape character and reinforce a sense of place.

Policy CS25 – Presumption in Favour of Sustainable Development – sets out that the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It pledges to work proactively with applicants to jointly find solutions to approve development wherever possible to secure improvements to the economic, social and environmental conditions in an area. Planning applications that accord with the policies in the Core Strategy will be approved without delay unless material considerations indicate otherwise.

Borough of Charnwood Local Plan (adopted 12 January 2004 (saved policies))

The saved policies relevant to this proposal include:

Policy ST/2 – Limits to Development - States that built development will be confined to allocated sites and other land within the Limits to Development identified on the proposals map, subject to specific exceptions.

Policy EV/1 – Design - seeks to ensure a high standard of design for developments, which, inter alia, respects and enhances the local environment, is of a design, layout, scale and mass compatible with the locality and utilises materials appropriate to the locality.

Policy TR/18 indicates that planning permission will not be granted for development unless off-street parking for vehicles, including cycles, and servicing arrangements are included to secure highway safety and minimize harm to visual and local amenities. The quantity of parking allowed should reflect the proposed use and the location of

development, the availability of public off-street parking; the current or potential accessibility by non-car modes and the scope for practical measures to significantly reduce the use of private car trips to and from a site.

CT/1 – General Principles for Areas of Countryside, Green Wedge and Local Separation – states that development in these areas will be strictly controlled. Planning permission will be granted for the re-use and adaptation of rural buildings for uses suitable in scale and nature and small-scale built development where there would not be a significant adverse environmental impact and the proposal would (inter alia) improve facilities for recreation, or leisure uses.

CT/2 – Development in the Countryside – In the countryside, development which is acceptable in principle will be permitted where it would not harm the character and appearance of the countryside.

CT/13 – Riding Stables, Kennels and Similar Establishments – this policy sets out how proposal for loose boxes and stables for recreational purposes will be considered in countryside locations and requires that:-

- i) Any buildings and structures are of a design, siting and materials and suitably landscaped, to harmonize with the character and appearance of a locality; and
- ii) The proposed use would not result in traffic generation, noise, smell or other nuisance unacceptable in its effect on residential amenity, highway safety and the rural character of locality.

Material considerations

The National Planning Policy Framework (2019)

The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. The NPPF contains a presumption in favour of sustainable development.

Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development.

Paragraph 8 explains that achieving sustainable development means that the planning system has 3 overarching objectives, which are interdependent and need to be pursued in mutually supportive ways. The overarching aims are:

- An economic objective – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places to support growth and innovation
- A social objective – supporting strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built development with accessible local services;
- An environmental objective – contributing to protecting and enhancing our natural, built and historic environment.

Paragraph 10 states at the heart of the Framework is a presumption in favour of sustainable development.

Paragraphs 15-33 set out that the planning system should be genuinely plan-led and that succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for addressing housing needs and other economic, social and environmental priorities and a platform for local people to shape their surroundings. Paragraph 31 states that the preparation and review of all policies should be underpinned by relevant and up-to-date evidence.

Paragraph 38 indicates that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers should seek to approve applications for sustainable development where possible.

Paragraph 47 of the NPPF states that planning law requires that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.

Paragraph 96 states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities and promotes the retention of existing sports facilities and open space.

Paragraph 109 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 180 requires that decisions on planning applications should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment, including mitigating noise.

Landscape Character Assessment

The Borough of Charnwood Landscape Character Assessment 2012 explains that the Charnwood Forest Area of Landscape Character is the most complex of the landscape character areas in the Borough such that five sub-areas were identified within the Borough in the 2008

Charnwood Forest Landscape and Settlement Character Assessment. The highly distinctive upland character contrasts with the lower lying nature of the surrounding landscape character areas. It is a landscape of mosaic pasture, frequent woodland and exposed hilltops of acidic grassland with rocky outcrops of ancient Precambrian volcanic and plutonic rocks with bracken and heath land. It is the most densely wooded area of the Borough with coniferous and deciduous woods and includes many wildlife areas and ancient semi-natural woodlands. Field boundaries of stone walls and large free growing hedges and there are strong rectilinear patterns of parliamentary enclosure fields and straight roads. Scattered settlements are often of local stone with steeply angled slate roofs.

The Leicestershire Highways Design Guide (2018)

This is a guide for use by developers and published by Leicestershire County Council and provides information to developers and local planning authorities to assist in the design of road layouts. The purpose of the guidance is to help achieve development that provides for the safe and free movement of all road users, including cars, lorries, pedestrians, cyclists and public transport. Design elements are encouraged which provide road layouts which meet the needs of all users and restrain vehicle dominance, create an environment that is safe for all road users and in which people are encouraged to walk, cycle and use public transport and feel safe doing so; and help create quality developments in which to live, work and play. The document also sets out the quantum of off-street car parking required to be provided in new housing development.

The Crime and Disorder Act 1998

This places a duty on the local planning authority to do all that it reasonably can to prevent crime and disorder in its area. The potential impact on community safety is therefore a material consideration in the determination of planning applications.

Planning Guide to Horses and Stables

This was published and updated by the Council in 2016 and is a guide intended to provide some basic advice about the planning position in relation to the use of land or buildings for equine purposes in the Borough of Charnwood.

Draft Charnwood Local Plan 2019-2036

The Draft Local Plan sets out the Council's preferred options for draft policies which are yet to be tested through an Examination in Public before they can become part of the development plan for Charnwood. The policies therefore carry limited weight at the current time. These include policies which would seek to protect the intrinsic beauty and character of the countryside and direct developments to appropriate locations.

Relevant Planning History

Ref.	Description	Decision	Date
P/80/3151/2	Site for the erection of one dwelling and garage	Refused	13.11.80
P/92/0045/2	Conversion of and extensions to stables to form 2 bed bungalow	Refused	19.3.92
P/92/2055/2	Conversion and front and rear extensions to stable block to from 2 bedroom bungalow and formation of new access	Refused Appeal Dismissed	15.10.92 9.7.93
P/19/2558/2	Retention of stables and hay store	Current Application	Decision pending
P/19/2340/2	Conversion of stables building to a dwelling	Refused	30.1.20

Responses of Statutory Consultees

The Environment Agency has responded that as the application site lies fully within flood zone 1 it has no comment to make with regard to fluvial flood risk.

Other Comments Received

Representations have been received on behalf of the occupiers of The Homestead, 46 School Lane to both applications, and setting out the access drive to the application site is within the shared ownership of the occupiers of that property and the applicant. Reference is made to the standards of the British Horse Society which recommends a ratio of 2 horses per hectare on permanent grazing and suggests that the number of stables and animals kept at the site exceed this recommendation. It is alleged that traffic has increased recently with 18 vehicle movements to or from the site recorded in one day. It is also alleged that horses are maintained by persons other than the applicant and this contributes to the increased traffic which generates noise and disturbance to the occupiers of The Homestead which affects their amenity by reducing privacy and tranquility. It is also alleged that the use operates on a commercial basis. The objector suggests that if planning permission is granted, this be limited to the personal use of the applicant and also restricts the number of horses which are kept here. The writer states that the site is within the countryside and that the proposed development would fail to accord with policy CS1 as it does not reflect the character of the street scene and is overdevelopment of the site.

Consideration of the Planning Issues

The key issues in considering this application are considered to be:

- The principle of the development
- The impact on the character and appearance of the countryside
- Impact on Residential Amenities
- Highways and Car Parking
- Other matters

The Principle of the Development

Old Woodhouse is identified as a 'small village or hamlet; within the adopted Core Strategy. As such, it is considered to be an unsuitable location for development, although Policy CS1 states the Council will respond positively to development that meets a specific local or economic need where that need is identified in a Neighbourhood Plan or other appropriate community-led strategy. There is currently no Neighbourhood Plan for the village and no evidence of need to fulfil the terms of the policy.

Policy CS11 of the Core Strategy states that we will support and protect the character of our landscape and countryside by requiring new development to protect landscape character and to reinforce the sense of place and local distinctiveness by taking account of relevant local Landscape Character Assessments. New development is also required to take into account and mitigate its impact on tranquillity.

Policy CT/1 relates to development in the countryside and sets out that uses which are suitable in scale and nature would be acceptable where there would not be a significant adverse environmental impact and the proposal would improve facilities for recreation or leisure uses.

In terms of the transport sustainability of the site, there are no facilities or services within the village or within easy walking or cycling distance and the settlement is ranked accordingly in the hierarchy published in the Core Strategy. The applicant has used the site as proposed for many years without complaints being received and patterns of traffic movements to and from the site are unlikely to change as a result of the proposal.

Equestrian uses, by their very nature are usually found in the countryside and the proposed use is acceptable in principle and would accord with Policies CS11 and CT/1. Further possible impacts are considered below.

Impact on the Character and Appearance of the Countryside.

Policy CT/1 allows for recreational uses within the countryside and Policy CT/2 also allows for development where it would not harm the character and appearance of the countryside. The visual impact of the proposal is limited to the interruption of the grassed field by post and rail fencing which has been used to create a number of small paddocks. Such fencing and equestrian enclosures are not considered to be out of keeping with the countryside and, as removable structures, are not considered to harm the open and relatively undeveloped character and appearance of the countryside. The proposal does not include the resurfacing of the field or the formation of a manege and the appearance of the field would not change from being pastoral in visual terms. In these ways, it is considered that the proposal would not harm the character and appearance of the countryside and the use would be compatible with its rural agricultural surroundings in accordance with Policies CS11, CT1 and CT/2.

The impact on residential amenities

Property	Distance & Relationship	Guide (if applicable)	Notes
The Homestead, 46 School Lane	23m to the south east – a two storey dwelling with single storey elements	21m	Shares the vehicular access with The Stables with a single storey gable flanking the access and a study window within 0.5m of it.
48 School Lane	20m to the south – a single storey L-shaped dwelling	None	A garage and trees/landscaping in the intervening space.

Policy CS2 of the Core Strategy and Policy EV/1 of the Borough of Charnwood Local Plan seek to protect amenities of nearby occupiers. The existing equestrian use is modestly scaled and discretely located with nearby dwellings occupying spacious plots. The use is intended for private recreational use and, in the event planning permission is granted, a condition could be imposed to secure and retain the use on this basis.

In terms of privacy, the site is bounded by a 1.8m high fence to the north-eastern side and the intervening stone stable building shields activities from The Homestead at No. 46 School Lane, such that no significant losses of privacy or excessive noise are likely to be experienced to either neighbour.

Whilst the neighbour at The Homestead says they experience noise and disturbance from the use of the access, this access is unrestricted in terms of its use to service the previous agricultural use and this may have involved many vehicle manouevres in a day, also involving large vehicles. It is considered that the proposal would have an acceptable relationship with neighbouring residential occupiers and would not give rise to significant amenity harm over and above which may otherwise be experienced with an agricultural use of the land which may include the keeping of livestock outside the remit of planning control. It is therefore considered the proposal accords with Policies CS2 and EV/1.

Highways and Car Parking

Whilst the Leicestershire County Highway Authority was not consulted on the application, the proposed development is of a type where its standing advice would usually apply in terms of access width and geometry, car parking requirements etc.

The proposal would utilise an existing access, with no modifications being proposed to it. The existing vehicular access gate is positioned approximately 15.5m from the highway boundary and is proposed to be retained. Whilst the existing garage at the site falls outside the application site boundary, ample parking and turning is shown to be available within the existing graveled forecourt. Although the junction with School Lane is substandard in terms of width and forward visibility, its location, at the end of the cul-de-sac is such that the speed of passing traffic is likely to be low, with existing users being familiar with the hazards. It is considered that the continuation of the use which currently involves the use of large vehicles, unrestricted in number or frequency, would not introduce significant highways harms to warrant a refusal of planning permission. The development would not therefore have a 'severe' cumulative impact and would generally accord with the provisions of Policy TR/18 and paragraph 109 of the National Planning Policy Framework.

Other matters

The objector cites the standards of the British Horse Society and alleges the quantity of grazing land available cannot support the number of horses kept at the application site. The British Horse Society is a registered charity which works for horses and riders in the UK and abroad and focusses on horse welfare, horse and rider safety, access and rights of way, training and endorsing livery yards and riding schools. In common with the keeping of other livestock, animal welfare standards are covered by separate legislation and regulation exists outside the planning framework. It is therefore considered that the use of the site could be better controlled by limiting any planning permission to the applicant only as it would be unreasonable to impose a limit on the number of horses which can be kept at the site.

Conclusion

Decisions on applications need to be made in accordance with the adopted development plan policies and the material considerations that support them.

The proposal would not introduce a visual adverse impact to the countryside and the proposal would be acceptable in amenity impact and highway terms. The use relates to the keeping and exercising of 6 or less horses and the proposal is therefore small in scale and meets the requirements of the relevant development plan policies.

RECOMMENDATION:-

Grant Conditionally

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
15.3188 - 1:1250 scale site plan
REASON: To define the terms of the planning permission.
- 2 The equestrian land hereby permitted shall not be used other than for the private recreational purposes of the land owner only. There shall be no livery or riding school use operating from within the application site or the associated stables.
REASON: To define the permission and limit the potential for vehicles usage at the site and intensification of the use, in the interests of residential amenity and highway safety.

The following advice notes will be attached to a decision

- 1 DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT - Policies CS1, CS2, CS11 and CS25 of the Charnwood Local Plan (2011-2028) Core Strategy and Policies ST/2, EV/1, CT/1, CT/2 and CT/13 of the Borough of Charnwood Local Plan have been taken into account in the determination of this application.
- 2 Planning permission has been granted for this development because the Council has determined that, although representations have been received against the proposal, it is generally in accord with the terms of the above-mentioned policy/ies and, otherwise, no harm would arise such as to warrant the refusal of planning permission.
- 3 Discussion with the applicant to seek an acceptable solution was not considered necessary in making this decision. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraph 38) and in accordance with The Town and Country Planning (Development Management Procedure) (England) Order 2015.

