

Item No. 6

Application Reference Number P/19/2558/2

Application Type: Full **Date Valid:** 17/12/2019
Applicant: Mrs S Pole
Proposal: Retention of stables & hay store
Location: The Stables
School Lane
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 the retention of stables and a hay store at the site. A further application for planning permission to retain the use of a former agricultural field located to the north-west of the stables and just over 0.9 hectare in area is made separately under application reference P/19/2559/2.

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

Description of the Application

The proposal is to retain two recently constructed timber structures which have been added to the existing yard and paddock area.

The first is a wooden stable to the north-west of the original stables building and which measures 2.75m x 4.37m (including the canopy overhang) and is a maximum of 2.6m high and erected on a slabbed base. The building is faced with timber cladding and has a corrugated roof.

The second structure is larger and is located to the west of the existing stables and within the field the subject of planning application P/19/2559/2. This wooden structure comprises 2 elements: a shed measuring 4.6m x 4.75m with an unmade floor and metal gates opening to the western side; and a stable measuring 3.6 x 4.9m (including canopy overhang) with a concrete floor. The structure has a maximum height of 3.25m with lower elements to the stable.

The application is accompanied by a Planning and Design and Access 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. The document concludes that the scale, design and siting of the structures are not harmful.

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 CS13 – Biodiversity and Geodiversity - seeks to conserve and enhance the natural environment and which protects, enhances or restores biodiversity.

Policy CS14 – Heritage – this requires development to conserve and enhance historic assets for their own value and the community, environmental and economic contribution they make. This will be achieved by requiring development to protect heritage assets and their setting; supporting development which prioritises the refurbishment and re-use of disused or under-used buildings of merit; supporting 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.

Supplementary Planning Document - Charnwood Design (January 2020)

This document sets out the Borough Council's expectations in terms of securing high quality design in all new development. Schemes should respond well to local character, have positive impacts on the environment and be adaptable to meet future needs and provide spaces and buildings that help improve people's quality of life. The document is a material consideration in the determination of planning applications.

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 form 2 bedroom bungalow and formation of new access	Refused Appeal Dismissed	15.10.92 9.7.93
P/19/2559/2	Continuation of use of land for the keeping and riding of horses	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. The occupiers of The Homestead have no objection to the design of the stables and haybarn but consider the proposal is an overdevelopment of the site, given there is an existing stone and render stable block within 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 the least suitable type of settlement for development, accordingly in the hierarchy published in the Core Strategy. The applicant has used the site as proposed for many years without complaints being received. Patterns of traffic movements to and from the site are unlikely to change as a result of the proposal if a planning condition is imposed to limit the use.

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 smaller stable structure is located within the existing yard and close to and screened from external views by existing buildings. The stable/store building in the paddock is also close to the field gate and existing structures erected on land to the north of the application site and outside the ownership of the applicant but which she is able to use. The structures are not seen from Forest Road or the wider area and are of a type similar to loose boxes or mobile stables often found in the countryside.

The Planning Guide to Horses and Stables published by the Borough Council states that stables will only normally be permitted where they are:

- No larger than 3.6m x 3.6m x 3.4m high (measured externally), unless a larger size can be justified
- Sited within or immediately adjoining an existing farm building complex, or failing that a hedgerow or other landscape feature which affords substantial screening
- Provided with a safe highway access
- Designed and constructed in good quality, appropriate materials

The structures accord with these guidelines and are appropriately and conveniently sited to the original stables building and yard and are also not visually incongruous in the rural landscape. In these ways, it is considered that the proposal would not harm the character and appearance of the countryside and the use of the structures 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.

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. The structures also of a design and position whereby losses of light to existing residential occupiers is unlikely.

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 manoeuvres in a day, also involving large vehicles. It is considered that the proposal would have an acceptable relationship with neighbouring residential occupiers. 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. The existing stable building and yard inevitably involves the use of large vehicles, unrestricted in number or frequency. It is considered that the additional stables and the store would not significantly or demonstrably increase traffic movements to or from the site or 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.

Impact on Heritage

It is acknowledged that the building itself lies outside the designated Conservation Area but part of yard and the existing access lies within it. There are also listed buildings which lie close to the site. The Woodhouse School Lane Conservation Area was designated in 1993 with the Conservation Area Character Appraisal being adopted by Cabinet in July 2013. This Conservation Area covers 2.3 hectares and is distinct in character from the Woodhouse Forest Road Conservation Area. The document is intended as a guide for people considering development which may affect it. The key characteristics of the area are set out above. The nearest listed building is Lane End Cottage at 45 School Lane, approximately 50m to the south of the application building. This is a granite and Swithland slate dwelling (originally a school). Just to its north is a Grade 2 17th century granite and Swithland slate barn which is also Grade II listed. It is considered that the proposal would not detract from the significance of the identified heritage assets and would not be harmful to their character, appearance or settings.

The secluded setting of the site, at the end of the narrow lane, together with the existing screening gates mean that the site makes little contribution to the existing character and appearance of the Conservation Area. It is considered that the proposed structures are small scale and of appropriate materials and their position is such that the proposal would cause no harm to the significance of the setting of the Conservation Area. The distance between the site and the nearest listed buildings is also such that their character,

appearance and settings would also not be harmed by the proposal. As the proposal would conserve the significance of the identified assets it would accord with Policy CS14 and Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 and should in itself be given weight in the planning balance.

Impact on Ecology

There are 2 Local Wildlife sites within 60m south east and south west of the application site. However, the proposal is considered to not be harmful to these ecological sites and is considered to accord with Policy CS13 and the relevant provisions of the National Planning Policy Framework which seek to ensure development does not result in overall biodiversity loss.

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 proposed structures are of an appropriate design and construction and well related to the existing use of the site which is small in scale and can be restricted by planning condition to the personal use of the applicant.

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 location plan
15.3188.03A - Topographical survey
15.3188.09 - Floor plans and elevations
REASON: To define the terms of the planning permission.
- 2 The stables and store 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 stables hereby permitted.

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 policies 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.

