

**TITLE: 2005/191 - ERECTION OF STABLES (OUTLINE)
LAND ADJ 6 HARGREAVES FOLD LANE, LUMB**

TO/ON: DEVELOPMENT CONTROL COMMITTEE 2nd August 2005

BY: TEAM MANAGER DEVELOPMENT CONTROL

APPLICANT : MR & MRS KARDASZ

DETERMINATION EXPIRY DATE: 25 MAY 2005

Human Rights

The relevant provisions of the Human Rights Act 1998 and the European Convention on Human Rights have been taken into account in the preparation of this report, particularly the implications arising from the following rights: -

Article 8

The right to respect for private and family life, home and correspondence.

Article 1 of Protocol 1

The right of peaceful enjoyment of possessions and protection of property.

Site and Proposal

This application relates to a field to the rear of 921-943 Burnley Road East and to the side of 6 Hargreaves Fold Lane. Vehicular access to the field, and the electricity sub-station within it, is by means of a gate immediately to the side of the latter house.

Outline permission is sought to erect a stables building to the south side of the rear garden of 921 Burnley Road East. The proposed building will have a footprint measuring 5m x 13m, adequate to accommodate two loose-boxes and a hay-store/tack-room. The applicants advise that the horses kept will be for hobby-purposes.

Although the matters of design/external appearance/access/landscaping have been reserved for later consideration, the applicant has indicated that the building will be of timber construction, with a pitched felt-roof.

Consultation Responses

Environment Agency

No objection subject to a condition to ensure adequate provision for the containment and storage of manure.

Environmental Health

No objection, but recommend a condition to ensure that any manure-store is adequately screened and well-away from other residential property.

LCC Highways

No observations.

Notification Responses

Six letters and a petition bearing 10 signatures have been received, objecting to the application for the following reasons :

1. Detriment to neighbour amenity by reason of the building shading garden and its use causing a loss of privacy/noise/smells, and attracting vermin/flies.
2. Concern about drainage, the application proposing no facilities for storage of manure and the likelihood of greater run-off of (polluted) water from the field into gardens.
3. The likelihood of the applicants visiting the site in a vehicle as they do not live nearby. As a consequence the applicants will have to park on the main road, or residents will have to do so (in order that the access to the field is unobstructed at all times), of detriment to highway safety and inconvenience/disturbance to residents.
4. Adverse affect on house prices.
5. It could lead to a proposal for housing development in the field.

Development Plan Policies

Rossendale District Local Plan (Adopted 1995)

DS5 - Development outside Urban Boundary and Green Belts

C8 - Countryside Recreation

C4 - Agricultural Land

E9 - Pollution

Joint Lancashire Structure Plan (Adopted 2005)

Policy 7 - Parking

Policy 20 - Lancashire's Landscapes

Other Material Planning Considerations

PPS1

PPS7

Planning Issues

In dealing with this application the main issues to consider are : 1) Principle; 2) Landscape Impact; 3) Neighbour Amenity; 4) Pollution; & 5) Traffic/Parking.

PRINCIPLE

There is no objection in principle to erection in the Countryside of a stables building of the scale proposed.

LANDSCAPE IMPACT

With the siting proposed the stables building will not erode to a significant extent the essentially open and rural character of the area. Use of the facing materials indicated by the applicant will further assist in this regard.

NEIGHBOUR AMENITY

As the site slopes down from east to west I consider it important to ensure that the stables building is constructed with a floor slab that reflects the level of the land at the west (ie lower) end. If the building stands 1.2m from the fence bounding the rear garden of 921 Burnley Road East it should be possible to construct it without loss or damage to the handful of 3+m high conifers on the south side of this fence and allow for infilling of the gaps between them with hedge-planting. Conditions to this effect are recommended. On this basis I am satisfied that the proposed development will not cause significant loss of light or detract unduly from the visual amenity of neighbours.

I concur with the advice of the Environmental Health Manager that the proposed use is not likely to cause an unacceptable loss of amenity to neighbours by reason of smells, noise disturbance, etc, so long as the manure-store is appropriately sited and screened. Conditions are recommended to secure this.

POLLUTION

In accordance with the wishes of the Environment Agency, a condition is recommended to ensure the stables building is not brought in to use until such time as adequate provision has been made for the containment and storage of manure. There is no reason why the proposal should increase the run-off of water from the field into gardens.

TRAFFIC/PARKING

I consider that the proposed use is likely to generate a need for a vehicle to visit the site on a daily basis, unlike the existing use of the field. If the existing vehicular access to the field is to be kept free of obstruction this will deny local residents the opportunity to park clear off the main road, causing them inconvenience and detriment to highway safety. Accordingly, I recommend that the permission be subject to a condition to ensure the permanent closure of the vehicular access immediately adjacent to 6 Hargreaves Fold Lane and formation of a new access to the east side of the electricity sub-station.

Summary of Reasons for Approval

Horse-related development is appropriate in principle in terms of National and Development Plan policy and, subject to the conditions recommended, the proposed scheme will not result in significant detriment for the character and appearance of the area, for neighbours, for highway safety or pollution.

Recommendation

That outline permission be granted, subject to the following conditions :

1. The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later. *Reason : Required by Section 92 of the Town & Country Planning Act 1990.*
2. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. *Reason : Required by Section 92 of the Town & Country Planning Act 1990.*
3. Approval of the details of the design and external appearance of the building, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the Local Planning Authority in writing before any development is commenced. *Reason : The application is in outline only and not accompanied by full and detailed drawings.*
4. The first Reserved Matters application shall provide details of the means by which the vehicular access to the field immediately adjacent to 6 Hargreaves Fold Lane will be permanently closed and provide details of the hardstanding to be formed to facility access to the field at a point to the east side of the electricity sub-station and allow a vehicle to park and turn. The approved scheme shall be implemented prior to construction of the stables building hereby permitted. *Reason : In the interests of highway safety and other road users, and to accord with Policy 7 of the adopted Joint Lancashire Structure Plan.*
5. The first Reserved Matters application shall provide details of a facility for the containment and storage of manure. The approved scheme shall be implemented in full prior to first use of the stables hereby permitted. *Reason : To prevent pollution and to accord with Policy E9 of the adopted Rossendale District Local Plan.*
6. The first Reserved Matters application shall provide details of the existing and proposed ground-levels in the vicinity of the stables building and proposed manure-store, and of their floor-level. The development shall be carried out in full accord with the approved details. *Reason : To protect visual and neighbour amenity, and to accord with PPS1, PPS7 and Policy 20 of the adopted Joint Lancashire Structure Plan.*
7. The stables hereby permitted shall be used for the stabling of horses kept for hobby-purposes, and storage associated therewith, and shall not be used for any trade, business or other storage purposes. *Reason : To define the permission and to protect visual and neighbour amenity, and to accord with PPS1, PPS7 and Policy 20 of the adopted Joint Lancashire Structure Plan.*

NOTE FOR APPLICANT

The applicant is advised to contact United Utilities prior to submission of the first Reserved Matters application, to ensure that both the electrical apparatus and personnel working in the vicinity of the electricity sub-station during the works are properly protected.