

Application No: 2008/0804	Application Type: Full
Proposal: Erection of stables, two hay storage sheds and associated midden	Location: Land south of Parklands, New Line, Bacup.
Report of: Planning Unit Manager	Status: For Publication
Report to: Development Control Committee	Date: 20 April 2009
Applicant: Ms. L Radcliffe	Determination Expiry Date: 31 March 2009
Agent:	

REASON FOR REPORTING **Tick Box**

Outside Officer Scheme of Delegation **X**

Member Call-In
Name of Member:
Reason for Call-In:

More than 3 objections received **X**

Other (please state)

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.

APPLICATION DETAILS

1. SITE

The applicant owns approximately 3.25ha (8 acres) of land to the south side of the Urban Boundary of Britannia. The land is in the Countryside Area to the south side of the long-distance recreational path running along the old railway line between Bacup and Whitworth and is to the east of the recreational amenity area at New Line Reservoir. Access to it is by means of an unadopted track which runs between two residential properties that front New Line and then crosses a bridge that over-flies the old railway line at a considerably higher level.

The application relates to a broadly triangular area, of approximately 0.2ha, that is situated immediately to the west of the bridge that crosses the old railway cutting.

Without the benefit of planning permission the applicant has erected upon part of the application site a stables building (with 5 loose-boxes) and a stoned-up area has been formed upon which are to be seen a dog-kennel, several large black-bagged bales of hay/straw and a muck heap. The stables building and stoned-up area occupy land at a higher level than the houses to each side of the access track, but are at broadly the same level as the residential properties on the opposite side of New Line.

On land to the east side of the bridge-crossing (i.e. outside the application site) is to be seen a timber shed, said to be used for the keeping of chickens.

2. RELEVANT PLANNING HISTORY

None.

3. THE PROPOSAL

This application has been submitted as a consequence of the investigations carried out by the Council's Enforcement Team. The application does not seek merely to regularise all the unauthorised works that have been undertaken. It includes only some of them and other elements of work that have not been commenced.

The development for which permission is now sought entails :

- Retention of the stoned-up area presently to be seen;
- Erection of an additional loose-box, resulting in the Stables Building measuring 3.8m x 22.3m x 3.5m at the ridge, with dark-brown stained timber-boarded sides and a black-coloured profiled metal sheeting roof.
- Erection of two Hay Storage Buildings, each to measure 3.6m x 6m x 3.7m at the ridge, with dark-brown stained timber-boarded sides and a black-coloured profiled metal sheeting roof.
- Construction of a Midden, to have an area of 3sq m and be enclosed on 3 sides.

The applicant advises that the proposed stables are for their own private use, not for livery, and that the waste from the midden will be removed once a fortnight and spread upon their own land. Accordingly, they say the site will be visited by only one vehicle

each day. They indicate that some planting has already been undertaken on/around the application site and they are willing to plant more conifers.

4. POLICY CONTEXT

National

PPS1 Delivering Sustainable Development
PPS7 Sustainable Development in Rural Areas
PPG13 Transport
PPG17 Sport & Recreation
PPG24 Noise

Development Plan

Regional Spatial Strategy for the NW of England (2008)

DP1-9 Spatial Principles
RDF2 Rural Areas
RT4 Management of the Highway Network
EM1 Environmental Assets
EM3 Green Infrastructure

Rossendale District Local Plan (1995)

DS5 Development Outside the Urban Boundary & Green Belt
E1 Greenlands
C10 Valley Ways
DC1 Development Criteria
DC4 Materials

Other Material Planning Considerations

LCC Landscape Strategy for Lancashire
LCC Parking Standards
RBC LDF Core Strategy
RBC Emerging Bacup, Stacksteads & Britannia AAP

5. Consultation Responses

LCC (Highways)

No objection so long as the bridge crossing is structurally sound and the proposal will not result in vehicles reversing over the bridge or onto New Line.

RBC (Environmental Health)

No comments/objections.

RBC (Drainage)

No objection subject to a condition to ensure satisfactory arrangements are made for drainage of the site.

6. Notification Responses

To accord with the General Development Procedure Order, a site notice was posted on 9 February 2009 and the relevant neighbours were notified by letter on 4 February 2009

Three letters have been received from local residents, raising objection to the proposal for the following reasons:

- The site invades our privacy by allowing views directly into home and grounds.
- The barking of the dog at all hours results in a constant disruption.
- The development is an eyesore and takes away my views of the hillside.
- The deliveries by lorries and tractors block our private drives.
- If this application is granted permission, this will lead to further applications for extension of the site.

7. Planning Issues

In dealing with this application the main issues to consider are: 1) Principle; 2) Character and Appearance; 3) Neighbour Amenity; & 4) Traffic / Parking.

Principle

The application relates to land within the Countryside.

PPS1 states that planning should facilitate and promote sustainable and inclusive patterns of urban and rural development by (amongst other things) : *“making suitable land available for development in line with economic, social and environmental objectives to improve people’s quality of life; protecting and enhancing the natural and historic environment, the quality and character of the countryside, and existing communities; ensuring high quality development through good and inclusive design....”* .

Para 17 and 34 of PPS1 go on to say that: *“The Government is committed to protecting and enhancing the quality of the natural and historic environment, in both urban and rural areas. Planning policies should seek to protect and enhance the quality, character and amenity value of the countryside and urban areas as a whole.....Planning authorities should plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes. Good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.”*

PPS7 and PPG17 amplify upon the provisions of PPS1, seeking to balance the need to protect and enhance the essentially open and rural character of the countryside, and its opportunities for outdoor sport and outdoor recreation, with the needs of individuals and enterprise. The RSS and Local Plan give local expression to this. Most particularly Policy DS5 of the Local Plan states that within Countryside Areas development will be restricted to that needed for the purposes of agriculture, forestry or other uses appropriate to a rural area.

Small-scale stables, and associated facilities, for outdoor sport and outdoor recreation can be looked upon as appropriate in principle within the countryside. The Council receives, and permits, many proposals from individuals wishing to erect stables buildings in the countryside, with up to 5 loose-boxes and a hay-store/tack-room, for the keeping of horses for their private use. In this instance the development for which

permission is sought will result in 6 loose-boxes and 2 hay-stores of modest size. Whilst this is slightly more than most equestrian proposals for private use, I do not consider the resulting buildings to be of disproportionate size in themselves or in relation to the size of the applicants landholding.

Accordingly, the proposal is considered to be appropriate in principle in terms of use and scale. Nevertheless, it is necessary for consideration to be given to whether the proposed development is of a siting / design / facing materials that avoids unacceptable harm to the character and appearance of the Countryside, and incorporates such measures as can reasonably be expected to minimise any harm. This issue is addressed in the section below.

Character and Appearance

The existing stables building is of a siting and size which means that it does not impinge upon views from the long-distance recreational path running along the old railway line or from the recreational amenity area at New Line Reservoir. The addition of a further loose-box will not change this, due to the topography of the area and the existing tree cover to the north-west of the site. The same cannot be said of the existing chicken shed, which is visible from the path running along the old railway line and serves to unnecessarily and unacceptably spread the buildings across the land; permission is not sought for its retention. Similarly, the submitted plan shows a siting for the midden which would be visible from this path and would unnecessarily and unacceptably spread the development and intrude upon visual amenity; the applicant has agreed to its re-siting to the east side of the stables building, where it will be better functionally and less intrusive.

The stables building is presently visible to the public, to a degree, from various points along New Line and land to the north of it, against the back-drop of the hillside rising to its south side. Ones eye is presently drawn towards it for two reasons. Firstly, the loose-boxes have their entrances in the north elevation, activity and storage of the large black-bagged bales of hay/straw occurring in the yard to the front of them. Secondly, the roof is unfinished, presently appearing reflective and white/light-grey in colour. If permission is granted the hay-storage buildings to be erected will replace this external storage and serve to screen the front elevation of the stables building from public view. Although the applicant has planted a row of conifers along the fence line the hay-stores will have their back to I do not consider this boundary treatment appropriate or adequate; any permission would need to be conditioned to secure replacement/additional planting. The roofs of the proposed hay-stores and stables building will, when complete, possess roofs with a matt black finish.

It is therefore considered that the proposed development would not detract to an unacceptable extent from the character and appearance of the countryside, subject to conditions to address the various matters of detail referred to above.

Neighbour Amenity

The proposed development is located approximately 40m away from the nearest residential property, Parklands, the house situated to the west site of the access track. The stables building and stoned-up area occupy land at a higher level than this house and the house to the other side of the access track, but are at broadly the same level as the residential properties on the opposite side of New Line.

Parklands has the development directly to its rear but is separated from it by the deep cutting through which the long-distance path on the old railway line runs at this point. Views of the site from this property are broken also by trees bounding its own rear garden. The properties to the other side of New Line have a greater view into the site, by reason of their greater elevation, but are approximately 80m away from the proposed development.

For the reasons set out in the preceding section I do not consider the development for which permission is sought likely to result in unacceptable loss of outlook or privacy for neighbours. Nor does the Council's Environmental Health Officer consider what is proposed on the site likely to result in unacceptable noise, smells or disturbance for neighbours. The Environmental Health Officer further advises that they have not received complaint about barking dogs at the site; permission is not sought to retain the kennel presently on the site and, in any event, if it receives complaint about barking dogs at any time in the future it has powers to investigate and abate such a nuisance.

Subject to a condition to ensure that the site is used for horses kept for hobby purposes by the applicant, and not for livery or other forms of business, the traffic movements associated with the site are unlikely to result in unacceptable disturbance or loss of amenity for neighbours.

Traffic / Parking

Subject to a condition to ensure that the site is used for horses kept for hobby purposes by the applicant, and not for livery or other forms of business, the development is unlikely to result in significantly more vehicles using the unadopted track/bridge or seeking to back out onto the highway.

Summary Reason for Approval

The proposed development is appropriate in principle and, subject to the conditions, would not unduly affect visual and neighbour amenity or highway safety. Therefore, it is considered that the proposed development is in accordance with PPS1 / PPS7, Policies DP1-9 / RDF2 / RT4 / EM1 of Regional Spatial Strategy and Policies DS5 / DC1 of the Rossendale District Local Plan.

Recommendation

That permission be granted, subject to the following conditions:

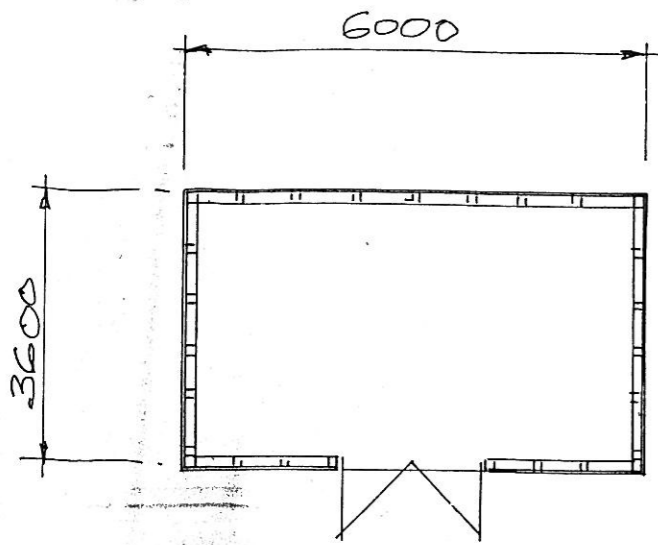
1. The development shall be carried out in accordance with Amended Plans numbered 2008/804 received on 12 February 2009, unless otherwise required by the conditions below or first agreed in writing by the Local Planning Authority. *Reason: To ensure the development complies with the approved plans and for the avoidance of doubt.*
2. The stables, other buildings and hardstanding hereby permitted shall be used for the stabling of horses kept for hobby purposes, and storage of associated equipment and feed, and shall not be used for any trade, business or other storage purposes. *Reason : To define the permission and in the interests of*

visual and neighbour amenity and highway safety, in accordance with Policy DC1 of the adopted Rossendale District Local Plan.

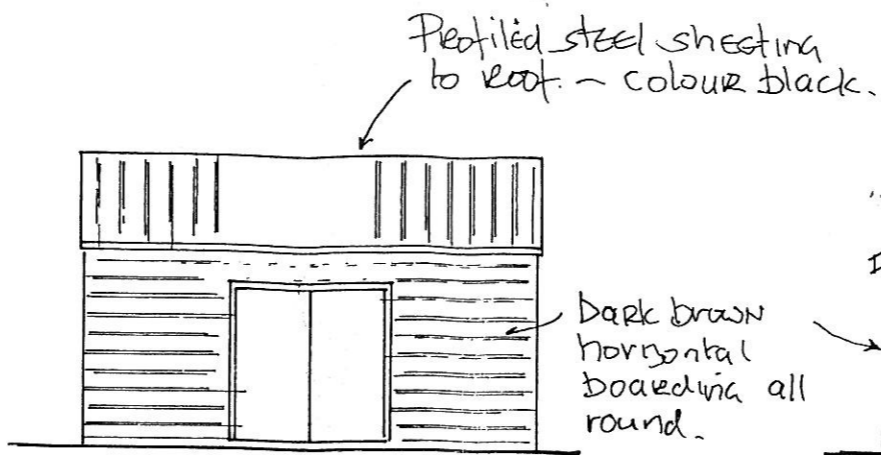
3. All materials to be used in the elevations and roof of the proposed development shall be as stated on the application form and approved drawings and shall not be varied without the prior written approval of the Local Planning Authority. Within one month of the date of this permission the roof of the stables building shall be painted or otherwise treated to give it a matt black finish. *Reason: In the interests of visual and neighbour amenity, in accordance with Policy DC1 of the adopted Rossendale District Local Plan.*
4. Within one month of the date of this permission the chicken shed and dog kennel on the application site/other adjacent land controlled by the applicant shall be removed and not returned to the said land, nor shall any system of external illumination be provided, unless otherwise first agreed in writing by the Local Planning Authority. *Reason: Permission has not been sought for the chicken shed and dog kennel and their retention will result in a scale and spread of development that detracts unacceptably from the character and appearance of the area, as too could an inappropriate system of external illumination; in accordance with Policy DC1 of the adopted Rossendale District Local Plan.*
5. Notwithstanding what is shown on the approved drawings, details of the siting and form of the animal waste storage facility to be provided shall be submitted for approval to the Local Planning Authority within one month from the date of this permission. The approved scheme shall be implemented within two months of the date of the approved scheme, unless otherwise agreed in writing by the Local Planning Authority, and shall thereafter be maintained. *Reason: To prevent pollution an in the interests of visual and neighbour amenity, in accordance with Policy DC1 of the adopted Rossendale District Local Plan.*
6. Notwithstanding what is shown on the approved drawings, a scheme of landscaping/ boundary treatment shall be submitted for approval by the Local Planning Authority within one month from the date of this permission. Any fences/walls/gates/hard-surfaced areas forming part of the approved scheme shall be completed within two months from the date of the approved scheme unless otherwise agreed in writing by the Local Planning Authority. Any planting forming part of the approved scheme shall be completed in the first planting season following the approval of the scheme, and any trees or shrubs removed, dying or becoming severely damaged or becoming severely diseased within 5 years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted, unless otherwise first agreed in writing by the Local Planning Authority. *Reason: In the interests of visual and neighbour amenity, in accordance with Policy DC1 of the adopted Rossendale District Local Plan.*
7. Any construction works associated with the development hereby approved shall not take place except between the hours of 7:00 am and 7:00 pm Monday to Friday and 8:00 am and 1:00 pm on Saturdays. No construction shall take place on Sundays, Good Friday, Christmas Day or Bank Holidays. *Reason:*

To safeguard the amenities of nearby residential properties, in accordance with Policy DC1 of the adopted Rossendale District Local Plan.

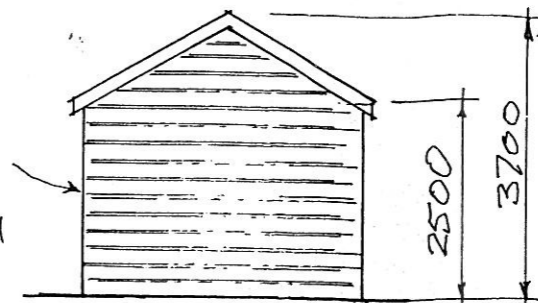
Contact Officer	
Name	M. Sadiq
Position	Planning Officer
Service / Team	Development Control
Telephone	01706 238641
Email address	planning@rossendalebc.gov.uk



plan



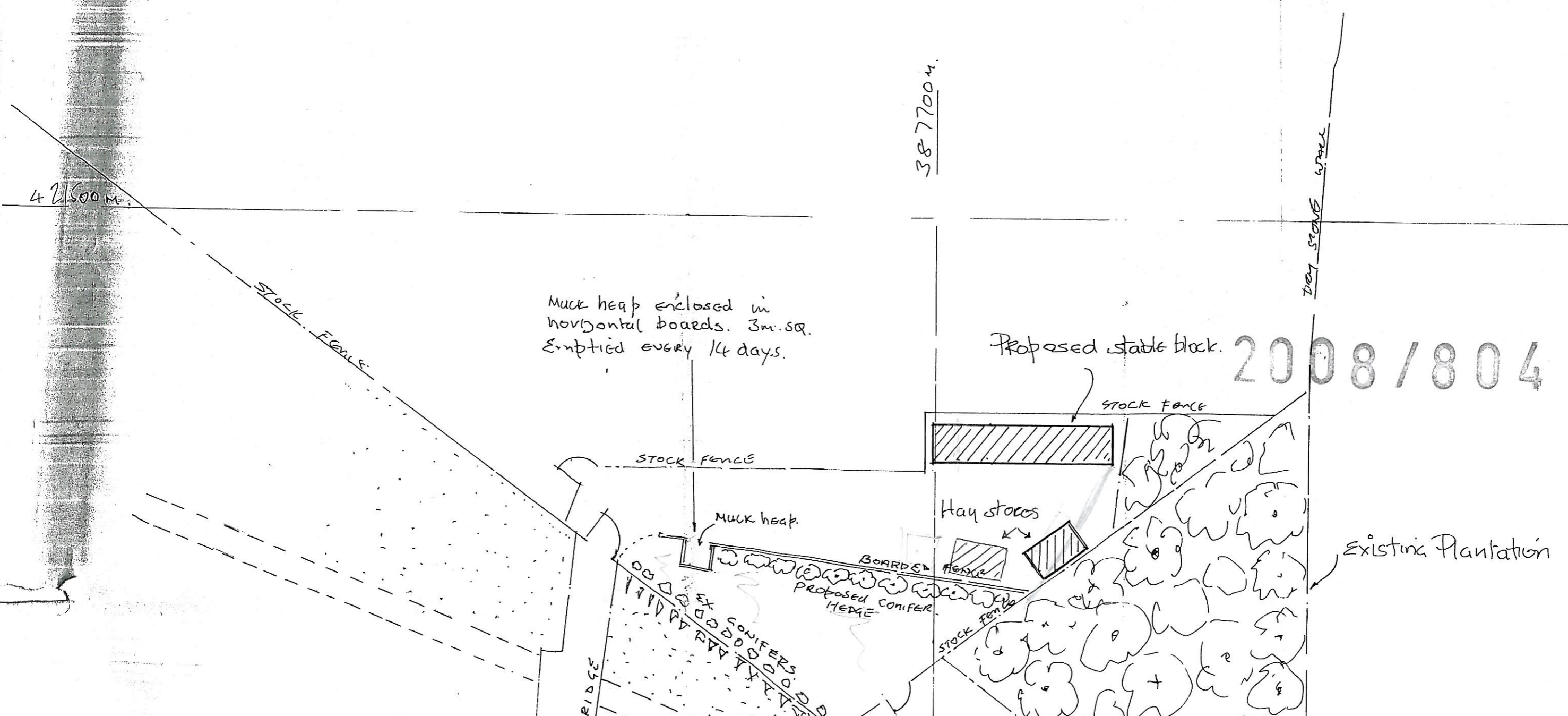
front

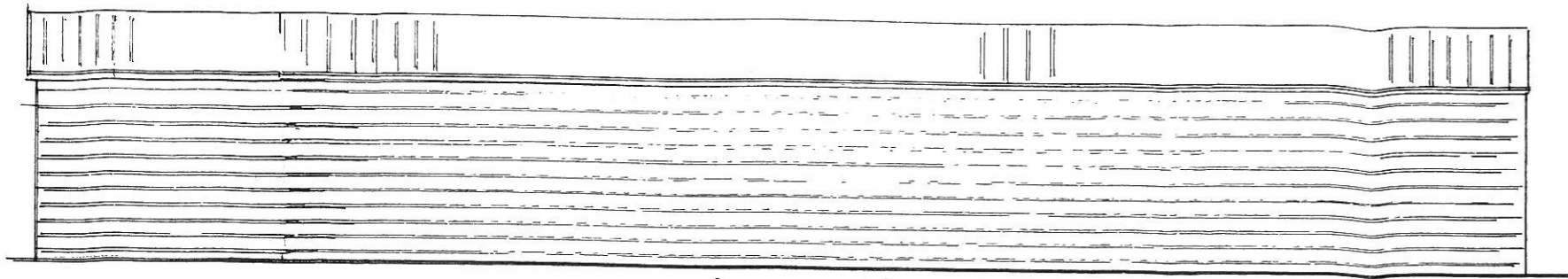


side

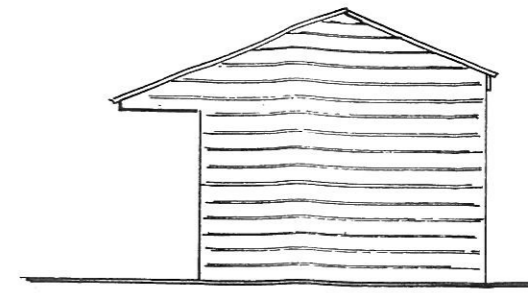
DETAIL OF 2 HAY STORAGE SHEDS

AMENDED PLANS RECEIVED 12 FEB 20

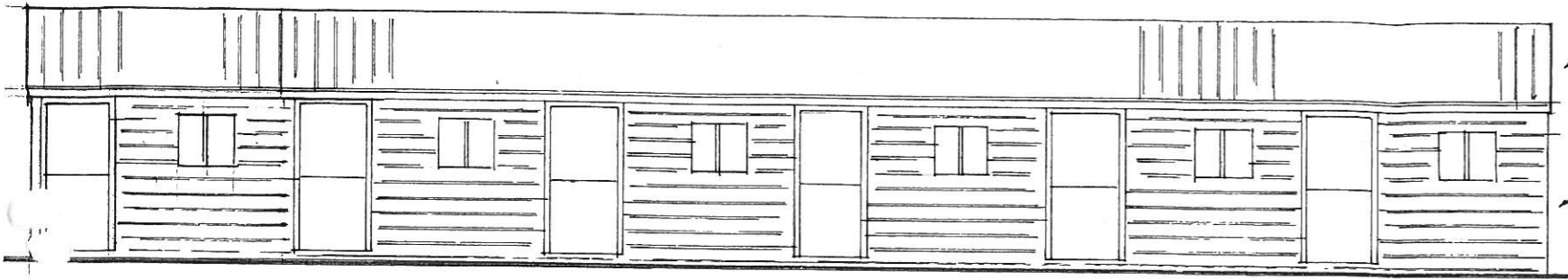




rear elevation

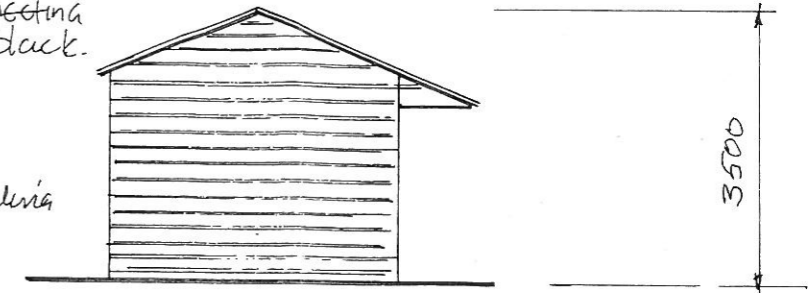


side

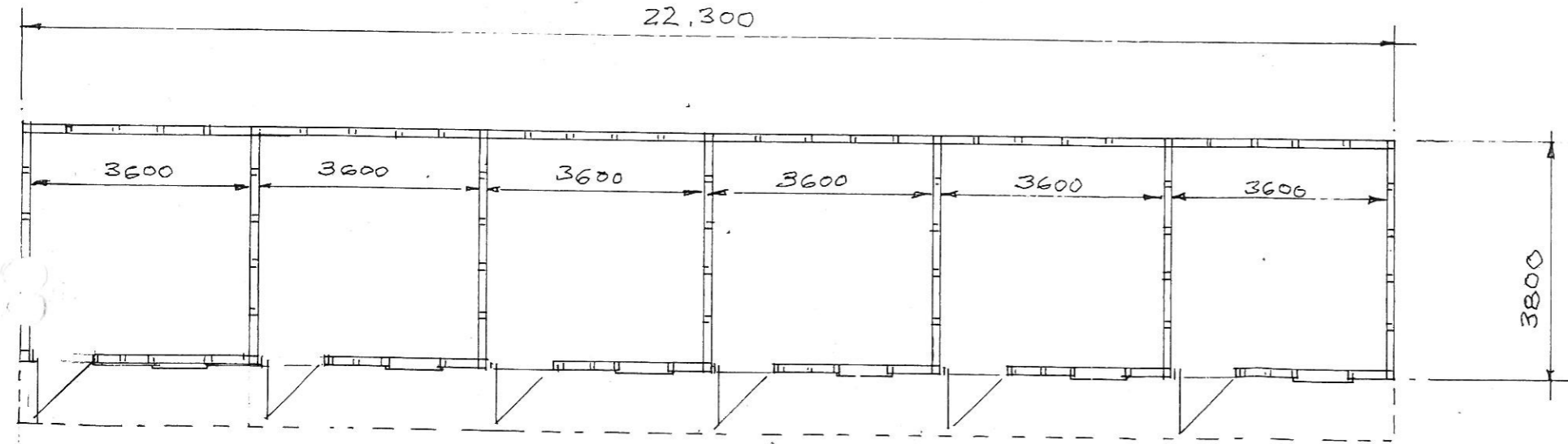


front elevation

Profiled steel sheeting
to roof - colour black.
Dark BROWN
HORIZONTAL Boarding
all round.



side



plan

03 FEB 2009

PROPOSED STABLES

2008/804

scale 1:100