

Application Number:	2017/0304	Application Type:	Full
Proposal:	Erection of a stable block (comprising 4 no. stables, a tack room and feed store), construction of a riding arena and turn out area, and installation of a horse walker. Change of use of land from agricultural to equestrian.	Location:	The Croft, Newchurch Road, Rawtenstall, BB4 9HG
Report of:	Planning Manager	Status:	For Publication
Report to:	Development Control Committee	Date:	07/11/2017
Applicant(s):	Mr Peter Connolly	Determination Expiry Date:	23/11/2017
Agent:	Mr Rob Hames		

Contact Officer:	James Dalglish	Telephone:	01706 238643
Email:	planning@rossendalebc.gov.uk		

REASON FOR REPORTING	
Outside Officer Scheme of Delegation	
Member Call-In Name of Member: Reason for Call-In:	
3 or more objections received	✓
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.

1. RECOMMENDATION

That planning permission is refused for the reason set out in Section 10.

APPLICATION DETAILS

2. SITE

The Croft is a detached stone built residential property which is accessed via a private tarmac driveway leading to the north of Newchurch Road. The property is largely surrounded by a private garden area, beyond which lie open fields to the north.

The application site lies immediately east / north east of the curtilage of the dwelling on open fields within the applicant's ownership. To the west of the application site there is a stand of mature trees which are covered by a Tree Preservation Order (TPO).

The application site is located on land designated as countryside.

3. RELEVANT PLANNING HISTORY

None.

4. PROPOSAL

The applicant seeks permission for the erection of a new stable building on the site, along with the construction of a new riding arena, and installation of a horse walker. An area of hard standing to serve as a manure trailer store is also proposed.

Since the initial submission of the application, several amendments to the scheme have been made following objections received from neighbouring residents and discussions between the case officer and the applicant's agent. These include:

- Reduction in the number of stable boxes from 4 to 3.
- Removal of the proposed sand turn out paddock.
- Re-siting of the proposed horse walker to the area formerly proposed for the sand turn out paddock, and siting of the horse walker at a lower ground level. Also the introduction of native planting around the horse walker to provide screening.
- Re-siting of the proposed muck trailer storage area to the north side of the proposed stable block, further from the boundary with No. 640 Newchurch Road.
- Re-location of the proposed self-supporting batter (grading of land) supporting the west side of the riding arena further to the east, outside the root protection area of the adjacent belt of TPO trees.
- Confirmation that there is to be no retaining wall on the east side of the riding arena, and that the difference in levels between the arena and the surrounding land will be achieved through grading of the land.
- Introduction of a timber post and rail fence around the riding arena.

The stable block would have an 'L' shaped footprint, and would have a pitched roof with a maximum height of around 2.9m.

The building would accommodate three horses in separate loose boxes, and would have a separate tack room and a feed storage room. It would be of timber construction with a black felt roof. All doors and windows would be timber units. The building would be surrounded by an area of hard standing.

The proposed riding arena would measure around 40m x 30m, and would have a sand and rubber granular surface. The proposed horse walker would have a diameter of around 9m.

5. POLICY CONTEXT

National

National Planning Policy Framework (2012)

- Section 1 Building a Strong, Competitive Economy
- Section 4 Promoting Sustainable Transport
- Section 7 Requiring Good Design
- Section 11 Conserving and Enhancing the Natural Environment

Development Plan Policies

Rossendale Core Strategy DPD (2011)

- AVP4 Rawtenstall, Crawshawbooth, Goodshaw and Loveclough
- Policy 1 General Development Locations and Principles
- Policy 9 Accessibility
- Policy 18 Biodiversity and Landscape Conservation
- Policy 21 Supporting the Rural Economy and its Communities
- Policy 23 Promoting High Quality Design & Spaces
- Policy 24 Planning Application Requirements

Other Material Planning Considerations

National Planning Practice Guidance

6. CONSULTATION RESPONSES

RBC Environmental Health

No objection.

LCC Highways

No objection subject to conditions.

Tree Consultant

No objection subject to conditions.

7. REPRESENTATIONS

To accord with the General Development Procedure Order a site notice was posted on 29/09/2017 and 5 neighbour letters were sent out on 29/09/2017.

Three letters of objection have been received, raising the following concerns:

- Landscape impact
- Noise and odour nuisance

- Inappropriate design and visual harm
- Harm to neighbour amenity (privacy, outlook)
- Potential for commercial livery
- Potential for flood lighting
- Access problems
- Increase in traffic accessing the site
- Increase in surface water runoff and flood risk
- Inappropriate size, design, layout and type of development
- Impact on biodiversity
- Parking of horse boxes and trailers would increase on the applicant's land

8. REPORT

The main considerations in this case are as follows:

1) Principle; 2) Visual Amenity and Countryside Impact; 3) Neighbour Amenity; 4) Access, Parking and Highway Safety

Principle

The application site lies on land designated as countryside.

It is considered that the proposed equestrian development would have an affinity with the site's countryside location and that the development is appropriate in principle.

Visual Amenity and Countryside Impact

The proposed stables building would be of a form clearly associated with its use, and it is considered that it would have an affinity with the site's rural setting. The proposed timber elevations and felt roof of the stables would be appropriate in the context of the site and in terms of the proposed use of the building, and it is considered that the building would not appear incongruous in the wider countryside.

However, the proposed scheme as a whole is considerable in size, and would introduce a significant amount of development into an undeveloped countryside location. Compounding this issue is the nature of the site, which slopes significantly from north to south and from east to west. This would necessitate a significant degree of levelling works to create a flat surface for the proposed riding arena and it is considered that the extent of the required works would result in a fundamental change to the visual character of the site and to the wider landscape in this location.

Since submission of the application, the applicant has provided several amended plans to try to address officers' concerns over the impacts of the proposed scheme as detailed in Section 4 of this report.

However, notwithstanding the submitted amendments it is considered that the scheme will still result in a significant adverse impact on the open and rural character of the site by virtue of the significant levelling works which would be required and the amount of built development which is proposed.

As such, the scheme is considered unacceptable in terms of visual amenity and countryside impact.

Neighbour Amenity

The comments of objectors are noted. However, it is not considered that the proposed scheme (as amended) would give rise to any unacceptable harm to neighbour amenity, given the proposed scale of the proposed equestrian use (non-commercial), the size of the proposed stable building and the separation distances to the nearest residential properties.

An indicative drainage layout has been provided and there is no reason to assume that the proposed scheme will increase surface water run-off to any neighbouring properties based on the submitted information.

The Council's Environmental Health department has no objection to the proposed scheme, and in line with their recommendations and further to comments from neighbouring residents amended plans have been received showing the proposed muck trailer store located further away from the boundary with No. 640 Newchurch Road.

It is considered appropriate to include a condition to ensure that the proposed manure trailer store is made available for use prior to the first use of the new stable block, and to prevent any external lighting from being installed which could cause harm to both neighbour amenity and would potentially be visually harmful in this location.

Given the proximity to residential properties, it is also considered appropriate to include a condition restricting the hours of construction of the building to prevent undue noise nuisance.

Subject to the above, the scheme is considered acceptable in terms of neighbour amenity.

Access, Parking and Highway Safety

The Local Highway Authority has no objection to the proposed scheme subject to the inclusion of conditions requiring the following:

- Submission and approval of a construction method statement
- That the development is only used for domestic (non-commercial) purposes

The Local Highway Authority has also requested that the applicant widens the existing access on to Newchurch Road as there is evidence of over-run by vehicles on the adjacent grass verge. This issue has been raised with the applicant who has explained that the access is shared with a local farmer to their storage yard, and it is the farm traffic which has over-run the verge.

As the proposed development is for a relatively small scale domestic stable and arena, it is not considered that a requirement for the applicant to widen the existing access on to Newchurch Road would be justified. Once the construction period is complete, it is not envisaged that the development will generate significant levels of traffic and in any case it is proposed to include a condition restricting the scheme to domestic use only.

Subject to the above, the scheme is considered acceptable in terms of access, parking and highway safety.

Balancing Exercise

In line with Paragraph 14 of the Framework, it is necessary to carry out an exercise to determine whether, on balance, any adverse impacts of granting planning permission for the proposed

scheme would significantly and demonstrably outweigh the benefits and the presumption in favour of sustainable development.

Notwithstanding the fact that equestrian development of this nature is appropriate in principle within the countryside, it is considered that the benefits of the proposed scheme in this case would be limited to the applicants' private enjoyment of the proposed facility.

However, it is considered that the adverse impacts of the scheme in terms of the harm that would be caused to the character and appearance of the site and its wider countryside setting (most particularly by virtue of the proposed levelling works) would significantly and demonstrably outweigh the scheme's wider benefits in this case.

Whilst the applicant has amended and reduced the proposed scheme considerably in order to minimise its visual and countryside impact, the impact of the development on the character and appearance of the countryside must be afforded significant weight which on balance is considered decisive in this case.

9. RECOMMENDATION

Refusal.

10. REASON FOR REFUSAL

1. The benefits of the proposed scheme would be significantly and demonstrably outweighed by the negative impact of the scheme on the essentially open and rural character of the countryside. The scheme is therefore considered to be contrary to the Framework and Policies 1, 18, 23 and 24 of the Council's adopted Core Strategy.

11. INFORMATIVES

1. Standard refusal informative.