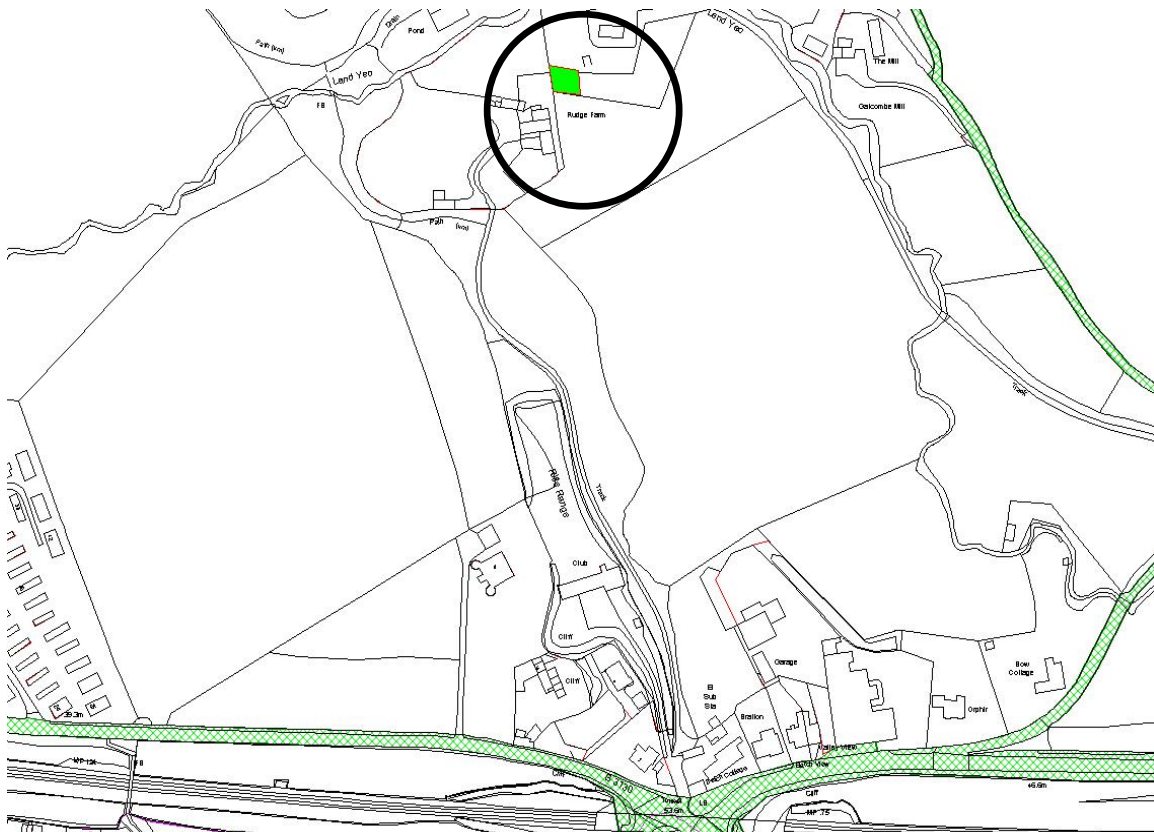


Planning and Regulatory Committee 11.05.16

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<b>APPLICATION NO:</b> 16/P/0579/F	<b>CASE OFFICER:</b> Tom Isbell
<b>APPLICANT:</b> Dr A Whaley	
<b>PARISH/WARD:</b> Long Ashton/Long Ashton <b>WARD COUNCILLOR(S):</b> Cllr Charles Cave Cllr K Stowey	<b>TARGET DATE:</b> 27 April 2016
<b>SITE ADDRESS:</b> Hengaston Barn, Gatcombe Lane, Long Ashton, BS48 3QT	

LOCATION PLAN: The following plan shows the general location of the site only and is for illustrative purposes. The circle identifies the location of the site and is not a representation of the site boundaries. The site boundaries and other details submitted with the application can be viewed on the council's website at [www.n-somerset.gov.uk](http://www.n-somerset.gov.uk). This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office © Crown copyright and database rights 2016 Ordnance Survey 100023397. You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form



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11. **Section 2: 16/P/0579/F** Retrospective application to make 12 x 15 m area of field (already used for horse turnout) into all weather surface for horse turnout. Remove topsoil, add stone (approx 3 ins depth) and sand (approx 4-5 ins). Add 12 m post and rail fence inc gate. at Hengaston Barn, Gatcombe Lane, Long Ashton, BS48 3QT

**REFERRED BY COUNCILLOR CAVE**

**Summary of recommendation**

It is recommended that the application be **APPROVED** subject to conditions. The full recommendation is set out at the end of this report.

**The Site**

The application site is located outside a settlement boundary and lies close to Gatcombe Lane, between Flax Bourton and Long Ashton. The site contains a residential dwelling surrounded by a small stable, fields used for equestrian purposes and a large all-weather surfaced riding area. There is only one immediately neighbouring dwelling located adjacent to the western boundary of the site, with other neighbouring dwellings located further away on the opposite side of the Land Yeo river, which forms the northern boundary of the site.

**The Application**

This is a full application is for the creation of an all-weather surfaced turn-out area located to the south of the existing stable block against the western boundary of the site. This area of land is already approved for equestrian use and the application is to provide an all weather sand surface (over a stone base layer) and the erection of a fence and gate enclosing the surfaced area.

**Relevant Planning History**

<b>Year</b>	<b>Reference</b>	<b>Proposal</b>	<b>Decision</b>
2013	13/P/0165/F	Construction of an all weather area for horse riding and turnout	Approve
2010	10/P/0843/F	Change of use of land for equestrian purposes and the erection of a stable block	Approve

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### **Policy Framework**

The site is affected by the following constraints:

- Within the Green Belt
- Outside the settlement boundaries for Long Ashton and Flax Bourton

### **The Development Plan**

#### **North Somerset Core Strategy (NSCS) (adopted April 2012)\***

The following policies are particularly relevant to this proposal:

<b>Policy Ref</b>	<b>Policy heading</b>
CS3	Environmental impacts and flood risk management
CS5	Landscape and the historic environment
CS6	North Somerset's Green Belt
CS12	Achieving high quality design and place making
CS33	Smaller settlements and countryside

#### **\* Core Strategy - High Court Challenge**

Following a legal challenge to the adopted Core Strategy, Policy CS13 (housing requirement) was remitted back to the Planning Inspectorate for re-examination. In addition, Policies CS6, CS14, CS19, CS28, CS30, CS31, CS32, CS33 were also remitted on the grounds that should the housing requirement be increased, then this may have consequences for one or more of these policies. All other policies remain adopted. Policy CS13 was approved by the Secretary of State on 18 September 2015 and forms part of the development plan. The next stage is the examination of the other remitted policies.

#### **North Somerset Replacement Local Plan (NSRLP) (saved policies) (adopted March 2007)**

Three NSRLP policies were not saved in March 2010. The Core Strategy supersedes some but not all of the remainder. It does not fully supersede the policies listed below.

The following policies are particularly relevant to this proposal:

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<b>Policy Ref</b>	<b>Policy heading</b>
GDP/3	Promoting good design and sustainable construction
RD/3	Development in the Green Belt
CF/3	Cultural and community facilities in the countryside

The Long Ashton Neighbourhood Plan

The Long Ashton Neighbourhood Plan was formally 'made' by the council on 10 November 2015, at which point it became part of the statutory development plan.

The following policies are particularly relevant to this proposal:

<b>Policy Ref</b>	<b>Policy heading</b>
LHN2	Securing sympathetic village design in compliance with Village Design Statement

**Other material policy guidance**

National Planning Policy Framework (NPPF) (March 2012)

The following is particularly relevant to this proposal:

<b>Section No</b>	<b>Section heading</b>
7	Requiring good design
9	Protecting Green Belt Land
11	Conserving and enhancing the natural environment

Emerging Development Plan

The Sites and Policies Plan Part 1: Development Management Policies is currently out for consultation on the proposed Main Modifications following the examination hearings in November 2015 and the Inspector's interim report which was received on 13 November 2015. The consultation on the proposed Main Modifications ended on 2nd March 2016 and, following this the Inspector's final report was received on 26 April 2016. The plan making is now in its final stages and close to adoption so policies within the plan carry significant weight in accordance with paragraph 216 of the NPPF and can be used to determine planning applications.

The following policies are particularly relevant to this proposal:

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<b>Policy</b>	<b>Policy heading</b>
DM12	Development within the Green Belt
DM32	High quality design and place making
DM52	Equestrian development

**Consultations**

Copies of representations received can be viewed on the council’s website. This report contains summaries only.

**Third Parties:** Two letters of objection have been received. The principal planning points made are as follows:

- Proximity to neighbouring property resulting in nuisance to neighbouring occupiers, in particular in relation to smell and flies in close proximity to kitchen and outside seating area.
- Positioning of the turn-out area immediately adjoining neighbouring boundary concentrates impact of proposal on neighbouring occupiers
- Urine from horses causing unpleasant smells and may attract insects
- Close proximity to hedge and two trees, one of which has since fallen

One general observation letter has also been received. The principal planning points made are as follows:

- That the layout of the site, with the turn-out area set away from the existing stables, places the turn-out area close to Rudge Farm.
- Suggestion that environmental issues be considered.

**Long Ashton Parish Council:**

“The PC has no objection to this application”

**Principal Planning Issues**

The principal planning issues in this case are (1) The principle of development, (2) Green Belt and (3) the impact of the proposal on the living conditions of neighbouring residents.

**Issue 1: Principle of development**

The principle of providing equestrian facilities in the countryside outside established settlements is generally considered acceptable by local and national policy. The land where the turn-out area is sited has previously been approved

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for use for equestrian activities under planning permission 10/P/0843/F, which was granted in 2010.

The turn-out area respects the rural character of the area and has no detrimental harm on the visual amenity of the area. It complies with the requirements of policy CS12 of the Core Strategy, policy GDP/3 of the Replacement Local Plan and policy DM32 of the emerging Sites and Policies Plan Part 1, which all require proposed developments to demonstrate design which is appropriate to their surroundings.

The proposal also complies with policy DM52 of the emerging Sites and Policies Plan Part 1, which relates to equestrian development. Policy DM32 states that equestrian development will be permitted provided that it does not harm the landscape character of the area and does not increase flood risk. The policy also requires that development in the countryside should be located so as to be as unobtrusive as possible, with the scale, design, colour and materials of any new structures to have regard to the rural setting. The policy further requires that there should be no harm to wildlife, archaeology or highway safety and that there are sufficient routes available nearby where riding activities can take place.

The turn-out area is constructed using appropriate materials for the purpose and has been sited close to existing equestrian development, thus minimising its effect on the rural character of the area. It does not increase flood risk or cause harm to the rural character of the area. There is no indication that any harm to wildlife, archaeology or highway safety is likely to arise from the development and the development is therefore considered to be in accordance with policy DM52.

Due to the considerations set out above it appears that the construction of the turn-out area is acceptable in principle, as it complies with policy CS12 of the Core Strategy, policy GDP/3 of the Replacement Local Plan and policies DM32 & DM52 of the emerging Sites and Policies Plan Part 1.

### **Issue 2: Green Belt**

The application site is located within the Green Belt. National and local policy sets out that proposals for new development in the Green Belt will be strictly controlled in order to preserve the openness of the Green Belt. Development which is inappropriate in the Green Belt should be refused unless there are very special circumstances justifying their approval.

Paragraph 81 of the National Planning Policy Framework sets out that Local Planning Authorities should plan positively to enhance the beneficial use of the Green Belt by, amongst other things, supporting opportunities for outdoor sport and recreation. Paragraph 89 expands on this by stating that new buildings will

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be inappropriate development and setting out exceptions to this rule, which include (amongst others) the provision of appropriate facilities for outdoor sport and outdoor recreation, provided the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within the Green Belt.

The proposed development does not constitute inappropriate development in the Green Belt. The proposal will not cause harm to the openness of the Green Belt, as the area will remain an open space, and does not conflict with the purposes of including land within the Green Belt. The provision of facilities for outdoor sport and recreation (which can include equestrian activities) is supported by the NPPF and the proposal therefore does not conflict with the national policy.

North Somerset Replacement Local Plan Policy RD/3 follows a broadly similar path to that set out in the NPPF, stating that new development in the Green Belt will be considered inappropriate unless for the purposes of providing facilities for purposes including outdoor sport and recreation which preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. The proposal is therefore in accordance with policy RD/3 for the same reasons as described in relation to the national policy.

Emerging policy DM12 of the Sites and Policies Plan Part 1 sets out specific tests for facilities for outdoor sport and recreation. The policy requires that such facilities should directly relate to the main outdoor use, be of a proportionate size and scale, be sensitively designed and located to reflect the character of the area and minimise any harm to the openness and purposes of the Green Belt. The turnout area is located in close proximity to the existing stables and equestrian land on the site, is of a proportionate size and scale to serve the existing equestrian activities on site and its location does not cause harm to the character of the area or to the openness of the Green Belt. The turn-out area therefore complies with policy DM12.

The development therefore does not constitute inappropriate development in the Green Belt and complies with Green Belt policy, namely Section 9 of the NPPF, policy RD/3 of the Replacement Local Plan and policy DM12 of the emerging Sites and Policies Plan part 1.

### **Issue 3: Impact on living conditions of neighbouring residents**

Concerns have been raised in relation to the possible impact of the development on the neighbouring residential dwelling. The area of land where the turn-out area is sited has existing consent for use for equestrian purposes and could already be lawfully used to contain horses in this area in much the same manner as the turn-out area will be used. The provision of the all-weather surface and the enclosure of the turn-out area may, however, lead to an intensification of the use

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of this area due to the provision of the all-weather surface and the enclosure of the area by the new fence.

The council's Environmental Protection team have been consulted in relation to this issue and have advised that although there is potential for smells to be produced from the use of this area by horses, careful management of any manure produced will mitigate this impact.

This application does not include the provision of a new stable and the existing stable already has an existing waste management condition which covers the storage and disposal of manure and stable waste. The imposition of a further condition prohibiting the burning of stable waste would therefore not be appropriate for inclusion as part of this application, as the management of stable waste is already covered by an existing condition.

The applicant has provided information indicating that the turn-out area will be cleared of manure at least twice a week and that all cleared manure will be stored on a trailer kept adjacent to the stables, which will be emptied when full (at least once a month). All waste stored on the trailer will be removed from the site for disposal. This is in accordance with the arrangements serving the existing stables, which have previously been approved. A condition is recommended to ensure that waste arising from the use of the turnout area is managed in accordance with these details.

Concern has been raised that urine from the horses kept in the turn-out area would be likely to contribute to smells and attract flies and other insects. The surface of the turn-out area, consisting of sand on top of a stone-chip base, is permeable and should provide improved drainage for any liquid waste when compared to the compacted soil of the pre-existing field surface. This should help any liquid waste produced by horses using the area to drain away quickly, minimising opportunity for nuisance to be caused in this respect.

Subject to the recommended condition regarding waste management and the removal of manure the development is considered to comply with policy CS3 (Environmental impacts and flood risk assessment), as any air pollution or harm to amenity can be effectively mitigated through the imposition of the recommended waste management condition. A further condition restricting the turn-out area to private use only is also recommended in order to avoid any potential commercial use of the turn-out area, which may result in additional impact on the living conditions of neighbouring residents.

**Issue 4: Setting of Listed Building**

The proposal does not affect the setting of Gatcombe Mill, which is a listed building.



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### **Natural Environment and Rural Communities (NERC) Act 2006**

The development will not have a material detrimental impact upon bio-diversity.

### **The Crime and Disorder Act 1998**

The development will not have a material detrimental impact upon crime and disorder.

### **Other matters**

Other matters have been raised in the letters of objection, namely the possible impact of the development on the established hedge and trees along the Western boundary of the application site and the behaviour of one of the horses which uses the turn-out area.

Neither the trees nor the established hedge adjoining the development are subject to a tree preservation order. This matter has therefore been given little weight in reaching this recommendation.

The behaviour and temperament of the animals using the turnout area carries no weight in the determination of planning applications and therefore has not been taken into consideration in reaching this recommendation.

### **Conclusion**

The development does not constitute inappropriate development in the Green Belt and complies with Green Belt policy, namely Section 9 of the NPPF, policy RD/3 of the Replacement Local Plan and policy DM12 of the emerging Sites and Policies Plan part 1. The construction of the turn-out area is acceptable in principle, as it complies with policy CS12 of the Core Strategy, policy GDP/3 of the Replacement Local Plan and policies DM32 & DM52 of the emerging Sites and Policies Plan Part 1.

Although there is potential for nuisance to arise through smells and associated insects arising from the development, the inclusion of the recommended condition governing waste management and the removal of manure should provide effective mitigation against any adverse impacts on neighbouring residents. Subject to the inclusion of this condition, the development is considered to comply with policy CS3 (Environmental impacts and flood risk assessment), as any air pollution or harm to amenity will be effectively mitigated through the requirements of the recommended waste management condition. The inclusion of a further condition restricting use of the turn-out area to private

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use will also ensure that no further intensification of the use of the area can take place without the approval of the Local Planning Authority.

Paragraphs 186 and 187 of the National Planning Policy Framework make clear that Local Planning Authorities should 'seek to approve applications for sustainable development where possible'. As any adverse impacts arising from the development can be managed effectively through the implementation of the recommended conditions it appears that there are insufficient grounds to refuse planning permission for this development.

**RECOMMENDATION: APPROVE** (for the reasons stated in the report above) subject to the following conditions:-

1. The development hereby permitted shall be carried out in accordance with the approved plans and documents to be listed on the decision notice.

Reason: For the avoidance of doubt and in the interest of proper planning.

2. Animal waste arising from the use of the turnout area shall be managed in accordance with the details submitted, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the development does not cause unacceptable harm to the living conditions of neighbouring residents, in accordance with policy CS3 of the North Somerset Core Strategy.

3. The turn-out area hereby approved shall be used for private use only and shall not be used for any commercial equestrian activity.

Reason: The commercial use of the turnout area would require the further consideration of the Local Planning Authority in order to limit the need to travel, preserve highway safety and the character of the area, and to mitigate any increased impact on the living conditions of neighbouring residents. This is in accordance with policies CS1, CS3, CS5 and CS33 of the North Somerset Core Strategy, Policies GDP/3 and T/10 of the North Somerset Replacement Local Plan and emerging policies DM24, DM32 & DM52 of the Sites and Policies Plan Part 1.