

PLANNING COMMITTEE – 6 AUGUST 2019

Application No:	19/00184/FULM	
Proposal:	Change of use of land for equestrian use, extension of existing building to form Tractor shed, storage, Tack Room and 1 additional stable. Alterations to land levels.	
Location:	Field OS 8200 Marriott Lane Blidworth Nottinghamshire	
Applicant:	Mr Steve Heidukewitsch	
Registered:	3rd April 2019	Target Date: 3rd July 2019
	Extension of time agreed until 7th August 2019	

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as Blidworth Parish Council has objected to the application which differs to the professional officer recommendation.

The Site

This application relates to circa 2.051 hectares of agricultural land located to the northern side of an access track leading from Marriott Lane to the south east. The site is undulating sloping down from south to north and then sloping steeply northwards towards Norwood Hill Farm.

There is an L shaped block work building with corrugated tin roof comprising 4 stables with hardstanding to the front and a wooden shed

There is a gated access from the track to the south eastern corner of the site which serves an area of hardstanding with driveway serving the existing stable block.

The site is bounded by mature hedgerow, with laurel hedgerow screening the existing stables and shed from public view.

To the south east the site is adjoined by a single storey property with windows to the elevation facing the site. The site is also bounded to the east by the rear gardens of the row of two storey dwellings on Marriott Lane

The site falls within the Nottinghamshire Green Belt.

Relevant Planning History

14/00272/FUL – planning permission was granted in April 2014 for the erection of a tractor shed –

this was not implemented.

06/00291/FUL– planning permission granted in June 2006 for the erection of a tractor shed (8m x 6m) – this was not implemented.

96/50261/FUL – Permission was refused in July 1996 for the erection of stables – appeal subsequently dismissed and the stables erected.

94/50252/FUL – Permission was refused in June 1995 for the erection of an agricultural building and construction of access track.

The Proposal

During the lifetime of this application revised plans have been deposited which reduce the scale of the proposed extension to the stable. Full planning permission is now sought for the following development:-

- Change of use of the land for equestrian use.
- The erection of an additional stable and tack room attached to the existing stable block.
 - The proposed stable has maximum dimensions of 3.8m depth, 3.7m width and ridge height of 3.3m (eaves height 2.4m)
 - The tack room would have maximum dimensions of 3.3m depth, 5.7m width ridge height of 3.3m (eaves height 2.4m).

External materials would match those of the existing building.

An additional area of hardstanding circa 7m wide and 6m deep would be provided to serve the extended stables. This would have a stone sub base with wood bark finish.

It is also proposed to lower land levels immediately to the south of the extended block by a maximum of circa 1m with 2m deep slope at sides and 3m deep slope to the end.

A new hawthorne hedge is proposed to the south of the stable building along the ridge of the embankment

The application has been accompanied by:-

Revised Elevations and site layout – S Heidukewitsch / 18 / 3 REV E05 deposited 24th July 2019

Revised Floor Plans - S HEIDUKEWITSCH 18/2 REV EO4 deposited 3rd July 2019

A copy of a statement forwarded to neighbouring residents outlining the proposed use and the ethos of the development (received 6th June 2019)

Planning Policy Framework

Newark and Sherwood District Council Amended Core Strategy DPD (adopted March 2019)

Spatial Policy 1 – Settlement Hierarchy
Spatial Policy 4B – Green Belt Development
Spatial Policy 7 – Sustainable Transport
Core Policy 9 – Sustainable Design
Core Policy 13 – Landscape Character

Allocations and Development Plan Development Plan Document (Adopted July 2013)

Policy DM5 – Design
Policy DM12 – Presumption in Favour of Sustainable Development

Other Material Considerations

- National Planning Policy Framework (2019)
- National Planning Policy Guidance (on line resource)

Consultations

Blidworth Parish Council – comments received 14th May 2019

Blidworth Parish Council considered the above referenced planning application at their ordinary meeting on 9th May 2019.

They voted to object to the proposal, vote as follows: -

3 Support 5 Objections 2 Abstentions

Councillors asked for the following be considered: -

- Increase in traffic
- Proximity to a children's play area

NSDC Conservation – comments received 13 June 2019 - The site is outside of Blidworth Conservation Area however the natural rural setting adds to the character of the area.

The reduction in the scale of the building and hardstanding of the area helps minimise the engineered nature of the proposed development. It is considered that the proposals will no cause harm to the setting of the conservation area and reflects the objectives of preservation required

under section 72 of the Act. In addition the proposal follows the heritage objectives contained within the Council's LDF DPDs and section 16 of the NPPF.

Nottinghamshire County Council Highways – Latest comments received 17th June 2019

The applicant has confirmed by email dated 06/06/19 that this proposal is expected to generate one additional vehicle to the site, therefore, the Highway Authority would not wish to raise objection.

As stated in my previous comments dated 31/05/19, consultation should be carried out with the Rights of Way Officer at Via East Midlands/NCC for advice/approval.

Comments received 12.06.19 - The applicant has confirmed by email dated 06/06/19 that this proposal is expected to generate one additional vehicle to the site, therefore, the Highway Authority would not wish to raise objection.

As stated in my previous comments dated 31/05/19, consultation should be carried out with the Rights of Way Officer at Via East Midlands/NCC for advice/approval.

Nottinghamshire County Council Rights of Way – comments received 17th June 2019

Confirm that Blidworth Public Footpath No. 2 runs along the access track to the site. The Rights of Way team have no objection to the proposal providing that the following are met:

- The footpath should remain open for public use during the works as far as is practicable. If the safety of footpath users cannot be guaranteed during the works then the applicants will be required to apply for a Temporary Traffic Regulation Order (TTRO) to temporarily close the footpath. A minimum notice period of 6 weeks is required to facilitate a TTRO. Further information is available from the Countryside Access team, on 0300 500 80 80 or countrysideaccess@nottscc.gov.uk.
- The surface of the Public Footpath should not be disturbed. Any subsequent damage to the surface of the lane over which the footpath passes is the responsibility of those with private vehicle rights along the lane.

Ramblers Association comments received 26 April 2019 - Although we have no formal objection to this development it needs to be kept in mind that the access track is a public right of way (Blidworth Footpath 2). Pedestrian safety needs to be guaranteed during construction.

Environment Agency – comments received 9 April 2019

We have reviewed the submitted documents and on this occasion the Environment Agency has no formal comment to make regarding the submission as there are no environmental constraints associated with the site which fall within our remit.

NSDC Environmental Health – 26 April 2019

I refer to the above application and provided there is no commercial use I would have no concerns. Could this be conditioned on any consent given?

Representations from 1 local resident/interested party has been received all objecting on the following summarised grounds:

1 The track is unmaintained and I have recently spent a great deal of money levelling and surface dressing the lane after digging soak away tracks to prevent my property flooding (this was happening regularly).

2 The Parish Council have one of their main play grounds and football fields less than 20 meters from this application, so consideration needs to be taken when vehicles are driving the lane for children. A great many unaccompanied children run up and down the lane.

3 All vehicles should be asked to drive on to the land no be left on the lane, as I have a right of passage to my property. Also the lane is used by walkers, cyclists during a good weather day 70 to 100 people a day walk the lane.

4 Noise is a concern as this area is both a green belt area and a conservation area due to my property being a bungalow sleeping on the ground floor means people arriving before and after work to feed and muck out horses will have noise impact, I am aware a number of people will stable horses here 4 stables to now 5 equals at least 5 cars moving around twice daily. With the main vehicular access inside the land passing my bedroom and lounge patio doors by less than 10 feet. (the width of a driveway).

5 The existing 4 Stables have not been in use for a great many years and then not often mainly by one man as storage, so the impact on the area will intensify greatly now being used as a business

6 Currently the services to the stable block are not operational (as have previously run from a property some distance away now sold separately). I have been informed by the owner that a new electric and water services will have to be run all the way down the lane from the metaled road meaning the lane will have to be dug up so impact and noise on my property will be in question. Will terms be in place to put the lane back to a passable standard for my property access, pedestrian and horses.

7 Commercial vehicles using the lane could again be a noise problem and a risk to pedestrians, I'm considering building material deliveries, feed lorries, straw and hay lorries, Muck removal skips and Horses transport lorries/trailers.

Appraisal

Principle of Development/Green Belt Considerations

The site is located outside of the main built-up area of Blidworth within the Nottinghamshire-

Derby Green Belt. In accordance with Spatial Policies 1 and 4B, development within these parts of the Green Belt will be assessed in line with national guidance.

Spatial Policy 4B states that appropriate development in the Green Belt will be judged according to national Green Belt policy.

The NPPF identifies the protection of the Green Belt as a core planning principle. It states that one of the fundamental aims of the Green Belt is to keep land permanently open, and openness and permanence are its essential characteristics. Inappropriate development is by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Substantial weight must be given to any harm to the Green Belt, and very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 145 of this document states that the construction of new buildings in the Green Belt is inappropriate, with some exceptions including:

- the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it; and
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

As noted above the NPPF provides that a change of use of land for outdoor recreation is considered appropriate development. I am therefore of the view that the proposed change of use of the land for personal equestrian use as confirmed in supporting documentation deposited with the application and which can be secured by condition is acceptable in this instance.

Turning to the proposed extension to the existing stable block to provide a store and tack room, under current policy there is no definitive percentage of floor space increase considered to be appropriate development within the Green Belt and as such, it is one of judgement for the LPA.

Generally, and as a rule of thumb where other local planning authorities have set thresholds within development plan policies these typically range between 30 to 50% (volume and/or floorspace increase) in determining whether extensions are disproportionate to the original building.

However, I am mindful that neither the NPPF nor the policies within the Core Strategy set out a specific percentage when considering what constitutes an addition to an existing building being disproportionate. Consideration therefore also needs to be given to the design of the proposal and whether its scale, form, mass and layout result in a property which would have an acceptable impact on the openness of the Green Belt.

As the table below indicates the proposed extension to the existing stables would fall within the 50% upper threshold guidance used by the Local Planning Authority.

	Existing	Proposed addition	Percentage increase
Footprint/floor space	65.1m ²	32m ²	49%
Volume	180m ³	90m ³	50%

Being mindful of this I am satisfied that the proposed extension in terms of its scale is on the cusp of proportionality. In terms of scale the ridge height of the new stable and tack room, this would be in line with that of the existing stable.

The proposed external materials (painted block work and corrugated sheeting to the roof) would also reflect those of the existing stables.

The regrading of the land levels results in the development being set in line with the existing buildings and at a lower level than the highway to the south. This together with the undulating landscape and the existing boundary hedgerows and the existing hedgerow around the stables screen the development screen the building and reduces any impact. Replacement hedgerow is also proposed along the crest of the slope formed as result of the changes in land levels immediately to the south of the extended building and additional surfacing which assists in assimilating the development into the Green Belt setting of the site.

I am mindful of the proposed additional hardsurfacing around the extension of the building to serve the extended stable block. This has been reduced in depth from 9m to 7m and would be a stone sub base with wood bark surface to soften any impact. This is considered to retain the rural setting of the site and would in officer opinion assist in retaining the character and appearance of the Green Belt

Taking the above into account it is considered that the proposal would be an appropriate form of development in the Green Belt and would not significantly impact on its openness or character.

Impact on Amenity

Impact on amenity is a long standing consideration of the planning process and relates both to the impact on existing development as well as the available amenity provision for the proposed occupiers.

The NPPF seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity including overbearing impacts and loss of

privacy upon neighbouring development. In addition consideration should be given to the potential for crime and anti-social behaviour.

I am mindful that the immediately adjoining property to the south east (1A The Meadows Marriott Lane) has principle room windows which directly face the access drive serving the site, separated from this boundary by a 3m drive way.

Given that the proposal would only increase the number of stables on the site from 4 to 5 and I note that the applicant has confirmed that the site would be solely for personal use and not for any commercial activity. Although the stables are currently vacant, they could readily be brought back into their approved use and on balance it is not considered that the level of activity from 1 additional stable and the use of field as a paddock would be so significantly greater to justify refusal on these grounds. The stables themselves are some 20m from the boundary with this adjacent property.

Given the separation distances between the development with other residential properties to the south east of the site (circa 40m) and that the level of activity to and from the site would be low given that the proposal is for personal use only it is not considered that the proposal would result in any undue impact on residential amenity.

The proposal is therefore considered to accord with Policy DM5.

Impact on Highway Safety

Policy Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision. This is reflected within the emerging policy SP7.

The comments raised with regards to the proximity of the playground and playing fields to the site and highway and pedestrian safety are acknowledged.

However, as noted in the consultation section of this report, the Highway Authority has raised no objections to the proposal. The applicant has confirmed that the level of traffic to and from the site would equate to circa 1 additional vehicle. Given that the proposed equestrian use and development would be solely for personal and not for any business purposes the level of traffic to and from the site is not expected to increase so significantly so as to impact on highway safety and to justify refusal.

The comments of the Rights of Way and Ramblers are noted. It is considered reasonable that their comments are attached as an advisory note should members be minded to grant permission.

I note the comments received with regards to the parking of vehicles on the lane. Officers are satisfied that there is appropriate parking provision for vehicles within the site. Personal Rights of passage along the lane are not a material planning consideration but are a private legal matter.

The proposal is therefore considered to accord with policies Spatial Policy 7 and policy DM5.

Trees and Ecology

Policy DM5 states that in accordance with Core Policy 12, natural features of importance within or adjacent to development sites should, wherever possible, be protected and enhanced. Wherever possible, this should be through integration and connectivity of the Green Infrastructure to deliver multi-functional benefits.

The site has been used as an agricultural field for a number of years. It is therefore not considered that the proposed use as a paddock nor the reuse and extension of the stable block would detrimentally impact on any protected species which may or may not be present. It is therefore considered that the proposal therefore accords with Core Policy 12.

Impact on Character

Policy DM5 of the Allocations and Development Management DPD considers the matter of design. Criterion 4 of this policy outlines that the character and built form of new proposals should reflect the surrounding area in terms of scale, form, mass, layout, design, materials, and detailing. It adds that proposals creating back land development would only be approved where they would be in keeping with the general character and density in the area.

The proposed development is not unusual within the Green Belt or a rural setting.

The proposed development would bring back into use an existing stable block. The proposed extension to the building is proportionate to the existing stables and would reflect their external materials. Although the proposal would result in a total of 5 stables, which officers consider would be on the cusp of being small scale, the applicant has confirmed that the stables and paddock would be solely for personal and not for any commercial use which can be secured by condition. As such the level of activity associated with the development and an additional stable would not be so significant as to unduly impact on the character of the site nor its wider setting. The areas of new hardstanding would be softened by the proposed external materials.

It is therefore considered that the proposal would accord with Policy DM5

Other Matters

Issues raised with regards to the maintenance of the track and rights of way would be a private legal matter.

Conclusion

It is considered that the proposed change of use of the land for personal equestrian use falls within one of the exceptions of development within the Green Belt considered to be appropriate. It is also considered that the proposed extension would be a proportionate addition to the existing stables and therefore meets an exception of appropriate development in the Green Belt.

The proposal would not have an unacceptable impact on visual or residential amenity, flood risk, highway safety or trees and ecology and as such is acceptable.

RECOMMENDATION

That planning permission is approved subject to the conditions and reasons shown below:

Notes to Applicant

01

The development hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

The development hereby permitted shall not be carried out except in complete accordance with the following approved details and plans reference:

Revised Elevations and site layout – S Heidukewitsch / 18 / 3 REV E05 deposited 24th July 2019

Revised Floor Plans - S HEIDUKEWITSCH 18/2 REV EO4 deposited 3rd July 2019

unless otherwise agreed in writing by the local planning authority through the approval of a non-material amendment to the permission.

Reason: So as to define this permission.

03

The development hereby permitted shall be for private use only and shall not be used for commercial purposes.

Reason: In the interests of highway safety and in the interests of residential amenity and the character and appearance of the area.

04

The development hereby permitted shall be constructed entirely of the materials to match the existing building as submitted as part of the planning application unless otherwise agreed in writing by the local planning authority.

For clarity the materials shall be as follows:

External Elevations: Concrete blocks with Timber (Larch) cladding boards over.

Roofs: Metal profile sheet coverings.

Reason: In the interests of visual amenity and the character and appearance of the conservation area.

05

Prior to the new stable and tack room hereby approved being brought into use full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority and these works shall be carried out as approved. These details shall include:

- full details of every tree, shrub, hedge to be planted (including its proposed location, species, size and approximate date of planting) and details of tree planting pits including associated irrigation measures, tree staking and guards, and structural cells. The scheme shall be designed so as to enhance the nature conservation value of the site, including the use of locally native plant species;
- existing trees and hedgerows, which are to be retained pending approval of a detailed scheme, together with measures for protection during construction; and
- proposed finished ground levels or contours.

Reason: In the interests of visual amenity and biodiversity.

Notes to Applicant

Notes

01

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

02

The application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

03

Blidworth Public Footpath No. 2 runs along the access track to the site. You are advised the following:

- The footpath should remain open for public use during the works as far as is practicable. If the safety of footpath users cannot be guaranteed during the works then the applicants will be required to apply for a Temporary Traffic Regulation Order (TTRO) to temporarily close the footpath. A minimum notice period of 6 weeks is required to facilitate a TTRO. Further information is available from the Countryside Access team, on 0300 500 80 80 or countrysideaccess@nottscc.gov.uk.
- The surface of the Public Footpath should not be disturbed. Any subsequent damage to the surface of the lane over which the footpath passes is the responsibility of those with private vehicle rights along the lane.

BACKGROUND PAPERS

Application case file.

For further information, please contact Bev Pearson on extension 5840.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Matt Lamb
Director of Growth and Regeneration

