

Reference: 15/00381/COU
Applicant: Mrs G Shorthouse
Location: Land Rear Of Oddfellows Arms 25 Main Street Higham on the Hill
Proposal: Change of use of land from agricultural to equestrian (re-submitted application)

RECOMMENDATION:- Grant subject to conditions.

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it has received objections from occupiers of more than four addresses and the recommendation is contrary to the nature of the objections received.

Application Proposal

This application seeks a change of use of 0.81 hectares of agricultural land to equestrian use, at land to the rear of Oddfellows Arms, 25 Main Street, Higham on the Hill.

The sites is accessed via the existing access off Main Street, which also serves the neighbouring Public House 'Oddfellow Arms'.

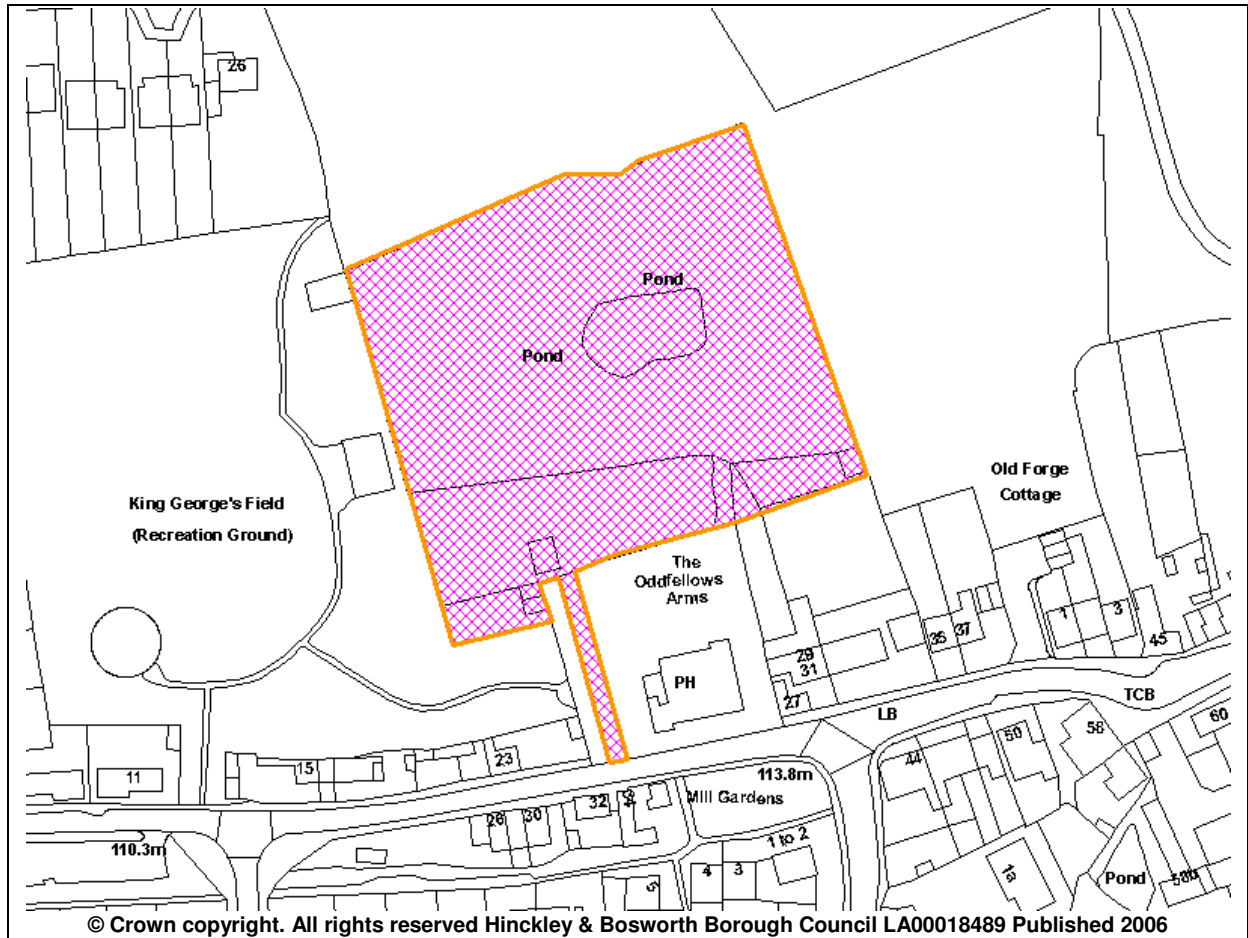
The Site and Surrounding Area

The land is currently vacant and is bounded to the north, east and south by mature hedgerows and trees. To the south of the site is the Oddfellows Arms public house and car park. The site is separated from the public house by a post and rail fence. The site is approximately 0.86 hectares in size. To the west of the site is King Georges field, a recreation area and there is agricultural land to the east and to the north. The land to the north of the site has been recently granted planning permission for residential development of 43 dwellings (planning reference number 14/00503/FUL). The site slopes down gently towards the north west corner.

The site is situated outside of, but adjacent to, the settlement boundary of Higham on the Hill, as defined by the adopted Hinckley and Bosworth Local Plan proposals map (2001). The site also lies outside of, but adjacent to, the Conservation Area.

Relevant Planning History:-

14/00367/OUT	Erection of 10 dwellings (outline - access and layout)	Refused	15.10.14
14/00362/COU	Change of use of land from agricultural to equestrian	Withdrawn	18.08.14



Consultations:-

No objections have been received from:-

- Leicestershire County Council (Archaeology)
- Environmental Health (Drainage)
- Environmental Health (Pollution)

No objection subject to conditions have been received from:-

- Leicestershire County Council (Highways)
- Leicestershire Country Council (Ecology)

Higham on the Hill Parish Council have objected on the following grounds:-

- a) housing development on the site was previously refused on grounds of environmental loss to the area, in which grazing horses would also impact upon through their grazing
- b) Higham on the Hill already has established horse riding facilities, and this application would allow for other equestrian needs to follow
- c) vehicular access required for equestrian vehicles would pose a highway danger to pedestrians and vehicles.

A site notice has been displayed and neighbours notified. Representations have been received from eight separate addresses raising the following concerns:-

- a) inappropriate use for a village centre location where access for a horse box and trailer would be restricted
- b) two equestrian centres already exist in the village the village has been eroded enough
- c) the proposed equestrian use is an inappropriate proposal.
- d) loss of ecology from the site.
- e) traffic coming from the development will compromise the safety of residents using the recreation ground and create further problems accessing Main Street
- f) loss of village car park.

Policy:-

National Policy Guidance

The National Planning Policy Framework (NPPF) 2012
National Planning Practice Guidance (NPPG) 2014

Hinckley & Bosworth Core Strategy 2009

Policy 12: Rural Villages

Hinckley and Bosworth Local Plan 2001

Policy BE1: Design and Siting of Development
Policy BE7: Development in Conservation Areas
Policy NE5: Development in the Countryside
Policy T5: Highway Design and Vehicle Parking Standards

Appraisal:-

The main considerations in respect of this application are:-

- Principle of development
- Impact upon the character and appearance of the countryside
- Impact upon the character and appearance of the Conservation Area
- Impact upon residential amenity
- Highway Safety
- Ecology

Principle of Development

Paragraph 11 - 13 of the National Planning Policy Framework (NPPF) states that the development plan is the starting point for decision taking and that it is a material consideration in determining applications. The development plan in this instance consists of the Core Strategy (2009) and the saved policies of the Local Plan (2001).

Paragraph 14 of the National Planning Policy Framework (NPPF) sets out a presumption in favour of sustainable development and states that development proposals that accord with the development plan should be approved.

Local Plan

Policy NE5, development in the countryside is the most applicable local plan policy. This seeks to protect the countryside for its own sake and direct development to the most sustainable locations. Criterion a - c of this policy categorises acceptable development types

within the countryside. Criterion c of this policy is supportive of developments for sport or recreation purposes.

In rural areas the NPPF promotes the diversification of agricultural land and supports rural leisure developments which benefit communities and which respect the character of the countryside, furthermore in paragraph 73 it is acknowledged that opportunities for sport and recreation can make an important contribution to the health and well-being of communities.

In respect of the change of use proposed, this constitutes diversification of land within the countryside for an accepted rural land-based, recreational activity. Therefore the proposal would be in accordance with criterion c of Policy NE5 and paragraphs 28 and 73 of the NPPF. Therefore the proposal is considered acceptable in principle.

Impact upon the character and appearance of the Countryside

The design criteria of Policy NE5 (i-iv) state that development in the countryside should not have an adverse impact on the character or appearance of the landscape, should be in keeping with the scale and character of existing buildings and general surroundings and be effectively screened by landscaping.

Policy BE1 of the Local Plan seeks to ensure a high standard of design, more specifically, criterion a is supportive of development which complements or enhances the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features and criterion b seeks to avoid the loss of open spaces, important gaps in development, vegetation and features which contribute to the quality of the local environment.

Paragraph 56 of the NPPF identifies good design as being a key aspect of sustainable development. This policy is consistent to with the intentions of the NPPF and so will be applied.

The change of use of the land would be solely for the grazing of horses; intensive grazing of horses is considered to change the character and nature of land through the subdivision of larger fields into smaller paddocks, usually associated with domestic horses. The application does not propose any built development and the field would be grazed by a single horse. Furthermore, as the area of land is relatively small, (less than 1 hectare) it is unlikely that the land would be able to accommodate more than 2 horses. By virtue of the scale of the site and in the absence of any built development, the change of use of land from agricultural to equestrian is not considered to result in any adverse impacts on the character of the landscape or surrounding countryside.

The proposal is therefore considered to be in accordance with the design criteria of Saved Policies NE5 and BE1 of the adopted Local Plan.

Impact upon the character and appearance of the Conservation Area

Policy 12 of the Core Strategy and Policy BE7 of the Local Plan states that new development will be required to respect, and preserve and enhance the character and appearance of the Higham on the Hill Conservation Area.

The site is not situated within, but is adjacent to the Conservation Area boundary. Accordingly, potential impacts upon its character must be considered. Given Higham on the Hill's rural setting, there are important views out of the Conservation Area, particularly from the open access points to either side of the public house.

As the change of use is of a minor scale and proposes no built development, open views into and across the site would be retained. As such the change of use is considered to preserve the character and appearance of the Conservation Area in accordance with Policy 12 of Core Strategy and Policy BE7 of the Local Plan.

Impact Upon Residential Amenity

Saved Policy BE1 (criterion i) states that development proposals should not detrimentally impact upon residential amenity.

Whilst located within the countryside, the site is situated within close proximity of both recreational and residential uses. The nearest neighbouring residential dwellings are situated on Main Street, No.s 21,23,29,31,33 and The Old Forge Cottage. This said, by virtue of the considerable separation distances between the site and these dwellings, and given the nature of the use proposed, there are considered to be no impacts in terms of residential amenity raised.

Highway Safety

Policies NE5 (criterion iv), BE1 (criterion g) and T5 of the adopted Local Plan require that development will not generate traffic likely to exceed the capacity of the highway network or impair road safety, provides adequate highway visibility for road users and adequate off-street vehicle parking and turning facilities.

There is an existing access point to the west of the public house, This serves the public house, the application site and the recreational ground to the west. This is a hard surfaced access and also provides informal parking for local residents. Whilst the concerns of local people are noted in respect of the loss of this parking, the land is private and no public right exists for residents to park their vehicles on this land. There is sufficient parking retained to the rear of the public house that will still continue to exist and would continue to be accessed from the east of the public house. The application has been considered by Leicestershire County Council (Highways) who raises no objection to the scheme, subject to conditions.

It is considered that the proposal would not detrimentally affect highway safety and therefore complies with Policies NE5 (criterion iv), BE1 (criterion g) and T5 of the adopted Local Plan.

Ecology

Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment including securing biodiversity enhancements where possible.

The application site is known to have species-rich grassland, the application has therefore been considered by Leicestershire County Council (Ecology). The Ecology department have no objection to the application, as grazing is deemed a suitable method of managing grassland.

Leicestershire County Council (Ecology) have recommended that a condition is imposed for the retention of the pond which is situated on the site. As no works are proposed to the pond, this request is not considered reasonable or necessary and thus the suggested will not be imposed. A condition is also requested to restrict the number of ponies/livestock to be grazed on the land. Given that this land is currently in agricultural use and has no restrictions upon it to this effect, it is not considered reasonable to restrict the proposed development in this way. Furthermore, the area of site would act as a natural restriction on the number of animals it could graze.

Residents have mentioned that the site is used as an amenity and wildlife site for the village with bonfires and events taking place from time to time. From an ecological perspective use of the site for bonfires is likely to have a detrimentally harmful impact on biodiversity whereas the maintenance and management of the rear part of the site for ecological purposes is likely to bring about biodiversity benefits and add value to the village. It is accepted that the site also provides community benefits in the form of social gatherings with bonfires and events which would be a negative loss to the village in this respect.

The proposed change of use is therefore not considered to have any significant detrimental impacts upon ecology or protected species the proposal is therefore considered to be in accordance with the guidance as set out within the NPPF.

Conclusion

As the proposed change of use would constitute a sustainable, recreational land based activity, it is considered to be an acceptable use within the countryside and would therefore be acceptable in principle. Furthermore the change of use, by virtue of its scale, is not considered to be harmful to the character and appearance of the countryside or the adjacent Conservation Area. The proposal would not detrimentally affect the ecological value of the site as a local wildlife asset, and would have no adverse impacts on highway safety or residential amenity. Accordingly the proposed development is considered to be in accordance with policies BE1, BE7, NE5 and T5 of the adopted Hinckley and Bosworth Local Plan, Policy 12 of the Core Strategy and the overarching principles of the NPPF and therefore recommended for approval subject to conditions.

RECOMMENDATION:- Grant subject to conditions.

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below according to their degree of consistency with the National Planning Policy Framework, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan as it comprises sustainable development within the countryside and would have no adverse impacts on the character or visual amenity of the countryside, highway safety, residential amenity or biodiversity.

Hinckley & Bosworth Core Strategy 2009:- Policy 12.

Hinckley & Bosworth Local Plan 2001:- Policies NE5 (criteria i, ii and iv), BE1 (criteria a and g), BE7 and T5.

In dealing with the application, the local planning authority have worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

Conditions:-

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the following details: Site Plan (Scale 1:1250) received by the Local Planning Authority on the 25 March 2015.

Reasons:-

- 1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.

Notes to Applicant:-

- 1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.
- 2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.
- 3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.
- 4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

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