

**Reference:** 15/00820/FUL

**Applicant:** Mrs Melanie Brewster

**Location:** Land North East Of Reservoir Road Thornton

**Proposal:** Conversion and extension of agricultural building for stables, formation of ménage, improvements to existing access, hard surfaced parking and turning area and change of use of land for the keeping of horses.

**RECOMMENDATION:-** Grant subject to conditions.

#### **Introduction:-**

This application is to be considered by Planning Committee as the application has been called in by Councillor O'Shea, to give Members the opportunity to consider the application.

#### **Application Proposal**

This application seeks full planning permission for the conversion and extension of an agricultural building for the use as stables, the formation of a ménage together with improvement to the existing access, hard surfacing and landscaping.

This application is part retrospective as the agricultural building has already been converted to five stables and therefore seeks the retention of this use. The existing building which measures 18.2 metres in length, 9.1 metres in width with a eaves height of 3.65 metres and a ridge height of 4.9metres. The building is located adjacent to the southern boundary of the field approximately 60 metres to the west of Thornton Lane. Additionally the proposal seeks to extend the existing building to the rear (north west) to provide an addition five stables. The extension would be of a similar proportion and design to the existing building, which would be 18.2 metres in length, 9.1 metres in width and a ridge height of 4.9 metres. The proposal would therefore result in a total of 10 stables. The proposed stables will be accessed through the side (north west and south east) elevations.

A ménage is proposed to the north west of the stables, measuring 50 metres in length by 20 metres in width. The proposed stables would open out on to the proposed ménage.

The site has an existing access from Thornton Lane and will be used to serve the proposed development. Amendments to the width, creation of a 7.5 metre radii and the erection of gates 12 metres from the highway boundary are proposed. An area of hardstanding, within the north eastern corner of the site, has been created on site to provide parking, and sufficient turning space for commercial horse transporters and this application seeks retrospective permission for this.

#### **Site and Surrounding**

The application site comprises two grassed fields measuring a total of approximately 3.48 hectares (8.6 acres). The site is located within the countryside to the south east of Thornton, north east of Reservoir Road and west of Thornton Lane/Whittington Lane.

The site contains a large agricultural building (erected under the GDO prior notification procedure), which is constructed of concrete block work, timber boarding walls and cement

sheet roof panels. A steel storage container is situated to the east of the agricultural building. This building has been converted to stables with associated equestrian storage.

An extensive area of hardstanding (brick rubble etc.) has been laid along with a rectangular concrete base within the eastern part site.

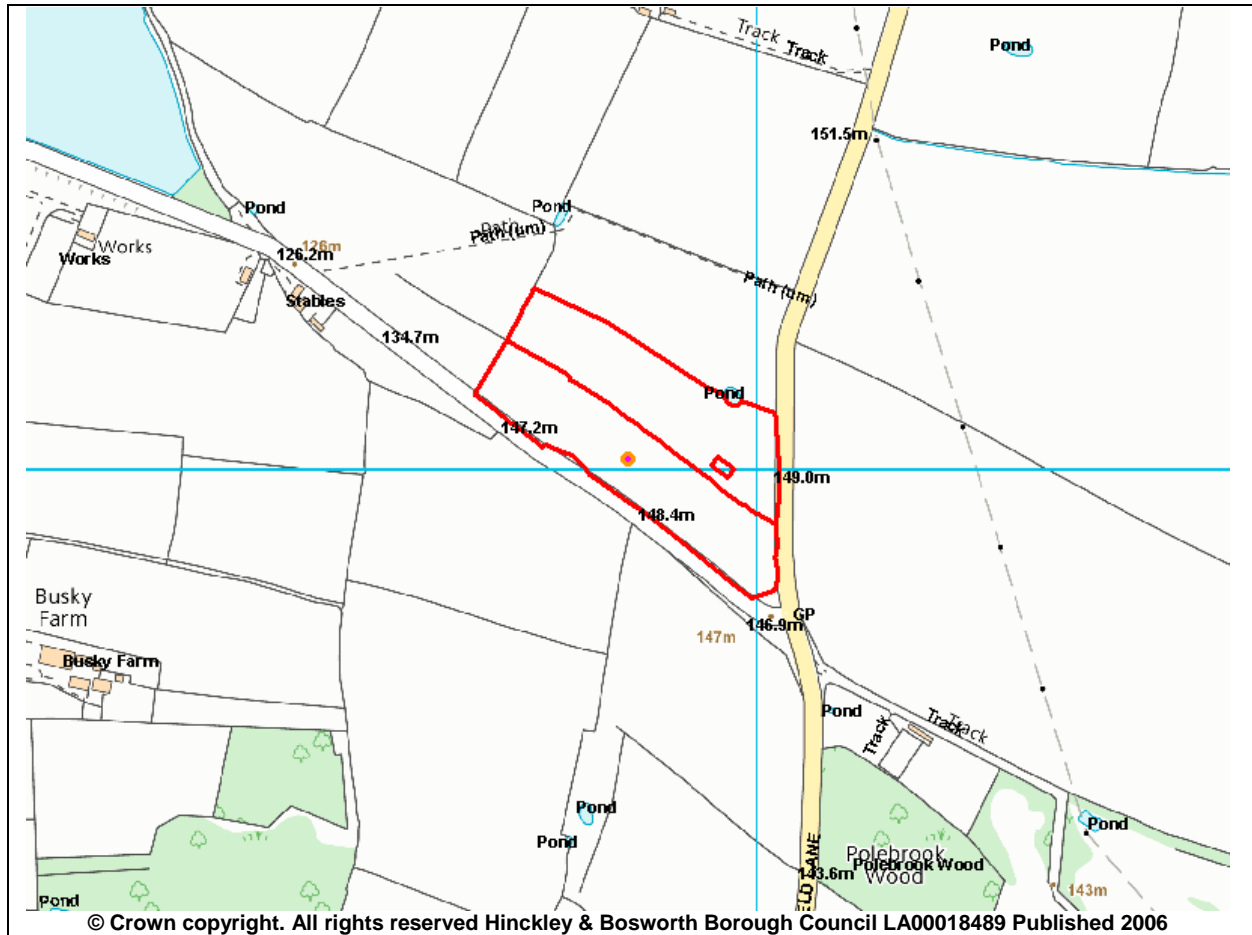
The east and south west boundaries of the application site are defined by field hedgerows and the north east boundary by a post and wire fence. The hedgerow fronting Thornton Lane/Whittington Lane to the east is identified as a Site of Importance to Nature Conservation (SINC). Land levels fall to the North West towards Thornton Reservoir.

Technical Documents submitted with the Application

Details of the business turnover and workings

**Relevant Planning History:-**

15/00375/FUL	Siting of a mobile home	Refused	22.05.15
15/00374/FUL	Creation of an equestrian ménage	Application returned	15.07.15
15/00373/FUL	Extensions and alterations to stable block Application returned		15.07.15
12/00095/FUL	Proposed access road to serve stable block and agricultural barn	Withdrawn	23.03.15
10/00811/FUL	Erection of four stables and feed/tack room	Approved	05.01.11
09/00986/GDO	Erection of agricultural building to keep livestock	GDO	27.01.10



**Consultations:-**

No objection subject to condition received from:-

- Leicestershire County Council (Highways)
- Environmental Health (Pollution)
- Environmental Health (Drainage).

Bagworth and Thornton Parish Council have raised objections on the following grounds:-

- a) Site is outside the settlement boundary and within the National Forest
- b) Site is in open countryside and unsuitable for any inappropriate development
- c) The development would have an adverse visual impact and intrusion in the countryside, lack of screening to site
- d) The proposal would add to light pollution in open countryside
- e) There is no provision for foul/surface water drainage creates public health hazard
- f) Site run off/leachate would drain to Thornton Reservoir (a water supply for Severn Trent)
- g) There has been a disregard for planning control, as building materials deposited and hardstanding formed within the site without planning permission
- h) There has been no special justification for the proposal.
- i) The scheme would result in a highway safety issue, with slow turning vehicles pulling out onto a fast road, in close proximity to a junction.
- j) There would be an adverse impact on nearby sites of special scientific interest, protected species and their habitat
- k) The application form is misleading and inaccurate.

Neighbours notified and site notice displayed and no representations received

**Policy:-**

National Planning Policy Guidance (NPPG) 2014

National Planning Policy Framework (NPPF) 2012

Core Strategy (2009)

Policy 21: National Forest.

Hinckley and Bosworth Local Plan 2001

Policy NE5: Development in the Countryside

Policy BE1: Design and Siting of Development

Policy T5: Highway Design and Vehicle Parking Standards.

Site Allocations and Development Management (SADMP) (submission document Dec 2014)

Policy DM1: Presumption in favour of Sustainable Development

Policy DM4: Safeguarding the Countryside and Settlement Separation

Policy DM10: Development and Design

Policy DM17: Highway Design.

Supplementary Planning Guidance

Design of Farm Buildings (SPG).

**Appraisal:-**

The main considerations in the determination of this application are:-

- The Principle of Development
- Impact on the Character and Appearance of the Countryside
- Highway safety
- Other issues

The Principle of Development

Paragraph 11 - 13 of the National Planning Policy Framework (NPPF) and emerging Policy DM1 of the SADMP 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).

The site is located outside the settlement boundary of Thornton as defined in the adopted Hinckley and Bosworth Local Plan Proposals Map. The National Planning Policy Framework (NPPF) seeks to protect the countryside whilst allowing for sustainable development where appropriate. Paragraph 28 of the NPPF supports the development of agricultural business in order to promote a strong rural economy. Furthermore, Policy NE5 of the Local Plan and Policy DM4 of the SADMP apply which seeks to safeguard the countryside from inappropriate development. Policy DM4 seeks to support development in the countryside which is for outdoor sport or recreation purposes, or would involve the change of use, re-use

or extension of existing buildings which lead to an enhancement of the immediate setting or where a proposal would contribute to economic growth, job creation and/or diversification of rural business.

The site has a history of planning permissions granting consent for both prior approvals for agricultural buildings and for stables on site and therefore indicates that equestrian use has been accepted in principle on this site. However, the permission for four stables and a feed/tack room (application ref: 10/00811/FUL) was not implemented and has now lapsed and the existing agricultural building no longer benefits from planning consent due to its change of use.

Supporting information has been submitted by the applicant providing details of the profitable business associated with the proposals. This states that the building is required for the benefit of a professional show jumper who is currently based in Congerstone and is required to relocate the existing business, due to the redevelopment of the land they currently reside on. It is indicated that the proposal would allow for the stabling of 10 adult horses and will also allow breeding of high quality foals produced for show jumping stock via a breeding programme, which is carried out by artificial insemination. The business is proposed to support both existing local business in addition to UK import and exports for domestic and internal markets. The proposed stables would enable horses to maintain a healthy condition throughout the year particularly in winter months and ensure mares to have able to foal in a safe and controlled environment.

The need for the proposed development has been adequately justified in accordance with the NPPF, Policy NE5 of the Local Plan and DM4 of the SADMP. Therefore, the principle of development is acceptable, subject to all other relevant material considerations.

#### Impact on the Character and Appearance of the Countryside

Policy 21 of the adopted Core Strategy requires that the siting and scale of development within the National Forest is appropriately related to its setting and respects the character and appearance of the wider countryside.

The design criteria of Saved Policy NE5 (i,ii and iii) requires that development in the countryside does not have an adverse impact on the character or appearance of the landscape, is in keeping with the scale and character of existing buildings and general surroundings, is effectively screened by landscaping. Policy DM4 of the SADMP also seeks to ensure that development within the countryside does not have an adverse effect on the intrinsic value, beauty or open character of the countryside. Saved Policy BE1 (criteria a, c and d) of the Local Plan and Policy DM10 (criteria c, d, e, f, g and h) of the SADMP requires that development complements or enhances the character of the surrounding area with regard to scale, layout, design, materials, and incorporates landscaping to a high standard.

One of the core planning principles of the NPPF in paragraph 17 is to seek a high quality of design and protect the intrinsic character and beauty of the countryside. Paragraphs 56 and 58 of the NPPF identify good design as a key aspect of sustainable development and seek to ensure that development is visually attractive.

The existing building situated on the land is to remain, and extended to accommodate 10 stables with tack and storage rooms, the proposed building would measure 36.4 metres in length, 9.1 metres wide with a ridge height of 4.8 metres and eaves height of 3.6 metres. The stables would reuse the existing agricultural building extending to the north west following the existing hedgerow boundary which separates the two agricultural fields.

The stables would be set well back from highway, approximately 62 metres west of the highway, where it would be partly screened from the surrounding landscape by existing field boundary hedgerows, and positioned adjacent to the natural field boundary and ditch which is situated to the south west. Whilst the stable building would be visible, it is set back from the highway and would not dominate the street scene. A public right of way is situated to the north of the application site, approximately 65 metres away, where views of the proposed stables, ménage and associated development would be visible. However the design has a low pitched roof and an appearance not untypical of modern agricultural buildings and is therefore consistent with advice contained in the Council's Supplementary Planning Guidance on the Design of Agricultural Buildings. Furthermore the proposed materials of construction are reflective of most agricultural buildings found within the open countryside, as such is it not considered that the proposed development would be out of keeping of the surrounding countryside.

The proposed ménage is proposed to be sited to the north east of the proposed stable block adjacent to the ditch running to the south of the periphery of the field which is bordered by mature hedgerow planting. It is considered that the ménage has been sited to utilise the existing landscaping screening features to the south and would be located in close proximity to the proposed stables.

The ménage itself would be low level in nature enclosed by a shallow bund. It is however considered that there are changes in levels on the site and that there would be an element of cutting into the land and building up the up to the north west which at most would be approximately 0.6 metres. The bunding enclosing the ménage and the ménage itself is low level in nature and post and rail fencing is considered characteristic within the countryside setting. Whilst the site does have changes in levels the ménage would not be visually prominent within the countryside setting owing to just 0.6 metre of building up and the mature planting to the southern boundary of the site, and the proposed landscaping to the southern edge of the ménage. It is therefore concluded that the ménage would not be visually prominent within this countryside setting.

The access, parking and turning area, would consist of washed river gravel enclosed by a post and rail agricultural fence. The access parking and turning area extends for approximately 63 metres into the site towards the proposed stable block and approximately 33 metres in width adjacent the highway boundary, with reduces to 10 metres to the entrance of the proposed stable block. The area is to provide sufficient turning space for the manoeuvring and turning of the applicants two commercial horse lorries, associated with the proposed use. The use of bound washed river gravel would be considered to have a softer appearance within the field than tarmac which is typically used for built-up environments. The access would consist of a tarmac surfacing for the first 12 metres where it adjoins Thornton lane to the 2 metre high gates which are proposed to be set into the site. This would have an impact on the character and appearance of the locality with the introduction of further hard surfacing visible from the public highway. However, this would be softened by existing landscaping and proposed additional hedgerow planting within the site. Furthermore the entrance is located within view of the junction of Thornton Lane and Reservoir Road and there is a vehicular lay-by on the opposite side of the road to the south east of the junction. Therefore, given the location of the access and the surrounding highway surfacing, the use of tarmac surfacing at the entrance is considered to be acceptable.

By virtue of the siting, design, scale and proposed construction materials the proposal is considered to complement the character of the site and due to the screening provided by field boundary hedgerows and proposed additional planting by the applicant it would not have a material adverse impact on the character or appearance of the surrounding countryside. The proposal would therefore be in accordance with Policy BE1 (criterion a) and Policy NE5 (criteria i, ii and iii) of the adopted Local Plan, Policy DM4 and DM10 of the

emerging SADMP, Policy 21 of the Core Strategy and the overarching principles of the NPPF.

### Access and 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. These policies are considered to be consistent with the intentions of the NPPF and so are afforded weight in the determination of this application. Emerging Policy DM17 and 18 are subject to Main Modifications following the examination in public for the plan and therefore carry limited weight.

An objection has been received on the grounds of highway safety with the potential for slow turning vehicles close to a busy road junction.

The site would continue to be accessed from Thornton Lane/Whittington Lane but the scheme includes alterations to the existing field gate to increase its width to 5 metres, provide 7.5 metre radii, provide a tarmacadam surface, new security gates and 2 metre high close boarded timber screen fencing either side of the access. The scheme has been considered by Leicestershire County Council (Highways) who consider that the cumulative highway safety impacts of the development can be mitigated and are not considered to be severe. A number of conditions requiring the provision of satisfactory visibility splays at the junction with Thornton/Whittington Lane, access surfacing, gate set back and parking and turning within the site are recommended should the application be approved. Leicestershire County Council (Highways) considers that the visibility splays could be achievable by the relatively minor trimming back and removal of branches on the roadside hedge.

The proposal would not result in any significant or material impacts on highway safety grounds and is therefore in accordance with Saved Policies NE5 (criterion iv), BE1 (criterion g) and T5 of the adopted Local Plan.

### Other issues

An objection has been received that the scheme would have an adverse impact on nearby sites of special scientific interest, protected species and their habitat. The hedgerow fronting onto Thornton Lane/Whittington Lane is identified as a site of importance for nature conservation (SINC). However, as the proposed development would be positioned in excess of 60 metres from the boundary it is considered that it is unlikely that it would have any material adverse impact on the hedgerow, protected species or their habitat.

Issues raised in respect of inaccuracies within the planning application form and submitted details have been noted and taken into consideration.

Issues raised in respect of development undertaken without planning consent are a matter for enforcement to investigate, and take any proportionate action. An enforcement investigation has been commenced, and the site is under investigation, specifically in regards to the concrete slab situated adjacent to the hedge which borders with Thornton Lane/Whittington Lane.

Objection received in respect of the future use of the site for living accommodation, would be subject to a separate planning application. A recent application (ref 15/00375/FUL) for the siting of a mobile home has been refused. This application relates to the use of the site for equestrian purposes only.

Objections have also been raised in respect of no provision for foul surface water drainage. However following consultation with Environmental Health (Drainage) a note to applicant would be provided advising that animal waste and surface water contaminated by animal waste must not be discharged to ditches, watercourse or soakaways, and the applicant would have to comply with the standards as set out in 'The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oils) (England) Regulations 2010 and as Amended 2013 (SSAFO).

Concerns have also been raised relating to external lighting of the site. No lighting scheme has been proposed however a condition has been recommended following consultation with Environmental Health, that a lighting scheme shall be submitted for approval, to ensure any lighting would not have an adverse impact on the surrounding area.

### Conclusion

The applicant has sought to demonstrate that the proposed scheme would be used in association with a rural enterprise and as such the principle of development within this countryside location is considered acceptable. By virtue of the siting, design, scale, appearance and construction materials, together with existing screening by field boundary hedgerows, and indicative landscaping proposals, the scheme would not have any material adverse impact on the character or appearance of the site or surrounding countryside. The scale of activity would not give rise to any adverse impacts on the rural amenity of the area or highway safety. The proposal would be in accordance with Policies NE5 (criteria i, ii, iii and iv), BE1 (criteria a and i) and T5 of the adopted Local Plan, Policies DM4 and DM10 of the emerging SADMP, Policy 21 of the adopted Core Strategy together with the overarching principles of the NPPF. The proposal is therefore recommended for approval subject to conditions.

### **RECOMMENDATION:- Grant subject to conditions.**

#### **Summary of Reasons for Recommendation and Relevant Development Plan Policies :**

#### **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 submitted application details as follows; Location Plan (Scale 1:2500), Site Location (Scale 1:12500), Block Plan (Scale 1:500), Proposed Menage details (Scale 1:20, 1:100, 1:200), Stable Block details (Scale 1:200), Stable Block Details (Scale 1:00) received by the Local Planning Authority 22 July 2015
- 3 Within two months of this decision, details of the surfacing, parking and turning area shall be submitted to and approved in writing by the Local Planning Authority. Within three months of the written agreed approval the scheme shall be fully implemented.
- 4 Notwithstanding the submitted plans within two months of the development hereby approved full details of both hard and soft landscape works have first been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved. These details shall include:
  - i. Planting plans
  - ii. Enclosures and boundary treatments



- iii. Written specifications
  - iv. Schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate.
  - v. Implementation programme.
- 5 The approved hard and soft landscaping scheme shall be carried out in accordance with the approved details. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any trees or shrubs which die or are damaged, removed, or seriously diseased shall be replaced by trees or shrubs of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.
  - 6 Before first use of the development hereby approved, the vehicular access from the site onto Thornton Lane, shall be provided with 7.5 metre kerbed radii on both sides of the access as shown on Dwg No. 3887/2R
  - 7 Before first use of the development hereby approved the access drive shall be surfaced in a bound porous material for a minimum distance of 12 metres from the back edge of the highway and shall be so maintained at all times.
  - 8 Before first use of the development hereby approved, the vehicular access to the site shall be widened to an effective minimum width of 6 metres over a distance of 12 metres behind the highway boundary.
  - 9 Before first use of the development hereby approved, visibility splays of 2.4 metres by 113 metres shall be provided at the junction of the access with Thornton Lane. These shall be in accordance with the standards contained in the current County Council design guide and shall thereafter be maintained. Nothing shall be allowed to grow above a height of 0.6 metres above ground level within the visibility splays.
  - 10 Before first use of the site details of any proposed external illumination within the development shall be submitted to and approved in writing. The scheme shall be implemented in accordance with those approved details.
  - 11 No horse manure or other waste materials shall be burnt on the site at any time.

**Reasons:-**

- 1 To comply with the requirements of Section 19 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt and in the interests of proper planning.
- 3 To enhance the appearance of the development within this countryside and National Forest setting to accord with Policy 21 of the adopted Core Strategy (2009).
- 4 To enhance the appearance of the development within this countryside and National Forest setting to accord with Policy 21 of the adopted Core Strategy (2009).
- 5 To ensure that the work is carried out within a reasonable period and thereafter maintained to accord with Policy NE12 (criterion d) of the adopted Hinckley and Bosworth Local Plan (2001).

- 6 To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety and to afford easy access to accord with Policy T5 of the Hinckley and Bosworth Local Plan (2001).
- 7 To reduce the possibility of deleterious material being deposited in the highway in accordance with Policy T5 of the Hinckley and Bosworth Local Plan (2001).
- 8 To ensure that vehicles entering and leaving the site may pass each other clear of the highway and not cause dangers within the highway to accord with Policy T5 of the Hinckley and Bosworth Local Plan (2001).
- 9 To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of highway safety in accordance with Policy T5 of the adopted Hinckley and Bosworth Local Plan (2001).
- 10 In the interests of amenity to reduce any impact of night time illumination on the character of the area, in accordance with Policy NE5 of the Hinckley and Bosworth Local Plan (2001) and Policy DM7 (criterion c) of the Site Allocations and Development Management Plan.
- 11 To ensure the development does not have an adverse impact on the amenities of surrounding properties in terms of air pollution to accord with Policy BE1 of the adopted Hinckley and Bosworth Local Plan (2001).

**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](http://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).
- 5 Animal waste and surface water contaminated by animal waste must not be discharged to ditches, watercourses or soakaways. Slurry, contaminated runoff - including wash water - and leachate from stockpiled manure, must be collected in tanks (or lagoons) complying with the standards laid down in 'The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oils) (England) Regulations 2010 and as Amended 2013 (SSAFO). Clean roof water should be discharged to soakaways (subject to suitable ground strata), ditches or watercourses.

**Contact Officer:-** Jenny Brader Ext 5620