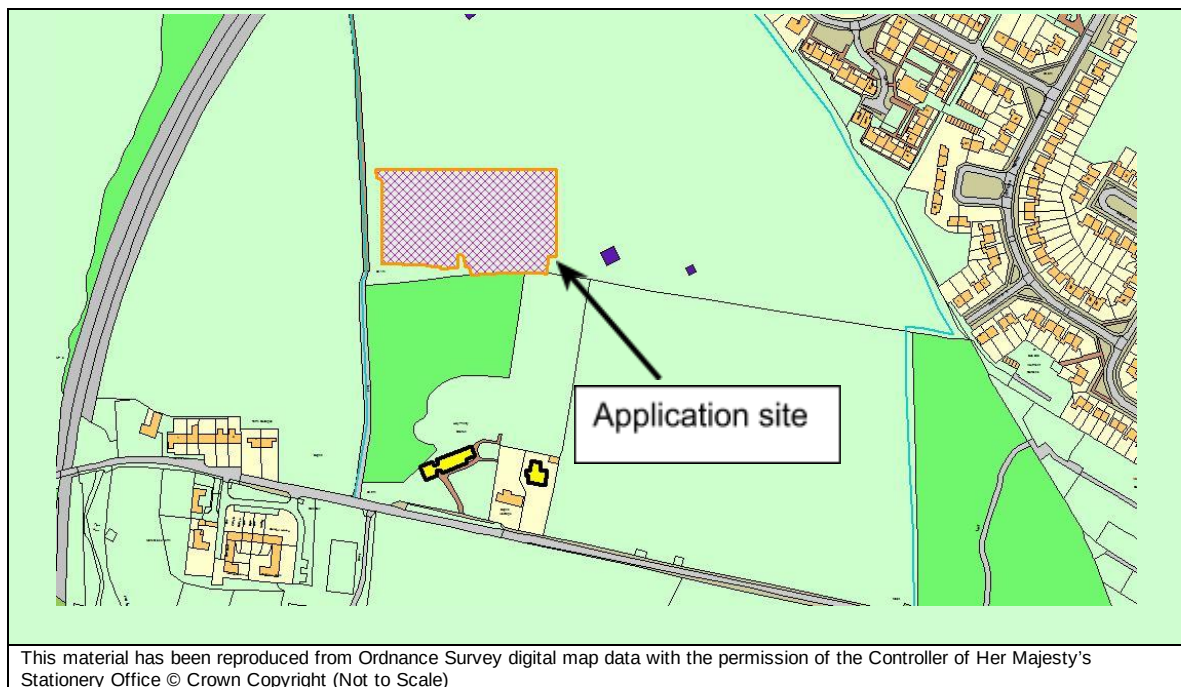




Northumberland County Council

Cramlington, Bedlington and Seaton Valley Local Area Planning Committee 18th July 2018

Application No:	18/00649/FUL		
Proposal:	Retrospective Planning Permission for the erection of a lean to addition to the main building including its change of use to equestrian and incorporating additional stabling, the erection and siting of a single stable block, the erection and siting of a double stable block, the erection and siting of a hen house, the erection of a bale and materials store and the siting of a storage container in association with the existing equestrian centre.		
Site Address	Equestrian Livery Stables , Mare Close, Seghill, NE23 7ED		
Applicant:	Mr N Boath C/o George F White	Agent:	Mr Craig Ross 4-6 Market Street, Alnwick, NE66 1TL
Ward	Seghill With Seaton Delaval	Parish	Seaton Valley
Valid Date:	18 April 2018	Expiry Date:	13 June 2018
Case Officer Details:	Name: Mr Ryan Soulsby Job Title: Planning Officer Tel No: 01670 622627 Email: Ryan.Soulsby@northumberland.gov.uk		



1. Introduction

- 1.1 Under the provisions of the Council's current Scheme of Delegation, in cases where applications are to be recommended for approval contrary to a valid objection from a Town or Parish Council and/or they receive a significant level of public objection, they are referred to the Head of Service and the Chairs of Planning Committees for consideration to be given as to whether the application should be referred to a Planning Committee for determination. The

matter was duly considered under these provisions and it was confirmed that the matter should be considered by the Local Area Council Planning Committee.

2. Description of the Proposals

2.1 The application seeks full planning permission for:

- The erection of a lean to addition to the main building;
- Change of use of the main building to equestrian incorporating additional internal stabling;
- Erection of a single stable block;
- Erection of a double stable block;
- Erection and siting of a hen house;
- Erection of a bale and materials store;
- Siting of a storage container;

2.2 All works included with the submitted details have been carried out at the application site hence the retrospective nature of this planning application. The application seeks to regularize the current activities at the site.

2.3 The site has a lengthy planning history with the most recent consent granted for the site in 2014 for a wooden stable block and outdoor arena as well as an agricultural purpose building.

2.4 The site lies within the Green Belt and adjacent to a Grade II listed building (Holy Trinity Church).

3. Planning History

Reference Number: 12/02481/AGRGDO

Description: A general purpose agricultural building.

Status: Permitted

Reference Number: 14/00415/FUL

Description: Proposed construction of wooden stable block and outdoor riding arena (including works to access)

Status: Permitted

Reference Number: 14/01517/DISCON

Description: Discharge of conditions 3 and 4 relating to planning application 14/00415/FUL.

Status: Permitted

Reference Number: 14/03785/FUL

Description: A general purpose agricultural building (as amended)

Status: Permitted

Reference Number: 14/03790/FUL

Description: Application for construction of wooden stable block and outdoor riding arena with ancillary landscaping.

Status: Permitted

Reference Number: 15/03283/DISCON

Description: Discharge of condition 2 (lighting) for approved planning application 14/03785/FUL

Status: Permitted

Reference Number: 15/03285/DISCON

Description: Discharge of condition 2 (flood lights) for approved planning application 14/03790/FUL

Status: Permitted

4. Consultee Responses

Seaton Valley Parish Council	Object in terms of commercial use, retrospective nature of application, highway issues, waste disposal and impact on green belt.
Highways	No objections.
Public Protection	No comments.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	4
Number of Objections	13
Number of Support	33
Number of General Comments	1

Notices

General site notice; 18th April and 16th May 2018

No Press Notice Required.

The original site notice at the application site was removed, hence a second site notice being put up by the local authority to ensure sufficient notice was given to neighbouring residents and members of the public.

Summary of Responses:

13no objections were received from neighbouring residents raising concerns in regards to:

- Retrospective nature of application;
- Commercial use of the site;

- Over development of the land;
- Highway safety and traffic;
- Impact on green belt;
- Waste disposal;
- Residential amenity.

One general comment was received in relation to the application regarding the potential sale of the land, impacts on traffic/highways and the number of stables at the site.

33no support comments were received in regards the application, 1no from the owner of the site and 32no from further members of the public. These support comments related to:

- No impact on parking or highways;
- Facilities being beneficial to members of the public;
- Benefit to local services and employment;
- Cleanliness and well-kept nature of the site.

All material planning considerations raised above have duly been considered within the below appraisal.

The above is a summary of the comments. The full written text is available on our website at:

<http://publicaccess.northumberland.gov.uk/online-applications//applicationDetails.do?activeTab=summary&keyVal=P4EEVNQSMGE00>

6. Planning Policy

6.1 Development Plan Policy

Blyth Valley District Local Plan 1999:

G7 Green Belt - Definition

G10 Development Criteria in the Countryside Generally

Blyth Valley District Local Development Framework: Core Strategy 2007:

ENV1 Natural Environment and Resources

ENV2 Historic and Built Environment

Blyth Valley District Local Development Framework: Development Control Policies 2007:

DC1 General Development

DC3 Development in the Green Belt and in the Countryside

DC11 Planning for Sustainable Travel

DC27 Design of New Developments

6.2 National Planning Policy

7. Appraisal

7.1 In determining this application, the main planning issues are considered to be:

- Principle of development;
- Green belt;
- Impact on character and appearance of the area;
- Residential amenity;
- Listed building;
- Highway safety;
- Parish council response.

7.2 The NPPF, at Paragraph 12, advises that the development plan remains the starting point for decision making. The Framework does, however, continue by advising that due weight should only be given to relevant policies within existing plans according to their degree of consistency with the Framework; the closer the policies in the plan align with the Framework, the greater the weight they can be given (paragraph 215). The Blyth Core Strategy (2007), Blyth Development Control Policies (2007) and the Blyth Local Plan (1999) form the relevant development plans and considerations needs to be given to their consistency with the Framework.

Principle of development

7.3 The application site is located on the Eastern boundary of Seghill, outwith the settlement boundary for the town. As the site is situated outside of any defined settlement boundary, open countryside policies will apply with the application site also noted as being located with green belt land, further consideration given to this in a later part of the appraisal. Policy G10 of the Blyth Valley Local Plan 1999 relates to development in the countryside generally (whether or not designated as Green Belt). The policy states that in determining applications regard will be had to the existing settlement pattern and permission will only be granted, if a number of criteria are met. Given the age of this policy and the publication of the NPPF, it is considered that only limited weight may be attached to this policy.

7.4 Paragraph 14 of the NPPF establishes a presumption in favour of sustainable development. For decision taking this means (unless material considerations indicate otherwise); approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

7.5 NPPF Paragraph 6 advises that the Policies set out in Paragraphs 18 to 219 of the document, taken as a whole, constitute the Government's view on what

sustainable development in England means in practice for the planning system. Paragraph 7 provides the key starting point against which the sustainability of a development proposal should be assessed. This identifies three dimensions to sustainable development, an economic element, a social element and an environmental element. Paragraph 8 goes on to advise how the three elements of sustainable development are mutually dependant and should not be undertaken in isolation. It makes clear that to achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

- 7.6 Whether the presumption in favour of sustainable development is successful in this case is dependent on an assessment of whether the development of the site would be sustainable in terms of its economic, social and environmental roles.
- 7.7 Policy DC1 of the Blyth Valley Development Control Policies DPD states that development proposals will be expected to be situated within settlement boundaries except in the circumstances set out in policy DC3 and DC4 (policy DC3 will be considered below; policy DC4 relates to replacement buildings in the countryside and therefore is not of relevance to this particular case).
- 7.8 Policy DC3 relates to development within the green belt and within open countryside land, in which the application site is located. This policy details 4 exemptions for development within such areas with part B) of this policy noting 'Countryside based enterprises and activities which contribute to the rural economy and/or promote recreation in and the sustainable management of the countryside'.
- 7.9 It is clear that such an enterprise at the application site is in line with policy DC3 as detailed above as well as provisions within the NPPF with the principle of development at this site considered acceptable.

Green belt

- 7.10 Chapter 9 of the NPPF deals with development in the Green Belt. Paragraph 87 states that, "inappropriate development...should not be approved except in very special circumstances." The NPPF (paragraph 89) goes on to state that the construction of new buildings within the Green Belt will be inappropriate unless it is for one of a number of stated exceptions. The nature of the development included within these submitted details is such that it may be considered against the following exception, "provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it."
- 7.11 In response to the above, the application proposes to regularize a number of additions to the site in terms of a stable blocks, a lean to addition to the main building, a hen house, bale and materials store and storage container. Part of the development may reasonably be considered as constituting, "appropriate facilities for outdoor sport, outdoor recreation" with supporting structures such as the bale and materials store and storage container considered as ancillary structures to the overall equestrian use at the site. Whilst the 'hen house' could

not be considered as contributing to either exemption detailed within paragraph 89 or 90 of the NPPF, the significantly modest scale of the development when compared with other development at the site ensures a low impact, infill development at the site. Consideration is had below as to whether the development preserves the openness of the Green Belt and does not conflict with the purposes of including land within the Green Belt.

- 7.12 The application site is a developed area located within the south west corner of the field it is situated in. Locating the overall site close to natural landscape features such as a large selection of boundary trees to the south, with it the intention of the applicant to incorporate planting to the West elevation of the site, helps reduce any impact upon the openness of the area with the additions included within this application all situated within the already defined site boundaries. Given the modest scales of the additions in terms of the lean to addition, stable blocks, hen house, bale and materials store and storage container, there would not be a significant impact upon the openness of the green belt or surrounding landscape. It was noted when visiting the site that a timber fence currently encloses the site, the nature of this enclosure ensuring the openness of the Green Belt is preserved.
- 7.13 In addition to the erection of the proposed building and arena, the development also proposes to change the use of an area of land. This change of use would not impact on the openness of the Green Belt.
- 7.14 In light of the above assessment, it is concluded that the proposed development would not constitute inappropriate development within the Green Belt and therefore is considered in accordance with policy DC3 of the Blyth Valley DPD, policy ENV1 of the Blyth Valley Core Strategy and provisions within the NPPF.

Character and appearance of area

- 7.15 Any impacts the development may have on the Green Belt have been assessed above however the design of the structures at the site and any impacts it may have on the character and appearance of the wider area need to be considered. There are a number of planning policies at both a national and local level that seeks to ensure new development is designed to an appropriate standard. At a local level, policies DC1, DC27 (Blyth Valley Development Control Policies DPD) and ENV2 (Blyth Valley Core Strategy) are the key policy consideration on these matters. Paragraph 64 of the NPPF is also of relevance. In summary, the aforementioned policies seek to ensure that new developments do not adversely affect the appearance of the host environment. The application will be considered within the above planning policy context.
- 7.16 A site visit was undertaken by the officer on 2nd May 2018, with further site visits undertaken at later dates, to view the overall site and the additions which this planning application seeks to regularize. The site has an identifiable equestrian style and feel with a riding paddock, riding school area and existing stable blocks forming the most prominent parts of the site, all granted consent under previous approvals. The additions to the site seeking approval under this application are all considered minor when compared with those previously

approved and all appear to form essential requirements for the use of the site with the exemption of the hen store.

- 7.17 The design of the additions included within this application all appear appropriate within a countryside setting with timber materials appearing sympathetic upon the site and surrounding area. Whilst a storage container is also shown as appearing within the site to the West of the bale storage area, the overall scale of this storage container and the siting of the container directly against the bale store would ensure it is mostly screened, even when being situated within the site. A dark green colouring upon the storage container ensures it matches neighbouring structures at the site and is thus not viewed as an incongruous addition upon the surrounding landscape. The attachment of a condition relating to the temporary nature of the container is considered appropriate to ensure it does not become a permanent structure upon the site with it officer opinion that a storage container does not form a natural form of development within the open countryside, despite the modest scale and colouring applied to the container.
- 7.18 Having regard to the design and siting of the structures this application seeks to regularize, it is concluded that it would not result in an overly prominent or visually intrusive addition to the landscape and the development accords with the relevant design policies and provisions both locally and nationally.

Residential and general amenity

- 7.19 Whilst the structures included within this application would not cause an adverse impact upon residential amenity, consideration must be given as to what impact the change of use of the site to equestrian would have upon neighbouring properties and the surrounding landscape. It is recognised a condition upon a previous approval restricted commercial livery at the site however, did not restrict all commercial activity at the site which the applicant is now undertaking. Whilst a Church neighbours the site to the south, approximately 130 metres distance, the nearest residential properties are located approximately 160 metres to the South East upon Mare Close with residential properties also located to the North East at a greater distance of 200 metres. A public right of way runs adjacent to the site to the West, which would not be negatively impacted upon, with a further public right of way located to the East, albeit approximately just under 200 metres away.
- 7.20 Concerns have been raised by neighbouring properties at the scale of business at the site with issues raised regarding residential amenity. A site visit has been undertaken by the case officer on 3no separate occasions to view the site and impacts that commercial activity would cause upon the surrounding area. Upon all visits by the case officer, there did not appear to be any significant noise or footfall within or outside of the application site that would be considered to contribute towards an adverse impact upon the amenity of neighbouring residents or be viewed as unreasonable within the surrounding area. It is recognised that objections received by neighbours note nuisance caused by the site to their general amenity however, this did not appear evident to the officer when visiting the application site. It is noted that if residents did feel a significant nuisance was being caused by the site, this be reported to the local planning authority's public protection team who could

investigate the issue. In relation to this application however, public protection have advised that they have no comments.

- 7.21 Existing waste collections at the site would be retained with a local collection company collecting waste from the site on regular occurrences to ensure the cleanliness and well kept nature of the site and surrounding area.
- 7.22 It is therefore considered the works are in accordance with policy DC1 of the Blyth Valley DPD in terms of not causing an adverse impact upon the amenity of neighbouring residents.

Listed building

- 7.23 The Holy Trinity Church located to the South of the application site is a Grade II listed building with the neighbouring residential property to the South East of the site, titled The Old Vicarage, is also a recognised as being Grade II listed. Due to the separation distances between the application site and these 2no properties (approximately 130 metres and 145 metres respectively) and woodland nature of the neighbouring church grounds there would be no harm caused to the setting of both listed structures. A site visit was undertaken by the planning officer and building conservation officer to assess the works and the impacts upon these 2no heritage assets with the building conservation officer confirming the development would not result in harm to the setting or significance, having regard to section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and statutory policy (National Planning Policy Framework, Chapter 12 'Conserving and Enhancing the Historic Environment').

Highways

- 7.24 Consultation was undertaken with the local authority's highways team in regards to the scheme, primarily the change of use of the site to equestrian and what impacts this would have upon highways safety. A number of objections were received from neighbouring properties raising concerns regarding the impact on the highway with this requiring assessment from highways DM to ensure no negative impact. A consultation response provided by the local highways authority on 10th May 2018 confirmed no objection to the scheme with no issues raised in terms of highways safety. It is noted that an existing access is used to the site which serves a private track with the traffic generated by such a scheme onto the immediate highway network not considered to have any harmful impact. Car parking provision and manoeuvring space at the site is considered appropriate for the development site with no negative impacts upon pedestrian and transport links that surround the site.

Parish Council response

- 7.25 An objection was submitted against the scheme by Seaton Valley Parish Council raising issues in regards to the commercial use of the site, retrospective nature of the proposals, highways safety, waste disposal and impact on Green Belt. Whilst it is the consideration of the officer that the commercial use, highways safety, waste disposal and green belt impacts have

been appropriately assessed within the above appraisal, consideration will be given to the further points below.

- 7.26 In terms of the retrospective nature of the application, the local planning authority would always advise against such a procedure noting planning permission should be sought before any development which requires planning approval. Whilst the local planning authority would advise against this, it is the applicant's discretion at how they wish to proceed with the local authority's enforcement team taking the correct steps in inviting an application in for the site to be assessed by the LPA.

Equality Duty

- 7.27 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

Crime and Disorder Act Implications

- 7.28 These proposals have no implications in relation to crime and disorder.

Human Rights Act Implications

- 7.29 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.
- 7.30 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.
- 7.31 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an

independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

8. Conclusion

- 8.1 The main planning considerations in determining this application have been set out and considered above stating accordance with relevant Development Plan Policy. The application has also been considered against the relevant sections within the National Planning Policy Framework (NPPF) and there is not considered to be any conflict between the local policies and the NPPF on the matters of relevance in this case.
- 8.2 The application has addressed the main considerations and would accord with relevant policies detailed with part 6 of this report. The application is therefore recommended for approval.

9. Recommendation

That this application be GRANTED permission subject to the following:

Conditions/Reason

01. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans. The approved plans for this development are:-

- 1) Location plan drawing no. 01 (received 19th February 2018)
- 2) Hen enclosure drawing no. 3136/006 (received 6th April 2018)
- 3) Site/block plan drawing no. 3136/001 (received 6th April 2018)
- 4) Plan of main livery stables drawing no. 3136/002 (received 6th April 2018)
- 5) Elevations of main livery stables drawing no. 3136/003 (received 6th April 2018)
- 6) Stables 1, 2 & 3 drawing no. 3136/004 (received 6th April 2018)
- 7) Bale store drawing no. 3136/005 (received 6th April 2018)

Reason: To ensure that the approved development is carried out in complete accordance with the approved plans.

02. Permission for the storage container, as shown on drawing no. 3136/005, is limited to a period expiring 1 year from the date of decision, or upon completion of any sale of the land (whichever is the sooner), when the building hereby permitted shall be removed and the land restored to its former condition within 1 month of the permission expiring or the completion of the sale of the land (whichever is the sooner), unless a further application for planning permission has been submitted, and subsequently approved, to retain the building.

Reason: The storage container would not be recognised as natural development within the open countryside making it unsuitable for a permanent

permission, in accordance with the provisions of DC1 and DC3 of the Blyth Valley Development Control Policies Document.

Date of Report: 29th June 2018

Background Papers: Planning application file(s) 18/00649/FUL