



Northumberland

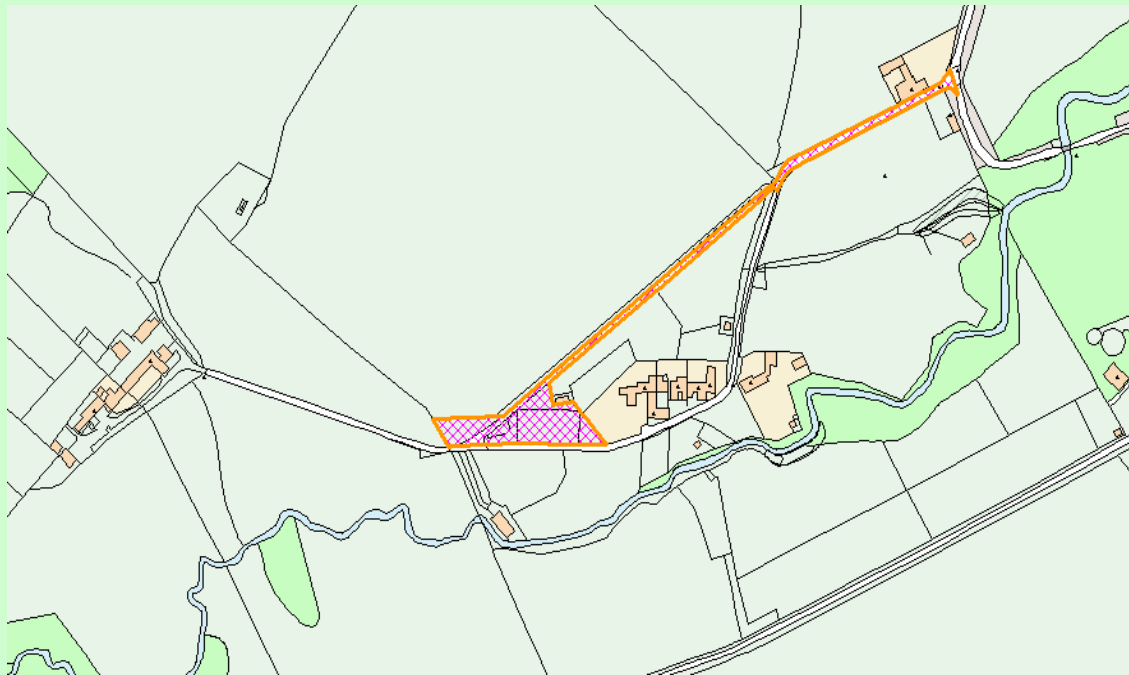
County Council

Tynedale Local Area Council Planning Committee

Tuesday 9th May 2023

Application No:	22/02902/FUL		
Proposal:	Retrospective: Use of riding arena for business use for individual training, riding and boarding of horses and erection of timber store (as amended)		
Site Address	Land to South West of The Old Stables, Durham Riding, Prudhoe, Northumberland, NE42 5NX		
Applicant:	Mr Phil Morton Stanley Brae Durham Riding, Prudhoe, NE42 5NX	Agent:	David Lawson 15 Shannon Close, Fulford Grange, Castletown, Sunderland SR5 3DJ
Ward	Prudhoe South	Parish	Prudhoe
Valid Date:	07 March 2023	Expiry Date:	12 May 2023
Case Officer Details:	Name: Miss Amber Windle Job Title: Planning Officer Tel No: 07966324582 Email: Amber.Windle@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission.



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1. Introduction

1.1. The application has been referred to the Director of Planning and Chair and Vice-Chair of the Tynedale Local Area Council Planning Committee under the Council's delegation scheme due to the number of representations received from members of the public. It was agreed that the application raises issues of wider community or significant County Council interest, and so should be considered by the Committee.

2. Description of the Proposals

2.1. Planning permission is sought for the retrospective use of the riding arena to business use for individual training, riding and boarding of horses and erection of timber store on land south west of The Old Stables, Durham Riding, Prudhoe.

2.2. The application site is located in the open countryside south of Prudhoe and is also situated within the designated Green Belt.

2.3. The application site has previously had planning permission granted for the use and construction of an equestrian area for private use only under application reference 17/01672/COU.

2.4. The application has been amended and revalidated, as incorrect notice had been served on the relevant interested parties and landowners under Certificate B of the application form. The LPA are satisfied that the correct notice has now been served as part of this current application.

3. Planning History

Reference Number: 17/01672/COU

Description: Change of use of section of existing garden extension land/agricultural grazing land to equestrian ménage for personal use only and removal of 45 metres of hedgerow (amended 06.07.2017)

Status: PERMITTED

4. Consultee Responses

Prudhoe Town Council	No response received.
Highways	The additional information has been assessed and HDM are satisfied that the development site has enough parking space required for the visitor's number/delivery/horse trailers etc as identified and given the likely number of 10 vehicle average on a weekly basis, it is not considered that the proposal will create road safety issues at this location and no access improvement works are recommended for the given scale. HDM have no outstanding concerns that needs to be addressed and there is no objection to the proposal subject to conditions and informatives.
County Ecologist	No objection subject to conditions - the proposed development may impact on protected or notable species, designated nature conservation sites or priority habitat in the absence of mitigation. In accordance with planning policy the development should provide a net gain for biodiversity which can be achieved through the provision of hedgehog tunnels bird and bat boxes, secured through a planning condition.
Lead Local Flood Authority (LLFA)	No comment.
Countryside/ Rights of Way	No objection to the proposed development on the condition that Public Footpath No. 57 & Public Bridleways No. 19 & 20 are protected throughout.
Public Protection	No comments or objections.
Environment Agency	No response received.
Natural England	No response received.

5. Public Responses

Neighbour Notification

Number of Neighbours Notified	8
Number of Objections	7
Number of Support	15
Number of General Comments	0

Notices

Site Notice - Public Right of Way: 13th March 2023

Summary of Responses:

A total of 22 letters of representation have been received in response to the application. These are summarised as follows:

7no. Objections raise issues of:

- Ownership, state and upkeep of private road used to access the site
- Access and track not suitable for large vehicles
- Visitors parking and blocking access for residents
- Impact on the Green Belt
- Increase in traffic
- Use of lighting

15no. Support letters refer to:

- Clearly marked and accessible parking on site
- Need for the site
- Encourage small rural business
- Pre-booked appointments to limit numbers on site
- Access track maintained by applicant

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=RGGHU7QSIT900>

6. Planning Policy

6.1 Development Plan Policy

Northumberland Local Plan - 2016 - 2036 (Adopted March 2022)

- STP 1 - Spatial strategy
- STP 2 - Presumption in favour of sustainable development
- STP 3 - Sustainable development
- STP 7 - Strategic approach to the Green Belt (Strategic Policy)
- STP 8 - Development in the Green Belt (Strategic Policy)
- ECN 1 - Planning strategy for the economy (Strategic Policy)
- ECN 12 - A strategy for rural economic growth (Strategic Policy)
- ECN 13 - Meeting rural employment needs
- ECN 16 - Green Belt and tourism and visitor economy
- QOP 1 - Design principles
- QOP 2 - Good design and amenity
- ENV 1 - Approaches to assessing the impact of development on the natural, historic and built environment (Strategic Policy)
- ENV 2 - Biodiversity and geodiversity

- ENV 3 - Landscape
- ENV 4 - Tranquillity, dark skies and a sense of rurality
- TRA 1 - Promoting sustainable Connections (Strategic Policy)
- TRA 2 - The effects of development on the transport network
- TRA 4 - Parking provision in new development
- POL 2 - Pollution and air, soil and water quality

6.2 National Planning Policy

National Planning Policy Framework (NPPF) (2021, as updated)

National Planning Practice Guidance (NPPG) (2021, as updated)

7. Appraisal

7.1. In accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case, and following its recent adoption by the Council, the development plan comprises policies in the Northumberland Local Plan.

7.2. The main considerations in the determination of this application are:

- Principle of the development and Green Belt
- Design and visual impact
- Impact upon amenity
- Highway safety
- Ecology
- Impact on Public Rights of Way

Principle of the Development and Green Belt

7.3. The application site is located in the open countryside. Policy STP 1 of the Northumberland Local Plan states that development in the open countryside will be supported if it can be demonstrated that it:

- i. Supports the sustainable growth and expansion of existing business or the formation of new businesses in accordance with Policy ECN 13; or*
- ii. Supports the development and diversification of agricultural and other land-based rural businesses in accordance with Policy ECN 14; or*
- iii. Supports sustainable rural tourism and leisure developments in accordance with Policy ECN 15; or*
- iv. Provides for residential development in accordance with Policies HOU 7 or HOU 8; or*
- v. Supports the retention, provision or improvement of accessible local services and community facilities which cannot be provided in settlements, in accordance with Policy INF 2; or*
- vi. Provides for essential transport, utilities and energy infrastructure in accordance with other policies in the Local Plan; or*
- vii. Relates to the extraction and processing of minerals, in accordance with other policies in the Local Plan.*

The policy goes on to state that *'development in the open countryside should be sensitive to its surroundings, not have an unacceptable impact upon the local road network and use previously developed land where opportunities exist'*.

7.4. Policy ECN1 of the Northumberland Local Plan states that the Plan will deliver economic growth, while safeguarding the environment and community well-being, so helping to deliver the objectives of the Council's economic strategy. The Policy goes on to require proposals to support both existing and new businesses; support rural enterprise; and support and promote tourism and the visitor economy. Policy ECN 12 of the Northumberland Local Plan seeks to encourage the growth of the rural economy through facilitating the formation, growth and up-scaling of businesses in rural locations. Policy ECN 13 states that in the countryside support will be given to development which generates employment opportunities, proportionate to the rural location.

7.5. In addition, Paragraph 84 of the NPPF seeks to ensure that planning decisions enable:

- a) *the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) *the development and diversification of agricultural and other land-based rural businesses;*
- c) *sustainable rural tourism and leisure developments which respect the character of the countryside; and*
- d) *the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.*

7.6. *The application site is also within the designated Green Belt where development is strictly controlled. The NPPF attaches great importance to Green Belts. Paragraph 138 of the NPPF sets out the five purposes of the Green Belt, these are:*

- a) *to check the unrestricted sprawl of large built-up areas;*
- b) *to prevent neighbouring towns merging into one another;*
- c) *to assist in safeguarding the countryside from encroachment;*
- d) *to preserve the setting and special character of historic towns; and*
- e) *to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

7.7. Paragraph 147 maintains that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 148 states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

- 7.8. Similarly, Policy STP 8 of the emerging Northumberland Local Plan (Publication Draft Plan) relates to development in the Green Belt. Policy STP 8 states *“development which is appropriate in the Green Belt, as defined in national planning policy, will be supported”* and *“development that is inappropriate in the Green Belt, in accordance with national planning policy, will not be supported unless very special circumstances clearly outweigh the potential harm to the Green Belt, and any other harm resulting from the proposal”*.
- 7.9. Paragraph 145 of the NPPF states that local planning authorities should plan positively to enhance the beneficial use of the Green Belt, one opportunity detailed as such is to provide opportunities for outdoor sport and recreation. In the above context, Paragraph 149 of the NPPF details exceptions in regard to development in the Green Belt which includes criterion 149(b) *“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.”* It is considered that the use of a previously private riding arena to business use for individual training, riding and boarding of horses and erection of timber store would fall within this exemption and re-use an existing building.
- 7.10. As set out within National Planning Practice Guidance (NPPG), the concept of ‘openness’ in the Green Belt is considered to have a spatial (the actual physical loss of openness) and visual (perceived loss of openness) dimension, in other words, the visual impact of the proposal may be relevant, as could its volume. Other matters to consider can include the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and the degree of activity likely to be generated.
- 7.11. The proposed development would utilise an existing equestrian arena and stables with an ancillary timber store within the site. As such it is considered that the development would fall within the exception outlined within Paragraph 149(b) of the NPPF, provided that it preserves the openness of the Green Belt. In terms of openness, it is acknowledged that the development would lead to a minor degree of harm caused to the openness of the Green Belt in regards to the construction of the store, and low intensification of the use of the site which is considered to be limited as the facilities would only provide 1-2-1 coaching, exercising of horses and occasional boarding of horses which would receive approximately 10 visiting vehicles a week. The proposed development would provide facilities and opportunities for outdoor sport and recreational activities, which are considered appropriate land based business within a rural location. In this instance and due to limited usage of the facilities, the proposed development is considered to not represent inappropriate development within the Green Belt and is acceptable in accordance with Policies STP 1, STP 7, STP 8, ECN 1, ENC 12 and ECN 13 of the Northumberland Local Plan and the principles set out within the NPPF.

Design and Visual Impact

- 7.12. The site currently hosts a 39.9m by 20m outdoor riding arena which benefits from planning permission under planning application 17/01672/COU.

No changes to the arena in terms of size or design are proposed under this application. The application includes the provision of a timber storage barn located within the identified parking area for the site. It is acknowledged that the barn has already been built and measures 6.4m by 6.3m, with a maximum height of 2.9m. The site is set back from the adopted public highway to the north east of the site by in excess of 375m metres and the proposed storage barn is primarily screened to the north and west elevations by mature vegetation.

- 7.13. In light of the above, it is considered that the proposed development would result in a limited impact on the visual amenity of the site and the wider landscape. Therefore, the proposed development would accord with Policies ENV 1, ENV 3, QOP 1 and QOP 2 of the Northumberland Local Plan and the NPPF.

Impact on Amenity

- 7.14. The site is bound by 2no. privately owned tracks to the south, west and north, with residential properties adjacent to the east and a further 2no. properties located approximately 200m to the west. The proposal seek to allow the use of the existing arena and stables from personal use to use as a commercial business and for the provision of an associated timber store, parking and external lighting.
- 7.15. It is acknowledged that a total of 7no. letters of objection have been received in response to the application which raise issues over the access track, parking, traffic and use of lighting. As part of the application the Council's specialist highways and ecology consultees have been consulted on the application to assess these matters in technical terms which will be discussed later within this report. Notwithstanding these further assessments, officers note that any issues regarding the ownership and maintenance of the track is a civil matter and not a material planning consideration. An informative could also be attached to any approval to this effect to highlight that any consent does not convey approval for works affecting any other third party rights.
- 7.16. In regards to the material planning considerations raised by the letters of objections outside the scope of the consultee responses, conditions are appropriate to require restrictions on lighting times at certain times of the year but officers do consider it reasonably necessary to attach a further condition to any granting of planning permission to limit the operational times of any approved external lighting, to mitigate any adverse impact on neighbouring properties. In addition, the Council's Environmental Protection team have been consulted on the application, who have raised no objections to the proposals.
- 7.17. Although the proposals would intensify the use at the site, the level of activity proposed would be limited to 1-2-1 coaching, exercising of horses and occasional boarding of horses which would receive approximately 10 visiting vehicles a week. In this instance and subject to the aforementioned condition, officers consider that there would be no significant adverse impact upon the amenity of any nearby properties in accordance with Policies QOP 2 and POL 2 of the Northumberland Local Plan and the NPPF.

Highways Safety

- 7.18. The application proposes to intensify the use of the site as a commercial equestrian facility and as such, NCC's Highways Development Management Team have been consulted on the application to assess the impact of the proposed development on highways safety.
- 7.19. It is acknowledged that the letters of objection received in response to the application raise issues regarding the ownership, use and upkeep of the track used to access the site, parking and increase in traffic to the site. As previously mentioned, it is noted that the track used to access the site is privately owned and not maintained or adopted by the Council; therefore, In regard to concerns over parking and increased traffic, the applicant has demonstrated that enough parking for the anticipated amount of vehicles visiting the site can be accommodated within the site boundary and that the track can accommodate the types of vehicles visiting the site without causing any highways safety issues.
- 7.20. Based on the information provided, HDM have no outstanding concerns that need to be addressed and there is no objection to the proposal subject to a condition ensuring the car parking area is implemented as such. In this instance, there would be no significant impact on the safety of the highway network, and adequate provision for parking would be made in line with the requirements of Policies TRA 1, TRA 2 and TRA 4 of the Northumberland Local Plan.

Ecology

- 7.21. As the application site is within 50m of a line of trees and a beck which links two ancient woodlands and Habitats of Principal importance, the Council's Ecology team have been consulted on the application. Initial concerns were raised by the Ecologist in regards to the proposed external lighting and the lack of appropriate biodiversity enhancement proposed within the application.
- 7.22. Following the submission of a lighting report which confirms that the external lighting Lux measurement reads 1 Lux, the Ecologist is satisfied that the proposed lighting arrangements are appropriate and would not adversely affect the ecology of the area. As the proposed lighting is considered to be acceptable the Ecologist has advised that restrictions on the use of the lighting are not necessary, however to ensure that any alterations to the external lighting at the site are thoroughly considered, officers recommend that a condition regarding any changes or intensification of external lighting at the site should be attached to any granting of planning permission.
- 7.23. The proposals for proposed ecological enhancements on the site are also welcomed. The Ecologist has recommended a condition be attached to any granting of planning permission to ensure that the proposed ecological enhancements are implemented and retained.
- 7.24. Given the above and subject to the aforementioned conditions, it is considered that the development accords with Policies ENV 1 and ENV 2 of the Northumberland Plan and the NPPF in regards to Ecology.

Impact upon the Public Right of Way

7.25. The site is bound by Public Footpath no.57 to the south and Public Bridleway nos.19 and 20 run close to the site. The development although in close proximity to these Public Right of Ways would not have an impact on the Public Right of Ways. The Public Right of Way Officer has been consulted on the application and has confirmed that there are no objections to the proposed development. As such, the application would accord with Policy TRA1 of the Northumberland Local Plan and the NPPF in this respect.

Equality Duty

7.26. 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

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

Human Rights Act Implications

7.28. 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.

7.29. 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.

7.30. 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. National and local planning policies have been taken into consideration when assessing this application. The proposed development would provide facilities and opportunities for outdoor sport and recreational activities, which are considered appropriate within a rural location. The proposed development is also considered to have a limited impact on the openness of the Green Belt and can be considered an appropriate form of development within the Green Belt. Therefore, the proposed development is supported as a matter of principle for the reasons set out within this report in accordance with the Northumberland Local Plan and the NPPF.

8.2. The application would also be acceptable in all other respects, including technical matters, and it is therefore recommended that the application be approved.

9. Recommendation

That this application be GRANTED subject to the following:

Conditions/Reason

01. The development hereby permitted shall be retained in complete accordance with the approved plans. The approved plans for this development are:

- Location Plan and Proposed Site Plan, Drawing no. PRE/001 Rev C, Dated 06.01.2023
- Storage Bar Plan and Elevation, Drawing no. EX/003, Dated July 2022 (received 10th January 2023)
- Equestrian Arena Plan and Elevations, Drawing no. EX/002, Dated July 2022 (received 24th November 2022)

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

02. The car parking area indicated on the approved plans, shall be utilised and retained in accordance with the approved plans and shall not be used for any purpose other than the parking of vehicles associated with the development.

Reason: In the interests of highway safety, in accordance Policies TRA 2 and TRA4 of the Northumberland Local Plan and the NPPF.

03. Within three months of the granting of this permission, high quality bat boxes appropriate for crevice dwelling species and bird boxes appropriate for woodland species and hedgehog tunnels must be applied to the buildings and fencing on the site in accordance to drawing numbers PRE/001 Rev C and EX/003 which are approved planning documents for this application. These boxes must be applied using manufacturer's instructions and maintained for the duration of the development

Reason: To ensure the development results in a net gain for biodiversity in accordance with Policy ENV2 of the Northumberland Local Plan and the NPPF.

04. Any changes in the amount or intensity of the hereby approved external lighting shall not be installed without prior consent from the Local Planning Authority. Details of such shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the protection legally protected species and in the interests of the amenity of neighbouring properties in accordance with Policies ENV 2 and QOP 2 of the Northumberland Local Plan.

05. Between the 1st October and the 31st of March, the hereby approved external lighting shall not be operate between the hours of 21:00 and 07:00.

Reason: In the interest of preventing unnecessary impact on the Dark Skies and in the amenity of neighbouring properties, in accordance with Policies QOP 2 and ENV 4 of the Northumberland Local Plan.

Informatives

1. The applicant is reminded that this permission does not convey approval for works affecting third party rights which may exist on the land or any adjoining. The applicant is therefore advised to seek the approval of any parties having an interest in any land affected by this permission.
2. Any areas of hardstanding areas (car parks, driveways etc.) within the development shall be constructed of a permeable surface so flood risk is not increased elsewhere. There are three main types of solution to creating a permeable surface:
 - Using gravel or a mainly green, vegetated area.
 - Directing water from an impermeable surface to a border rain garden or soakaway.
 - Using permeable block paving, porous asphalt/concrete.

Further information can be found here -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7728/pavingfrontgardens.pdf

In addition the development should explore disconnecting any gutter down pipes into rain water harvesting units and water butts, with overflow into rainwater garden/pond thus providing a resource as well as amenity value and improving water quality.

3. A Public Right of Way passes close to or through the site. No action should be taken to disturb the surface, obstruct the path or in any way prevent or deter public use without the necessary legal diversion or closure order having been made, confirmed and an alternative route provided.

4. Examples of appropriate bat and bird boxes:

<https://www.wildcare.co.uk/beaumaris-bat-box.html>

<https://www.wildcare.co.uk/brecon-nest-box-32mm-hole-fsc-11253.html>

Background Papers: Planning application file(s) 22/02902/FUL