

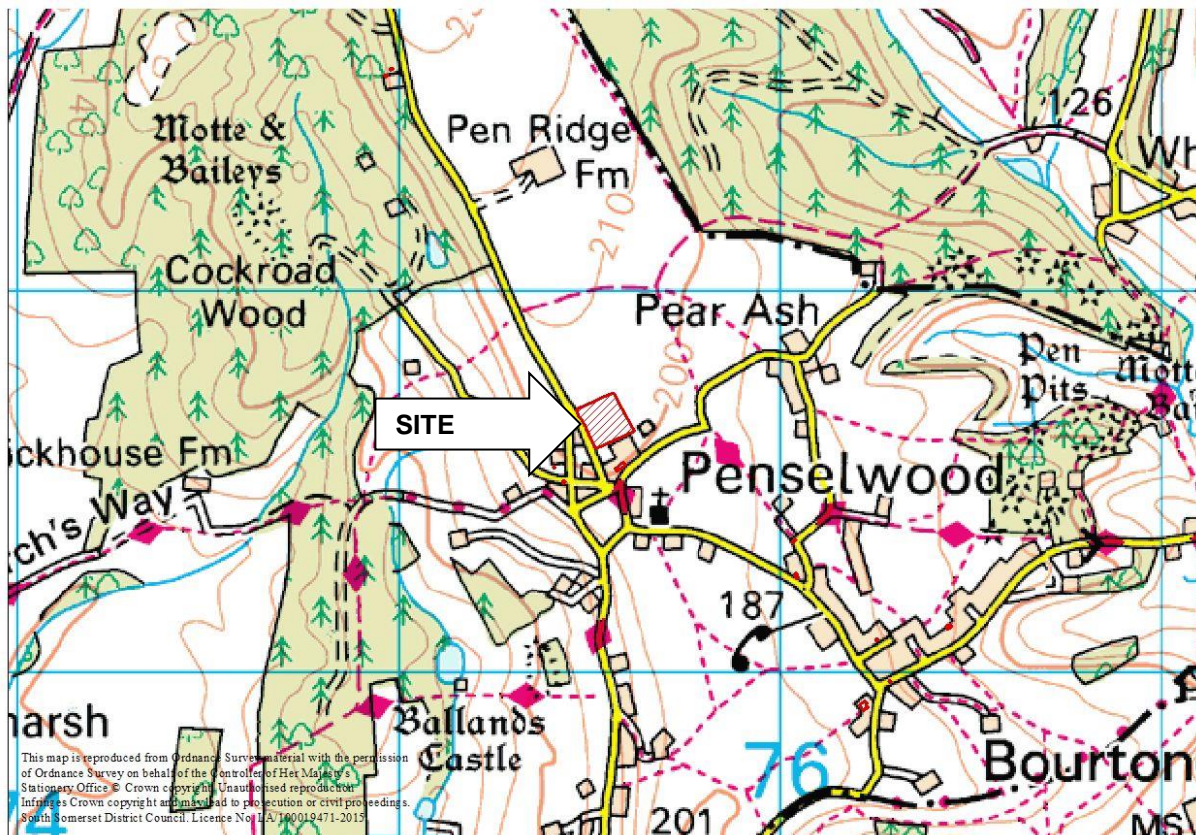
Officer Report on Planning Application: 15/03640/FUL

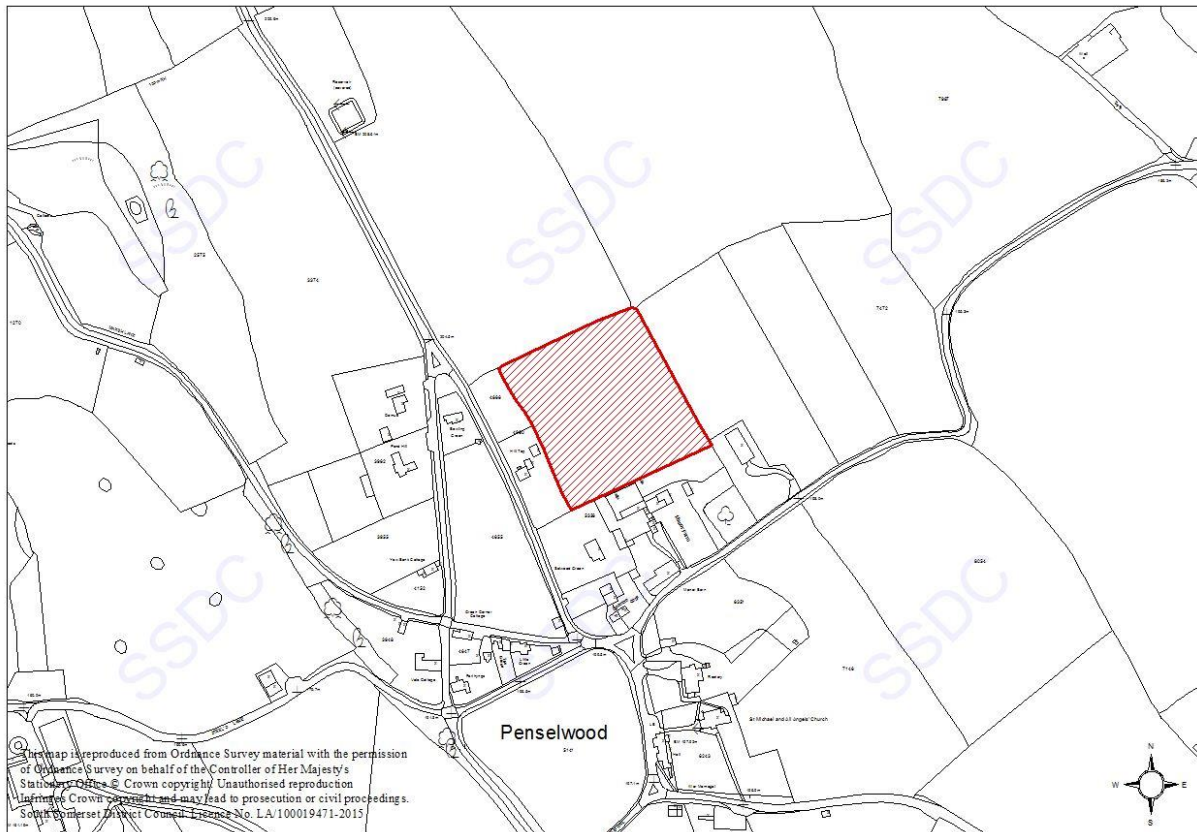
Proposal :	Change of use and erection of a block of 3 stables (GR 375542/131647)
Site Address:	Land OS 5464, Hilltop Road, Pen Selwood
Parish:	Pen Selwood
TOWER Ward (SSDC Member)	Cllr Mike Beech
Recommending Case Officer:	Sam Fox Tel: 01935 462039 Email: sam.fox@southsomerset.gov.uk
Target date :	14th October 2015
Applicant :	Mrs Louise Norton
Agent: (no agent if blank)	
Application Type :	Minor Other less than 1,000 sq.m or 1ha

REASON FOR REFERRAL TO COMMITTEE

This application is referred to the committee at the request of the Ward Member(s) with the agreement of the Area Chairman to enable the comments of the neighbour to be fully debated.

SITE DESCRIPTION AND PROPOSAL





The site is located on the northern edge of the village. The site is an agricultural field set back from the highway behind a residential dwelling and adjoining paddock to the west of the site. Access is derived off the highway by a finger of land in the adjoining field to the north. The applicants dwelling along with an additional dwelling lie to the south with agricultural land to the east.

This application seeks permission for the change of use of land from agricultural to equestrian with the erection of a block of 3 stables.

RELEVANT HISTORY

None relevant

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

On 5th March 2015 the South Somerset Local Plan (2006 - 2028) was adopted. Therefore it is considered that the development plan comprises this plan.

On this basis the following policies are considered relevant:-

Policies of the adopted South Somerset Local Plan (2006-2028)

Policy EQ2 - General Development

Policy EQ8 - Equine Development

National Planning Policy Framework

7 - Requiring good design

CONSULTATIONS

PEN SELWOOD PARISH COUNCIL - Pen Selwood Parish Council have received representation from the immediate neighbours of this property who, like the Parish Council, have concerns about the siting of the stable block which is considered to be too close to the garden of the adjoining property. It is considered that if the stable block is to be sited against this boundary hedge, it should be at the North end of the hedge, near the entrance to the field and at least 5 metres from the boundary to allow access by a tractor to maintain the hedge. There is also concern that there is no mention of the development and site of a manure heap and its associated run off, smell, flies, etc. We are also aware that the adjoining property does have a well within the front conservatory. We are concerned that amenity of the adjoining property could be damaged.

At the meeting the applicant did appear to be amenable to a change of site for the stable block and assured the meeting that it was not her intention to "upset anyone".

Subject to these concerns being suitably addressed, the Parish Council has no objection to the change of use or the erection of stables.

COUNTY HIGHWAY AUTHORITY - On basis that the stables are for private use, ancillary to the Applicant's residential property Selwood Green, I would not wish to raise a highway objection.

SSDC LANDSCAPE OFFICER - noting the proposed site to lay in close proximity to both the corner of the plot, and the host residence, I have no substantive landscape issues to raise.

ENVIRONMENTAL PROTECTION - I have considered this application as well as the comments made by other contributors. I cannot support any objection to this application as there is no reason to believe that a well manage small stable block will have any detrimental impact on local amenity. I therefore have no objection.

CRANBORNE CHASE AONB - The AONB is content with the proposal so long as any external lighting complies with the AONBs Position Statement on Light Pollution. I note other consultees' comments about a need for a muck heap and I agree with that. However, the AONB could not support a relocation of the proposed stables at the far side of the field because that would introduce a built structure into the wider countryside as well as being more distant from the house and the need for a degree of oversight in the interests of the welfare of the horses. In addition a water supply will be needed and doubtless that can be most readily obtained from the house.

REPRESENTATIONS

Four letters of representation have been received from one neighbour raising the following issues:

- Stable too close to boundary, only 2m away.
- No manure heap details, stored/managed and where will it be sited.
- Hedge cutting hindered by too small gap of 2m, hedge has been in place for hundreds of years.
- Position will be facing easterly prevailing wind, should be moved to other side of field.
- Concern over odour, flies and rodents from manure heap.
- Will DEFRA/Environment Agency issue guidelines.

APPLICANTS CASE

The applicant, following receipt of concerns raised by the neighbour, responded by way of an

email on 24 September 2015 to try and address some of the issues raised as follows:

Water supply will be from the residential dwelling as the other fields containing the water troughs are not in my ownership.

Taking into consideration the concerns of the neighbour regarding the muck heap, I would be happy to locate it at the top of the field near the entrance gate. It would never be burned on site and would be removed regularly.

Hedge cutting would not be hindered as proposed location has no hedge only overhang of trees from neighbouring property.

Moving stable to far side of field is not possible as too exposed to severe weather, too far to carry water and an eyesore for neighbours.

Stables would only be used in very wet conditions, mainly winter, when there are very few flies around.

CONSIDERATIONS

Description

The proposal involves the erection of timber stable in an agricultural field measuring approximately 10.8m long, 3.6m deep and 3.2m to the ridge. The proposal will be sited in the south west corner of the site approximately 2m from the western boundary with the neighbouring property and approximately 1m from the southern boundary of the applicants dwelling.

Neighbour/Parish comments

A number of concerns were raised by a neighbour and these concerns were reiterated by the Parish Council. I will address each of these concerns in turn before addressing any outstanding planning matters.

Firstly the location of the proposal close to the boundary of the neighbouring property has been raised as a concern. The neighbour has suggested moving the proposal to the west side of the field whilst the Parish Council have suggested moving it to the north end of the field close to the access. However, the proposed location of the building is close to the built form behind a mature hedge/trees and is not considered to cause unacceptable harm to the character of the landscape or the wider AONB. The Landscape Officer is satisfied with the siting of the proposal while the AONB are not only content with the siting but would oppose any relocation of the proposal to the far side of the field (west) as it would introduce a built structure into the wider countryside as well as being more distant from the house and the need for a degree of oversight in the interests of the welfare of the horses along with the practical supply of water from the dwelling. Whilst the neighbour has contended both these issues as a barn is in the neighbouring field to the west, this is secreted behind a mature high hedge and is further south than the building would be if it were moved to that corner of the south, and many horses are in fields distant from the owners dwelling, the siting has been considered on its own merits and is considered acceptable.

Two related concerns have been raised as to the siting of the proposal. One regarding the position of the stable in terms of facing the prevailing wind. Whilst other buildings around the area may face a different direction the applicant considers the position of the proposal to be suitable for her horses in terms of adequate shelter. Two, the need for access to water from the main dwelling. The neighbour has argued that troughs are already available for water and this negates the need for the stable to be close to the dwelling. The applicant has responded stating there are no troughs in her field as she did not buy all the land that was for sale and she will be obtaining a water supply from her residential garden.

Secondly, concern has been raised to the impact of a manure heap on the site in terms of

odour, flies and possible vermin. The initial concern was due to a lack of information regarding this issue which was subsequently addressed by the applicant stating she would be happy to site the muck heap at the northern end of the site near the entrance gate and it would be removed from the site on a regular basis and never burned. The neighbour contended this by stating the stables could be moved to that end of the site and being closer to the muck heap would be easier for the applicant. The Environmental Protection Officer was consulted in regard to these concerns and also the potential issues of noise nuisance, but raised no objections to the scheme. It should further be noted that the proposed stables, due to their domestic scale, are unlikely to create more issues in these areas of concern than many agricultural uses that could be carried out on the site without the need for planning permission.

Thirdly, the position of the proposal 2m from the boundary and its possible impact on hedge cutting has been raised. The applicant has responded and states the proposal will not hinder the hedge cutting as there is no hedge in this corner of the field only an overhang of trees from the neighbour's garden. A post and rail fence has been put around this corner of the site by the previous owner and no hedge cutter goes to this area. The neighbour has contended this stating the hedge, which is hundreds of years old, is within their boundary and has been maintained by them for 35 years. The overhang of trees are hazel trees let to grow to be re-laid and coppiced. The hedge cutter has cut the whole boundary hedge once a year. The post and rail fence was installed to allow the previous owner to have an area separated from the animals to burn waste. They would like us to recognise their requirement for continued tractor access to maintain it. The maintenance of the hedge and access to the site to do this is a civil matter and must be dealt with by the applicant and the neighbour directly.

Fourthly, the neighbour has queried whether DEFRA or Environmental Agency will be issuing guidelines. This is not a planning matter and the applicant and neighbour will need to check for any regulation compliance with other agencies.

Visual amenity

The proposal is considered to be appropriate in terms of size, scale and design. The Landscape Officer has raised no objection to the siting of the proposal nor the Cranborne Chase AONB, advising any re-location of the building from the proposed site would be opposed by them. On this basis it is not considered that it would harm the character of the property or have a detrimental impact on the visual amenity of the area.

Residential amenity

The proposed building is some 20m from the neighbouring dwelling and at the end of their 35m long front garden on the other side of a high mature hedge and tree boundary whilst the applicant has advised the muck heap will be sited at the northern end of the field, approximately 70m from the dwelling and again on the other side of a high mature hedge boundary. The neighbour has stated this is an area of their garden that they have trees planted and they regularly use to burn their waste, understandably as it is some distance from the dwelling, therefore, this would not appear to be an area that would be used in the same way as a patio seating area for example. The Environmental Protection Officer does not consider the proposal harmful to residential amenity and has raised no objection. It is not considered that the proposal would harm local residential amenity.

Cranborne Chase AONB

The AONB support the proposal in its current location and would resist any attempt to move the stable across the field. The only concern raised was complying with their statement on light pollution, which can be dealt with by way of a condition.

CONCLUSION

The proposal is similar to that of 09/02781/FUL, which was won at appeal and covered the main issues regarding position to residential dwellings and the impact of noise, odour, flies and

vermin. The proposal is significantly distant from the main dwelling behind a mature high hedge and the muck heap will be even further again, over the required distance of 50m from a well or water source. There are no environmental protection concerns and the position is supported by both the Landscape Officer and the AONB, to the point where the AONB have stated they will not support a re-location to the other side of the field as suggested by the neighbour. This is a small scale development which can be conditioned to remain so whilst a condition to prevent the burning of waste on site and external illumination will ensure further protection for neighbours and the landscape. Overall the proposal is considered acceptable in terms of visual and residential amenity, accordingly the proposal is considered to comply with policies EQ2 and EQ8.

RECOMMENDATION

Grant permission subject to the following conditions

01. The proposal, by reason of size, scale, materials and use causes no demonstrable harm to residential amenity, respects the visual amenity of the wider AONB and does not cause unacceptable harm to the distinctive character and quality of the Local Landscape in accordance with the aims and objectives of policies EQ2 (General Development), EQ_ (Pollution Control) and EQ8 (Equine Development) of the South Somerset Local Plan (Adopted 2006-2028) and the provisions of the NPPF (2012).

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The materials to be used in the development hereby permitted shall be those as identified within the planning application and no other materials unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of visual amenity and to comply with saved policy EQ2 (General Development) of the South Somerset Local Plan (2006-2018) and the provisions of chapter 7 of the National Planning Policy Framework.

03. No means of external illumination shall be installed on any part of the site without the prior written consent of the Local Planning Authority. Any details that may be agreed shall not be subsequently altered unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of residential and visual amenity and to comply with policy EQ2 of the South Somerset Local Plan (2006-2028).

04. There shall be no burning of any waste in association with the proposal on the site.

Reason: In the interests of residential amenity and to comply with policy EQ7 of the South Somerset Local Plan (2006-2028).

05. The building hereby approved shall be used on for the keeping of horses for the private and recreational purposes of the occupants of Selwood Green and for no other purpose unless otherwise agreed in writing by the Local Planning Authority.

Reason: The application has been assessed on this basis only and in the interests of safeguarding amenities in accordance with policy EQ2 of the South Somerset Local Plan (2006-2028).

06. The development hereby permitted shall be carried out in accordance with the following approved plans: Details and drawings received on 29 July 2015 and 19 August 2015 and details received by email from the applicant on 24 September 2015.

Reason: For the avoidance of doubt and in the interests of proper planning.
