

Area West Committee – 21<sup>st</sup> August 2013

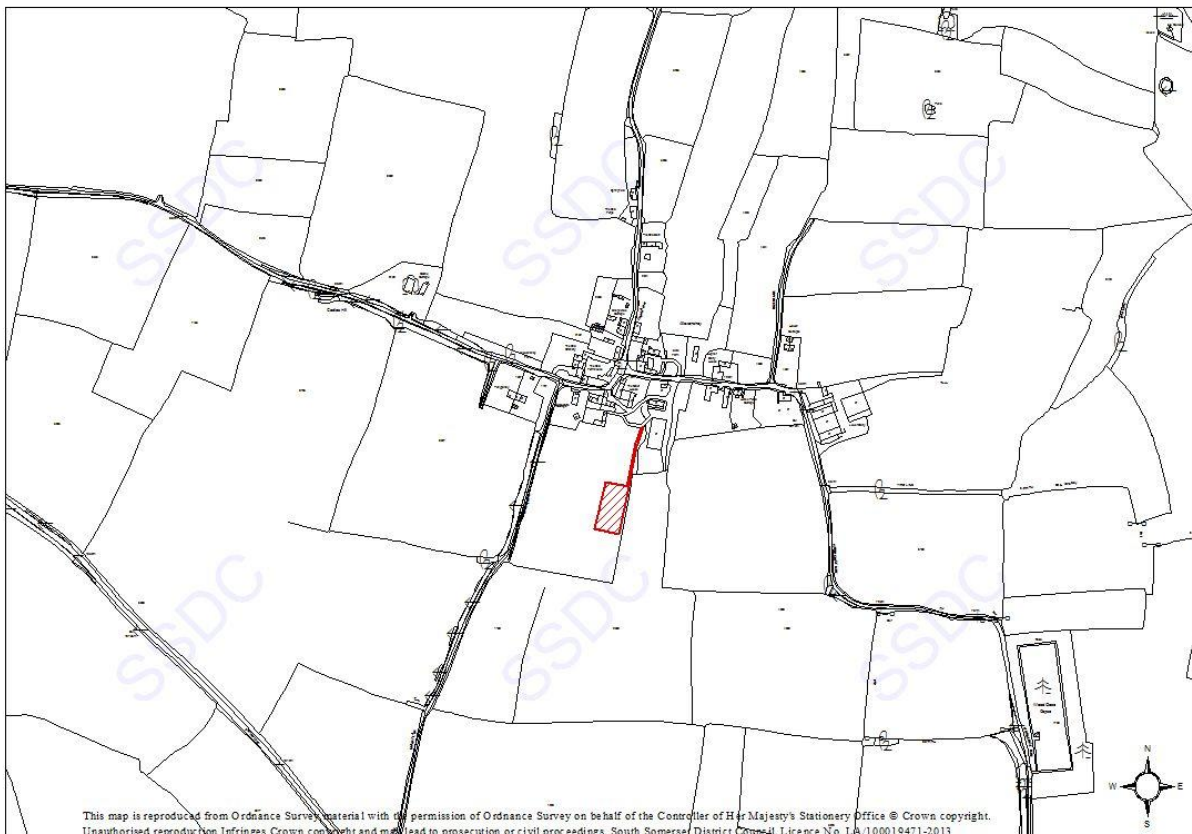
**Officer Report On Planning Application: 13/01334/FUL**

<b>Proposal :</b>	Change of use of land to equestrian and formation of a manège. (GR 339235/113241)
<b>Site Address:</b>	The Cattle Barton, Ludney Lane, Allowenshay
<b>Parish:</b>	Kingstone
<b>WINDWHISTLE Ward (SSDC Member)</b>	Cllr S Osborne
<b>Recommending Case Officer:</b>	Linda Hayden Tel: 01935 462534 Email: linda.hayden@southsomerset.gov.uk
<b>Target date :</b>	7th June 2013
<b>Applicant :</b>	Mr Nick Rutter
<b>Agent: (no agent if blank)</b>	James Ewart Fox, 55 The Park, Yeovil, Somerset BA20 1DF
<b>Application Type :</b>	Minor Other less than 1,000 sq.m or 1ha

**REASON FOR REFERRAL TO COMMITTEE**

The application is presented to the Committee at the request of the Ward Member and with the agreement of the Area Vice-Chair in order for the Committee to consider issues relating to public interest, landscape impact and use of agricultural land.

**SITE DESCRIPTION AND PROPOSAL**





The application site forms part of a larger agricultural field located to the south of the owner's property within the small hamlet of Allowenshay.

It is proposed to install a manège on the land that will be surrounded by 1.1m post and rail fence. The facility would be for the personal use of the applicant only and a block of tree planting has been agreed with the Landscape Officer along the northern edge.

## HISTORY

12/04602/s73A - Application to removed condition 09, 10, 13, 14 and 15 of permission 10/04675/FUL to remove the work element. Approved 4/1/2013.

11/01371/FUL - The reception of a detached garage and car port. Approved 10/6/2011.

10/04675/FUL - Conversion of agricultural barn into live work unit. Approved 6/1/2011.

## POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decisions must be made in accordance with relevant Development Plan documents unless material considerations indicate otherwise.

### Relevant Development Plan Documents

Saved policies of the South Somerset Local Plan:

Policy ST3 - Development Areas

Policy ST5 - General Principles of Development

Policy ST6 - The Quality of Development

Policy EC3 - Landscape Character  
Policy CR6 - Horses and Development

National Guidance  
National Planning Policy Framework - March 2012  
Chapter 7 - Requiring Good Design  
Chapter 11 - Conserving and Enhancing the Natural Environment

## **CONSULTATIONS**

### **Kingston and Allowenshay Parish Meeting:-**

Objected to the original application (without landscaping) for the following reasons:-

- '1. The siting of the manège is inappropriate to the character of the hamlet of Allowenshay. An isolated manège in a rural landscape is contrary to good design practice.
2. The proposed manège is outside the applicant's immediate domestic curtilage and use should be made of existing stable buildings belonging to the applicant in the hamlet.
3. The proposal has a detrimental impact and appearance on the immediate neighbour

The parish meeting would draw your attention to the fact that the site location plan showing the boundaries of the site are incorrect and that no reference is made to the immediate neighbour, the Potato Barn.'

Objected to the amended plans:-

'We note the comments from Mr Robert Archer, the SSDC Landscape Architect, that the preferred option is to locate the manège in close proximity to built form and in an unobtrusive location.

The parish meeting considers the proposed landscaping proposals do not resolve this issue. In fact the opposite. By planting trees on one side of the manège the effect is to draw attention to the development and enforce its incongruity in a landscape context.

We object to the proposal.'

### **Landscape Officer:-**

Asked that alternative locations be considered for the manège but upon discovering that these were not within the applicant's landownership a landscape buffer was negotiated with the agent. The Landscape Officer has now verbally confirmed that he does not object to the application on landscape grounds.

### **Area Engineer, Technical Services Department:-**

No observations.

## **REPRESENTATIONS**

Three representations have been received: one in support with two responses objecting to the development. The supporting response makes the following comments:

- Welcome and support the proposed arena as it will be a benefit to the community giving local children a safe place to ride.

The objectors make the following comments:

- Query if the application relates to the land outlined in red or blue

- The location plan does not fully demonstrate the isolated position of the proposed manège. Manèges are normally larger than that shown on the plan
- Use of the track will cause loss of amenity through noise and disturbance to neighbouring property
- Concern about 'site for future stables' that is shown on the plans as this would be too close to neighbours
- Site is in a prominent rural location and in an isolated position it would be an alien feature and contrary to Policy EC3
- Contrary to Policy ST3 which restricts development in the countryside and CR7 which advises that manèges should be related to existing group of buildings
- Contrary to advice within NPPF for similar reasons as EC3, ST3 and CR7
- Applicants own stables on a separate site and should consider placing the manège in this location

## CONSIDERATIONS

The main planning issues with this proposal are considered to relate to landscape impact and impact upon neighbouring amenity.

### Landscape Impact

Whilst the proposed site is 75m from the main dwelling, it is considered that the location chosen, against the mature hedge, is the most preferable in landscape terms. The site is relatively flat and as such there will be no significant excavation required to install the arena. The proposed fencing at 1.1m is low and will have very limited visual impact. Overall, whilst the location is not ideal, it is not considered that the landscape impact that would result would be so harmful as to justify refusal of this application. Furthermore, the proposed landscaping scheme will ensure that any impact that does result will be softened by a wide band of new tree planting.

### Impact upon neighbouring amenity

Due to the distance between the site and residential properties within Allowenshay, it is not considered that the proposal would cause unacceptable loss of residential amenity as the facility is for private use only and does not include any form of lighting. Appropriate conditions can be attached to provide that this remains the case. It is not considered that there would be such a significant increase in the use of the track alongside the barn conversions at the entrance as to justify refusal of the application.

### Summary

The Landscape Officer now considers that the proposal is acceptable in landscape terms as additional planting is proposed to soften the impact of the development. As the arena will be for the personal use of the applicant only it is not considered that there would be a significant impact upon neighbouring amenity.

## RECOMMENDATION

Approve

01. It is considered the proposed development would not have a detrimental impact upon the local amenities or landscape character of the area. As such the proposal is considered to accord with Policies ST5, ST6, EC3 and CR6 of the South Somerset Local Plan.

**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 development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan (1:1250) received 16 May 2013; fence details (1:500) and site plan (1:500) received 28 March 2013; and planting scheme (1:20) received 3 June 2013.

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

03. The landscaping scheme (planting scheme received 3 June 2013) shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority. For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with South Somerset Local Plan Policies ST6 and EC3.

04. The manège hereby permitted shall be used for private and domestic purposes associated with the occupiers of The Cattle Barton only and shall not be used for any business of commercial use.

Reason: In the interests of local amenities and highway safety, in accordance with Policies ST5 and ST6 of the South Somerset Local Plan.

05. There shall be no floodlights/external lighting installed or used at the site.

Reason: To protect residential amenity and to protect the dark skies in accordance with saved Policies ST6 and EC3 of the South Somerset Local Plan.

**Informatives:**

01. The applicant is advised that this consent does not imply any acceptance/approval of the site for future stables.
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