

**Item No. 15****SCHEDULE C**

<b>APPLICATION NUMBER</b>	<b>CB/11/01430/FULL</b>
<b>LOCATION</b>	<b>The Paddocks, Springfield Road, Eaton Bray, Dunstable, LU6 2JT</b>
<b>PROPOSAL</b>	<b>Change of use from builders yard to all weather riding arena and construction of stables</b>
<b>PARISH</b>	<b>Eaton Bray</b>
<b>WARD</b>	<b>Eaton Bray</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Mrs Mustoe</b>
<b>CASE OFFICER</b>	<b>Abel Bunu</b>
<b>DATE REGISTERED</b>	<b>12 April 2011</b>
<b>EXPIRY DATE</b>	<b>07 June 2011</b>
<b>APPLICANT</b>	<b>Mr K Janes</b>
<b>AGENT</b>	<b>Mr C A Emmer</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Applicant is a Councillor</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Granted</b>

**Site Location:**

The Paddocks comprises a two-storey building in use as a dwelling house and a residential care home. It is located on a holding of approximately 2.4ha, which forms part of the small settlement of Wellhead and within the South Bedfordshire Green Belt and the open countryside. The original property was built as an agricultural dwelling in 1987 with an agricultural tie. In November 1997 planning permission was granted for the change of use of the property to a residential care home. The rest of the land to the south west of the principal buildings is shown on the plans submitted with the application as paddock land and a builder's yard.

The application site

The site for the proposed development is enclosed by a post and rail fence which separates it from the adjoining paddock land. The site is mainly used as a yard in connection with the premises and at the time of the officer's site visit, was occupied by stacks of pallets, disused lorry bodies and a stable block adjoining the paddock.

**The Application:**

seeks permission to carry out the following developments :

1. Change of use of land to provide an all-weather riding arena, by construction of a manege measuring approximately 60 metres wide and 25 metres deep and lit by 6 floodlights mounted on 6 metre high poles placed at the corners and mid points of the longer span of the arena.
2. Construction of a stable block involving the demolition of the existing stable building measuring approximately 118 square metres. The building would be

situated next to the south eastern boundary of the site, would have a depth of 8,2 metres and an overall depth of 16.3 metres. Set back from the property boundary by 1 metre, the building would be clad in timber and would sit under a black profiled metal roof with a maximum height of 3.5 metres to the ridge.

## **RELEVANT POLICIES:**

### **National Policies (PPG & PPS)**

PPG2 - Green Belts  
PPG13 - Transport  
PPS7 - Sustainable Development in Rural Areas  
PPS1 - Delivering Sustainable Development

### **Regional Spatial Strategy East of England Plan (May 2008)**

ENV7 - Quality in the Built Environment

### **Bedfordshire Structure Plan 2011**

None saved.

### **South Bedfordshire Local Plan Review Policies**

BE8 - Design Considerations  
NE11 - Horse Related Development

### **Supplementary Planning Guidance**

Design in Central Bedfordshire, A Guide for Development, Adopted 23 July 2010.

### **Planning History**

- SB/TP/05/1149 - Refused. Erection of a single storey side extension to residential care home providing 4No. bed spaces with wc facilities.
- SB/TP/05/0103 - Continued use of part of outbuilding as office, laundry & stores and retention of covered link.
- SB/TP/02/0228 - Refusal for erection of single-storey side extension to provide 6 additional bedrooms to residential care home. (Appeal dismissed 25/07/2003).
- SB/TP/99/0343 - Permission for erection of side conservatory.
- SB/TP/98/0206 - Permission for erection of two-storey side extension to house, lift shaft and motor room.
- SB/TP/97/0772 - Permission for change of use from agricultural dwelling to residential care home with associated parking.
- SB/TP/96/0766 - Refusal for change of use from agricultural dwelling to residential care home. (Appeal dismissed).
- SB/TP/94/0111 - Refusal for change of use from agricultural dwelling to residential care home.
- SB/TP/91/0168 - Refusal for change of use to part bed and breakfast accommodation.
- SB/TP/87/1149 - ARM for erection of detached chalet bungalow.

- SB/TP/87/0318 - Outline Permission for erection of detached bungalow (Agricultural occupancy).
- SB/TP/85/0483 - Temporary permission for agricultural worker's mobile home (1985-1987).
- SB/TP/83/0552 - Refusal for agricultural worker's mobile home. (Appeal dismissed).
- SB/TP/81/0888 - Refusal for stockman's bungalow.

**Representations:  
(Parish & Neighbours)**

- |                           |  |
|---------------------------|--|
| Parish Council            | <p>Objection</p> <ul style="list-style-type: none"> <li>• Over-development</li> <li>• Conflict with old people's home</li> <li>• Additional pressure on current road system (dual carriageway)</li> <li>• However, if planning permission is granted, the development should be for personal use only.</li> </ul>  |
| Neighbours<br>Manton Road | <p>Objection</p> <ul style="list-style-type: none"> <li>• 6 stables not necessary. There are many stables in the surrounding area</li> <li>• There are two maneges in the area and an indoor arena</li> <li>• There is limited grazing at the property</li> <li>• This could be another business use on the property in addition to the care home. Over the years there have been a succession of business uses on the site often without planning permission.</li> <li>• There are enough developments on the site</li> </ul> |

**Consultations/Publicity responses**

- |                              |   |
|------------------------------|---|
| Environmental Health Officer | <p>No objections.</p> <ul style="list-style-type: none"> <li>• Recommends a condition which requires the applicant to take appropriate measures to remediate the site in the event that contamination is discovered.</li> <li>• No manure should be burnt on site</li> <li>• The development should only be used for private non-commercial purposes</li> <li>• Informatives are also recommended regarding the proper handling of agricultural waste, construction of stables and the installation of flood lights.</li> </ul> |
| Internal Drainage Board      | <p>Recommends that a condition be attached to any permission to deal with drainage issues.</p>  |

**Determining Issues**

The main considerations of the application are:

1. Whether or not the proposal constitutes inappropriate development in the

- Green Belt
- 2. Impact on the character and appearance of the area
- 3. Impact on residential amenity
- 4. Highway safety
- 5. Other matters

### **1. Appropriateness in the Green Belt**

The current application seeks permission for the change of use of land and the erection of a timber stable block, menage, post and rail fencing and installation of flood lights mounted on poles. The main issue to consider therefore is whether or not the development constitutes inappropriate development in the Green Belt and if so, whether or not there are very special circumstances justifying approval of the scheme.

National advice contained in Planning Policy Guidance 2, 'Green Belts' (PPG 2) states that the provision of essential facilities for outdoor sporting and recreational activities are not inappropriate in the Green Belt and small stables are cited as an example. Further advice contained in Planning Policy Guidance 17, 'Planning for Open Space, Sport and Recreation' (PPG 17) confirms that permission should be granted for outdoor sport and recreation facilities where the openness of the Green Belt would be maintained and development should be the minimum necessary. This advice is further amplified in Planning Policy Statement 7 (PPS7) at paragraph 1(vi) which states that all development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.

In this case, the proposed development is required for the private use of the applicant's family in association with the keeping of horses for recreational purposes. The extent of the proposed development is considered small scale and given the level of landscaping around the site and any further planting that could be secured by condition, would not have an overall harmful effect on the openness of the Green Belt and visual appearance of this countryside location hence conforming to national advice. Furthermore, the proposed stable building would replace an existing one and it is considered that the replacement building would not be materially more harmful to the Green Belt than the existing structure. The proposed development is therefore considered appropriate in the Green Belt and very special circumstances need not be demonstrated.

### **2. Impact on the character and appearance of the area**

Policy NE11 of the adopted local plan provides guidance for the determination of horse-related developments. The policy states that:

*Where horse related development is proposed, favourable consideration will not be given unless the following conditions are met:*

- 3. *the proposal does not give rise to the need for a new residential unit.*
- 4. *the proposed development (including ancillary development such as maneges, hardstanding, lighting, boundary fencing, jumps and equipment) can be constructed and operated without having a detrimental impact on residential amenity, the open character and appearance of the Green Belt and/or the countryside.*
- 5. *the ratio of stabling or loose boxes to grazing land is no greater than one loose box or single stable unit per 0.5ha and the proposal does not involve or*

*result in the sub-division of fields into small paddocks with stable and fencing in each new area.*

- 6. the site can accommodate off road parking and a turning area and has access onto a highway without the need for vehicular accesses which would fundamentally affect the character and appearance of the site and its countryside setting.*
- 7. maximum use is made of existing buildings in preference to constructing new ones.*
- 8. stables, loose boxes and other related buildings are sited adjacent to existing buildings or natural features such as trees, woodland or hedgerows and are grouped together where more than one is proposed.*
- 9. built development is landscaped using appropriate native local species to minimise visual intrusion and is designed to blend with its rural surroundings.*

Given that there is a residential dwelling already on the site, the proposed development would not give rise to the need for another dwelling. With regards the possible impact of the development on residential amenity, appropriate conditions would be attached to ensure that no material harm would result in this respect. As has been discussed above, the character and appearance of the Green Belt would be protected through a landscaping condition. The proposed development would utilise the existing access and there is adequate parking turning area within the site. Whilst it is recommended to re-use existing buildings in this case, the proposed stable block would be of a better quality and situated in a less visually intrusive location closer to the group of existing building than the stable block it would replace. Taking these factors into account, it is considered that the proposed development would not conflict with the broad objectives of the Council's policies as outlined above.

### **3. Residential amenity**

As has already been discussed above, any likely harm to residential amenity would be adequately mitigated by appropriate conditions to control the future use of the site.

### **4. Highway safety**

Given that the proposed development is required for the personal use of the applicant, would utilise the existing access and the fact that the site has adequate parking and turning space, it is considered that no prejudice to highway safety would arise. It is not anticipated that this private use of the development would generate additional traffic to the site such as would cause detrimental harm to highway safety or residential amenity.

### **5. Other considerations**

The Parish Council's objections are noted but are not considered material to cause the refusal of planning permission as has been demonstrated by the appraisal of the scheme above. The objections raised by a local resident are also noted but these too, are not considered sufficient to cause a refusal of planning permission. Reference has been made to alternative facilities within the vicinity of the site but no evidence has been given to demonstrate what harm would result from approving the development. National advice recommends that in appropriate cases, such as this, it is proper to grant permission with conditions rather than reject an application where no overall harm would result to matters of acknowledged planning interest. Failure to do so might constitute unreasonable behaviour on the part of the Local Planning Authority.

## Recommendation

That Planning Permission be **GRANTED** subject to the following:

- 1 The development shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 **Before development begins, samples of the materials to be used for the external walls and roofs of the stable building shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

**Reason: To control the appearance of the building.  
(Policy BE8 S.B.L.P.R).**

- 3 The stable building and manege hereby approved shall only be used in association with the keeping of horses for private use and not for commercial use and for no other purpose other than with the express written approval of the Local Planning Authority.

Reason: To ensure that the approved development is not used for any commercial purpose considered inappropriate in the Green Belt.  
(Policies BE8 & NE11 S.B.L.P.R).

- 4 Notwithstanding the details submitted with the application, further details of the lighting scheme shall be submitted to and approved by the Local Planning Authority prior to installation and thereafter, no other external lighting shall be installed on the building and at the manege or anywhere within the site without the prior express written approval of the Local Planning Authority.

Reason: To preserve the visual amenities of the Green Belt and in the interests of residential amenity.  
(Policies BE8 & NE11 S.B.L.P.R).

- 5 Pursuant to condition 4, the approved lights shall not be lit outside the hours of 0800 to 2100 on any day.

Reason: In the interest of protecting residential amenity and the character of the countryside.  
(Policy BE8 S.B.L.P.R).

- 6 Prior to the first use of the development hereby approved, details of the method of manure disposal shall be submitted to and approved by the Local Planning Authority. Development shall thereafter be carried out in accordance with the approved details and no manure shall be burnt on site.

Reason: To protect residential amenity.  
(Policy BE8 S.B.L.P.R).

- 7 If during any site investigation, excavation, engineering or construction works, evidence of land contamination is identified, the applicant shall notify the Local Planning Authority immediately. Any land contamination identified shall be remediated to the satisfaction of the Local Planning Authority.

Reason: To ensure the site is safe to use .  
(Policy BE8 S.B.L.P.R).

- 8 The existing stable building shown on Drawing Number 0102/A shall be demolished and the site cleared to the satisfaction of the Local Planning Authority prior to the first use of the development hereby approved.

Reason: To prevent the proliferation of buildings that would be harmful to the openness and visual appearance of the Green Belt.  
(Policy BE8 S.B.L.P.R).

- 9 **Details of the method of disposal of foul and surface water drainage shall be submitted to and agreed in writing by the Local Planning Authority including any land drainage system, before the development is commenced. Thereafter no part of the development shall be brought into use until the approved drainage scheme has been implemented.**

**Reason: To ensure that adequate foul and surface water drainage is provided and that existing and future land drainage needs are protected.**

- 10 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 0101, 0102/A, 0103, 0104, 0105, 0106/A & 107.

Reason: For the avoidance of doubt.

## **Reasons for Granting**

The proposed development is not considered inappropriate in the Green Belt and would not be harmful to the character and appearance of this countryside location. Furthermore, due to adequate separation distances and the existing and proposed landscaping, the development would not be harmful to residential amenities. The development is not likely to generate additional traffic such as would prejudice highway safety. The proposal would therefore not conflict with national, regional and local plan policies.

## **Notes to Applicant**

1. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the Regional Spatial

Strategy for the East of England (the East of England Plan and the Milton Keynes and South Midlands Sub-Regional Strategy), Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review and material considerations do not indicate otherwise. The policies which refer are as follows:

**East of England Plan (May 2008)**

ENV7 - Quality in the Built Environment

**South Bedfordshire Local Plan Review**

BE8 - Design Considerations

NE11 - Horse Related Development

2. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).
3. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
4. The Buckingham & River Ouzel Internal Drainage Board advise that it is essential that ground conditions be investigated and if found satisfactory, the soakaways constructed in accordance with the latest Building Research Establishment Digest.  
In the event that ground conditions are found not to be suitable for soakaway drainage, any direct discharge to the nearby watercourse will require the Board's prior consent. Please contact the Internal Drainage Board at Cambridge House, Cambridge Road, Bedford, MK42 0LH - Telephone (01234 354396) - E-mail [contact@idbs.org.uk](mailto:contact@idbs.org.uk)
5. The applicant is advised that agricultural waste now falls within the definition of controlled waste and is therefore subject to the Duty of Care provisions set out in the Environmental Protection Act 1990. There are however current exemptions for manure waste. Further information in this respect can be obtained from the Environment Agency at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) or on 08708 506506.
6. The layout, design and construction of the stables should be in accordance with the current accommodation guidelines set down by the Royal College of Veterinary Surgeons and the British Veterinary Association.
7. In order to discharge condition 4, the applicant's attention is drawn to the guidance from the Institute of Lighting Engineers (ILE), Guidance Notes for the Reduction of Obtrusive light. Any lighting should therefore follow the ILE Guidance for exterior lighting installations.
8. Only clean, uncontaminated surface water should be discharged to any soakaway, watercourse or surface water sewer.



9. Where soakaways are proposed for the disposal of uncontaminated surface water, percolation tests should be undertaken, and soakaways designed and constructed in accordance with BRE Digest 365 (or CIRIA Report 156), and to the satisfaction of the Local Authority. The maximum acceptable depth for soakaways is 2 metres below existing ground level. Soakaways must not be located in contaminated areas. If, after tests, it is found that soakaways do not work satisfactorily, alternative proposals must be submitted.
10. The Environment Agency advises that manure heaps must not be located within 10m of any ditch or watercourse or within 50m of a well, borehole or spring. Any resulting pollution may lead to prosecution.
11. Pursuant to conditions 6 and 9, liquid and solid animal/vegetable wastes and associated contaminated waters shall be stored and disposed of in a manner that will not lead to pollution of surface or underground waters. Any stable waste retained on site prior to disposal must be stored on a sealed concrete pad, not discharging to surface or ground water.

## **DECISION**

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