

<b>Planning Reference No:</b>	10/4236N
<b>Application Address:</b>	Land to the North of 50 Whitchurch Road Audlem
<b>Proposal:</b>	Erection of Hay Store/Barn and Change of Use of Agricultural Land to Land used for Keeping Horses
<b>Applicant:</b>	Mr M Barnett
<b>Application Type:</b>	Full Planning Permission
<b>Grid Reference:</b>	365520 343330
<b>Ward:</b>	Cholmondeley
<b>Consultation Expiry Date:</b>	25 November 2010
<b>Date for Determination:</b>	20 December 2010

### **SUMMARY RECOMMENDATION**

Approve subject to conditions

### **MAIN ISSUES**

- Principle of Development
- Highways
- Change of Use from Agriculture to the Keeping of Horses
- Design
- Amenity
- TPO

The application has been called in to Southern Planning Committee by Cllr Bailey for the following reason:

*Loss of amenity to the neighbouring property and implications of location of "poo pile" in view of the topography of the land for the three bungalows adjoining the land where the proposal is to be located.*

The application was deferred from the meeting of 15<sup>th</sup> December to allow Members to visit the site.

## **1. DESCRIPTION OF SITE AND CONTEXT**

The application relates to an existing paddock which is situated to the north of the applicant's property 50 Whitchurch Road, Audlem. The site is accessed via a shared private driveway off Whitchurch Road with Springfield Cottage located behind number 48 and the paddock being located to the rear of the residential properties along Whitchurch Road. The site falls within the Open Countryside, as defined by the Borough of Crewe and Nantwich Replacement Local Plan.

## **2. DETAILS OF PROPOSAL**

Since its submission the application has been amended with the stable element of the proposal being omitted. The application now seeks planning permission for the erection of a hay store / barn and change of use of the land from agriculture to the

keeping of horses. The building would be 6 metres by 3.6 metres with a height of 2.4 metres to eaves level and 3.3 metres to ridge; and would be in the same location as the hay store / barn in the original proposal.

The provision of any stables in the future would be subject to a separate planning application.

### **3. POLICIES**

#### **Regional Spatial Strategy (NW)**

Policy DP7 Promote Environmental Quality

#### **Borough of Crewe and Nantwich Replacement Local Plan Policy**

BE1 (Amenity)

BE2 (Design)

BE3 (Access and Parking)

NE2 (Open Countryside)

RT6 (Recreational Uses in the Open Countryside)

#### **Other Material Considerations**

PPS1 Delivering Sustainable Development

PPS4 Planning for Sustainable Economic Growth

PPS7 Sustainable Development in Rural Areas

### **4. CONSIDERATIONS (External to Planning)**

#### **Highways:**

No objection.

#### **Environmental Health:**

No objection but requests that any manure generated from the activity being stored / stock piled away from the boundaries of any neighbouring properties.

### **5. VIEWS OF THE PARISH / TOWN COUNCIL**

If a consultation response is received this will be provided by update.

### **6. OTHER REPRESENTATIONS**

Five letters of objection have been received from neighbouring properties in relation to initial proposed development which proposed a stable block with 2 No. stables and 1No. hay store / barn and also change of use of the land from agriculture to the keeping of horses. The application has now been amended to omit the 2No. stables from the proposal.

In summary the original objections relate to the following:

- The siting of the stable block in proximity to property number 46 Whitchurch Road
- Amenity issues associated with manure and the attraction of vermin and flies; noise.
- Increased traffic onto Whitchurch Road and highway safety
- Shared access is for private use and not suitable for horse boxes and such traffic. Increased wear and tear of access
- Timber construction of stable block being a fire risk
- Presence of a TPO
- Intention to develop the land for commercial purposes i.e. a livery or acquiring residential planning permission.
- Reduction of light and enjoyment of garden to property number 46 Whitchurch Road.
- Obstruction of views over open fields

### **Further Representations**

A further representation has been received from 46 Whitchurch Road in relation to the revised proposal. The objections are summarised below:

- (i) The remaining barn element would still reduce the amount of light to the greenhouse
- (ii) No reference has been made to the existing oil storage vessel which is 0.6 metres from the wooden boundary and contravenes Section J of the Building Regulations. If there tank was to remain in its current position the proposed barn could not be constructed as per the submitted plan.
- (iii) The letter dated 7<sup>th</sup> December still lists the proposal as including 2 No. stables
- (iv) The potential for rodent infestation and problem of horse manure accumulation / storage still remains.

### Other Issues

Failure of the Council to notify property known as Great Western Whitchurch Road.

## **7. OFFICER APPRAISAL**

### **Principle of Development**

Policy NE2 (Open Countryside) restricts development within the open countryside to that which is essential to agriculture or other appropriate activities including outdoor recreation. It is accepted that equestrian use is an appropriate form of development within the open countryside. Policy RT6 (Recreational Uses in the Open Countryside) provides, amongst other things, that proposals will be permitted provided that they do not harm the character and appearance of the countryside; and that any new structures should be sited close to existing buildings and should blend into the surrounding landscape in design, siting, materials and landscape.

### **Highways**

The Strategic Highways Manager has raised no objection to the proposal which is considered to be acceptable in highway safety terms. The proposal is small-scale and would be for domestic purposes in connection with the applicant's property to which the site relates. The development would not be for commercial purposes and as such

any traffic associated with the development would be infrequent. Issues of maintenance of the private driveway are a separate legal matter between the landowners which cannot be considered as part of this application.

### **Change of Use from Agriculture to the Keeping of Horses**

The application proposes a change of use of the existing paddock from agriculture to the keeping of horses. The field to which the change of use relates was formerly used for agriculture where the proposed equestrian use for the keeping of horses is not dissimilar and would be compatible with its countryside location and surrounds. It is considered that this element of the proposal would accord with Local Plan policies NE2 (Open Countryside) RT6 (Recreational Uses in the Open Countryside)

### **Design**

The proposal as amended includes the provision of a hay store / barn which would be sited in the field to which the change of use relates, which is located to the north of the applicant's property. The hay store / barn would be a timber construction and would measure 6 metres by 3.6 metres with a height of 2.4 metres to eaves level and 3.3 metres to ridge. This would be sited in the south east corner of the field which shares a garden boundary with property number 46 Whitchurch Road, and would be close to the access to the site. The siting of the building in the corner of the field would mean that the proposal would be sufficiently screened by the existing site arrangements and would avoid unnecessary encroachment into the open countryside. The building would be relatively small-scale with the timber construction reducing the visual 'permanency' of the structure. It would therefore be appropriate in its setting. Having regard to the above it is considered that the proposal is in accordance with Local Plan policies BE2 (Design) and RT6 (Recreational Uses in the Open Countryside).

### **Amenity**

The hay store / barn would be located in the south east corner of the field close to the site access. The paddock shares its eastern boundary with the rear gardens of properties 46 – 38 Whitchurch Road, with the proposal being sited near to the boundary of number 46. The building would be 3 metres from this boundary and would be around 21 metres from the property (number 46). There are existing outbuildings and other domestic paraphernalia present in the rear garden of number 46 which would screen the development from this property. The separation distance from the boundary and also the single storey height would mean that the development would not be visually intrusive to this property nor would it give rise to issues associated with loss of light.

A greenhouse is not afforded the same level of protection as a residential property and a refusal on the grounds of loss of light to a greenhouse could not be sustained.

The equestrian use of the site would be compatible with its countryside location and its surroundings, and it is not considered that the keeping of horses would be harmful to neighbouring residential amenity.

Whilst residents concerns about vermin and flies are noted, Environmental Health have raised no objection to the original application. Therefore it is not considered that

a refusal on these grounds could be sustained. They have requested that any manure generated from the activity should be stored / stock piled away from the boundaries of any neighbouring properties. However since the stable accommodation element of the proposal has been omitted it is no longer considered reasonable for this to be conditioned as part of the amended application. Management of the land in terms of manure disposal and pest control is also covered by separate legislation.

In summary, the equestrian development is small-scale and for domestic purposes associated with the applicant's property 50 Whitchurch Road, Audlem and in this regard it is considered that the proposals would have an acceptable impact on neighbouring residential amenity, in accordance with Local Plan policy BE1 (Amenity).

## **Trees**

There is a tree within the curtilage of number 46 Whitchurch Road which is subject to a Tree Preservation Order. The tree plan illustrates the root protection zone of this tree which has a radius of 15 metres. The proposed building would be clear of this protection zone and as such there would be no impact on this tree as a result of the development. In order to ensure the protection of this tree during construction a standard tree protection condition would be attached to any permission.

## **Other Matters**

### Fire risk due to timber construction

Equine related developments are commonly constructed from timber, which is an appropriate material for its purpose. There are a number of timber out buildings / sheds within the vicinity with the proposed development posing no additional fire risk. Furthermore timber is considered to be an appropriate material for this type of development in its rural setting.

### Publicity

Concern has been raised over the failure to notify in writing the occupants of the property know as 'Great Western' Whitchurch Road. Under the Neighbour Notification protocol this property does not share a common boundary with the application site (edged red) and as such is not required to be notified in writing. Where neighbour notification is undertaken for minor development there is no additional requirement for a site notice.

### Building Regulations – oil storage vessel

The oil storage vessel is covered by Building Regulations and is outside the parameters of this application.

### Description of Development

The letter dated 7<sup>th</sup> December 2010 had not omitted the 2No. stables from the description of development, however the revised application no longer includes this element of the proposal. The description has been amended accordingly.

## **8. CONCLUSIONS**

The application proposes an acceptable form of development within the open countryside having regard to the small-scale nature of the proposal which is for domestic purposes associated with 50 Whitchurch Road, Audlem. The proposal would have an acceptable impact on neighbouring residential amenity and would not be detrimental to the character and appearance of the open countryside. The proposed development is therefore in accordance with the Development Plan and is recommended for approval accordingly, subject to the following conditions:

## **9. RECOMMENDATIONS**

**Approve subject to the following conditions**

- 1. Standard time**
- 2. Approved plans**
- 3. Materials**
- 4. Domestic use only**
- 5. Tree protection**

Location Plan : Licence no 100049045

