

Application No: 15/1766C

Location: CROSSMERE FARM, DAVENPORT LANE, BRERETON HEATH,
CHESHIRE, CW12 4SU

Proposal: Variation of Condition 10 on Application 25981/3 - Existing land and buildings to be used as livery yard and stud.

Applicant: Ms C Collins

Expiry Date: 11-Jun-2015

SUMMARY

The principle of development has already been accepted by virtue of planning approval 25981/3.

The variation of condition no. 10 would allow this existing equestrian centre to hold no more than 10 equestrian events per year. The variation is considered to be acceptable in this case and would not change the environmental, social or economic sustainability considerations established by the original application.

The variation of the condition would not materially harm the amenity of neighbours or the locality and would not give rise to highway safety concerns.

APPROVE subject to conditions as varied by this application

REASON for REFERRAL

This application has been 'called-in' to the Southern Planning Committee by Cllr Wray due to concerns regarding neighbouring amenity and the variation of the condition.

PROPOSAL:

This application seeks to amend condition number 10 of planning approval ref; 25981/3, which granted full planning permission for the use of the buildings and the land as a 'livery yard and stud' at Crossmere Farm, Davenport Lane, Brereton Heath.

Condition no. 10 stated that:

"The use of the site to which this permission relates shall be limited to a livery yard / stud farm only (involving the keeping, stabling and breeding of horses) and, specifically, the site shall not be used as a public riding school / equestrian centre unless a further

planning permission has first been granted in respect thereof on application to the local planning authority”.

This application seeks to vary this condition so that the site can be used to hold a number of equestrian events. There would be no more than 10 events held per calendar year.

SITE DESCRIPTION:

This application relates to an existing equestrian centre known as ‘Crossmere Farm, Davenport Lane, Brereton’. The centre comprises a number of buildings including stables and a main dwellinghouse. The site falls within Open Countryside as designated in the adopted Congleton Borough Local Plan First Review (2005).

RELEVANT HISTORY:

25981/3 - Use of land as a livery yard including retention of mobile home for residential occupation - Approved 1994

33498/3 - Construction of new dwelling and detached garage/hayloft - Approved 2001

13/0423C - Certificate of Lawfulness for existing use of the garage/hay loft as a flat – Granted 2013

NATIONAL & LOCAL POLICY

National Policy:

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs 17 and 28

Development Plan:

The Development Plan for this area is the Congleton Borough Council First Review 2005.

PS8	Open Countryside
GR1	New Development
GR2	Design
GR5	Landscaping
GR6	Amenity and Health
GR9	Accessibility, servicing and provision of parking
RC5	Equestrian Facilities
NR1	Trees
E5	Employment Development in the Open Countryside

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following are considered relevant material considerations as indications of the emerging strategy:

PG5 Open Countryside

Other Considerations:

Planning Practice Guidance (PPG)

CONSULTATIONS:

Environmental Protection: No objection subject to conditions limiting frequency of use, hours of use and submission of a noise mitigation plan.

Head of Strategic Infrastructure (Highways): No objection

VIEWS OF THE BRERETON PARISH COUNCIL:

No comments received

REPRESENTATIONS:

1 letter of support has been received from the occupier of a nearby property making the following comments:

- We have not been unduly affected by any equestrian activities at the farm
- The proposed small show jumping and dressage shows would not be detrimental to anyone in the vicinity
- The shows are for the benefit of liveries and adults/children who have riding lessons at the farm as well as other riders who live in the area
- There is ample off-road parking

APPRAISAL:

Principle of Development

The condition was originally imposed so that the local planning authority could exercise control over any further activities at the site to ensure that they were acceptable in this location.

It is important to note that 'Part 4, Class B of the General Permitted Development Order 1995 (as amended)' allows the temporary use of land for any purpose for not more than 28 days in a calendar year without the need to apply for planning permission. On this basis, there would be nothing to prevent the surrounding buildings or land being used for public equestrian events under permitted development rules up to 28 times per year. Thus, it would be unreasonable in principle not to allow the equestrian centre to operate up to 10 events per year provided that there would no adverse impacts on matters relating to highway safety and residential amenity.

Impact on Residential Amenity

Owing to the location of the site within the open countryside, there are few properties within the vicinity. However, there are properties scattered in the area, the nearest of which is located some 50 metres to the north of the site.

The Council's Environmental Protection Unit has offered no objection to the scheme but is concerned that the proposals and associated noise and traffic could undermine the amenity afforded to nearby properties. To help mitigate any harm, conditions are recommended that limit the number of events held to 10 (as per the application) and to require submission of a noise management plan. This would provide further detail and clarity on the scale and likely noise generated by the proposals and keep them within reasonable limits to prevent any future increase in intensity. Subject to this, the scheme is found to be acceptable in this regard.

Highways

The Head of Strategic Infrastructure has confirmed that this is a relatively modest proposal in terms of traffic movements. The proposal states that a maximum of 40 visitors will attend any given event and the event will be serviced by the existing 10 employees. There will be a limit of 6 horse boxes at any given time on an events day. This demonstrates the low intensity of the proposals and as such, the parking arrangements and traffic movements would not result in severe harm on the local highway network.

PLANNING BALANCE:

The principle of development has already been accepted as part of the original planning permission on this site. To maintain the conditions as originally stated would not satisfy the reasonableness test with National Policy Guidance. The variation of the suggested condition is therefore considered to be acceptable in this case and would not change the environmental, social or economic sustainability considerations as part of the original application.

RECOMMENDATION:

APPROVE subject to the following conditions

- 1. Use of the site limited to livery / stud farm and not for any other purposes except for up to 10 equestrian events per calendar year**
- 2. Submission of a noise mitigation plan (including public announcement systems)**
- 3. Limit to 40 visitors, 10 staff and 6 horseboxes on event days**

In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in his absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

