

Planning Reference No:	09/1037N
Application Address:	Oakhanger Equestrian Centre, Holmshaw Lane, Oakhanger, Nr Crewe, Cheshire, CW1 5XE
Proposal:	1. Existing: Removal of Six Temporary Stables in Yellow Tented Structure (Area A) 2. Existing: Retrospective Detailed Planning Consent for Existing Three Stables Set Within Green Painted Steel Framed Lean To Building (Area B) 3. Proposed: Erection of Three New Stables in New Steel Framed Lean To Extension Building (Area C) 4. Proposed: Change of Use of Existing Implement Store at the Rear of Existing Steel Frame Building to Form Three New Stables (Area D) 5. Proposed: Erection of Three Isolation/Quarantine Stables (Area E) 6. Proposed: Erection of New Haystore in Form of a New Lean To Structure 10.7 x 15.24 Metres Extension Attached to the East Side of Existing Steel Frame Building (Area F)
Applicant:	Mr G O' Shea, Oakhanger Equestrian Centre, Holmshaw Lane, Oakhanger
Application Type:	Full
Grid Reference:	376346 354864
Ward:	Doddington
Earliest Determination Date:	3rd September 2009
Expiry Dated:	16th June 2009
Date of Officer's Site Visit:	30th July 2009
Date Report Prepared:	4th November 2009
Constraints:	Open Countryside

SUMMARY RECOMMENDATION: Approve subject to conditions

MAIN ISSUES:

Impact of the development on

- Principle of the development in open countryside
- Impact on landscape character and appearance of the area
- Impact upon highway safety
- Impact upon amenity of adjacent properties
- Impact upon water environment

1. REASON FOR REFERRAL

The application is included on the agenda of the Southern Planning Committee as the application has been called in by Cllr Walker due to concerns about the impact of the

development on neighbouring amenity and highway safety due to increased vehicle movements.

2. DESCRIPTION OF SITE AND CONTEXT

The site is located in open countryside and is accessed via a single track country lane. The site is used as a livery stables and riding centre. The site comprises a range of buildings including stables, covered riding area with attached “lean-to” messing facility, owners dwelling and separate groom’s accommodation. In addition the site consists of outdoor manures and a horse walker together with areas of hardstanding including land to the east which was used as a vehicle parking area. In addition part of an approved stable building has been converted into a workshop which the owner states is used for maintenance and repair of items and vehicles associated with the centre. Finally a tented stable block has been erected to the east of the main building the subject of this application.

3. DETAILS OF PROPOSAL

The proposal comprises several elements and is in part retrospective. The proposal involves the creation of three new stables in an area described by the applicant as an implement store on the attached plans. The scheme also involves the erection of three new build isolation/quarantine stables and the extension of an existing building to form a further three stables and the extension of the same building to form a hay/implement store. In addition the applicant also seeks retrospective permission for an extension to an existing building which currently accommodates 3 stables and also for the change of use of part of an area of previously unused land which was subsequently constructed as a vehicle parking area. The applicant now seeks to retain a reduced area of this as hardstanding to allow its use to access the proposed hay/implement store. Lastly the applicant has included details of a recently constructed hay store close to the southern boundary of the site.

The proposed additional built form is largely contained to an existing brick and green sheet clad building located adjacent to the northern boundary of the site. The proposed extensions to this building would tie into the existing eaves and in the case of the additional stables would infill an area some 6.1m x 13.7m on the western side of the building. The eastern side of the building would be extended with a lean to measuring 11m x 13.7m and would be set back from the northern elevation of the building by some 9m. The proposed isolation/quarantine stables would be positioned to the west of the existing stable building and would measure 12.1m x 4.8m with a further canopy extending the building’s width to approximately 6.3m. This building would have a monopitch roof with a maximum height of 2.5m. The extensions to the existing building would be finished in dark green profile sheeting to match the existing building. However, the applicant proposes to construct the isolation/quarantine stables in white painted rendered blockwork. Finally the additional haystore is located close to the southern boundary of the site and measures 9.4m x 4.42m with a maximum roof height of 3.45m. This hay store is constructed from timber posts and has a grey metal profile sheet roof. This building is open fronted and its rear elevation is part filled in with solid plywood panel.

4. RELEVANT HISTORY

P99/0520 – 19 Replacement and 7 additional stables, 26 stables and tack room and feed store. Approved 14th October 1999

P02/1076 – Manege Area. Approved 10th December 2002

P05/0326 – Single storey steel framed hay/implement store. Approved 26th April 2005

P05/1127 – Hay and Implement Store (re-submission of P05/0326). Approved 13th October 2005

P05/1567 – Retrospective application for 7 stables, tack room and horse shower with hay store. Change of use of agricultural land to garden, proposed car parking and horse manege. Withdrawn 31st January 2006

P06/0480 – The removal of topsoil and importation of hardcore to create a vehicle parking area. Refused 12th October 2006.

Enforcement notice number 277 was issued on the 7th March 2006 to require the cessation of use of land as a car park and removal of all hardcore used to construct the car park and re-instatement of land to its former condition. An appeal was lodged against the enforcement notice and was subsequently dismissed on the 18th October 2006

P07/0180 – Engineering operations to enable use of land as a field. Approved 8th January 2008. Appeal made against condition preventing use of land for storing/parking vehicles. This was subsequently dismissed on 11th December 2008.

P07/0182 – Change of use of part of existing building to stables and retention of Olympic manege. Approved 9th January 2008. Appeal made against condition preventing use of land for equestrian events, gymkhanas or other similar competitions. This was subsequently dismissed on 11th December 2008.

Breach of condition enforcement notice number 286 was issued on the 14th July 2008 to require the cessation of the use of the land for the maintenance/adaptation of motor vehicles or other engineering work. An appeal was lodged against this notice and was subsequently dismissed on the 3rd December 2008.

5. POLICIES

The development plan includes the North West of England Plan Regional Spatial Strategy 2021 (RSS) and the Borough of Crewe and Nantwich Replacement Local Plan 2011 (LP).

The relevant development plan policies are:

RSS

DP.7 (Promote Environmental Quality)

RDF.2 (Rural Areas)

MCR.4 (South Cheshire)

Local Plan Policy

NE.2 (Open Countryside)

NE.17 (Pollution Control)

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)
BE.5 (Infrastructure)
E.6 (Employment Development within Open Countryside)
RT.6 (Recreational Uses in the Open Countryside)

Other Material Considerations

PPS.1 (Delivering Sustainable Development)
PPS.7 (Sustainable Development in Rural Areas)
PPG.13 (Transport)
PPG.17 (Planning for Open Space, Sport and Recreation)

6. CONSULTATIONS (External to Planning)

Highways:

- Holmshaw Lane is very narrow with poor forward visibility and few passing places. Larger vehicles find it difficult to pass others due to the nature of the lane
- Any significant increase in vehicular movements of any size will have a negative impact along Holmshaw Lane and increase the potential risk of collisions
- This application will generate an increase of 3 members of staff, providing that this will be the only increase in vehicular movements at this location the highways authority has no objections
- Is it possible to condition this application with a view to restricting vehicular movements?

Comments on amended plans (addition of hay store):

- No objections

Environmental Health:

Do not object to the application

Public Rights of Way:

- Property is adjacent to public footpath Haslington No.47
- Appears unlikely that the proposal would affect the public right of way
- Advice note should be attached to any planning consent to ensure that developers are made aware of their obligations

7. VIEWS OF THE PARISH COUNCIL

Concerned that the application documents are neither complete nor up to date e.g. the highway report uses data from March 2006 which does not address the impact of the additional traffic to the Haslington Hall Conference and Wedding Centre which shares the access road and does not address the impact on the safety of users of public footpath 47.

The satnav route to Haslington Hall from the M6 directs traffic through Oakhanger and Holmshaw Lane. The proposals for the site appear to be over intensive and not sustainable, the density of buildings and lack of external grazing within the site raise concerns about animal welfare.

The access road to the site is predominantly single track with poor visibility. The site already appears to be used more intensely than is covered by valid planning consents.

Request that the application be refused due to concerns that the development is contrary to BE1 Amenity as it adversely affects the neighbouring properties with visually intrusive buildings in an area of open countryside together with dangerous levels of road traffic. The proposals contribute to the over-development of a constrained equestrian site to the detriment of the neighbouring community.

8. OTHER REPRESENTATIONS

Objections received from the occupiers of Oak Cottage, Holmshaw Lane; Greenfields, Holmshaw Lane; Rose Bank Cottage, Holmshaw Lane; Frogmere, Taylors Lane, Moss House Farm, Taylors Lane, Oakhanger

Main concerns are as follows:

- Existing building is an eyesore and any further development will make the site look like an industrial estate
- Holmshaw Lane is already overloaded with traffic and further stables will mean more vehicles
- Single track lanes and verges are already ruined
- Dangerous levels of traffic on Holmshaw Lane as existing
- Existing tented stables have been erected in breach of planning
- Implement store is used as a vehicle workshop
- Liquid effluent will be disposed of on the adjacent land
- Traffic will be generated by deliveries and disposal of manure
- Large horse pens would accommodate more horses and could include livery
- Building has continued during the application without issuing a stop order
- Additional hay store is some 100 metres away from the new stabling
- Equestrian centre has very little open pasture for grazing and horses are bussed to and from locations nearby. This creates multiple journeys and environmental impacts of these should be considered
- Site can be used as livery
- Additional fluid waste and pollution onto adjacent land
- Developments have created a precedent for allowing other businesses along Holmshaw Lane
- Substantial increase in noise disturbance to adjacent properties
- Large amount of airborne dust from the equestrian centre already
- More pressure on existing communities as business has outgrown the site
- No benefit to the local community. Jobs cannot be guaranteed and this is a poor exchange for the loss of green way of life
- Detrimental impact on house prices and quality of life
- No screening has been installed for the existing building
- Previous breaches of planning control at the site
- the proposed application is not necessarily limited to the claimed equestrian use but to accommodate expansion of the vehicle engineering business on the site
- Application should be refused and appropriate enforcement action taken where necessary
- Indoor school, the stables and small ménage are now under separate management
- Adjoining residential building occupied by the former proprietors is subject to an agricultural/business condition that would now require re-addressing in light of the changes of ownership

- Given the current business activity on the remaining site which is based around vehicle conversion and engineering, it would be difficult for the residential building to be occupied under the previous planning condition
- Proposals will bring the built form closer to the boundary with the adjacent residential property and will further expand a large building which is already beyond the original dimensions and not in its intended position dominating the skyline
- Any further development will overwhelm the adjacent property at Greenfields
- Approval of other such developments in the neighbourhood has created a precedent allowing other businesses of such heavy industrial nature to follow into the area and on to the site affecting environment and quality of life
- The Council has to follow its legal obligations in terms of outstanding enforcement and prevent any further developments on this site
- Updated land registry records indicate a significant proportion of the driveway access from Homshaw Lane to the Oakhanger Equestrian Centre is within the boundary of the property at Greenfields
- Correct southern boundary to Greenfields is from a point in the centre of the existing driveway opening then travelling in an easterly direction for a distance of eighty five feet before curving back to the existing boundary of Greenfields
- Subject to the correct boundary being re-established, the vehicular access to the equestrian centre site and all the businesses operating at the site will be severely restricted
- It is possible that no large vehicular traffic will be able to access the site from the Crewe direction along Holmshaw Lane and will have to approach from the Alsager direction putting further strain on the narrowest part of Holmshaw Lane
- It is debatable that safe and acceptable vehicular access will remain to the site from the Alsager direction to the equestrian Centre due to a previous extension constructed
- the Council has placed significant consideration on safe and reasonable access along, to and from Holmshaw Lane in both directions for previous planning applications at the site
- The site access to the equestrian centre will be compromised by the legal re-establishment of the correct southern boundaries to Greenfields
- In light of the above information all planning applications for the businesses at the equestrian centre should be refused on the basis of insufficient vehicular access
- Previous permissions have been based upon wrongly submitted information and these may now have to be reviewed.

9. APPLICANT'S SUPPORTING INFORMATION

Design and Access Statement (Prepared by Peter Young Architect received 22nd April 2009)

Main points are:-

- Proposal seeks to eliminate the temporary six stables in the yellow tented structure and re-distribute these in two areas
- The Isolation/Quarantine stables would only be used for the care and rehabilitation of sick or infectious animals
- Not envisaged that this application will put a significant increase in the vehicular traffic using Holmshaw Lane beyond that which has existed for the past three or four years
- There has been no change in vehicular traffic entering and leaving the site since the traffic report provided by a traffic consultant last year
- Stables will be used for show jumping horses and not for livery purposes for the general public

- The proposal has no impact on the existing provision for parking within the site curtilage. There are presently three full time members of staff and six part time staff which will not be affected by the proposal
- The integration of the hay store, the removal of extraneous tanks and temporary structures and toilet block will give a massive overall environmental improvement to the site

Transport Statement: Prepared by Singleton Clamp & Partners – Consulting Engineers and Transportation Planners dated May 2009.

Main points are:-

- It is important to note that the stables will not be used for livery which would have been anticipated to attract traffic movements on a daily basis
- Width of Holmshaw Lane varies but it is generally of single track width. The width of verges also varies and there are a number of informal passing bays along its length
- Traffic survey was carried out at the site access on 9th March 2006 to determine the peak hour traffic flows on the local highway network
- The maximum traffic flows along Holmshaw Lane equates to around 1 vehicle per 3 minutes on average during 1600-1700 hrs
- The recorded flows represent the current level of flow on the lane and that Holmshaw Lane is lightly trafficked
- The proposals will not be used by the general public as the stables will not be used for livery purposes
- It is envisaged that the existing staffing levels on the site would be unlikely to alter although there is some scope in the future to require 1 additional groom
- As a worst case scenario there is potential for the application proposals to add 2 vehicular movements to Holmshaw Lane on a daily basis, with 1 inbound movement during the am peak and 1 outbound movement during the pm peak
- The anticipated worst case increase in flow would be unlikely to have any material impact upon Holmshaw Lane and indeed it is considered that the additional peak hour movement would be unlikely to be noticed by the casual bystander
- The additional traffic associated with the application proposals can be safely accommodated on the local highway network and therefore there can be no overriding highway objections to the application proposals

Letter from agent dated 2nd November 2009:

- Irrespective of transfer of ownership of land for the oakhanger riding school the applicant has always maintained his rights of unlimited access to the centre from Holmshaw Lane. Boundary information is referred to on the land registry title document no CH 394876.

10. OFFICER APPRAISAL

Principle of Development

The site lies outside a settlement boundary and is therefore defined as open countryside. Policy NE.2 (Open Countryside) of the Borough of Crewe and Nantwich Replacement Local Plan 2011 permits development essential for outdoor recreation within open countryside. Policy RT.6 (Recreational Uses in Open Countryside) of the Local Plan permits such uses provided that a series of criteria are met. These include, inter alia, that they do not harm the character or appearance of the countryside, that access roads are

suitable for the likely traffic generation, adequate car parking is provided, they can be integrated with other visitor attractions and that they can be accessed by a range of means of transport. The policy also requires that wherever possible, existing buildings should be re-used and that any new buildings should be sited close to existing buildings and should blend into the landscape.

The overarching national planning guidance is set out in PPS.7 and at paragraph 16 states that Local Planning Authorities (LPAs) should support other countryside-based enterprises and activities which contribute to rural economies, and/or promote recreation in and the enjoyment of the countryside. Paragraph 34 recognises that tourism and leisure activities can sustain many rural businesses, are a source of employment and help to support the prosperity of country towns and villages. The guidance states that local planning policies should be supportive of sustainable rural tourism and leisure which enrich but do not harm the character of the countryside. It goes on to advise that large scale tourism and leisure proposals should be carefully weighed up in terms of their advantages and disadvantages and that advice in PPG.13 should be followed in cases where high volumes of traffic may be generated. This also states that appropriate facilities should be allowed providing they do not detract from the attractiveness of the surrounding countryside. At paragraph 36 PPS.7 states that facilities requiring new buildings may be justified where they are required in conjunction with a particular countryside attraction and that there are no suitable existing buildings or developed sites available for re-use.

Paragraph 26 of PPG.17 provides further guidance in considering recreational proposals in rural areas and states that developments likely to attract large numbers of participants or spectators should be located in or on the edge of country towns. It also states that special justification is required if they are to be located in open countryside, although proposals for farm diversification should be given favourable consideration. Finally it states that all proposals should be designed and sited with great care and sensitivity to its rural location.

Relevant policies within the RSS also provide support for a more diverse economic base in rural areas and state that exceptionally development will be permitted in open countryside where its location cannot be accommodated elsewhere.

With this policy background it is considered that the principle of the proposed stabling development is acceptable in this location although further detailed assessment of the impact upon the character of the area, highway safety and neighbouring amenities is required.

Impact on landscape character

A public footpath (FP Haslington 47) runs through the site although the proposed development is unlikely to affect this route. A condition can be attached to ensure that the route of the right of way remains unaffected by the proposed development. The site comprises a range of existing buildings and is visible from the surrounding area although there are trees and hedgerows in adjacent fields which provide some screening of the site. However the easternmost part of the site is relatively open and comprises a ménage and paddock area. The majority of the existing and proposed buildings on the site are located in clusters. The proposed stabling would be located close to the existing built form and in the case of the proposed quarantine stables would be located in a small hardstanding area between the existing building and the rear curtilage boundary to the adjacent

residential property at Greenfields. Subject to the use of materials to match the existing built form it is not considered that the current proposal would result in an unacceptable visual impact upon the character and appearance of the area.

Highway Impacts

A key consideration in determining this application is the impact upon the local highway network arising from any additional traffic movements that would be generated by the development. The site is accessed via Holmshaw Lane which is a narrow mainly single track rural road and it is evident that verges are used as informal passing places.

The impact of traffic generated by the centre upon the local highway network has been considered as part of earlier planning proposals and including as part of the enforcement notice appeal for an earlier vehicle parking area which was constructed in order to enable the site to host organised horse shows. In that case the appeal Inspector concluded that the intensification of traffic arising from advertised horse shows had an unacceptable impact on traffic conditions in the locality. Considerable weight was attached to the concentrations of traffic movements from the horse shows with large numbers of vehicles arriving in peaks during the arrival and departure times. Accordingly the Inspector dismissed the appeal but also considered that the use of the centre for riding school livery purposes was not objectionable on traffic grounds.

The current proposal mainly comprises additional stabling and the applicant intends to stable private horses which will be trained at the centre by the applicant's partner. On this basis the additional stabling has been estimated to result in modest increases in vehicular movement to and from the site beyond that currently authorised. This is not considered to be a material increase in traffic generation from the site and whilst the limitations and condition of Holmshaw Lane is noted it is not considered that the development would give rise to grounds to refuse the application. The Parish Council have referred to other traffic generators along Holmshaw Lane including at the nearby Haslington Hall which has planning permission to host weddings and conferences. This is noted although again it is important to consider the minimal likely additional traffic generated by this current proposal and on this basis would not be reasonable to refuse the proposal. This is re-inforced by the earlier appeal inspectors conclusions in regard to the use of the site for riding school and livery purposes not giving rise to objection on traffic grounds (as traffic movement would be dispersed).

The Highway Authority have queried whether it is possible to attach a condition to restrict additional vehicular movements from the site. However, such a condition would not be enforceable and in any event any future developments would require the submission of further planning applications which would then need to be considered on their own merits.

Amenity

The application site is not located within a built up area although there are residential properties that adjoin the site and others located nearby. Concerns have been expressed in regard to the impact of further development at this site upon the amenity of the occupiers of these residential properties. It is pertinent to mention that the site has been subject to considerable enforcement investigations which in recent years have followed complaints regarding unlawful engineering/vehicle repairs taking place in part of the existing building adjacent to the rear of the property at Greenfields. Notwithstanding these investigations it is important that each proposal relating to this site are considered on their

own merits and in this case the applicant is seeking permission for additional stabling and also hay/implement store. The owner has been questioned in regard to the potential use of any part of the proposed development for engineering/repair works and has stated that any such works would be incidental to the operation of the centre and not as a separate commercial activity. The owner has stated that the proposed hay/implement store may also be used for such works.

A key issue in the enforcement investigations has been whether it is possible to take enforcement action against vehicle repairs/engineering activity on the site and a condition was attached onto the earlier permission for the existing building which sought to prevent vehicle repairs/engineering activity within that part of the building. However, following the service of a breach of condition enforcement notice against the carrying out of vehicle repairs the site owner appealed the notice on ground C (that the breach had not occurred). The Inspector dismissed the appeal although his report cast some doubt on the ability to enforce against engineering activity that was incidental to the centre. Legal advice was subsequently obtained from Counsel which confirmed that the condition restricting vehicle repairs can only be enforced if it is evidenced that there is a separate business activity taking place (amounting to a material change of use). If the owner is carrying out works ancillary to the main use as an equestrian centre (e.g. repairing fences or horse boxes operated by the centre) this would not amount to a material change of use.

The proposed use of the hay/implement store (labelled area F on the site plan) for ancillary repairs would be an improved position in regard to the proximity to existing residential properties than the existing facility which faces towards the property at Greenfields. The position of the proposed hay/implement store would be screened from the nearest residential property by the existing building and accordingly any noise generated within this part of the building would be shielded from the adjacent property. Notwithstanding this, following the applicants statement regarding the potential use of this part of the building it is considered reasonable to require this part of the building to be noise insulated to ensure that any noise impacts are reduced both in terms of the nearest residential property and also other properties to the south and east of the site.

The additional stabling would largely be contained within the extended part of the building and there would not be any openings into this building on the elevation facing towards the nearest residential property at Greenfields. Additionally the proposed quarantine stables comprise three boxes and although situated close to the rear boundary of the adjacent property it is not considered that the activity associated with this would result in undue noise and disturbance to the adjacent property. The Environmental Health department have also been consulted on the proposals and have raised no objection.

Impact upon Water Environment

The development included in this current submission is and will be constructed on existing hardstanding areas within the site and when considering the scale of that proposed is not considered to give rise to potential flooding/drainage issues which would warrant a refusal of the application.

Other matters

A representation received from occupier of the adjacent property at Greenfields has alleged that the applicant does not have control over all of the main access into the site and that the reinstatement of the correct legal boundary line would prevent vehicles from

accessing the site from the north. Land registry information has been acquired which shows a part of the access has been transferred from the ownership of the applicant to the current proprietor of the riding centre at the front of the site. Notwithstanding this the applicant has also confirmed that they have maintained unlimited access rights across this land. A remaining strip towards the northern side of the access is within the ownership of the applicant. Regardless of this as discussed above the proposed additional stabling is not considered to result in material increase in the number of vehicle movements from the site and accordingly this would not give grounds to refuse the current application.

11. CONCLUSIONS

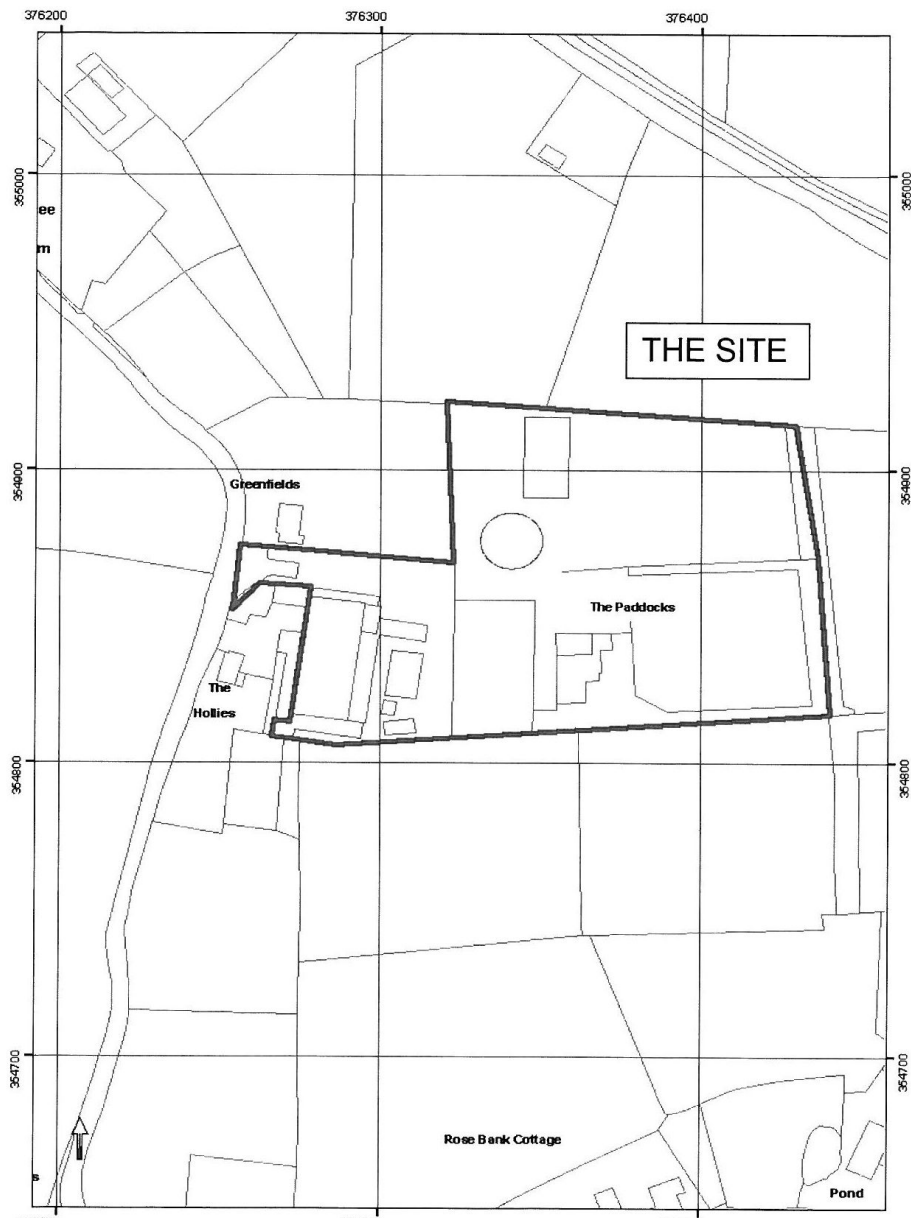
The principal of stable development at this established equestrian centre is considered acceptable. The proposal as submitted is not considered to result in significant adverse impact upon the visual amenity of the area and is not considered to result in significant adverse impact upon the local highway network or upon the amenity of nearby residential properties. It is not considered that the proposal would give rise to potential flooding of adjacent land.

12. RECOMMENDATION

Approve with Conditions:

- 1: Standard**
- 2: Materials**
- 3: Surfacing materials**
- 4: Landscaping**
- 5: Landscape implementation**
- 6: Protection of footpath**
- 7: Noise insulation of implement store**
- 8: Ancillary uses only – no separate commercial repairs/maintenance**
- 9: Manure storage**
- 10: Plans**

LOCATION PLAN:



09/1037N – Oakhanger Equestrian Centre Holmshaw Lane Oakhanger

N.G.R; - 376.356 354.857

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Not to Scale