

Planning Reference No:	10/1094N
Application Address:	Oakhanger Riding Centre, Holmshaw Lane, Haslington CW1 5XE
Proposal:	Change of Use of Existing Mess Room to Form Living Accommodation for Staff for the Sole Purpose of Looking After the Existing 24 Horse Stables & Riding School Operated by Ms Ecclestone
Applicant:	Ms Ecclestone
Application Type:	Full Planning Permission
Grid Reference:	376288 354857
Ward:	Doddington
Earliest Determination Date:	3 May 2010
Expiry Dated:	18 May 2010
Date of Officer's Site Visit:	26 May 2010
Date Report Prepared:	26 May 2010
Constraints:	Wind Turbine Dev consultation area

SUMMARY RECOMMENDATION:

APPROVE (subject to conditions)

MAIN ISSUES:

- impact upon the character of the area
- amenity
- highway safety

1. REASON FOR REPORT

This application is included on the agenda of the Cheshire East Council Southern Planning Committee as the application has been called in by Councillor Walker due to concerns that there is not sufficient evidence for the need for the change of use to meet policy NE.16.

2. DESCRIPTION OF SITE AND CONTEXT

The application site measures 4684 sq. m and is located within Oakhanger Equestrian Centre. Oakhanger Equestrian Centre measures 14786 sq. m in total and has recently been subdivided into two sections. The first part which includes the application site also comprises the point of access, existing indoor arena and 24 stables, existing manege and various portacabins. The existing house, Olympic manege, horse walker and additional buildings permitted under 09/1037N comprise the second section of the centre located to the east of the application site.

On 20/4/2009 Mr O'Shea sold the riding school element of the business to Mrs Ecclestone who had previously been running the riding school since November 2007.

Residential properties are located to the north and south. The site lies within the designated open countryside and is accessed off Holmshaw Lane in Oakhanger.

Haslington footpath 47 is located adjacent to the building the subject of this application. Oakhanger Moss is located near the site and this is a designated RAMSAR site.

3. DETAILS OF PROPOSAL

The proposals relate to the conversion of an existing brick lean-to café to form residential accommodation. The lean to is sited on the gable end of the indoor riding centre and measures 22.2m in length, 4.1m in depth and reaches a height of 3.5m to eaves and 4.6m to ridge height. A stairway and porch are located on the eastern gable end. This is a single storey building and the accommodation will include a kitchen, living room, bathroom and proposed bedroom. No external alterations to the building are proposed.

The 24 hour supervision organised when the site was in single ownership is no longer available to the application site; therefore there is a need for 24 hour surveillance on security and welfare grounds.

The applicants vet has stated that it is essential that 2 staff are available at all times.

The business consists of 14 riding school horses and a maximum of 11 liveryes. There are three full time and two part time staff.

The lean-to structure was last altered in 2001.

4. RELEVANT HISTORY

In summary, the site had planning permission for the temporary siting of caravans in 1977 which was renewed until 1988 and then permission was granted for a permanent bungalow on the site in 1988. Development associated with the equestrian development at the site including new stables was granted in 1999 and a further manege, blacksmith's shop/store and horse walker were permitted in 2002. Also in 2002 an application was submitted to convert a garage into a granny annexe which was approved and an application to convert the café to residential accommodation was refused on the grounds that the applicant had failed to demonstrate that there was a need for the proposed dwelling. This was retrospective and enforcement action was taken against the use of the building but not the rebuilding undertaken. A subsequent appeal was dismissed. This same building is the subject of these proposals.

Various additional applications for equestrian development have been submitted and approved between 2005-2009.

5. POLICIES

Development Plan Policies

Regional Policy

The following policies within the North West of England Plan Regional Spatial Strategy to 2021 and its partial review (2009)

RT2 Managing Travel Demand

DP2 Promote sustainable Communities

DP4 Make the Best Use of Existing Resources and Infrastructure

DP5 Manage Travel Demand
DP9 Reduce Emissions and Adapt to Climate Change
EM17 Renewable Energy

Local Plan Policy

The principal issue surrounding the determination of this application is whether the development is in accordance with the following policies within the Borough of Crewe and Nantwich Replacement Local Plan 2011:

NE.2 Open Countryside
NE.5 Nature Conservation and Habitats
NE.6 Sites Of International Importance for Nature Conservation
NE.9 Protected Species
NE.16 Re-Use and Adaptation of a Rural Building for Residential Use
BE.1 Amenity
BE.2 Design Standards
BE.3 Access and Parking
BE.4 Drainage, Utilities and Resources
TRAN.9 Car Parking Standards
RT.6 Recreational Uses in the Open Countryside
RT.9 Footpaths and Bridleways

Other Material Considerations

Planning Policy Statement 1: Delivering Sustainable Development
Draft Planning Policy Statement: Planning for a Natural and Healthy Environment
Planning Policy Statement: Planning and Climate Change - Supplement to Planning Policy Statement 1
Planning Policy Statement 7: Sustainable Development in Rural Areas
Planning Policy Statement 9: Biodiversity and Geological Conservation

6. CONSULTATIONS (External to Planning)

Strategic Highways Manager: None received at time of report preparation

Environmental Health: None received at time of report preparation

7. VIEWS OF THE PARISH / TOWN COUNCIL:

None received at time of report preparation

8. OTHER REPRESENTATIONS:

Letters of objection from the occupants of Rose Bank Cottage made the following points:

- appeal in 2002 sets a precedent
- applicants personal circumstances not a material consideration
- failed to demonstrate that development is essential
- application of policy NE.16 is inappropriate
- applicant failed to market the building

- applicant failed to demonstrate building is structurally sound

9. APPLICANT'S SUPPORTING INFORMATION:

In support of the proposal the applicant has submitted the following information; which can be summarised as follows:-

- brief history of the site:- an application to convert the former café to a dwelling was dismissed on appeal in 2002. On 20/4/2009 George O'Shea sold the riding school element to the applicant and now the 24hour supervision organised by George O'Shea no longer exists for this separate business.
- there exists a need for 24 hour surveillance on security grounds for the 24 horses- this is supported by the vet who states that 2 staff should be available.
- the business consists of 14 horses for the riding school and 11 livery three staff are employed full time and two part time
- the building was modified in 2001
- an assessment against policy NE.16 and PPG2

10. OFFICER APPRAISAL

Principle of Development

The site lies within the designated open countryside where there is a presumption against inappropriate forms of development. Both local, regional and national planning policies seek to restrict new dwellings within the open countryside. Policy RES.5 states that new dwellings will be restricted to a person engaged full time in agriculture or forestry. However, in accordance with PPS7 the Council has also applied this to other key workers such as equestrian workers. Both local and national policies include a financial and functional test to demonstrate that the dwelling is essential for the efficient working of the enterprise.

Under the appeal in 2002 the Inspector assessed the proposals against the criteria in policy RES.5. He contended that the business at the time was one business rather than two and that whilst the bungalow on the site may not have been in the ownership of the applicant it nonetheless was associated with the unit and therefore could accommodate the 'need' that existed. The new dwelling was therefore not required and the appeal was dismissed on this basis. However there are fundamental differences between the appeal proposals and the proposals put forward under this application. In the appeal situation the business had not been separated and in addition the proposals were judged against policy RES.5 as the alterations undertaken to the building amounted to a re-build. However, following the appeal enforcement action was not taken against the physical alterations to the building; action was only taken in respect of the use. As a result the built form of the structure is lawful, and the current proposals are therefore to convert the building to a dwelling, and consequently policies NE.15 and NE.16 now apply rather than RES.5.

National and local planning policies also encourage the re-use of redundant rural buildings for alternative purposes including residential development. The re-use of this redundant building for residential use is therefore acceptable in principle, subject to meeting the tests in policies NE.15 and NE.16.

An objector has stated that the existing building is not a rural building for the purposes of the application of policy NE.16. There is no definition of a rural building within the Local

Plan and therefore a rural building can be considered to be any building within a designated rural area. As such, it is considered that policy NE.16 applies.

An objector correctly indicates that the applicant has been operating the business for the last 3 years and the business appears to have been operating successfully despite the fact that there has not been a separate dwelling on site. It is acknowledged that the development does not fulfil the functional and financial tests within PPS7 and RES.5. However, for the reasons stated above the proposals are now to be judged against the criteria in policy NE.16 which are considered below.

Commercial Re-Use

The existing building is of brick construction with a lean-to roof. It is attached to the existing indoor manege and has a floor area of approximately 91 sq. m.

Such a building by virtue of its size and location would be unsuitable for an industrial or storage use, or indeed a holiday let. It could however provide a small office for a business or additional stables.

In terms of the suitability of the location for the use of the building as an office, as the existing equestrian business operates 8am-6pm Monday- Friday which would be similar to the operating hours associated with a B1 office use, there are concerns that the noise and activity associated with the existing equestrian business would result in an uneasy relationship between the two uses. As such the building would be undesirable as office premises and it is highly likely that the applicant would struggle to sell or let the property long term.

The building is not redundant for the purposes of the existing enterprise and has been used as a mess room. However a holistic approach should be taken; the site has been subdivided and the existing dwelling on the site is no longer available to serve the business the subject of this application. The dwelling will be for an equestrian worker associated with the existing business and therefore if the dwelling is occupied in this capacity the conversion would be a subordinate part of the business use of the site.

Whilst the applicant has not demonstrated that the building is unsuitable for commercial use it is considered that the use of the building as an equestrian workers dwelling to serve the existing business would be linked to the existing business and would therefore represent a subordinate part of the business. A condition could be attached to ensure that this remained the case.

Sound Construction

As stipulated by an objector, the structure does not have foundations; it sits on concrete posts and it is constructed of brickwork with a profile metal roof.

That said the building was largely reconstructed in 2001 and as it has been occupied as a dwelling since this time without detriment to the living standards of the occupants it is considered that the building is of permanent, substantial and sound construction. It is not considered necessary to submit a structural report with the application as it has been reconstructed within the last 10 years.

No external alterations to the building are proposed and therefore conversion is capable without major or complete reconstruction.

Amenity

The existing building is attached to the indoor arena. The existing business at the site operates between 8am-6pm and generates both noise and odours. This is not considered to be compatible with residential use and would result in an amenity issue for future occupants.

That said, Inspectors have accepted that agricultural and equestrian workers expect a lower degree of amenity due to the nature of their work and it is considered that if the use of the building was attached to the existing business there would not be a conflict between the use of the building and the existing business. This will be conditioned accordingly.

In terms of overlooking, a public footpath and the access road into the site both pass by the principal windows on the property. Whilst this would result in some overlooking it would not be a fixed impact in the same way as if the building were located directly opposite another dwelling. As such this is more of a buyer beware issue as it is considered that to refuse planning permission on these grounds alone would be too paternalistic under the circumstances. Moreover the occupants could easily mitigate this issue by erecting curtains.

In terms of garden space, no amenity space is to be provided as part of the proposals nor will there be any designated car parking spaces for the dwelling. As stated above this does make for a substandard level of amenity which would be considered detrimental were this to be an 'open market' dwelling. However as the use will be attached to the existing business and to be occupied by an equestrian worker this is considered to be acceptable.

Highway Safety

The existing vehicular access and egress arrangements already serve the two businesses at the site. It is not considered that the addition of one dwelling which will only generate a maximum of 10 more vehicle movements would increase the chances of a traffic accident and as a result have an adverse impact of highway safety.

Both national and local planning policies seek to promote maximum car parking standards to encourage the use of more sustainable transport choices. The site lies within a rural area where bus and train services are limited; as such there is increased reliance on private motor vehicles. That said, as the dwelling will be restricted to an equestrian worker employed at the site, this will reduce the need to travel which is considered a benefit of the proposals.

It is considered that the existing informal car parking area would provide sufficient space to accommodate the extra spaces required and is unlikely to result in the displacement of parked vehicles onto the road.

Other Matters

The agents submitted supporting statement makes reference to the application of PPG2. However the site is not located within the designated Green Belt.

As there will be no external manifestations or external alterations to the building it is considered that the proposals would not have any impact on the character and appearance of the area.

11. CONCLUSIONS AND REASONS FOR DECISION

The proposals represent an acceptable form of development; the conversion is a subordinate part of the business use at the site, the building is of permanent and sound construction and the building is capable of conversion without any external alteration to the building. The development as conditioned would not have an adverse impact upon the amenities of future occupants, nature conservation resources, protected species, public rights of way or highway safety.

12. RECOMMENDATION

APPROVE subject to conditions

- 1. Time Limits**
- 2. Approved Plans**
- 3. No Demolition**
- 4. Equestrian Worker and Attached to Existing Business**

LOCATION PLAN:
Licence No. 100049045

