

Application No: 14/5197C

Location: Land off, Davenport Park Lane Congleton Cheshire CW12 4ST

Proposal: Demolition of existing building and formation of stables, menage and change of use of land to horse culture (Resubmission of 14/2624C)

Applicant: D S Sheard & Sons

Expiry Date: 11-Feb-2015

### **REASON FOR REPORT:**

The application is included on the agenda of the Northern Planning Committee as the proposal relates to a site measuring more than 1ha in size and is therefore a small-scale major development.

#### **SUMMARY:**

The principle of equestrian development can be acceptable in principle subject to compliance with other material considerations. The proposal would be acceptable in terms of its impacts on the character and appearance of the area, neighbouring amenity, the adjacent public footpath and agricultural land. However, these considerations are not sufficient to outweigh the highway safety concerns arising from the inadequate access where Davenport Park Lane meets with the A54 Holmes Chapel Road. As such, the proposal is considered contrary to Local Plan Policies GR9 and RC5 as well as the NPPF para 32.

#### **RECOMMENDATION:**

REFUSE

### **PROPOSAL:**

Full planning permission is sought for the demolition of an existing hay barn and the formation of stables, ménage and change of use of land to horse culture. The proposal would provide 11 no. stables and would include parking for 10 cars and horse box parking to the front.

### **SITE DESCRIPTION:**

This application relates to the site of an existing hay barn and associated agricultural land to the east of Davenport lane in the parish of Brereton. There is an enclave of residential dwellings to the north of the site, some of which comprise of a complex of traditional barns.

The land wraps around the east of these neighbours and comprises of approximately 4.48 ha of agricultural land. Access to the site is taken from Davenport Park Lane which is an un-adopted single track road which takes direct access off the A54 Holmes Chapel Road to the south. The site is situated within Open Countryside as designated in the adopted Congleton Borough Local Plan First Review (2005).

## **RELEVANT HISTORY:**

14/2624C - Demolition of existing building and formation of stables, ménage and change of use of land to horse culture – Withdrawn 15-May-2014

## **NATIONAL & LOCAL POLICY**

### **National Policy:**

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

Of particular relevance are paragraphs 17, 28 and 32.

Planning Practice Guidance (PPG) is also of relevance.

### **Development Plan:**

The Development Plan for this area is the adopted Congleton Borough Local Plan First Review (2005), which allocates the site within Open Countryside under Policy PS8.

The relevant Saved Policies are: -

PS8 - Open Countryside  
GR1 - New Development  
GR2 – Design  
GR6 – Amenity  
GR9 - Accessibility, Servicing & Parking Provision  
GR16 – Footpath, Bridleway and Cycleway Networks  
NR2 - Wildlife & Nature Habitats

The relevant saved Local Plan policies are consistent with the NPPF and should be given full weight.

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

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

SD1 - Sustainable Development in Cheshire East  
SD2 - Sustainable Development Principles  
SE1 - Design

## **CONSULTATIONS:**

### **Environmental Protection:**

No objection subject to conditions restricting hours of construction / piling and an informative relating to contaminated land.

**Public Rights of Way (PROW):**

No objection subject to informatives informing the developer of their obligations.

**BRERETON PARISH COUNCIL:**

Object - Brereton Parish Council is concerned about the safety of the access to and from the site along Davenport Park Lane and to and from the A54.

The lane is narrow and is used for access by residents but also by cyclists using Regional Route 71 and the map for that route already warns to "take care" at the crossing of the A54 with this stretch of Davenport Park Lane. The lane is also part of the Dane Valley Way which is well used by walkers and horse riders.

Traffic exits this section of Davenport Park Lane in a southerly direction onto or across the busy A54. Visibility there is limited by the curvature of the A54 road and by hedges and trees along the verges. It seems likely that the proposed development will lead to an increase in traffic on this section of Davenport Park Lane and at the junction with the A54 given that the proposal includes stabling for 11 horses and given that the existing use is as a hay storage building.

Brereton Parish Council are concerned to ensure that the increase in traffic generated by the proposal, which would include horse boxes, causes as little negative impact as is possible on the safety of all road users, including walkers, horse riders and cyclists, on Davenport Park Lane and at the junction of that lane and the A54. Brereton Parish Council therefore want to see a full engagement by Cheshire East Highways department to ensure that approval is only given if these concerns are overcome.

**REPRESENTATIONS:**

Letters (including photographs) have been received from 7 addresses objecting to this proposal on the following grounds:

- Lack of consultation
- Davenport Park Lane is unadopted
- Building design and commercial use not in keeping with surrounding area
- Noise disturbance
- Hours of business should be restricted
- Scale of the development is out of proportion to the neighbouring properties, too close and has a larger footprint than the hay barn
- Site is Greenfield
- Loss of privacy including direct overlooking of neighbouring properties
- Loss of agricultural land
- Additional noise, odour and light disturbance

- Access to the site would be taken via an existing Public Right of Way and Bridleway
- There are no passing places as the access track is private, single track, un-adopted lane averaging 3 metres wide and 150 metres long
- The Lane is not capable of supporting the increase in vehicle traffic
- The lane has no passing points
- The Lane is popular with walkers, cyclists and horse riders who would be vulnerable to the dangers of the increased volume of unregulated traffic
- Road Safety - Visibility splays from the lane onto the main A54 Holmes Chapel Road are not adequate
- Loss of wildlife
- Impact on landscape and open countryside
- Who therefore will deal with any disturbances/emergencies after normal business hours?
- Lack of parking along the Lane
- No need for development as there are similar proposals nearby
- Loss of property value

## **APPRAISAL:**

### **Principle of Development**

The site is designated as being within the Open Countryside, where Local Plan Policy PS8 states that development involving facilities for outdoor sport and recreation are acceptable in principle provided that they preserve the openness of the countryside and comply with other relevant local plan policies.

Local Plan Policy RC5 deals specifically with proposals for equestrian facilities and states that proposals will be acceptable where they do not adversely affect; ecology; landscape; agricultural land; residential amenity; linked to the bridleway network and provide adequate parking and access from a public highway and there is no excessive traffic generation on to the existing highway network.

### **Character & Appearance**

The proposed stables would be viewed against the backdrop of the neighbouring site, which hosts a traditional barn complex that has been converted into residential use. The proposed building would replace the existing large hay barn and would be orientated in the same direction following the linear pattern of the barns running along the northern boundary of the site.

The proposed building would be constructed using a steel portal framed structure which would accommodate 11 stables and would introduce a parking and turning area adjacent to the access of the land in between the stables and the adjacent barn complex.

The proposed building would be well sited in the corner of the site where it would take advantage of the screening provided by the adjacent buildings and field boundaries. The

building would be comparable in size to the hay barn it would replace, but would be lower in terms of overall height. As such, the visual impact on the open countryside would be minimised.

Further, portal type buildings of this style are not uncommon within rural areas and it is considered that additional screen planting could reduce the intrusiveness of the stables within the landscape setting. Subject to this, the proposal is acceptable in terms of its impacts on the character and appearance of the countryside.

## **Highways**

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway. This is further supported by advice within the NPPG para 32 which advises that 'proposal must take account of whether the safe and suitable access to the site can be achieved for all people'.

The applicant has claimed that the proposal would not be any worse than the potential vehicle movements generated by the present lawful agricultural use. However, the development proposals would represent a material intensification of use when compared to that of a Hay Barn and it is considered that Davenport Park Lane and the junction of Davenport Park Lane with the A54 to be unsuitable for the type of vehicles associated with a Livery Stables.

Although the Highway Authority has no jurisdiction over the un-adopted section of Davenport Park Lane used to access the site, its ability to safely serve the site for the proposed use is a material consideration. Davenport Park Lane is a narrow unmade, single track Lane with few places for vehicles to pass. It is clearly evident that the opportunity for unnecessary conflict between heavy commercial vehicles (i.e. Horseboxes and Heavy Goods Vehicles required for the delivery of bedding and feedstock etc. for 10 stables) and pedestrians and other highway users would be unsatisfactory.

The applicant has submitted a Transport Statement (TS) in which it has been estimated that the required visibility splays would measure 2.4 metres x 180 metres to the west and 2.4 metres x 100 metres to the east. The Head of Strategic Highways has confirmed that method of measuring visibility that has been employed is not acceptable. Further, the visibility splays illustrated in the TS fall within land under third party ownership, and as such outside of the control of the applicant. The applicant would be not able to achieve the required visibility splays.

Additionally, The Head of Strategic Highways considers that the visibility to the east should be 151metres and not 100 metres and as such, there is shortfall. In the absence of a safe and suitable access from a public highway, the proposal is therefore found to be in variance with Local Plan Policies GR9 and RC5 as well as NPPF para 32.

## **Residential Amenity**

Policy GR6 requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties from loss of privacy, loss of sunlight or daylight,

visual intrusion, environmental disturbance or pollution and traffic generation access and parking.

The nearest residential properties are sited approximately 20 metres to the north. In view of the current agricultural use at the site and the pattern of surrounding development; it is considered that the proposed scale of the use would not be sufficient to cause material harm to neighbouring residential amenity. The Council's Environmental Protection Unit has offered no objection to the proposal and as such it is found to accord with Local Plan Policy GR6.

### **Public Right of Way**

Public Right of Way Brereton Bridleway No. 27 runs along the access track to the site (Davenport Park Lane). This route forms part of the long distance Dane Valley Way and a short distance promoted route from the nearby Brereton Heath Local Nature Reserve. Pedestrians, horseriders and cyclists may use this Public Bridleway. With respect to the use of Davenport Park Lane, the proposed traffic generation would not be as significant to materially harm user's amenity of the right of way. In the absence of objection from the PROW unit, it is considered that the proposal complies with local plan policy GR16 and a refusal could not be sustained on the grounds offered by objectors.

### **Loss of Agricultural Land**

No details of the quality of the agricultural land have been submitted with the application. However, the DEFRA Agricultural Land Classification Map shows that the area mainly comprises of Grade 3 agricultural land, which is considered 'good to moderate'. However, the main development would be carried out in the area where the existing hay barn is and as such would not result in a tangible loss of agricultural land. With respect to rest of the land, which would be subject of the change of use, this would not result in the permanent loss of agricultural land as it would be used for the keeping and grazing of horses and as such a refusal could not be sustained on this basis.

### **Planning Balance**

The proposal is contrary to development plan policies GR9 and RC5 of the adopted Congleton Borough Local Plan First Review 2005 and therefore the statutory presumption is against the proposal. There are no material considerations that would outweigh this harm and as such the proposal does not represent a sustainable form of development.

### **RECOMMENDATION**

#### **REFUSE for the following reason:**

1. The proposal would be contrary to the interests of highway safety by reason of inadequate visibility at the point of access where Davenport Park Lane meets with the A54 Holmes Chapel Road and would therefore be contrary to Policies GR9 and RC5 of the adopted Congleton Borough Local Plan First Review and advice within para 32 of the NPPF.

In order to give proper effect to the 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 Northern 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.

#### Application for Full Planning

RECOMMENDATION: Refuse approval

1. Highway Safety - Substandard Access
2. Plans
3. NPPF

Received

12 NOV 2004

Cheshire East Council

