

18/2006/017

MR P HAYES

ERECTION OF STABLE BLOCK AND CHANGE OF USE TO EQUESTRIAN USE AND JOINT AGRICULTURAL USE AT KILN LANE, ASH PRIORS AS AMENDED BY AGENTS E-MAIL RECEIVED 11TH JANUARY, 2007

313401/129600

FULL

PROPOSAL

Permission is sought for the erection of a stable block, to include four loose boxes, and an associated storage and tack room. The building would measure 18.3 m long x 12.6 m wide (inclusive of 3.5 m wide lean to), with a ridge height of 4.9 m. The stables would be constructed of blockwork with timber clad walls from 1.8 m high, with profile dark green roof sheeting. A new access and gateway would be formed off Kiln Lane. The development would be for private use only. The application seeks a change of use from agricultural to joint agricultural and equestrian use within the application site. A wildlife survey accompanies the application.

CONSULTATIONS AND REPRESENTATIONS

COUNTY HIGHWAY AUTHORITY the proposed development derives from a restricted byway (formerly known as a RUPP). The County Council are responsible for maintenance to by-way standard, which will be suitable for use by horses, walkers, cyclists but not motorised vehicles. Due to its nature and condition, and as stated in the agents supporting statement, Kiln Lane would only be accessible by four-wheel drive vehicles. Taking this into consideration it can be assumed that there are currently very few vehicular movements. Kiln Lane is accessed from an unclassified highway, and it is imperative that adequate visibility is provided at the point of access where the private lane, meets the public highway. Visibility splays based on co-ordinates of 2.0 m x 45 m in each direction would be appropriate however it would appear that the ownership of the boundary hedge is outside the applicant's ownership/control. If the proposal would not result in a significant increase in traffic over and above the existing uses, it maybe unreasonable to raise a highway objection particularly if the use was being used in conjunction with the existing agricultural use of the land. If the LPA are minded to grant permission the stables should be for private use only and not for business or commercial use.

LANDSCAPE OFFICER subject to the access being acceptable to the Highway Authority the proposals will have a limited impact on the wider landscape. However, steps should be taken to avoid the compartmentalization of the open ground through post and rail fencing which can be visually intrusive within the local landscape. NATURE CONSERVATION & RESERVES OFFICER County Contracts' survey October 2006, identified that the surrounding habitat is suitable to support dormice, badgers cross the site and the habitat is suitable for nesting birds. Evidence of bats has been found in the lime kiln. The impacts of the development, is thought to be minimal. However, there are implications for the development impacting on protected

species and I would advise that a condition is made for a method statement to agree the implementation of the proposal according to CC's report recommendations. RIGHTS OF WAY OFFICER (internal consultation) the area is bound on each side by a public right of way. To the west is the public footpath T13/24 (recently the subject of a rejected diversion application). To the east is the only available access track – a restricted byway T13/34. Right of vehicle access to land will be retained by the landowner but if the proposed equestrian use is open to the public/commercial use then the application should be opposed. DRAINAGE OFFICER I note that surface water is to be discharged to soakaways. These should be constructed in accordance with Building Research Digest 365 (September 1991) and made a condition of any approval.

PARISH COUNCIL supports the proposal

FOUR LETTERS OF OBJECTION have been received raising the following issues:- proposal is inappropriate in this special location; contrary to local plan policies; adjoins designated County wildlife site and old quarry which encourages wildlife; an old lime kiln is sited within the curtilage with archaeological interest; development in total isolation from other buildings and not related to other buildings or settlements contrary to policy C9; visual impact of stables and potential boundary enclosure; security risks; risk of fire; potential for a mobile home or dwelling on site due to security risks; track is a public right of way designated 'restricted byway' and is a promoted route as part of circular walk to Ash Priors Common; track used by horse riders; walkers and cyclists and should remain traffic free; increase vehicular movements would detract from the character of the track; any changes to the track would require consent from Highway Authority; highway safety.

POLICY CONTEXT

RPG10 (Regional Planning Guidance for the South West), 2001. The RPG now forms part of the legal development plan, now referred to as the Regional Spatial Strategy (RSS).

PPS1 – Delivering Sustainable Development, PPS7 – Sustainable Development in Rural Areas, PPS9 – Biodiversity and Geological Conservation.

Somerset & Exmoor National Park Joint Structure Plan Review Policies STR1 (Sustainable Development), STR6 (Development Outside Rural Centres & Villages) and Policy 5 (Landscape Character)

Taunton Deane Local Plan Policies S1 (General Requirements) and S2 (Design), S7 (Outside Settlements), EN3 (Local Wildlife and Geological Interests) and EN12 (Landscape Character Areas).

ASSESSMENT

It is considered that the primary issues in this application relate to the visual impact of the proposed development on the rural character and appearance of the area; impact upon protected species and wildlife; and highway safety.

The concerns raised in the representations to the application, relating to the isolated location of the development, being contrary to Policy C9 (Horse Riding and Riding Establishments) are noted. However, it is considered that this policy relates to riding establishments i.e. to commercial equestrian centres as opposed to private small scale stable blocks. The local plan, however comprehensive, can not identify every need or eventuality and as such the proposed development, which is considered compatible with a countryside location, should be assessed against the Landscape Character Area policy (EN12), policies associated with the application site located outside a defined settlement limit and any material considerations, such as the need for a proposed development.

The site is located in open countryside and designated Landscape Character Area. As such special consideration should be given to preserving and enhancing the natural beauty of the Area. PPS7 states inter alia that all development in rural areas should be well designed..., in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness. The proposed stable building would be sited within the quarried area historically associated with the old disused lime kiln. The site is enclosed by mature trees and sheltered by the high sides of the quarried hollow. As such the site is well screened from the existing countryside and provides a visually low impact development. The proposal is therefore not considered to be prominent in views from local vantage points. However the landscape officer has expressed concern to ensure the development does not compartmentalize the fields by use of fencing which could appear intrusive. In order to address this concern details of any fencing would be conditioned and permitted development rights removed to control any subsequent fencing. Furthermore, it would be necessary to condition that any jumps of equestrian paraphernalia be stored within the building or as agreed in writing by the Local Planning Authority.

The agent has responded to the concerns of representations received in respect of security and welfare of the horse on site. The applicant will check on the horses twice a day and members of the family work on the same land at 'Tugwell' to the south and surrounding the site. Sufficient land is available for supplementary grazing and turnout for exercise. It is considered the proposed size of the stabling would not be disproportionate to the size of the paddock.

The application seeks to re-form a previous access to provide direct and safer access from Kiln Lane to the site. The agent has indicated that the existing access is considered impractical due to its steepness and distance from the proposed development, which would require a longer access track to the stable block. The surface of the new access track is proposed to be constructed of stone, replicating that of Kiln Lane. It is recommended that details of the surface of the new access be conditioned to ensure the materials are acceptable and ensure the development would be relatively inconspicuous in the landscape.

There has been concern raised to proposed works to Kiln Lane itself, which could alter the character of the byway. The agent has confirmed that any improvements would consist of the filling in of potholes with stone rubble as per the existing surface. An informative informing the applicant to contact Somerset County Rights of Way Team to ascertain whether the works require consent is proposed. Kiln Lane has been recently re-designated as a Restricted Byway. As a landowner, the

applicant does have a legal right to use vehicles to gain access to their land; under section 50 paragraph 2 of the 'Countryside and Rights of Way Act 2000'. The level of traffic likely to be created by the proposed stables is considered to be low given it would be for private use only. The land is currently used by landowners with agricultural vehicles and therefore vehicles gaining access to the site for the low number of anticipated trips is not considered to be detrimental to the character of the area. The proposal is not considered to give rise to unacceptable nuisance, danger or increases in vehicles in traffic movements as to warrant a refusal.

The site adjoins a County Wildlife Site and as such careful consideration should be given to the impact of the works on protected species and wildlife. The application is accompanied by a Wildlife Survey. The Wildlife Officer concludes that the proposed development would have minimal impact subject to works to be carried out in accordance with mitigation measures identified. The proposal would not involve any works to the old lime kiln on the site which is recognized for its historic value.

To conclude, it is considered that the proposed stables would not appear unduly prominent or intrusive in this location and subject to mitigation measures would not harm protected species of wildlife in the area.

RECOMMENDATION

Permission be GRANTED subject to conditions of time limit, materials, landscaping, services underground, drainage, details of any fencing, no lighting unless agreed, details of materials for the access track, wildlife mitigation measures, private use only, storage of jumps and riding paraphernalia. Notes re discharge to soakaways in accordance with BRD365; applicant advised to contact the Somerset County Rights of Way Department prior to the commencement of any works to Kiln Lane to ascertain whether their consent is required.

REASON(S) FOR RECOMMENDATION:- The proposal is considered not to have a detrimental impact upon the rural character or appearance of the area and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1, S2, S7, EN3 and EN12 and Somerset & Exmoor National Park Joint Structure Plan Review Policies STR1, STR6 and Policy 5.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

CONTACT OFFICER: 356586 MR A PICK