

24/18/0039

MR & MRS M HEUFF

Change of use of land from agricultural to equestrian with formation of a riding manege and erection of a stable block, improvements to access with formation of associated parking and hardstanding on land at 2 Borough Post, North Curry as amended by plans received on 28 January 2020

Location: LAND TO THE SIDE AND REAR OF 2 BOROUGH POST, NORTH
CURRY, TAUNTON, TA3 6NB

Grid Reference: 330857.124561 Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A3) DrNo 2586-PL-01 Location Plan
(A3) DrNo 2586-PL-02 Rev A Site Plan
(A3) DrNo 2586-PL-01 Location Plan
(A2) DrNo 2586-DR-A-050-001 Rev A Proposed Site Plan & Location Plan
(A1) DrNo 6212-01 Rev B Timber Stable Block

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The applicant shall undertake all the recommendations made in Country Contracts wildlife Survey Report dated July 2018, and provide mitigation for bats as recommended. The works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority. The development shall not be occupied until the scheme for the maintenance and provision of the new bat boxes and related accesses have been fully implemented. Thereafter the resting places and agreed accesses shall be permanently maintained

Reason: To protect and accommodate wildlife in accordance with the requirements of policy CP8 of the Core Strategy

4. The development hereby permitted shall only be used for private recreational purposes and shall not be used in connection with any commercial livery or other equestrian enterprise.

Reason: To protect the amenities of nearby residential properties.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, or any order revoking and re-enacting that Order, with or without modifications, no vehicular access gates shall be erected at any time unless they are set back a minimum distance of 9m behind the highway boundary and hung so as to open inwards only.

Reason: To allow a vehicle to wait off the highway while the gates are opened or closed and thus prevent an obstruction to other vehicles using the highway, in the interests of highway safety.

6. Prior to the stables hereby approved being brought into use, the alterations to the access shall be completed in accordance with the approved plan. The access shall thereafter be retained in the approved form.

Reason: In the interests of highway safety.

Notes to Applicant

- . It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.
- . In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
- . Any proposed works must not encroach on to the width of the PROW. The health and safety of the public using the PROW must be taken into consideration during works to carry out the proposed development. Somerset County Council (SCC) has maintenance responsibilities for the surface of a PROW, but only to a standard suitable for the public use. SCC will not be responsible for putting right any damage occurring to the surface of a PROW

resulting

from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath, public bridle way or restricted byway unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the outcomes listed below, then authorisation for these works must be sought from Somerset County Council Rights of Way Group:

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would:

- make a PROW less convenient for continued public use; or
- create a hazard to users of a PROW,

then a temporary closure order will be necessary and a suitable alternative route must be provided. For more information, please visit Somerset County Council's Rights of Way pages to apply for a temporary closure:

<http://www.somerset.gov.uk/environment-and-planning/rightsof-way/apply-for-a-temporary-closure-of-a-right-of-way/> .

Proposal

The application proposes the change of use of land from agricultural to equestrian, the erection of a single storey timber building of eight stables and ancillary accommodation, including a secure store, open fronted wash area, tack room and open fronted hay store in a U shaped formation. The building has a maximum dimension of 35.4m and an overall width of 13.48m, with open area between the two blocks of stables. The overall height is 3.35m to the ridge and 2.4m to the eaves. The application also proposes the construction of an access track to the stable building lined with a stockproof fence, a hardsurfaced area for parking of vehicles and a 40m x 40m arena area, constructed in a sand/rubber floor treatment and surrounded by a timber post and rail fence.

Alterations are proposed to the vehicular access to improve visibility and access and to provide two off-street car parking spaces for the applicants dwelling.

Site Description

The site measuring 4.16 ha. lies to the north-west of Windmill Hill and is open agricultural land. Vehicular access is proposed via the existing driveway from Windmill Hill. The land is open agricultural land sloping down from the road towards the north-west. Three of the site boundaries are lined by existing hedgerows and trees. Residential properties along Windmill Hill run beyond the southern boundary.

There is an existing public right of way through the site through the vehicular access and running along the north-eastern boundary of the site.

Relevant Planning History

None

Consultation Responses

NORTH CURRY PARISH COUNCIL - Objects to the granting of planning permission for the following reasons:

- The Parish Council are happy with the concept of a stable in the field but the proposed location would be damaging to the visual amenity of the ridge and the near neighbours.

If Taunton Deane are minded to approve the application, the Parish Council ask that appropriate restrictions on the hours of use be put in place to avoid unnecessary light pollution and disturbance.

Comments on amended plans:

Objects to this application as they feel the stable building is too close to the North Curry ridge line. However if the building was further down the field away from the ridge line the PC would be minded to support the application.

SCC - RIGHTS OF WAY -

I can confirm that there is a public right of way (PROW) recorded on the Definitive Map that runs along the access to the site at the present time (**public footpath T 17/36**). I have attached a plan for your information.

We have no objections to the proposal, but the following should be noted:

1. Specific Comments:

SURFACING REQUIRED -

Authorisation will be required for surface improvements on the path **T 17/36** from SCC Rights of Way Group. Associated infrastructure may also be required. I have attached a form that should be completed and returned to George Montague (Rights of Way Officer - GMontague@somerset.gov.uk).

In addition:

The local planning authority needs to be confident that the applicant can demonstrate that they have an all-purpose vehicular right to the property along path T 17/36. If they are unable to and permission is granted, then the local planning authority could potentially be encouraging criminal activity through permitting driving on a public path without lawful authority.

2. General Comments

Informative suggested.

SCC - TRANSPORT DEVELOPMENT GROUP - Standing advice applies

BIODIVERSITY - Country Contracts carried out wildlife surveys of the site dated July 2018.

Findings were as follows

Bats

There are no structures on site which provide roosting opportunities for bats. However bats are known to be active in the near vicinity and adjacent field boundaries would provide commuting routes and foraging for bats.

I support suggested enhancement for bats.

Birds

The removal of hedging to form a visibility splay may impact on nesting birds and so should be undertaken outside of the bird nesting season.

Reptiles

No reptiles or amphibians were found on site. However the pile of discarded brush must be carefully removed under a supervised destructive search.

Badgers

No setts were found on site but setts are known to be in the near vicinity

LANDSCAPE OFFICER - I have several concerns .

These are:

1. The impact of this development on the visual amenity of the area as the site is located on the North Curry ridge offering superb far reaching views to the north.
2. The large size of the development for domestic use.
3. The poor access to the field
4. Possible light pollution on this prominent ridge line
5. Impact on neighbouring properties

TREE OFFICER - Regarding this proposed development at 2 Borough Post, I think that the scheme on the revised drawing is much better, as the building and arena are further from the southern boundary trees. This should avoid damage to roots, but will also allow more light to the building, and avoid damage by any debris that might fall from the trees. The further from those trees, the better, obviously.

The usual condition for protective fencing outside the Root Protection Areas along this boundary required.

On more of a landscape note, the views from the Backham Cottages, particularly 1 and 2, will be affected – perhaps the building should be further down the hill?

LLFA - It is not clear from the submitted documents the drainage arrangements for the proposed stable building and car parking /turning areas. As long as the applicant can confirm what is proposed, we would have no objection as the scale of the development is relatively small. The menage drainage appears to be dealt with.

DRAINAGE ENGINEER - No comments received

Representations Received

Seven representations received objecting to the proposal on some or all of the following grounds:

- building too close to adjoining properties resulting in problems with smell, flies, noise and light pollution
- increased traffic would create unacceptable noise nuisance and hazard to highway users
- proposed entrance would be hazardous to highway users
- dust from surface of turning/parking area
- hardsurfaced area may impede run off from pumping station and stable block
- located within a special landscape area which should be protected
- use of floodlights from 6am to 9pm would be unacceptable
- loss of privacy and views
- details of the proposed hedge has not been submitted
- increased fire risk
- loss of prime agricultural road
- concern this could become a business enterprise given its scale

- size of building would be visually intrusive

Three representations in support of the scheme have been submitted

Amended Plans

Representations objecting to the amended plans have been received from four submitters:

- impact on landscape including prominent ridge and area
- visible from surrounding properties and the road
- possible loss of trees and destruction of natural habitat
- should not become a business
- disturbance and disruption during construction
- poor access
- impact on neighbours
- access to the footpath

Two representations have been submitted in support of the proposal.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

DM1 - General requirements,
DM2 - Development in the countryside,
CP8 - Environment,
CP6 - Transport and accessibility,

This takes into account the recent adoption of the SADMP.

Local finance considerations

Community Infrastructure Levy

Not applicable

Determining issues and considerations

The site lies outside a defined settlement boundary in the open countryside. Policy DM2 sets out the types of development normally permitted. Whilst not specifically

listed, it is considered that equestrian use is an appropriate use in the open countryside. A requirement of the policy is that the development would be of a scale, design and layout compatible with the rural character of the area and not harm the residential amenity of neighbouring properties and landscape of the local area.

The applicants require the development for the change of use of land for keeping and stabling of their own horses on a site in close proximity to their dwelling.

The amended plans have reduced the floor area of the proposed buildings from 825m² to 477m². and the overall height from 5m to 3.3m. The location of the building has been moved away from the south-east field boundary, towards to the southern boundary and screened from outside the site by the existing mature tree line and hedgerow. The remainder of the site will be retained as open grazing land.

The applicants have confirmed the removal of the floodlights from the proposal and there will be no business use of the premises.

It is considered that the development is compatible with the rural character of the area in terms of its scale, siting and design.

A number of submissions have been received regarding the prominence of the building on the ridge. However, as can be seen from the plans submitted showing the contours of the land the building sits below the ridge by approximately 2m, with the existing dwellings along the south-eastern boundary at a higher level. The proposed building would be set against the backdrop of the existing built form and the established treeline along the southern boundary.

The building is located some distance from the nearest dwelling. Given the proposed use for personal use only it is considered that it is unlikely to give rise to a detrimental impact on residential amenity.

The surface water will drain to the ditch along the side of the property although this will be minimal as the surfaces are mainly porous. The roof water collected for drinking water for the horses.

The existing agricultural access is proposed to be widened to improve visibility in both directions for vehicles leaving the site. In addition the field gate is proposed to be set back 9m from the edge of the carriageway to enable vehicles to pull off the road before having to open the gate to enter the site. Two off-street car parking spaces are proposed to serve the existing dwelling, removing the need to park on the concrete apron outside the property. Given the existing and the proposed use associated with the access, it is considered that the development would have no greater impact in terms of highway safety.

The proposal complies with adopted policies and approval is recommended.

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

Contact Officer: Denise Grandfield

