

**HIGH PEAK BOROUGH COUNCIL  
DEVELOPMENT CONTROL COMMITTEE**

**14<sup>th</sup> January 2019**

<b>Application No:</b>	HPK/2018/0571	
<b>Location</b>	Millstone Willows, Beet Lane, New Smithy, Chinley	
<b>Proposal</b>	Retrospective application for a proposed stables building, access trackway and hardstanding area (resubmission of HPK/2017/0695)	
<b>Applicant</b>	Mr Jeremy Thorpe	
<b>Agent</b>	John Lomas	
<b>Parish/ward</b>	Blackbrook	<b>Date registered</b> 21 <sup>st</sup> November 2018
<b>If you have a question about this report please contact: Jane Colley,</b> <a href="mailto:Jane.Colley@highpeak.gov.uk">Jane.Colley@highpeak.gov.uk</a> Tel: 01298 28400 ext. 4981		

## **REFERRAL**

This application has been brought before the Development Control Committee at the request of Councillor Kappes for the following reason:

I would like to call in this application. The reasons are that the application does not wholly comply with EQ2 and EQ6, there is visual intrusion from the new development and I suspect ground disturbance from the large number of hay bales stored near to the boundary fence. There seems to be some 'creep' in the work being done that was not included on the original plan/application.

### **1. SUMMARY OF RECOMMENDATION**

<b>Approve, subject to conditions</b>
---------------------------------------

### **2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

- 2.1 The application site relates to the residential curtilage of Millstone Willows and an area of a field located to the east of the residential property. The field extends from beet lane, rising towards a public footpath to the south which connects Beet Lane to the wider countryside. The residential property and neighbouring property, Lowburn sit at a lower level to the field. A wire fence and number of sheds and trees form the common boundary with Lowburn to the north.

### **3. DESCRIPTION OF THE PROPOSAL**

- 3.1 This application has been submitted following an investigation by the

enforcement team concerning a complaint that the stables as erected did not comply with the plans approved under HPK/2017/0695. Planning consent was granted in March 2018 for the erection of a new stable building and new access track through the residential curtilage of the host dwelling, Millstone Willows.

- 3.2 The stables have been installed on a concrete pad along with the approved access track, however a number of changes have been made to the stable building, which include:

	HPK/2017/0695	HPK/2018/0571	Difference
Floor Area (sq m)	97.68	95.46	-2.2m
Ridge Height (m)	3	3	0
Eaves Height	2.1	2.1	0
West Elevation	2 windows	1 window	-1 window
South facing roof slope	No roof lights	3 roof lights	3 additional roof lights
West facing roof slope	No roof lights	2 roof lights	2 additional roof lights

- 3.3 In addition to the stable building, to the north and east a gravelled hardstanding area has been laid linking to the approved access track to the west to the stables building. The plans approved under HPK/2017/0695 showed no hard standing surface in front of the stables.

- 3.4 The application and all details associated with it can be found on the Council's website at:

<http://planning.highpeak.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=229033>

#### **4. RELEVANT PLANNING HISTORY**

- 4.1 The previous planning applications relating to the site are as follows:

HPK/2018/0610 – Proposed alteration to existing outbuilding (Domestic Store Building) to form home officer – Pending

HPK/2017/0695 - Proposed stable building and access trackway – Approved 1<sup>st</sup> March 2018.

HPK/000/7416 – One two storey house and new stable to replace existing stable – Approved.

#### **5. PLANNING POLICIES RELEVANT TO THE DECISION**

**High Peak Local Plan Adopted April 2016**

S 1 Sustainable Development Principles  
 S 1a Presumption in Favour of Sustainable Development  
 EQ2 Landscape Character  
 EQ3 Rural Development  
 EQ4 Green Belt Development  
 EQ 6 Design and Place Making  
 CF 6 Accessibility and Transport

**National Planning Policy Framework (Revised July 2018)**

- 2 Achieving Sustainable Development
- 9 Protecting Green Belt Land
- 15 Conserving and enhancing the natural environment

**National Planning Practice Guidance**

**6. CONSULTATIONS**

<b>Site notice</b>	Expiry date for comments: 28.12.2018
<b>Press notice</b>	Expiry date for comments: N/A
<b>Neighbours</b>	Expiry date for comments: 20.12.2018

**Public Comments**

One letter of objection, including accompanying photographs has been received raising the following concerns:

- The unauthorised works have already been carried out.
- The applicant has shown a cynical disregard for planning rules by carrying out the work without requesting permission, if approved it would set a precedent for future unauthorised work on green belt land.
- Since the stables have been built, further noise has been generated from excavation machinery. During these works branches from the trees overhanging the boundary were removed and thrown back in our garden.
- Lighting was installed which was not in accordance with the approved plans, although this has now been removed.
- The applicant has now submitted an application for alterations to the existing stable building. We originally queried why this building could not be altered to accommodate the size of the applicants horses.
- We still dispute the approval of the original application HPK/2017/0571 and are pursuing an appeal against the decision.
- Impact on privacy and amenity
- Harm to the character and appearance of the area and specifically the green belt.
- Unauthorised excavation and installation of hard surfacing on land immediately adjacent to the Lowburns boundary.
- Surface water drainage would be affected by the hard surfacing, which is not indicated on the plans.
- Unauthorised installation of new fencing and a gate.

- Unauthorised installation of a concrete block retaining wall, which was referred to as a new grassed bank on the original application.
- The new trackway is used on a daily basis by motorised vehicles and used for parking. The track is within 100mm of our garden boundary and is an accident waiting to happen.
- 40+ bales of hay have been stacked next to the rear boundary of our garden. The use of our garden is now restricted and which we had hoped to landscape and make full use of.
- 30 fatalities have occurred with some stacked hay bales in 2016-2017. Restrictions should be put in place and no stacking of anything should be adjacent to our garden boundary when we have young children.

<b>Consultee</b>	<b>Comment</b>	<b>Officer response</b>
Highway Authority	Refer to previous comments. No objection, subject to development remaining private and ancillary to Millstone Willows with no future sub letting or selling off.	
Chinley, Buxworth and Brownfield Parish Council	No objection. However we are aware of concerns raised by the immediate neighbour and we request that High Peak Borough Council ensure that the residential amenity of this neighbour is protected as far as is reasonably practicable.	
Severn Trent Water	Awaiting comments	
Ramblers Association	Awaiting comments	

## **7. POLICY AND MATERIAL CONSIDERATIONS AND PLANNING BALANCE**

### **Planning policies**

7.1 The determination of a planning application is to be made pursuant to section 38(6) of the Planning and Compulsory Purchase Act 2004, which is to be read in conjunction with section 70(2) of the Town and Country Planning Act 1990.

7.2 Section 38(6) requires the Local Planning Authority to determine planning applications in accordance with the development plan, unless there are material considerations which 'indicate otherwise'. Section 70(2) provides that in determining applications the Local Planning Authority *"shall have regard to the provisions of the Development Plan, so far as material to the application and to any other material considerations."* The Development Plan currently consists of the High Peak Local Plan Policies Adopted April 2016.

7.3 Paragraph 11 of the revised National Planning Policy Framework (NPPF) explains that at the heart of the Framework is the presumption in favour of sustainable development. For decision makers this means that when considering development proposals which accord with the development plan they should be approved without

delay; or where the development plan is absent, silent or relevant policies are out of date, grant planning permission unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against other parts of the NPPF.

7.4 Local Plan policy S1a establishes a presumption in favour of sustainable development as contained within the NPPF.

7.5 The Core Principles and overarching aims of the NPPF are set out in paragraph 8 which, amongst other things, seek to proactively drive and support sustainable development in line with social, economic and environmental objectives. The NPPF continues to require high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

7.6 As noted above, planning permission was granted for the stables in March 2018, subject to a number of conditions. The applicant advised that they had a total of four horses, two of which were large horses (16 and 17 hands), therefore the size, scale and design of the stable building was needed to accommodate these requirements. This still remains the case.

7.7 The conditions imposed under the earlier consent required the submission of details relating to the location, storage and disposal of manure, details of external lighting and the method of surface water disposal. These conditions were duly approved under DOC/2018/0027. The approved lighting comprises two 60watt bulbs on the eastern and northern elevations. With respect to drainage, a soakaway positioned beyond the southern elevation of the stables with a water butt capable of overflow into the soakaway was approved along with the location and storage of manure to the east of the stables.

7.8 Since this time, the stables have been erected, along with the new access track through the garden of Millstone Willows, although some minor alterations have been made to the size and fenestration detailing as detailed in paragraph 3.1. Moreover, a new hardstanding area to the north and east of the stables has been installed linking the stables with the access track.

### **Principle of development**

7.9 The application site lies within the Green Belt and countryside whereby policies EQ3 and EQ4 apply. Policy EQ3 supports equestrian uses in the countryside provided that it does not have an adverse impact on the character and appearance of the area. Policy EQ4 sets out the need to maintain the openness of the Green Belt and supports development provided that it meets the requirements of the National Planning Policy Framework (NPPF).

7.10 Paragraph 145 of the NPPF states new buildings within the green belt should be regarded as inappropriate development, unless it meets one of the exceptions listed. One of those exceptions is facilities for outdoor recreation provided that it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. Paragraph 143 explains that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

7.11 The proposals comprise facilities for outdoor recreation providing a number of stables, hay/feed store and tack room which are considered to be an appropriate form of development in the Green Belt. The amendments which have been made to the stable building in terms of its size (with a marginal decrease in footprint) and changes to the fenestration details are considered to be of a minor nature. The stables are a low level building which are positioned in one corner of the field adjacent to an existing stone wall, which forms the boundary with the public right of way and an existing beech hedge which forms the boundary to the residential curtilage of the host dwelling. Existing ground levels have been lowered in order to achieve a level surface, resulting in a building which sits low in the landscape. Given the size, scale and low level nature of the building, it is not considered that the openness of the Green Belt would be injured.

7.12 The approved access track has been installed providing access to the stables via the existing residential garden of the host dwelling. Very limited engineering works were required to install the track, which comprises consolidated natural stone gravel with a central strip of grass.

7.13 Paragraph 146 of NPPF also identifies other forms of development which are not considered to be inappropriate development provided that they preserve the openness of the green belt and do not conflict with the purposes of including land within the green belt. This includes engineering operations, which can involve the excavation of land and the installation of hard surfacing. The laying down of the hard surfacing, which covers an area of approximately 185 sq m, allows a consolidated surface to be provided between the stable building and the vehicular access to the west. Such hard surfacing and access tracks are commonly found in the Green Belt, providing access to fields, farms and other rural enterprises. Whilst an engineering operation was necessary to create the hard standing, its position, being at lower level than the adjacent field and public right and partly enclosed by the stables building ensures that surfacing does not harm openness of the Green Belt.

7.14 Overall it is considered that the development comprises an appropriate form of development in the green belt which would not harm the openness of the green belt or conflict with the purposes of including land in the green belt and therefore complies with Policy EQ4.

### **Impact on the countryside/landscape**

7.15 As noted above equestrian development is considered to be an acceptable form of development in rural areas under Policy EQ3 provided that it does not harm the character and appearance of the area. Policy EQ2 sets out that the Council will protect, enhance and restore the landscape character for its intrinsic beauty and the economy, environmental and social well-being of the district.

7.16 The site lies within the Settled Valleys Pasture Landscape Character Area as set out in the adopted Landscape Character Supplemental Planning Document (SPD). This landscape is noted for its scattered farmsteads, pastoral landscape with higher slopes of poor grazing, small irregular fields enclosed by mixed species hedgerows and occasional dry stone walls. The SPD advises that small scale development should be contained in simple and robust buildings with minimal detailing.

7.17 The stables are a simple wooden building, with stable doors, one window and a

number of roof lights. The existing ground levels have been lowered to ensure that the building sits on a level surface, thereby limiting the visual effect of the building when viewed from the public footpath to south of the building.

7.18 The siting, height and use of wooden materials in the stable building results in a structure which is not prominent in the landscape. Indeed with the presence of the stone boundary wall and beech hedge combined with the lowered ground levels, the stables are almost screened from wider views in the landscape. Wooden stables are a commonly found building in the landscape and countryside, therefore the siting of the building tucked into a corner of the existing field, surrounded by traditional boundary treatments, does not harm the landscape character of the area.

7.19 The hardstanding area has been constructed of permeable natural stone, which although somewhat stark at the present time will darken over time. However with the stable building and hardstanding sitting below the height of the adjacent field, and significantly below the public right of way to the south, neither element is visually intrusive when viewed from the wider landscape.

7.20 Accordingly, it is considered that the development would not harm the character and appearance of the landscape and therefore complies with Policies EQ2 and EQ3.

### **Impact on Residential Amenity**

7.21 Policy EQ6 of the adopted Local Plan seeks to ensure that new development does not harm the amenities of existing and future residents, taking account of matters such as overlooking, the overbearing effects of development and visual intrusion.

7.22 The stables are positioned to the south of the neighbouring property Lowburn, some 22m from the rear elevation of the property and 6m from the rear garden boundary at its closest point. Lowburn is a detached bungalow which is positioned on significantly lower ground levels than the application site. Within the rear garden of Lowburn are a number of garden sheds/outbuildings and trees and shrubs along the common boundary. Given the significant changes in ground levels and the presence of the boundary treatment and garden sheds, it is considered that the stables do not have an overbearing impact or cause any loss of light to the amenities of this neighbouring property.

7.23 The installed access track extends from the existing parking area to the front of the host dwelling, to its eastern side and within the garden area, beyond which the neighbouring property is located. It is acknowledged that the access is visible from a two side facing windows on the neighbouring property, some 13m from these windows. However its use would be solely by the owner of the horses and occasionally by vets/farriers. Although the installation of the vehicular access has been a noticeable visual change for the neighbours, it should be borne in mind that the location of access is wholly within the residential curtilage of the property, and therefore the day to day use of this garden area could cause general noise and disturbance. It is considered that the position of the access track would not have a substantially greater impact on their amenities of the neighbours than the present use of the land.

7.24 The hard surfacing area which has been installed to the south of the neighbours rear garden boundary is entirely screened by the existing vegetation and outbuildings

found in the neighbours rear garden. Only glimpsed views of the stables can be seen. Whilst the location of the hard standing is immediately adjacent to the neighbours rear garden boundary, the presence of the trees and outbuildings provides a suitable screen to ensure that any vehicle movement or persons visiting the stables are not readily apparent.

7.25 As with the earlier approval, and to ensure that the development is not intensively used beyond that associated with a domestic property, it is considered necessary to restrict the use of the stables, access track and hard standing surface to the applicant and for no commercial purposes. With the imposition of this condition, it is considered that the development would not harm the residential amenities of the neighbouring property and therefore meets the requirements of policy EQ6.

### **Highway Safety**

7.26 Policy CF6 seeks to ensure that new development can be safely accessed in a suitable manner. The stables would be accessed from the track through the residential curtilage of Millstone Willows approved under HPK/2017/0695. The field to the east also has a field entrance onto Beet Lane, which could be used by larger vehicles if necessary.

7.27 There are no proposals to amend the means of access to the stables. The recently installed access track does not interfere with the existing car parking arrangements which serve the residential property, accordingly the development is not considered to harm the safe operation of the adjacent public highway and would meet the requirements of Policy CF6.

### **Other Matters**

7.28 It is noted that concern has been raised about the installation of a gate into the adjacent field and wooden post and rail fencing along the field boundary, particularly as they have been omitted from the plans. As both means of enclosure do not exceed 2m in height, planning permission is not required for these elements and therefore are not required to be shown on the plans.

7.29 The objector also raises safety concerns over the amount and location of bales of hay which are stored on the land. Again this element does not require planning consent. Whilst safety concerns are acknowledged, this is not a material planning consideration which can be addressed.

7.30 A concrete wall has been installed along a small part of the eastern boundary of the site and immediately adjacent to the approved location for the storage of manure. This location for the storage of the manure was approved under the terms of condition 4 of HPK/2017/0695 as it is the furthest point from the neighbouring property of Lowburn. Due to the lowering of the ground levels shown under the earlier application, the approved plans showed a gradual grassed bank to the east. The gradual slope has now been replaced with a concrete wall which partly encloses the manure store and is not a visible structure in the landscape. Accordingly, this aspect is considered to be acceptable in both amenity and landscape terms.

7.31 Application HPK/2018/610 relates to a stable building to the front of the property whereby it is proposed to convert the building to a home office. During the course of the previous application, the applicant explained that this building was not suitable or large enough for the two larger horses, although at the time it was being used for the storage of hay and tack. As with all planning applications, this proposal will be assessed on its own merits.

7.32 The external lighting which is now present on the stable building complies with the details approved under condition 5 of HPK/2017/0695, following the removal of a light on the northern elevation facing toward the neighbouring property.

7.33 It is acknowledged that the changes which have been carried have been done without the benefit of planning consent. Whilst any breach of planning control cannot be condoned, guidance from Central Government is that enforcement action should be a last resort and should only be taken when it is expedient to do so. Councils are expected to give those responsible for a breach of planning control the opportunity to put matters right before resorting to formal action. In this case, the submission of this planning application seeks to regularise the breaches of planning control.

## Conclusions

7.34 The changes which have been incorporated into the stable building and the creation of the hardstanding are considered to be of a minor nature which amount to appropriate development in the Green Belt and do not reduce the openness of the Green Belt or conflict with the purposes of including land within. Moreover, the size, scale and use of materials in both the stable building and hardstanding area are of a traditional appearance which is sympathetic to the character of the landscape. The development is therefore considered to be appropriate development in the Green Belt which would not harm the character and distinctiveness of the landscape. Accordingly the development comprises sustainable development and therefore it is recommended that planning consent be granted.

## 8. RECOMMENDATIONS

**A. It is recommended that the Committee APPROVE the application, subject to the conditions:**

### Conditions

Condition number	Brief description	Comment
AP01	Development in accordance with approved plans	
NSTD	Stables, access road and hardstanding solely for the personal use of the applicant and no commercial purposes.	
NSTD	Compliance with approved scheme for the location, storage and removal of manure	

NSTD	Compliance with approved lighting scheme	
NSTD	Compliance with the approved surface water disposal scheme	

**B. In the event of any changes being needed to the wording of the Committee’s decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Operations Manager - Development Services has delegated authority to do so in consultation with the Chairman of the Development Control Committee, provided that the changes do not exceed the substantive nature of the Committee’s decision.**

**Informative**

The development is considered to be a sustainable form of development and therefore complies with the guidance contained in the National Planning Policy Framework.

