

PLANNING APPLICATION REPORT

Case Officer: Neil Maud

Ward: Milton Ford

Ward Member: Cllr R Baldwin

Application No: 00496/2014

Agent:

Ms D Pichler
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Applicant:

Mr R Jones
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Site Address: Land adjacent to Week, Brentor, Tavistock, Devon, PL19 0NL

Development: Variation of condition 2 restricting the use of the manege to Week residents only under permission number 4172/2003/TAV in order to allow their use by Week residents and stable owners.



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Reason item is being put before Committee: The views of the officer are contrary to the Ward Member:

1. The applications are contentious locally,
2. There appear to be discrepancies between the DCC Highways Officer's report and the final report.

Recommendation: Conditional consent

Conditions: As per 4172/2003 less condition 2 which is varied to:

The use of the manege hereby permitted shall be for the exercise of horses owned in a private capacity by the owners or lessees of the individual stables and shall not be used for any form of livery business or any other commercial activity.

Reason: In the interests of highways safety given the site is not able to support a livery or similar commercial enterprise.

Key issues for consideration:

The key impacts for consideration are impacts upon amenity and impact upon the highway network.

Site Description: Week Farm comprises a group of residential properties with associated shared buildings and land including a tennis court, a manege and stable block. The site benefits from a private access road.

The Proposal: Permission is sought to vary condition 2 of 4172/2003 to enable the use of the stables by persons not in ownership or occupation of a property at Week Farm.

Consultations:

County Highways Authority: No objection, the proposal would not result in an unacceptable level of highways activity.

Milton Abbot Grouped Parish Council: Objecting. The proposal will result in additional traffic

Representations

8 letters of objection summarised:

- No welfare facilities on site or public parking
- Increase in traffic on access road would pose health and safety risk
- Use of stables or manege would result in unacceptable nuisance to privacy of residents
- Restrictions on freehold contract preclude third party use or commercial use

Relevant Planning History

03260/2002 Conversion to nine dwellings plus erection of stables GRANTED

04172/2003 Construction of manege for equestrian purposes GRANTED

00498/2014 Variation of condition 14 of 03260/2002 to allow manege use PENDING

ANALYSIS

Principle of Development/Sustainability: The principle of using the manege for purposes other than by the owners or tenants of Week Farm complex is considered to be acceptable. Notwithstanding this, a covenant may exist which would restrict the use to owners only. Whilst this proposal *may* be found appropriate in planning terms this does not preclude a separate contractual clause that could make the use or development impossible. These matters would be resolved outside the purview of a planning application.

It is a matter of fact and degree for the scale of activity providing that this would not have an adverse impact upon the neighbouring occupants or the highway access to the site. Therefore the principal of a continued equestrian use in the countryside is considered to be appropriate and accords with adopted planning policies SP1 and SP5 of the Core Strategy.

Design/Landscape: The design and surrounding landscape will be unaltered; the manege is extant and the proposal involves no external alteration. Therefore the proposal is in accordance with policy SP17, SP20 of the Core Strategy and policy NE10 and ED21 of the Local Plan.

Neighbour Amenity: The Week complex comprises nine residential units which were built with associated stables and manege. The dwellings are more than 70 metres from the manege which is considered an acceptable separation distance under the approval in 2003. This proposal will not alter that relationship and the proposal will be suitably conditioned to ensure there is no increase in activity that could give rise to a detrimental impact upon the amenities of the residents.

Highways/Access: The highways officer has raised no objection to the proposed variation of condition provided there is no increase in vehicular movements and that the local planning authority are satisfied that there is a mechanism to limit the vehicular activity. The condition at present only states that the use of the manege is limited to the occupiers of week farm. The condition does not state that the occupiers of the dwellings must also stable horses on site to use the facility. Therefore an owner could stable a horse off site and then visit the site regularly to use the manege. The change in condition will therefore not increase the amount of traffic to the site than that which could already occur without planning permission. Therefore subject to suitable condition the proposal broadly accords with policy T9 of the Local Plan. The contents of the unilateral agreement submitted with the application can be achieved through the variation of condition as set out above. Therefore, it is not considered necessary for the legal agreement submitted to be completed. The condition once varied is considered to achieve that requested by the Highways Engineer.

Conclusion: The application seeks to allow the users of the stables to exercise their horses at the manege. The authority is satisfied that this would not result in an increase in activity that would cause an undue increase in vehicular movements that would be to the detriment of the residents of Week Farm complex. The proposal does not preclude the current use or occupation of all of the stables and the use of the manege therefore it is considered that a variation to condition to allow the manege to be used by those renting or owning the stables is not unacceptable. The increase in activity is not considered to have a detrimental impact upon the occupants and users and would not result in an unacceptable level of vehicular movements.

Planning Policy

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004 and, where relevant, with Sections 66 and 72 of the Town and Country Planning Act 1990 (Listed Buildings and Conservation Areas).

Planning Policy

National Planning Policy Framework

West Devon Borough Council Core Strategy 2011

SP1 – Sustainable Development

SP5 – Spatial Strategy

SP17 – Landscape Character

SP20 – Promoting High Quality Design

West Devon Borough Council Local Plan Review 2005(as amended 2011)

ED21 – Rural Diversification

T8 – Car Parking

T9 – The Highway Network

NE10 – Development in the Countryside

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.
