

PLANNING APPLICATION REPORT

Case Officer: Adam Williams

Parish: North Huish **Ward:** South Brent

Application No: 3498/19/FUL

Agent/Applicant:

Mr Ian Hodgson - DMR Design
The Acorn Centre
Oak Court
Lee Mill Industrial Estate, Iv
PL21 9GP

Applicant:

Mr & Mrs C Collins
23 Southfield Avenue
Preston
Paignton
TQ3 1LH

Site Address: Newpark Stables, North Huish

Development: Proposed Manege Area to be used in conjunction with existing Stables development.



Reason item is being put before Committee

Cllrs Pannell and Smerdon wish the Committee to consider the relationship of the proposed development to the AONB and whether there is any impact on neighbour amenity

Recommendation: Conditional Approval

Conditions

1. Standard Time
2. Standard Plans
3. Not for commercial use
4. Additional landscaping
5. Land returned if no longer used
6. Drainage details
7. No outside lighting

Key issues for consideration:

The principle of development in the countryside, landscape impacts in particular impacts on the AONB, and amenity.

Site Description:

The site comprises a piece of land and some stables near Diptford, used for keeping horses, the stables are prohibited from livery functions. The site is in open countryside, within the Area of Outstanding Natural Beauty. The site itself is set behind a hedgerow and trees and has limited visibility from the public highway

The Proposal:

The proposal seeks permission to construct a ménage measuring 40x30m, the works will involve the formation of banking as part of the 'cut & fill' exercise in constructing/siting a flat area into a land that has a sloping topography

Consultations:

- County Highways Authority - no comments
- SHDC Drainage - This is an application for the provision of a sand school, therefore we have no comments.
- Town/Parish Council – objects on AONB grounds and is of the view the site is being used for livery purposes
- SHDC Landscape Specialist - In summary the proposed development would result in limited harm – low to negligible, and the overall landscape character is conserved if mitigation is secured by condition

Representations:

10 letters of support were received and 10 letters of objection were received.

In support, a summary of the comments are as follows

- Space to train competition horses off road
- Will prevent field being churned up
- Reduce travel from the site to another ménage
- Limited visual harm

- Other comments misunderstand schooling livery, suggests that the applicant can train other people's horses
- Applicant is a respected show jumping competitor

In objection, a summary of the comments are as follows

- Applicant has been using site for livery/commercial purposes
- Increased traffic
- Contrary to policy in terms of landscape impact and AONB impact
- Overlooking

Relevant Planning History

37/0610/12/DIS Mr K Sahraian-Jahromi

Discharge of conditions 6 (Landscaping details) and 8 (Schedule of materials) of planning approval 38/2989/11/CU. Discharge of condition Approved

Newpark Stables North Huish North Huish Devon TQ10 9NN 14 March 2012

38/2989/11/CU Mr K Sahraian-Jahromi

Retrospective application for the change of use of land to equestrian use and the erection of stable, quad bike and storage buildings. Conditional Approval

Newpark Stables North Huish North Huish Devon TQ10 9NN 22 November 2011

ANALYSIS

Principle of Development/Sustainability:

Sustainable development which are identified in that policy and include avoiding adverse environmental impacts and maintaining local distinctiveness and sense of place.

Policy TTV26 specifically applies to development in the countryside, and it includes a number of relevant points. Part 1 relates to isolated development such as proposed, but the proposal is not addressed by any of the exceptions given. Part 2 of TTV26 sets out a number of other criteria to apply within the countryside, but they are not relevant given the land is already in equestrian use and there are no bridleways or public rights of way across the land. The use of the land has already been changed from agricultural to equestrian under permission ref: 38/2989/11/CU. Therefore there is no principle change of use of the land associated with this application.

Policy TTV28 applies to horse related development in the countryside. This policy seeks to ensure there is adequate land for the number of horses to be kept, existing buildings are reused before new ones are considered and are commensurate with the number of horses and there is an agreed scheme of management for any ancillary development.

The applicant has provided a statement confirming various matters contained within TTV28 and the information provided here is considered to be acceptable given that there are existing stables on site and the proposal relates to an existing function.

Accusation has been levied regarding the commercial use of the site, the applicant is reminded that application 38/2989/11/CU prevented the use of the site for commercial purposes, a new ménage will also be limited in this respect. The accusations of commercial use cannot be a reason to refuse a ménage, rather this matter is for enforcement. The application must be considered in isolation on its own merits.

Design/Landscape:

The site falls within the South Devon AONB and the Heritage Coast and so is subject to the highest level of protection established at a national level in NPPF para 172 and at a local level by policy DEV25.

The site is located on high ground with an open aspect and views available from the fields to the east over the valley. Views are also available through the site entrance which are a sensitive receptor in rural locations where views into fields are often only achieved through gaps in the hedges. The land rises from the location of the stable building to the east after it falls, the ménage would need to be dug into a bank to create the necessary level surface.

The councils Landscape Specialist was consulted and provided the following comments

‘The proposed sand school is within an area under existing equestrian use, including stables, subdivided paddock field system with post and rail, and manoeuvrable field shelters on sleds. The local and wider landscape is strongly rural in character under agricultural use – with mixed arable and pasture.

The site lies on sloping land which would necessitate some limited ground engineering, banking, and levelling but across a considerable area of land in order to create the sand school. Such operations could potentially fail to conserve and enhance the AONB, which as noted is characterised under LCT type - 5A. Inland elevated undulating land; a landscape of elevated undulating farmland, is generally open and treeless with little built development. It is valued for its remote and ‘empty’ character, sparsely settled and with high levels of tranquillity and experience of dark skies.

In noting the form and location of the sand school, the resultant works would change the landform at a local level but to a limited extent, sloping more acutely over approximately 2.5m drop across falling ground. There would be an opportunity to mitigate this with planting which would broadly accord with local character where historically some fields are more irregular in shape and smaller (east of North Huish). Additionally some further copse planting secured to the south-east corner, infilling between existing boundaries and the menage.

In assessing local viewpoints, these are considered to be limited mainly to the north and east from narrow, local lanes. The proposal will be seen in the context of a rural landscape but with equestrian activities. The proposed development would not be an obvious feature, and one that could be mitigated. There are some opportunities to seek enhancement, in particular to screen the horse lorry – through selective tree planting within the maturing hedge line to the north of the stables, and a small copse in the south east corner.

In summery the proposed development would result in limited harm – low to negligible, and the overall landscape character is conserved if mitigation is secured by condition. This is in consideration of the existing, established equestrian use and constrained nature of views from the undulating, hedge lined lanes and wooded valleys locally. There are limited opportunities for enhancement but notably some new additional tree planting within the existing maturing hedge to the east of the stables and planting around the sand school in the form of hedges and copse. The proposal would have a broadly neutral impact. It will be important to secure a strong and guiding condition.’

The landscape specialist, in noting the form and location of the sand school, the resultant works would change the landform at a local level but to a limited extent. Despite this, taking

account of the change that has occurred with the stables and the change of character of its supporting field system, there would be an opportunity to mitigate the local harm with planting and some further copse planting secured to the south-east corner, infilling between existing boundaries and the ménage. Subject to condition then, the proposals can provide for enhancement to mitigate the limited harm and the proposals are in accordance with policies DEV23 and DEV25 of the Plymouth and South West Devon Joint Local Plan.

Neighbour Amenity:

No amenity issues due to the separation to adjoining neighbours, the use of the fields for equestrian activity already occurs so accords with policy DEV1.

Highways/Access:

The access is already established, as is the use of the land, so no highways issues are raised provided the condition to restrict commercial use is adhered to. The travel impacts are already established as the stables are permitted.

Other Matters:

Drainage – The applicant has stated the ménage would be free draining so the proposal would not result in additional runoff. If the application was recommended for approval further details would be requested to ensure this is the case, and if not a condition imposed to ensure a workable surface water drainage solution is secured.

Biodiversity Policy DEV26 requires all development to ensure biodiversity enhancements, but this should be “proportionate to the type, scale and impact of development”. If implemented, the landscaping condition and additional tree planting and hedge creation offers proportionate biodiversity gains commensurate with the scale of the development.

Planning Balance

Whilst the site lies within the AONB, the equestrian use of the site is an established feature, the development of a ménage will alter the landform somewhat, however it has been assessed that this impact will be limited locally. Mitigation is proposed by condition and the applicant has satisfied the relevant parts of policy TTV28. A condition will also be applied to prohibit commercial use. Overall the proposals are considered to be acceptable on balance, noting existing features and possible mitigation measures.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004

Planning Policy

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004 Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park) comprises the Plymouth & South West Devon Joint Local Plan 2014 - 2034.

Following adoption of the Plymouth & South West Devon Joint Local Plan by all three of the component authorities, monitoring will be undertaken at a whole plan level. At the whole plan level, the combined authorities have a Housing Delivery Test percentage of 166%. This

requires a 5% buffer to be applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.5 years at the point of adoption.

Adopted policy names and numbers may have changed since the publication of the Main Modifications version of the JLP.

The relevant development plan policies are set out below:

The Plymouth & South West Devon Joint Local Plan was adopted by South Hams District Council on March 21st 2019 and West Devon Borough Council on March 26th 2019.

SPT1 Delivering sustainable development
TTV28 Horse related developments in the countryside
DEV1 Protecting health and amenity
DEV2 Air, water, soil, noise, land and light
DEV20 Place shaping and the quality of the built environment
DEV23 Landscape
DEV24 Undeveloped coast and Heritage Coast
DEV25 Nationally protected landscapes
DEV26 Protecting and enhancing biodiversity and geological conservation
DEV28 Trees, woodlands and hedgerows
DEV29 Specific provisions relating to transport

Other material considerations include the policies of the National Planning Policy Framework (NPPF) and guidance in Planning Practice Guidance (PPG). Additionally, the following planning documents are also material considerations in the determination of the application:

Neighbourhood Plan

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.

Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted.

Reason: To comply with Section 91 of the Town and Country Planning Act, 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall in all respects accord strictly with;

Proposed Elevations Sections 1910/P2 – received by the Local Planning Authority on 07/11/2019

Scheme Design: Site Layout Plan 1911_P1 – received by the Local Planning Authority on 07/11/2019

1911_L1 Location Plan – received by the Local Planning Authority on 07/11/2019

Reason: To ensure that the proposed development is carried out in accordance with the drawings forming part of the application to which this approval relates.

3. Notwithstanding the submitted details, the development hereby permitted shall not be commenced until full details of drainage scheme for the surface water have been submitted to and approved in writing by the LPA. The drainage scheme should follow the drainage hierarchy with soakaways as the first choice. Only if soakaways are not feasible will an alternative scheme be considered. Design steps as below

- Percolation testing in accordance with DG 365 will be required to support the use of soakaways, or justify an alternative option. The report should include the trial logs and calculate the infiltration rate.
- Soakaways to be designed for a 1:100 year event plus an allowance for climate change. (Currently 40%)
- If the ground conditions are not suitable then a controlled discharge to a water course or Sewer can be considered. The surface water should be attenuated for a 1:100 year event plus 40% for climate change. The discharge must be limited to the green field run off rate. If the site is within a Critical Drainage Area then any surface water leaving the site must be limited to the 1:10 year green field runoff rate.
- If discharging to the sewer written permission from SWW will be required.

If the Local Planning Authority concludes that the method of drainage approved as part of this permission is undermined by the results of the percolation tests, a mitigating drainage alternative shall be agreed with the Local Planning Authority

The drainage scheme shall be installed in strict accordance with the approved plans, maintained and retained in accordance with the agreed details for the life of the development.

Reason: To ensure surface water runoff does not increase to the detriment of the public highway or other local properties as a result of the development.

4. The manege hereby approved shall only be used by the owners of the immediately adjoining stable block for their personal use, and not for any commercial purpose.

Reason: To ensure it does not result in additional traffic using the adjoining road and to justify the need for the manege within the AONB

5. No development shall take place until a full details of a hard and soft Landscape Scheme have been submitted to, and approved in writing by the Local Planning Authority. The Landscape Scheme shall be prepared by an appropriately qualified professional and shall include:

- a concept statement explaining how the proposed landscape treatment conserves and enhances the special qualities of the AONB and responds to the landscape character of the area;
- details of earthworks associated with the development, including volumes of cut and fill and arrangements for disposal of any excess excavated material or importation of material;

- materials, heights and details of fencing and other boundary treatments;
- the location, number, species, density, form and size of proposed tree, hedge and shrub planting;
- the method of planting, establishment and protection of tree, hedge and woodland planting;
- a timetable for the implementation of all hard and soft landscape treatment

All elements of the Landscape Scheme shall be implemented and maintained in accordance with the approved details unless otherwise agreed in writing by the local planning authority. All planting shall be implemented within the first planting season following practical completion. If within a period of five years from the date of the planting any tree/shrub/plant, or any tree/shrub/plant planted in replacement for it, is removed, uprooted or destroyed or dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree/shrub/plant of the same species and size as that originally planted shall be planted at the same place, unless the local planning authority gives its written consent to any variation. All work shall be completed in accordance with the timetable agreed.

Reason: In the interest of public amenity and the conservation and enhancement of the local landscape character and the natural beauty of the AONB, taking account of the particular landscape characteristics of the site and its setting, in accordance with Development Plan Policies.

6. Notwithstanding the details provided, there shall be no external lighting unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the countryside from intrusive development

7. If the manege is no longer required the land shall be restored to its former state within 12 months of the use ceasing, unless agreed in writing by the Local Planning Authority.

Reason: to protect the Undeveloped Coast from unessential development.