

APPLICATION NO PA/2014/1347

APPLICANT Mr R Raddish, R D Raddish

DEVELOPMENT Planning permission to retain a portable horse shelter, erect two further portable horse shelters and replace a caravan with a small container

LOCATION Field South of Holybank, Scotter Road, Messingham

PARISH MESSINGHAM

WARD Ridge

CASE OFFICER Scott Jackson

SUMMARY RECOMMENDATION Grant permission subject to conditions

REASONS FOR REFERENCE TO COMMITTEE Member 'call in' (Councillor Poole – significant public interest)

POLICIES

National Planning Policy Framework: Paragraph 58 states that planning policies and decisions should aim to ensure that developments will function well and add to the overall quality of the area.

Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.

North Lincolnshire Local Plan: Policies DS1, DS11 and RD2 apply.

North Lincolnshire Core Strategy: Policies CS1, CS2, CS3 and CS5 apply.

CONSULTATIONS

Highways: No objections.

Environmental Health: The proposed development has the potential to produce a significant amount of manure and foul bedding which may cause an odour nuisance. Recommend a condition for the submission of a scheme for the disposal and storage of manure and foul bedding.

PARISH COUNCIL

No objection.

PUBLICITY

Neighbouring properties have been notified. 19 letters of objection have been received (11 from the same address) raising the following issues:

- development in the countryside is strictly controlled and for specific purposes
- inconsistent decision-making
- the applicant has a history of not complying with planning controls
- impact on residential properties
- intensification of use
- the applicant undertakes a number of activities on the land and it is difficult whether these activities are ancillary
- the use of the land is not for agricultural purposes
- the structures and storage container should be sited at the applicant's existing property in Messingham
- buildings and property are less vulnerable to attack if concealed from the highway
- additional buildings in the countryside will increase the potential for crime
- this is incremental growth resulting in a commercial horse-riding business
- there have been several horse-related accidents in Messingham
- potential increase in the number of horse-related accidents
- the site fronts onto a main road with a 60mph limit, there is nowhere else for horses to be ridden
- no further storage is required
- metal storage containers are unsuitable for the storage of animal feed
- impact on the character and appearance of the countryside
- horses drop manure on the highway
- the application form contains dishonest and fraudulent information
- the additional shelter is not required
- increase in vermin
- the shelters appear to be much larger than those approved previously

- the shelters being proposed in the separate field should be subject to the same planning restrictions
- there appear to be five shelters in the northern field already
- there are a number of items on the site which have failed to have enforcement action taken
- negligent reply by the highways department
- the highways department is lacking knowledge in terms of road safety
- numerous references to the highway code and road safety issues
- the caravan should be removed
- it is the latest attempt by the applicant to increase the intensity of development at the site
- contrary to policies RD2 and DS1 of the local plan
- no special need has been demonstrated for these structures in planning policy terms
- the character and appearance of the land has changed over time
- works have consistently been undertaken and applied for retrospectively
- no information has been submitted in relation to the number of horses
- horse welfare standards are questioned
- issues with the burning of waste
- boggy conditions don't support the grazing of horses
- shelters are an ideal breeding ground for vermin and faecal material
- reference to planning application PA/2008/0722 which was refused on highway safety grounds
- reference to other applications which have been allowed for development in and around Messingham
- dominant and intrusive features being proposed
- disagree with retrospective planning applications
- the site contravenes HC13 – manure and horse bedding on the highway
- the drainage ditch overflows onto the land from time to time
- the site is not connected to bridleways.

In addition a pro-forma letter has been received, signed by 22 individuals, which raises the following issues:

- loss of view
- increase in equestrian activities at the site
- highway and pedestrian safety concerns
- nuisance and annoyance to residents.

ASSESSMENT

The site consists of two fields located on the southern edge of Messingham and is bounded to the north by the rear gardens of properties on Eastfield Road and by Scotter Road to the west. There are a number of detached properties across Scotter Road to the west. Currently the site is set up for the grazing of horses; there are a number of wooden field shelters located on the most northerly of the two fields. A caravan is located to the north-western corner of the southern field together with a shed. The fields are divided by low fencing; some of these contain horses. A residential property known as Almond Dale is located immediately to the south of the most northerly of the two fields. Access to the site is via an unmade track off Scotter Road to the west.

The main issues in the determination of this planning application are the principle of development, and its impact upon the character and appearance of the countryside and upon residential amenity.

Principle

Planning application PA/2008/1296 was granted for the keeping of horses on both of the fields forming the basis of this planning application. A condition was imposed on the 2008 planning permission (condition 6) restricting the erection of any further buildings, structures, caravans, jumps or other associated paraphernalia on the land unless a further application was made. The use of the land for the grazing of horses on both parcels of land has therefore been established. Planning application PA/2011/0198 was granted for the retention of a field shelter and two additional field shelters; this comprised three field shelters in total.

The applicant subsequently applied to remove condition 6 of the 2008 permission to allow them to introduce various structures, jumps and shelters onto the land. This was refused at planning committee and subsequently dismissed at appeal (application number PA/2013/1524). However, the planning inspector's report highlighted that the condition doesn't preclude the appellant (the applicant in this case) from seeking planning permission to apply for facilities to support the welfare of the horses, hence the application being considered in this case. The inspector also highlighted that the fields in question were being used for the keeping of horses. The principle of retaining a field shelter, the provision of two additional field shelters and the replacement of a caravan with a storage container (which in itself is more functional for its intended use) on land previously granted planning permission for the grazing of horses is considered acceptable in this case. The shelters are required for the welfare of the existing horses that are grazed on the land.

If the applicant wishes to erect any further buildings, structures or caravans on the site then these require permission under section 73 of the Town & Country Planning Act, and such an application would be considered on its own merits. The applicant has planning permission for the grazing of horses on these two parcels of land, therefore it follows that they would apply to retain and erect structures associated with equestrian use on this land. A condition is recommended prohibiting the storage container from being used for business purposes, which is not considered appropriate in this countryside location.

Countryside

The fields are located outside the defined settlement boundary for Messingham, on land defined in planning policy terms as open countryside. The most northerly of the two fields is open along its western boundary with Scotter Road, a principal highway thoroughfare into Messingham. The most southerly of the two fields is bordered by a 2.5 metre high hedge along its northern boundary and by a 2 metre high hedge and a dwelling along the boundary with Scotter Road. The planning inspector's report stated that the fields are very visible from the public realm and from the outlook of properties along Eastfield Road. The inspector also noted that the field shelters were relatively unobtrusive and the fields appeared relatively tidy and uncluttered, such that there was no significant sense of an intrusion into the countryside. The applicant is seeking to retain a wooden field shelter in the same field as the one already containing three shelters. It is seen in the context of the existing paddocks and the field shelters, against the backdrop of a field boundary hedge. It is of a comparable scale, height and design as the existing shelters and positioned 180 metres back from the highway footpath. The retention of this shelter is not considered to be out of keeping with the character and appearance of the countryside.

The replacement of the caravan with a storage container is welcomed, particularly as it will result in a more functional structure. The storage container is no larger in scale and size than the caravan and will be finished in a green colour to allow visual assimilation into the surrounding rural landscape. Furthermore the storage container will be positioned 180 metres to the east of Scotter Road, and intervening screening is provided by the two-storey detached dwelling known as Almond Dale and by hedge boundaries, resulting in views of the proposed storage container being significantly restricted. The caravan will be removed from the site.

Turning to the proposed field shelters in the most southerly field, these will be positioned in its south-western corner, approximately 180 metres to the east of Scotter Road. Again these field shelters will be of comparable scale, design and height to those located within the northernmost field. In addition they will be screened by field hedges varying between 2 and 3 metres in height; these run parallel to Scotter Road. The field shelters will be constructed from timber with a corrugated roof, similar to the appearance of the existing field shelters established at the site, and reflective of the appearance of the majority of buildings associated with equestrian uses in rural areas. In summary, the proposed field shelters are not considered to be out of keeping with the character and appearance of the open countryside.

The proposal will not result in over-development of the site, and much of the open nature of the fields and paddocks will be retained. The structures are considered to be suitably screened and positioned away from the highway so as not to attract criminal activity. For clarification purposes, there are four field shelters in the northern field, one of which is sought to be retained in this case.

Residential amenity

A number of letters have been received objecting to the application on the grounds that the proposal would lead to a detrimental impact on neighbouring properties and the open countryside. However, the use of the site for the keeping and enjoyment of horses is considered to be acceptable in the open countryside, and whilst the applicant may propose to establish more shelters etc on the site, they would require consent and an assessment of the harm any new building, structures or caravans would have on neighbouring properties or the open countryside can be made upon submission of an application in that regard.

The use of the fields will not change as a result of the field shelters being proposed and retained, and the caravan being replaced. It may result in an increase in the number of horses being grazed across the two fields, however a condition on the original 2008 planning permission ensures that manure and foul bedding are stored and disposed of in an appropriate way and that the proposal doesn't result in loss of residential amenity through an increase in odours. The field shelters are for the welfare of horses and not for stabling purposes, therefore no increase in the volume and timings of traffic movements is considered to arise from the proposals. Impact on view is not a material planning consideration and will not be assessed in this case. The retention of the field shelter in the northerly field will not give rise to loss of residential amenity through loss of light, overshadowing or having an overbearing impact.

Other issues

It is noted that the applicant has erected structures and undertaken works on the site and then applied retrospectively. The planning system allows for planning applications to be made retrospectively and gives the local planning authority the opportunity to assess those works. The highways department has raised no objection to the proposals; the structures being installed on this land for the welfare of horses will not result in issues related to pedestrian or highway safety. Issues in relation to vermin ingress, the welfare of horses and the burning of manure will be dealt with separately by the relevant bodies under specific legislation. It is the responsibility of the applicant to ensure that the horses are not grazed on land that has become saturated with water, following the overflow of local drainage ditches. As the land is used for the grazing of horses, and is not a commercial horse-riding establishment, there is no requirement for it to be closely located to a network of bridleways.

RECOMMENDATION Grant permission subject to the following conditions:

1.

The development must be begun before the expiration of three years from the date of this permission.

Reason

To comply with section 91 of the Town and Country Planning Act 1990.

2.

The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan, Site layout plan and Field Shelter Photograph.

Reason

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

3.

Within three months of the date of this permission the caravan located in the north-western corner of the southern field shall be removed from the site.

Reason

To define the terms of the permission and to help ensure that the development is in keeping with the character of the surrounding area in accordance with policy DS1 of the North Lincolnshire Local Plan.

4.

The storage container hereby permitted shall not be used or let as a separate business at any time.

Reason

To define the terms of the permission and to prevent the establishment of an additional business use in a rural location where development is strictly controlled, in accordance with policies RD2 and DS1 of the North Lincolnshire Local Plan and CS3 of the North Lincolnshire Core Strategy.

5.

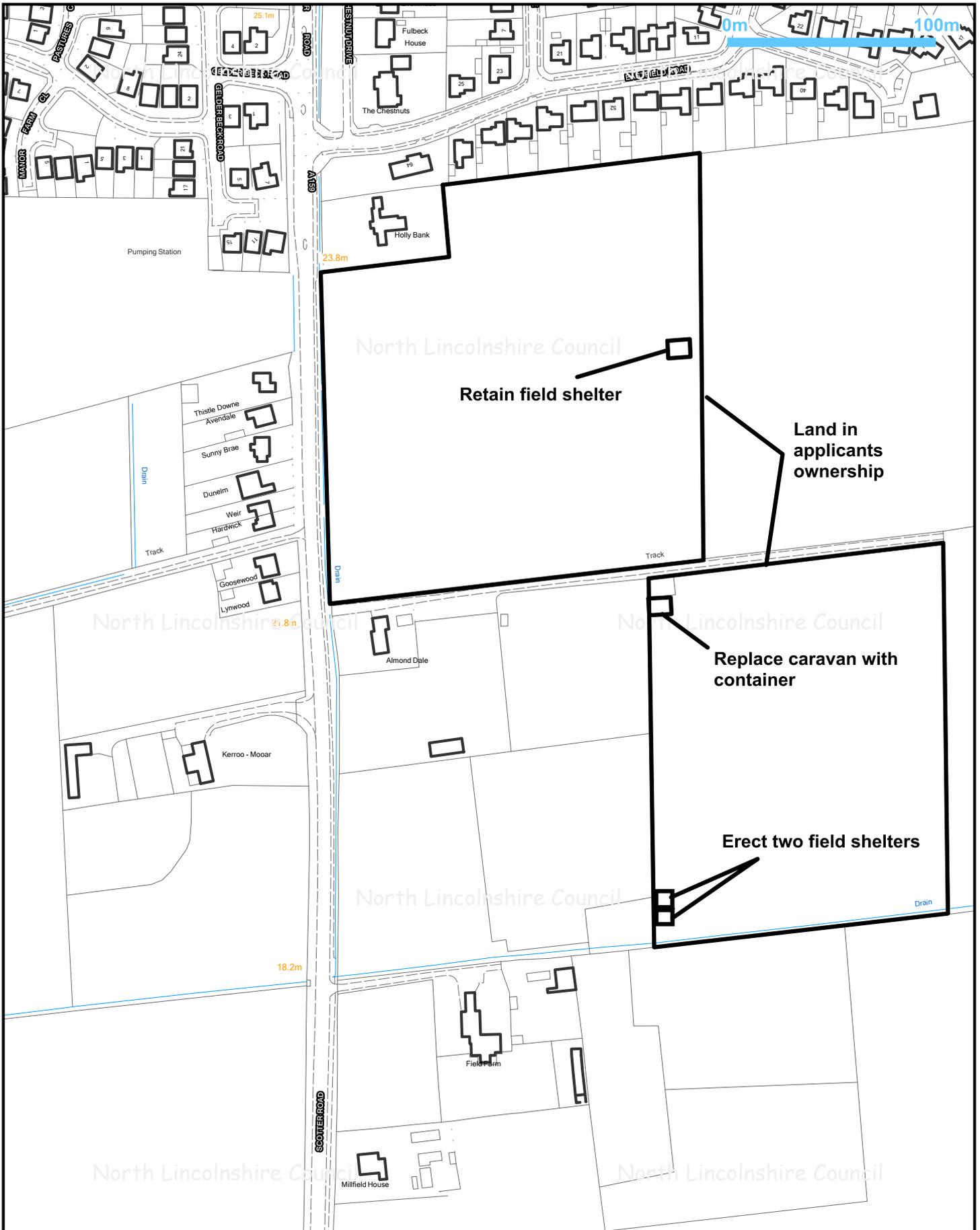
The storage container shall be finished in a green colour as stated on the planning application form.

Reason

In order to retain the character of the listed building in accordance with policy HE5 of the North Lincolnshire Local Plan.

Informative

In determining this application, the council, as local planning authority, has taken account of the guidance in paragraphs 186 and 187 of the National Planning Policy Framework in order to seek to secure sustainable development that improves the economic, social and environmental conditions of the area.



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