

**APPLICATION NO** PA/2016/1594

**APPLICANT** Mrs Jackie Wall

**DEVELOPMENT** Planning permission to construct a manège

**LOCATION** OS Field 8023, Carr Lane, East Lound, Haxey, DN9 2LT

**PARISH** Haxey

**WARD** Axholme South

**CASE OFFICER** Tanya Coggon

**SUMMARY RECOMMENDATION** **Grant permission subject to conditions**

**REASONS FOR REFERENCE TO COMMITTEE** Objection by Haxey Parish Council

## **POLICIES**

**National Planning Policy Framework:** Section 7 (Requiring a Good Design)

Paragraph 56 states that good design is a key aspect to sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Paragraphs 57, 60, 61, relating to quality of design, also apply.

Section 12 (Conserving and Enhancing the Historic Environment)

Paragraphs 126, 128, 129, 131 and 132 relate to recognising that heritage assets are an irreplaceable resource which should be conserved in a manner appropriate to their significance. Local planning authorities need to identify and assess the particular significance of a heritage asset. In determining planning applications local planning authorities should take into account the desirability of sustaining and enhancing the significance of the heritage assets and putting them to viable uses consistent with their conservation, the positive contribution that conservation of heritage assets can make to sustainable communities and the desirability of new development making a positive contribution to local character and distinctiveness.

**North Lincolnshire Local Plan:** DS1 (General Requirements)

RD2 (Development in the Open Countryside)

LC14 (Area of Special Historic Landscape Interest)

**North Lincolnshire Core Strategy:** CS1 (Spatial Strategy for North Lincolnshire)

CS2 (Delivering More Sustainable Development)

CS3 (Development Limits)

CS5 (Delivering Quality Design in North Lincolnshire)

CS6 (Historic Environment)

## **CONSULTATIONS**

**Highways:** The proposed facility shall be solely for domestic use and the enjoyment of the owner of the site. At no time shall this facility be used for commercial purposes.

**Environmental Health:** No objection.

**Environment Agency:** No objection.

## **PARISH COUNCIL**

The site is within the historic Isle of Axholme Landscape. It is isolated and not attached to any residential site. Given its distance from any settlement, it is our view that it is unacceptable development in the open countryside. In response to the amended plans, the parish council still objects to the proposal because the site is within the historic Isle of Axholme landscape, it is isolated and not attached to any residential site. Given its distance from any settlement, it is our view that it is unacceptable development in the open countryside.

**Archaeology:** No objection.

**PROW:** If the manège's proposed access is via the lane that leads west from Carr Lane along the northern perimeter of the site, the applicant needs to be aware that this is Public Footpath 118. It is an offence to drive a mechanically propelled vehicle over a public footpath unless this is done with lawful authority or excuse (section 34(1)(b) of the Road Traffic Act 1988). It might be, therefore, that any planning permission granted could not be implemented unless lawful authority or excuse were demonstrated. Furthermore, the surface of the footpath is vested in North Lincolnshire Council as highway authority. As such, it is also an offence to damage the surface of a highway or, without lawful authority or excuse, to disturb the surface so as to render it inconvenient for walkers to use. Nor can the surface be altered without North Lincolnshire Council's consent.

## **PUBLICITY**

Advertised by site notice only. There are no neighbours in the immediate vicinity to notify of the proposal.

## **ASSESSMENT**

The proposal is for the installation of a manège on land adjacent to Carr Lane, East Lound. The site is located outside the development boundary of East Lound and is therefore regarded as open countryside. The site is accessed via a PROW leading from Carr Lane. The manège will be located in part of the field within the applicant's ownership. The manège will have a sand and fibre mix surface and will be surrounded by a 1.2 metre high timber post and rail fence. The manège will be 30 metres wide and 40 metres deep. The manège will be located adjacent to the existing stables located on the site. There are also horses and shelters located within other fields adjacent to this site. There is pedestrian access via the PROW leading from Carr Lane, which the applicant uses to carry or wheelbarrow foodstuffs to the site. Following concerns from the council's archaeologist and the parish council, the applicant has re-sited the proposed manège further to the south away from the main area of the Area of Special Historic Landscape Interest.

**The main issues associated with this application are whether the development is acceptable in principle, and if so, whether its impact on the amenity of the locality, the public right of way, the Area of Special Historic Landscape Interest and the highway network is also acceptable.**

### **The principle of the development**

In terms of the principle of the development, the site lies within the open countryside. Policies CS3 of the Core Strategy and RD2 of the North Lincolnshire Local Plan are relevant to this application. Policy CS3 permits development in the open countryside which requires a countryside location. Policy RD2 of the North Lincolnshire Local Plan states that development in the open countryside will be strictly controlled and planning permission will only be allowed for development which is essential for the provision of outdoor sport, countryside recreation or local community facilities provided that the following criteria are met:

- a) the open countryside is the only appropriate location and development cannot reasonably be accommodated within defined development boundaries
- b) the proposed development accords with the specific requirements set out in the relevant policies of this chapter and elsewhere in this local plan
- c) the development would not be detrimental to the character or appearance of the open countryside or a nearby settlement in terms of siting, scale, massing, design and use of materials, and
- d) the development would not be detrimental to residential amenity or highway safety, and
- e) account is taken of whether the site is capable of being served by public transport, and
- f) the development is sited to make the best use of existing and new landscaping.

The proposal is considered to be in association with the provision of outdoor sport and requires a countryside location. In the wider context the proposed development will be partially screened by the existing hedge and tree planting along Carr Lane and adjacent to the site. In the vicinity are other equestrian activities such as the erection of stables and field shelters with horses grazing on the land. As a result, the proposal will not be viewed as an isolated form of development within the landscape, but in context with the existing equestrian activities taking place on other sites close by. The manège will be located on a small area of the site, with the remaining field being retained in its current form. This type of manège is a common feature in rural locations within the Isle of Axholme. Furthermore, the materials of construction are consistent with the appearance of the majority of these structures found in rural areas of North Lincolnshire. As a result the proposal accords with policies RD2, DS1 and LC14 of the North Lincolnshire Local Plan, policy CS3 of the Core Strategy and guidance in the National Planning Policy Framework.

### **Residential amenity**

The proposal is not considered to give rise to loss of residential amenity as no neighbours are located close to the site. Residential properties are located north of the application site along Carr Lane. To protect the residential amenity of properties on Carr Lane it is considered prudent to recommend conditions limiting the arena to personal use only and requiring details of

any external lighting to be submitted for consideration. This allows the local planning authority to ensure there is no loss of residential amenity.

### **Archaeology**

The applicant has submitted an amended plan with the manège located further south to reduce its impact on the setting of the main Area of Special Historic Landscape to the north. Any impact on the Isle of Axholme Area of Special Historic Landscape is therefore very limited as the only change will be to the surface of the building and a low fence installed around the manège. The council's archaeologist has confirmed that the proposal is not considered to have any adverse impact on the historic landscape or its features. The proposal therefore accords with policies CS6 of the Core Strategy and LC14 of the North Lincolnshire Local Plan.

### **Highways**

In terms of highways, no objections have been raised subject to the manège being restricted to personal use only. The proposal therefore accords with policies T2 and DS1 of the North Lincolnshire Local Plan.

### **Public rights of way**

In terms of the public right of way (PROW), the comments are noted. It appears from the case officer's site visit that the PROW is used to access the application site and the adjacent sites in the vicinity. There are currently stables on the site which were granted permission in 2005 (PA/2005/1319). The applicant is aware that vehicles should not be used along the PROW to access the site. If vehicles do access the site via the PROW then this is an offence under the Road Traffic Act 1988 and the applicant could be prosecuted. The PROW officer's comments will therefore be placed as an informative on the permission, if this application is granted.

### **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: WALL-01B and WALL-02.

#### **Reason**

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

3.  
No external lighting shall be installed on the site without the prior approval in writing of the local planning authority.

#### **Reason**

In order to safeguard residential amenity and the amenity of the locality in accordance with policy CS5 of the Core Strategy and policies RD2 and DS1 of the North Lincolnshire Local Plan.

4.

The manège hereby permitted shall be solely for private use only and for the personal enjoyment of the owner of the site and at no time shall this facility be used for commercial or business purposes.

Reason

To define the terms of the permission in order to protect residential amenity and in the interests of highway safety in accordance with policies DS1 and T2 of the North Lincolnshire Local Plan.

5.

The development shall be carried out in accordance with the amended details received by the local planning authority on 28 December 2016.

Reason

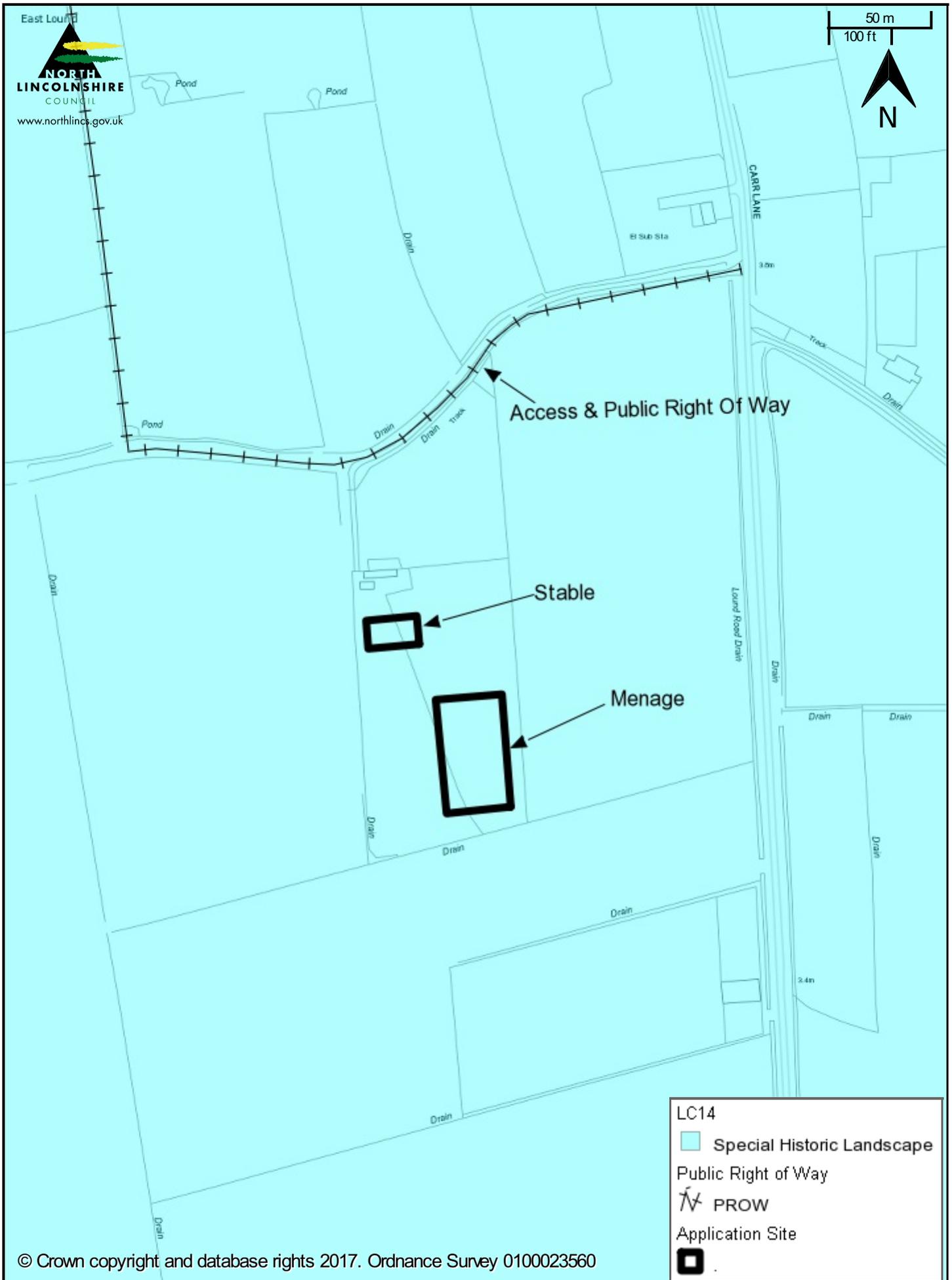
To define the terms of the permission and reduce its visual impact on the Area of Special Historic Landscape in accordance with policy CS6 of the North Lincolnshire Core Strategy and policy LC14 of the North Lincolnshire Local Plan.

#### **Informative 1**

The lane that leads west from Carr Lane along the northern perimeter of the site is Public Footpath 118. It is an offence to drive a mechanically propelled vehicle over a public footpath unless this is done with lawful authority or excuse (section 34(1)(b) of the Road Traffic Act 1988). Furthermore, the surface of the footpath is vested in North Lincolnshire Council as highway authority. As such, it is also an offence to damage the surface of a highway or, without lawful authority or excuse, to disturb the surface so as to render it inconvenient for walkers to use. Nor can the surface be altered without North Lincolnshire Council's consent.

#### **Informative 2**

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.



LC14

- Special Historic Landscape
- Public Right of Way
- PROW
- Application Site
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