

<b>APPLICATION NO</b>	<b>PA/2009/0544</b>
<b>APPLICANT</b>	Mrs P O'Connell
<b>DEVELOPMENT</b>	Planning permission to retain a ménage and erect a stable block
<b>LOCATION</b>	Ebley House, Townside, East Halton
<b>PARISH</b>	<b>EAST HALTON</b>
<b>WARD</b>	Ferry
<b>SUMMARY RECOMMENDATION</b>	<b>Grant permission subject to conditions</b>
<b>REASONS FOR REFERENCE TO COMMITTEE</b>	Objection by East Halton Parish Council
<b>POLICIES</b>	<p><b>Regional Spatial Strategy for Yorkshire and the Humber:</b> No specific policies apply.</p> <p><b>North Lincolnshire Local Plan:</b> Policy RD2 (Development in the Open Countryside) states that planning permission will only be granted for development which is essential for the provision of outdoor sport or countryside recreation. Development will be permitted provided that it will not be detrimental to the character or appearance of the open countryside or nearby settlements in terms of siting, scale, massing and use where it will not be detrimental to residential amenity.</p> <p>Policy DS1 (General Requirements) applies and states that a high standard of design in all developments in the countryside is expected. The proposed development shall not result in loss of amenity to neighbouring land uses through the effects of noise or smell. Furthermore, no pollution of water, air or land should result which poses a danger or creates detrimental environmental conditions.</p>
<b>CONSULTATIONS</b>	<b>Highways:</b> No objection subject to conditions.
<b>PARISH COUNCIL</b>	<p>Object on the following grounds:</p> <ul style="list-style-type: none"> <li>• Mature trees were cut down prior to the application being submitted.</li> <li>• The existing three stables are of brick construction, whereas the proposed stables are to be constructed of fair-faced blockwork.</li> </ul>

- There is no scheme for the storage and removal of manure and there is a potential for nuisance to be caused via odour and flies.
- There is potential for liquid manure to drain from the ménage to the nearby pond which the ménage is to drain into, therefore polluting the pond.
- The sand covering of the ménage is being blown onto neighbouring properties by the wind.
- There is a potential for the development to be used for business purposes.

## **PUBLICITY**

Neighbouring properties have been notified about the application and letters have been received citing the following concerns:

- The application makes no mention of how manure will be stored or disposed of.
- The proposed materials of the stable block will not match those of the existing stable block.
- The plans submitted by the applicant show drainage for the ménage running into a pond adjacent to their land. There is the potential for pollution of the pond as a result of liquid manure draining off of the ménage.
- The ménage has been built on the site of a previous dyke which has been filled in, this has the potential to increase flood risk elsewhere.
- The land is currently at capacity for the number of horses it can support and any additional horses would create a nuisance by damaging the hedges around the site.
- Trees have been felled to make room for the ménage.
- The sand surface of the ménage is being blown onto neighbouring properties by the wind.
- A quad bike is used by the applicant to level the sand in the ménage and this is usually done in the evening and causes a noise nuisance.
- There is a very real potential for the site to be used for commercial equestrian purposes should the proposed development be allowed.

## ASSESSMENT

The application site is a two-storey detached dwelling outside the development boundary of East Halton. The ménage to be retained and the new stables are located in the rear garden of the applicant's property. The ménage measures approximately 562 square metres and is fenced on all sides. There is an existing stable block on the application site to the north of the ménage and the proposed new stable block will be located directly adjacent the existing stables on the northern boundary of the site. The site is well screened from the public highway by existing mature planting along the northern boundary.

**The main issues to consider when determining this application are whether the proposed drainage scheme is acceptable and whether the proposed development would have an unacceptably detrimental impact on the amenities of neighbouring properties.**

As pointed out by several of the objectors, there have been no details submitted with the planning application regarding the method of storage and disposal of manure resulting from the ménage and additional stables. There is the potential for the amenities of neighbouring residential properties to be harmed as a result of the storage of manure on the site. As such a condition has been recommended at the request of the council's Environmental Protection team that requires a detailed scheme for the storage and disposal of manure at the site to be submitted to and agreed by the local planning authority within a month of permission being granted.

Another concern is that there is the potential for liquid manure to drain from the ménage along the drainage system and into the pond to the south of the site. The applicant has stated in their letter received on 28 July 2009 that the drainage system was already in place to take water from the area of land where the ménage has been built and into the pond to the south. A condition has been recommended that forbids the discharge of polluted water from the site and will prevent the pollution of groundwater. This condition, in conjunction with an appropriate scheme for the storage and disposal of manure, including regular removal of the manure from the ménage, will prevent the pollution of water sources in the area as a result of the development.

There has been an issue with sand blowing from the site as the sand that was put on the surface of the ménage was too fine. A member of the council's Environmental

Protection team has visited the site and served an abatement order with regard to the ménage. As a result of this a sprinkler system has been fitted which wets the sand on the ménage at regular intervals, this prevents the sand from blowing about. The applicant has also proposed to have a topping of either wood chip or rubber which will further prevent sand from blowing from the ménage onto neighbouring properties. A condition has been recommended which requires details of the surfacing materials to be submitted to and agreed by the local planning authority within a month of permission being granted. This will ensure that a suitable topping is placed on the ménage to prevent a nuisance being caused to neighbours as a result of sand being blown onto their properties.

The applicant owns an equestrian business which is based in Cleethorpes and concerns have been raised that they may be planning to use their residential property for commercial purposes (livery etc). North Lincolnshire Council's Highways department have been consulted on the application and do not feel that the site is suitable for commercial purposes. Therefore, at the request of the Highways department, a condition has been recommended which would limit the use of the site to domestic use only and prevent the establishment of a business use on the site. The Highways department has raised no objection to the proposal provided it is for domestic use only.

Concerns have been raised over the proposed materials for the stable block and that it will not match the existing stable block on the site. Although the materials will not match the existing stable the site is well screened from the road and provided the block work is rendered it will not have a detrimental impact upon the open countryside or the visual amenity of the area. A condition has been recommended requiring details of the render to be applied to the blockwork and ensuring that the stables are rendered within an appropriate period of time. This condition will minimise the impact of the stables on the area.

There are already three stables on the site and neighbours have expressed concerns that the land cannot support any additional horses. However, the applicant has confirmed that they own additional grazing land in East Halton (6 acres) and as such the proposed stables and ménage will not lead to an over-intensification

of use on the land as the horses will not be in situ on the site 24-hours a day all year round.

A quad bike is used to level the surface of the ménage and this has the potential to cause noise disturbance to neighbouring properties. However, as the bike is being used to level the surface of the ménage it is only in operation for a limited period of time and as such its use will not result in an unacceptable impact on the amenities of neighbouring properties.

Objectors claim that several mature trees have been removed to construct the ménage. However, these trees were not protected by tree preservation orders and were located on the applicant's property. As such consent was not required to fell the trees.

## **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.

No development shall take place until details have been submitted to and approved in writing by the local planning authority of the make, type and colour of all external facing materials for the development and only the approved materials shall be used.

#### Reason

To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with policy DS1 of the North Lincolnshire Local Plan.

3.

Within one month of the date of this permission, a scheme for the collection, storage and disposal of manure and foul bedding shall be submitted to and approved in writing by the local planning authority. Following its approval the applicant shall implement this scheme immediately.

#### Reason

To ensure that the living conditions of nearby residents are protected.

4.

No contaminated surface water from the ménage shall be discharged into any ditch or watercourse.

Reason

In order to prevent pollution of the water environment in accordance with policy DS1(v) of the North Lincolnshire Local Plan.

5.

Within one month of the date of this permission, details of a suitable surface covering for the ménage shall be submitted to and agreed in writing by the local planning authority. The covering shall be laid out in accordance with the approved details within one month of them being approved and retained thereafter.

Reason

In the interest of protecting the amenities of neighbouring properties.

6.

The application site shall only be used for domestic purposes incidental to the enjoyment of Ebley House and its occupants and shall not be used in connection with any commercial use.

Reason

In the interests of protecting the amenities of neighbouring properties.

