

APPLICATION NO	PA/2015/1099
APPLICANT	Mr A Brough
DEVELOPMENT	Planning permission to remove the occupancy condition (no. 7) of planning application PA/2005/1900 dated 24/11/2005
LOCATION	Melton Stables, West End Road, Epworth
PARISH	EPWORTH
WARD	Axholme Central
CASE OFFICER	Tanya Coggon
SUMMARY RECOMMENDATION	Grant permission subject to conditions
REASONS FOR REFERENCE TO COMMITTEE	Objection by Epworth Town Council Agent request to address the committee

POLICIES

National Planning Policy Framework: None directly relevant.

North Lincolnshire Local Plan: Policy RD2 (Development in the Open Countryside) lists the type of development considered to be acceptable in the open countryside subject to various criteria being complied with.

Policy RD12 (Removal of Agricultural Occupancy Conditions) sets out the criteria that must be complied with in order for an agricultural occupancy condition to be removed.

Policy DS1 (General Requirements) lists the criteria that all new development will be judged against.

North Lincolnshire Core Strategy: Policy CS3 (Development Limits) – Development outside the defined boundaries will be restricted to that which is essential to the functioning of the countryside. This will include uses such as those related to agriculture, forestry or others which require a countryside location or which contribute to the sustainable development of the tourist industry.

CONSULTATIONS

Highways: No objection.

Environmental Protection: The department is concerned that the removal of the condition could lead to the dwelling and stables being sold separately. Should the sites be sold separately and the stables used as an ongoing commercial concern, there is potential for odour and noise nuisance from activities associated with the business affecting the residential dwelling. The application, if approved, should be subject to a condition permitting the stables to be used solely by the occupants of the residential dwelling.

TOWN COUNCIL

Objection (no reasons given).

PUBLICITY

Neighbouring properties have been notified and a site notice posted. No comments have been received.

ASSESSMENT

In 1999 planning permission was granted to erect a stud farm and equestrian centre and to site a mobile home on the site (PA/1999/0673). The mobile home approved on the site had to be occupied by a person, or any dependants of that person, solely or mainly employed in managing the equestrian centre. Planning permission was then granted in 2006 for the erection of a dwelling and garage in relation to the stable/stud business at Melton Stables (PA/2005/1900). The dwelling and garage were constructed on the site.

This application is to remove the agricultural occupancy condition that was placed on planning permission PA/2005/1900. Condition 7 states, 'The occupation of the dwelling shall be limited to a person solely or mainly employed or last employed at Melton Stables, the adjoining business or a widow or widower of that person, and any resident dependants.' The reason for the condition was, 'To ensure the dwelling remains available to meet the needs of the business, as permission is granted only in the light of the special justification for the accommodation, in accordance with policy H1 of the North Lincolnshire Local Plan.'

The site is located outside the development boundary of Epworth, within the open countryside. The site is accessed via a narrow access from West End Road. The sole issue associated with this proposal is whether, under the terms of policy RD12 of the North Lincolnshire Local Plan, it is acceptable for the occupancy condition to be removed.

Information submitted with the 2005 planning application stated that the business involved the breeding of high value premium quality competition horses. The business also provided a foaling service for clients' horses, whereby pregnant mares were taken in and the foaling process was managed. This required a 24/7 presence and there was a need to live on the site to ensure the welfare of the livestock. There were no existing buildings located at or close to the site that could be converted to a residential dwelling and no affordable properties for sale within the vicinity. As a result, the 2005 application granted permission for a dwelling and garage associated with the equestrian business.

However, following the economic downturn in 2007, the equestrian business has fallen into difficulties. The business is dependent on the market for the progeny and this has declined nationally and internationally with the recession. The market for and the value of the breeding stock has also fallen. As a result revenue income has declined. The cost of production such as feeds, vets charges, running costs and professional fees have all increased. The accounts for 2010-2014 show losses for each year. The applicant considers that there is a decline in the demand for stabling and livery due to general austerity. The business is now unviable. The premises have been for sale since June 2014 at a price which reflects the restrictive occupancy condition. There has been little interest due to the difficulties that potential purchasers have in obtaining finance and the fact that the terms of condition 7 are felt to be unclear. As a result the applicant has now applied for the removal of condition 7 from PA/2005/1900.

The proposal has to be judged against policy RD12 of the North Lincolnshire Local Plan. In terms of part (i) of this policy there has to be a substantiated reason why there is no longer a justified need for a tied dwelling on the site. It is considered that the business is unviable. The deep recession has led to the falling demand for the breeding stock. This is demonstrated through the accounts which are showing a loss for 2010 and 2014. The business cannot therefore support a full-time worker. As a result, with the business rendered unviable, there is a justification to remove or change the occupancy condition on the site.

In terms of part (ii) of policy RD12 of the North Lincolnshire Local Plan, the property has been on the market since June 2014 at a price 30% lower than comparable equestrian properties of 5 acres with a house and stables/barn. There has been little interest in the property due to the occupancy condition which the agent claims means only commercial loans (not mortgages) are the only financing route available for purchasers. As a result the property has not been sold. The council is satisfied that part (ii) of policy RD12 has been complied with.

In terms of policy RD12 of the North Lincolnshire Local Plan it has been demonstrated that the occupancy condition can be removed. However, it will now be necessary to condition that the stables are to be used ancillary to the main dwelling to ensure that the stables are not used as a separate business that could result in loss of amenity to the occupants of the dwelling on the site. In this way the whole site remains a single planning unit.

RECOMMENDATION Grant permission subject to the following conditions:

1.
The development hereby permitted shall be carried out in accordance with the following approved plans: PA/2015/1099/01.

Reason

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

2.
The application site shall remain as a single planning unit comprising a dwelling with equestrian facilities and the site shall not be subdivided without the prior permission of the local planning authority.

Reason

In order to regulate and control development on the site which is located in the open countryside in accordance with policies RD2 of the North Lincolnshire Local Plan and CS3 of the North Lincolnshire Core Strategy, and to ensure that the dwelling is not likely to be adversely affected by the adjacent equestrian activities.

3.
Notwithstanding the provisions of Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting that order with or without modification, no buildings or enclosures, swimming or other pool shall be erected on the site without the prior approval in writing of the local planning authority.

Reason

In order to regulate and control development on the site which is located in the open countryside in accordance with policy RD2 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.

