

**DELEGATED DECISION OFFICER REPORT**

| <b>AUTHORISATION</b>                        | <b>INITIALS</b> | <b>DATE</b> |
|---|-----------------|-------------|
| File completed and officer recommendation:  | MP              | 12/12/18    |
| Planning Development Manager authorisation: | AN              | 13/12/18    |
| Admin checks / despatch completed           | SB              | 17/12/18    |

**Application:** 18/01510/FUL **Town / Parish:** Frating Parish Council

**Applicant:** Mrs Zoe Brumbley

**Address:** Burrs Farm Station Road Frating

**Development:** Proposed manege 20m x 40m.

**1. Town / Parish Council**

Frating Parish Council Frating Parish Council has no objection to this application.

**2. Consultation Responses**

ECC Highways Dept From a highway and transportation perspective the Highway Authority has no comments to make on this proposal.

Informatives:

Although the existing site access is not changing it would be appropriate to cut back/ reduce the height of the vegetation To provide adequate inter-visibility between vehicles using the farm access and those in the existing public highway in the interest of highway safety in accordance with policy DM1 of the Development Management Policies as adopted as County Council Supplementary Guidance in February 2011

Any work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at: [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:

SMO1 ' Essex Highways  
Colchester Highways Depot,  
653 The Crescent,  
Colchester.  
CO4 9YQ.

Environmental Protection I have reviewed the application and have the following comments to make;

1. Effluent originating from the shelter floor must be considered foul water and thus conveyed and disposed of in the same manner as domestic foul water.
2. A plan for storage and removal of horse manure is to be confirmed

with this authority.

3. No burning of horse manure should be carried out on site.

4. Any external lighting on the proposed manège shall be located, designed and directed [or screened] so that it does not cause avoidable intrusion to neighbouring residential properties. The applicant shall demonstrate compliance with the Institute of Lighting Professionals code of practice. ([www.ilp.org.uk](http://www.ilp.org.uk))

Reason:

To ensure that nearby sensitive premises do not suffer a loss of amenity by reason of odour and light nuisance.

### 3. Planning History

|              |  |          |            |
|--------------|--|----------|------------|
| 91/00707/FUL | Extension and conversion to form annexe.   | Approved | 18.03.1992 |
| 97/00366/FUL | Proposed vehicular access  | Approved | 08.05.1997 |
| 98/01301/FUL | Change of use of former agricultural land to the residential curtilage of Burrs Farmhouse, Frating   | Approved | 03.11.1998 |
| 04/01027/FUL | Farm yard land to be used as garden land   | Approved | 30.07.2004 |
| 05/00926/FUL | Rebuilding and extending old brickwall and moving kerbstone to make safer access from road onto driveway   | Approved | 22.08.2005 |
| 08/00106/FUL | Change of use of redundant farm building to B1 and B2 use.   | Approved |            |
| 08/01176/FUL | Change of use of redundant agricultural building to B1 (c) Light Industrial Use and creation of new vehicular access, as amended by Design and Access Statement received on 18 September 2008, and amplified by Bat Survey produced by D. F. Clark Bionomique Ltd on 7 October 2008. | Refused  | 19.02.2009 |
| 10/01052/FUL | Creation of new farm access and hardstanding area.   | Refused  | 04.11.2010 |
| 11/00045/FUL | Creation of new access and hardstanding area.  | Approved | 10.03.2011 |
| 12/00655/FUL | Erection of 2 polytunnels.   | Approved | 09.08.2012 |
| 12/01324/FUL | Change of use of existing agricultural building to B1 (c) (Horticultural business), including external alterations to existing   | Approved | 13.02.2013 |

barn; creation of new access; and formation of hardstanding areas for parking and manoeuvring and outside storage.

|                 |  |          |            |
|-----------------|--|----------|------------|
| 14/30213/PREAPP | Coach house style stables and single storey garage.                                      |          | 23.06.2014 |
| 15/00196/FUL    | Coach house style stables and single storey garage and new vehicular access onto highway | Approved | 19.05.2015 |

#### **4. Relevant Policies / Government Guidance**

NPPF National Planning Policy Framework July 2018

National Planning Practice Guidance

Tendring District Local Plan 2007

COM12 Equestrian Uses and Buildings

EN1 Landscape Character

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017)

PPL3 The Rural Landscape

SPL3 Sustainable Design

#### **Status of the Local Plan**

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2018) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF. Paragraph 48 of the NPPF also allows weight to be given to policies in emerging plans according to their stage of preparation, the extent to which there are unresolved objections to relevant policies and the degree of consistency with national policy. As of 16th June 2017, the emerging Local Plan for Tendring is the Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) was examined in January and May 2018 and the Inspector's initial findings were published in June 2018. They raise concerns, very specifically, about the three 'Garden Communities' proposed in north Essex along the A120 designed to deliver longer-term sustainable growth in the latter half of the plan period and beyond 2033. Further work is required to address the Inspector's concerns and the North Essex Authorities are considering how best to proceed.

With more work required to demonstrate the soundness of the Local Plan, its policies cannot yet carry the full weight of adopted policy, however they can carry some weight in the determination of planning applications. The examination of Section 2 of the Local Plan will progress once matters in relation to Section 1 have been resolved. Where emerging policies are particularly relevant to a planning application and can be given some weight in line with the principles set out in paragraph 48 of the NPPF, they will be considered and, where appropriate, referred to in decision notices. In

general terms however, more weight will be given to policies in the NPPF and the adopted Local Plan.

In relation to housing supply:

The NPPF requires Councils to boost significantly the supply of housing to meet objectively assessed future housing needs in full. In any one year, Councils must be able to identify five years' worth of deliverable housing land against their projected housing requirements (plus an appropriate buffer to ensure choice and competition in the market for land, account for any fluctuations in the market or to improve the prospect of achieving the planned supply). If this is not possible, or housing delivery over the previous three years has been substantially below (less than 75%) the housing requirement, paragraph 11 d) of the NPPF requires applications for housing development needing to be assessed on their merits, whether sites are allocated for development in the Local Plan or not. At the time of this decision, the Council is able to demonstrate a robust five year supply of deliverable housing sites (as confirmed in recent appeal decisions) and housing delivered over the previous three years has been comfortably above 75% of the requirement. There is consequently no need for the Council to consider an exceptional departure from the Local Plan on housing supply grounds and applications for housing development are to be determined in line with the plan-led approach.

## **5. Officer Appraisal**

### Site Description

The application site is Burrs Farm, which is located along Station Road within the parish of Frating. The site is currently grazing/paddock land in association with Burrs Farm. The character of the surrounding area is rural; whilst there is the odd example of built form it is predominately characterised by large areas of grassed and agricultural land. The site is located outside of a recognised Settlement Development Boundary, as per the Adopted Tendring Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017).

### Description of Proposal

This application seeks planning permission for the construction of a manege, measuring 40m x 20m, for recreational use. The manege will be enclosed via a 1.3m high post and rail fence.

### Assessment

In respect of the proposed manege, saved policy COM12 of the Tendring District Local Plan (2007) is the principle policy to assess this proposal against. This policy sets out that business and domestic equine related activities will be considered in relation to the following criteria:

a) the nature and scale of the equestrian use and the impact of the built development on the character of the countryside, including nature conservation interests and the cumulative effect of similar uses in its general area;

The nature of the locality is one of a countryside setting; the land to all sides of the site is characterised by either open grassed or agricultural land. The site itself is open but not particularly prominent due to its set back nature and boundary treatments along this section of Station Road. Against this backdrop, the proposed manege is not considered to be prominent or out of character within the surrounding area in this location.

b) whether the size of the stables accords with the number of horses intended to be accommodated;

The proposal does not include stables and therefore this criterion is not applicable to this application.

c) the impact of any built development on the amenity of neighbouring residential properties;

The manege will be used for private use only, whilst there is also a significant separation distance of 90m to the nearest neighbouring property to the south-east. Further, a condition will be attached to ensure no means of floodlighting or external lighting shall be installed on site. This criterion is therefore met.

d) whether suitable arrangements have been made for the disposal of storage of soiled material and foul drainage provision meets the requirements of the Council and Environment Agency;

A scheme for dealing with waste is not considered relevant to the provision of a low key manege for recreational use only.

e) whether a suitable vehicular access can be provided in connection with the stables such as to allow the free and safe flow of traffic on the adjoining highway;

There are no stables proposed as part of this application, however the manege is for private use only. The proposal will not involve vehicles connecting to the highway. As such, Essex Highways Authority raises no objections to the proposal.

f) the impact on the character of the countryside of providing an adequate access;

The manege is only for the owners of the properties use and there will therefore be no provision of a new access.

g) the level of traffic to be generated by the proposed use, and the suitability of the road leading to the site to cater for such movements; and

The manege will only be for the owner of the properties use and it is anticipated that there would be no additional traffic generated by the proposed development and as a result the proposed access arrangements are considered acceptable.

h) the impact of traffic levels on the amenities of the land.

As the manege is solely for the applicant's own use, there is not anticipated to be any significant impacts on traffic levels. Furthermore, a condition has been imposed to ensure that the riding area is only used privately and that no commercial use occurs.

#### Other Considerations

Frating Parish Council has raised no objections.

There have been no other letters of representation received.

#### Conclusion

In the absence of significant material harm as a result of the proposed development, the application is recommended for approval.

### **6. Recommendation**

Approval.

### **7. Conditions**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans, the untitled Site Location Plan, the untitled Block Plan and the document titled 'Designing a drainage pattern for a manege'.

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

- 3 The manege hereby approved shall be used solely in connection with the private keeping of horses and no business or commercial use including livery or riding school activities shall be carried on from the site whatsoever.

Reason - In the interests of local amenity and highway safety.

- 4 There shall be no burning of horse manure on the site at anytime.

Reason- The site is in the proximity of residential dwellings and therefore suitable control is necessary in order to protect the amenities of residents of such properties.

- 5 No floodlighting or other means of external lighting shall be installed at the site except in accordance with details (to include position, height, aiming points, lighting levels and a polar luminous diagram) which shall have previously been submitted to and agreed in writing by the Local Planning Authority.

Reason - To secure an orderly and well designed development sympathetic to the character of the area and in the interests of residential amenity.

## **8. Informatives**

### Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.