

gear in the interest of highway safety in accordance with policy DM1.

4. Any gates provided at the vehicular access shall be inward opening only and shall be set back a maximum of 0.5 metres from the back edge of the verge.

Reason: In the interest of highway safety in accordance with policy DM1.

5. Prior to occupation of the site the areas within the site identified for the purpose of loading/unloading/reception and storage of materials and manoeuvring shall be provided clear of the highway and retained thereafter for that sole purpose.

Reason: To ensure that appropriate loading / unloading facilities are available in the interest of highway safety in accordance with policy DM1.

The above condition is to ensure that the proposal conforms to the relevant policies contained within the County Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

Informative 1: Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore the applicant must ensure that no mud or detritus is taken onto the highway, such measures include provision of wheel cleaning facilities and sweeping/cleaning of the highway.

Informative 2: On the completion of the site, all roads, footways/paths, cycle ways, covers, gratings, fences, barriers, grass verges, trees, and any other street furniture within the Site and in the area it covers and any neighbouring areas affected by it, must be left in a fully functional repaired/renovated state to a standard accepted by the appropriate statutory authority.

Informative 3: All 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 or by post to:

SMO1 - Essex Highways
Colchester Highways Depot
653 The Crescent
Colchester
CO4 9YQ

Tree & Landscape Officer

The main body of the application site is set to grass and contains no trees or other vegetation.

Site boundaries are demarcated by hedgerows comprising of indigenous hedgerows and specimen trees on the eastern, northern and part of the western boundary with the remainder having been planted with hedging conifers. The hedge on the southern boundary,

adjacent to Burrsville, has been maintained at about 2m tall with the conifers on the western boundary being taller and less formally maintained.

The trees and boundary hedgerows are not threatened by the development proposal.

In terms of the impact of the development proposal on the character and appearance of the area the appearance of the main body of the land will not change but the construction of the stables will introduce additional built form into the countryside.

The position of the application site is such that it is clearly visible from the adjacent highway to both the east and the west. However views of the site will be primarily from vehicles passing the land so that they will be 'fleeting'.

ECC Highways Dept

Insufficient information is provided within the application to demonstrate to the satisfaction of this Authority that the impact on the highway network caused by this proposal will not have unacceptable consequences in terms of highway safety and efficiency.

The applicant should be invited to provide such additional information as listed below:

1. The location of off street parking and turning facilities for visitors to the site i.e. farriers and vets etc
2. The arrangements for the removal of equine waste including the location of loading, unloading and parking and turning facilities for collection vehicles
3. The means of access to the proposed stables by feed and bedding delivery vehicles
4. Confirmation from the applicant if the proposed development will remain for private use or made available to the general public (livery etc)
5. The number of and dimensions of any horse boxes and trailers associated to the proposed use

Upon receipt, the Highway Authority may properly consider this proposal.

It is also observed that the existing vehicular access to the site is not provided with visibility splays commensurate with current standards and the applicant is invited to review these access requirements.

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 site shall be located, designed and directed [or screened] so that it does not cause any intrusion to neighbouring residential properties. The applicant shall

demonstrate compliance with the Institute of Lighting Professionals code of practice. (www.ilp.org.uk)

3. Planning History

92/00123/FUL	Rear extension and garage/workshop	Approved	21.02.1992
94/01180/FUL	(Burrsville, Frating Road, Thorrington) Two storey extension and room in roof space	Refused	22.11.1994
95/00954/FUL	(Burrsville, Frating Road, Thorrington) Ground floor rear extension, rooms in roof space with new gable wall	Approved	14.09.1995
95/01063/FUL	Change of Use of land to residential and new garage	Approved	07.11.1995
99/00963/FUL	New conservatory	Approved	05.08.1999
05/02177/FUL	Extension and alterations to provide additional family accommodation	Refused	03.02.2006
06/00555/FUL	Two storey side extension.	Approved	07.06.2006

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

COM12 Equestrian Uses and Buildings

COM23 General Pollution

COM31A Sewerage and Sewage Disposal

EN1 Landscape Character

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

TR1A Development Affecting Highways

TR7 Vehicle Parking at New Development

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

CP1 Sustainable Transport and Accessibility

PPL3 The Rural Landscape

PPL5 Water Conservation, Drainage and Sewerage

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.

5. Officer Appraisal

Site Description

The application site is land to the north of Burrsville, along the north-eastern section of Frating Road. The land is currently open and grassed, with mature vegetation to western and north-eastern boundaries. To the southern boundary is a conifer hedge that demarcates the site from the built form adjacent to the south.

The site does not fall within a recognised Settlement Development Boundary, as agreed in both the Adopted Tendring Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft.

Description of Proposal

This application seeks planning permission for the change of land use from agricultural to paddock. The proposal will also incorporate the erection of stables, which will include five separate stables, a store room, tack room, open garage and a concrete base.

Assessment

Change of Land Use:

As part of this application, the land is proposed to change from its existing agricultural use to paddock land.

The land in question is adjacent to the street scenes along both Frating Road to the west and Station Road to the east. However, the boundaries are well vegetated, particularly adjacent to Frating Road, which reduces the overall impacts of the change of land use. Further, the land appears to have been grassed for a number of years, while the surrounding area sees a mixture of different land uses. Against this backdrop, there is not considered to be significant material harm and therefore this would be acceptable. It also represents a relatively small field separated by roads and a residential property to all boundaries, limiting its agricultural use.

Riding Area and Muck Heap:

In respect of the proposed riding area, 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, being outside of the defined settlement limits. However the surrounding area sees a mixture of agricultural and grassed land. The site itself is clearly visible from the adjacent highways to the east and west, however it is acknowledged that views of the site will primarily fall from vehicles passing the land, which would be fleeting. Further the stables would be sited approximately 30m to the built form to the south-west, thereby reducing the impact to the open countryside, while the materials proposed are traditional and sympathetic to this setting. Against this backdrop the proposed single storey stables will not appear prominent or out of character within the surrounding area to the extent a reason for refusal would be warranted.

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

The proposal includes provision for five stables. The information supplied demonstrates the applicants currently have two ponies and would use the additional space for the rescue of other animals including shetlands and donkeys. Therefore the size of the stables, and overall building, is acceptable against this criterion.

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

The surrounding area is mainly rural but there are some residential properties to the south and north-west. However, given there is a significant distance to the properties, and that a condition will be attached to ensure no burning of manure, there is not considered to be a significantly detrimental impact to existing amenities. Further, the proposed muck heap is sited to the far western corner away from any neighbouring residential properties.

Therefore the proposal is acceptable against this criterion.

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;

The applicant has stated in an email dated 23 January 2019 that arrangements are in place for Bennison Farm to take the manure, and a soakaway is to be dug for drainage. The Council's Environmental Protection team have confirmed they raise no objections.

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;

The proposal is to utilise an existing vehicular access to the north of the site, and as such Essex Highways Authority raises no objections to the proposal. Further, the applicant has confirmed the proposal is for personal use only, thereby reducing any impacts to the highway network.

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

The access being utilised is already in situ and will therefore result in a neutral impact to the character of the countryside.

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 proposal will only be for the owner of the properties use and it is anticipated that there would be no significant 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 proposal 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 stables are only used privately and that no commercial use occurs.

Other Considerations

Thorrington Parish Council has not commented.

There have been no other letters of representation received.

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, documents titled 'Site Location Plan', the untitled Block Plan received 1 March 2019', the untitled elevational drawings, the untitled floor plans, and the additional information supplied in an email dated 23 January 2019.

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

- 3 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.

- 4 The stables and paddock land hereby approved shall be used solely in connection with the private stabling 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.

8. Informatives

Positive and Proactive Statement

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.