

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	ML	07/04/2021
Planning Development Manager authorisation:	TF	07/04/2021
Admin checks / despatch completed	DB	08.04.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	08.04.2021

Application: 21/00086/FUL **Town / Parish:** Weeley Parish Council

Applicant: Mr John Buswell

Address: Land adjacent to Bucklands Gutteridge Hall Lane Weeley

Development: Proposed change of use of land to horse paddocks, and erection of stables and menage for own horses and ponies.

1. Town / Parish Council

Weeley Parish Council Object to this application. Further development down Gutteridge Hall Lane should not be supported. It is a designated 'Quiet Lane' and is already overwhelmed with the amount of traffic passing up and down it on a daily basis, causing damage to the verges and distress to local residents.

If TDC is minded to approve this application, can we suggest that stringent conditions are applied to prevent any future change of use application?

2. Consultation Responses

ECC Highways Dept
26.03.2021

The information that was submitted in association with the application has been fully considered by the Highway Authority. No site visit was undertaken in conjunction with this planning application. The information submitted with the application has been thoroughly assessed and conclusions have been drawn from a desktop study with the observations below based on submitted material and Google image dated April 2010. The proposal site is accessed from and along a local road which is a no through road. The site is approximately 465 metres distance from the main road, Clacton Road. It noted that the proposed stables and menage will be for the applicant's own horses and ponies only and the existing field access will be retained for the proposed site and there appears to be sufficient parking and turning being provided.

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

1. Prior to occupation a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

2. Prior to occupation of the site a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced, and maintained free from obstruction within the site at all times for that sole purpose.

3. No unbound material shall be used in the surface treatment of the vehicular access within 7.5 metres of the highway boundary.

4. There shall be no discharge of surface water onto the Highway.

5. Any gates retained 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 footway/cycleway or where no provision is present, the carriageway.

6. Areas within the curtilage of the site for the purpose of the reception and storage of building materials shall be identified clear of the highway.

TDC Environmental
Protection
24.02.2021

EP have reviewed the application and have the following comments to make;

1) Drainage: effluent originating from the stables must be considered foul water and thus conveyed and disposed of in the same manner as domestic foul water; compliance with relevant building regulations and British Standards in relation to the laying of the proposed new pipework, must be adhered to.

2) Manure Management Plan: should the application be approved, and prior to any commencement, we are requesting a Manure Management Plan be submitted for approval; the plan should include, but is not limited to, the mechanisms for storage and disposal of the manure generated on the site.

3) Lighting: If applicable further information is required in relation to any proposed external lighting on the proposed ménage; information needed shall include information on where the lights will 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.theilp.org.uk). The lighting of the ménage should operate in such a way as to not cause light nuisance. Purpose for this request is so to ensure that nearby properties do not suffer a loss of amenity by reason of light nuisance.

4) Burning on site: should this application be approved, we would request that a condition stipulating that no burning of waste shall not take place on this site is applied; so as to protect the amenity of nearby residential properties.

TDC Tree & Landscape
Officer
26.02.2021

The main body of the application site is set to grass and is currently being used for the keeping or grazing of horses.

The boundary with Gutteridge Hall lane is demarcated by an established hedgerow that acts as a good screen. It appears that the retention of the hedgerow is not compromised by the development proposal.

There is little public benefit to be gained by new soft landscaping

associated with the development proposal.

3. Planning History

17/00507/FUL	Change of use to one gypsy pitch comprising one mobile home, one touring caravan, one day room and associated works.	Approved	10.08.2017
17/01371/DISCON	Discharge of condition 6 (landscaping scheme and refuse storage) of planning permission 17/00507/FUL.	Approved	23.08.2017
18/00313/FUL	Proposed 2 No. stables and tack room, and change of use of land from agricultural to paddock.	Approved	25.05.2018
18/02003/FUL	Variation of Condition 1 of application 17/00507/FUL.	Approved	15.10.2019
19/01935/FUL	Variation of condition 3 of 18/02003/FUL to Site 2 additional mobile homes on the existing pitch.	Approved	20.04.2020
21/00086/FUL	Proposed change of use of land to horse paddocks, and erection of stables and menage for own horses and ponies.	Current	

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework February 2019

National Planning Practice Guidance

Tendring District Local Plan 2007

QL9	Design of New Development
QL10	Designing New Development to Meet Functional Needs
QL11	Environmental Impacts and Compatibility of Uses
COM12	Equestrian Uses and Buildings
COM23	General Pollution
EN1	Landscape Character
TR1A	Development Affecting Highways

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

SPL3	Sustainable Design
PPL3	The Rural Landscape
PPL5	Water Conservation, Drainage and Sewerage
PP13	The Rural Economy
CP1	Sustainable Transport and Accessibility

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan. Paragraph 213 of the NPPF (2019) 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. In this latter regard, as of 26th January 2021, 'Section 1' of the emerging Local Plan for Tendring (Tendring District Local Plan 2013-2033 and Beyond Publication Draft) has been adopted and forms part of the 'development plan' for Tendring.

Section 1 of the Local Plan (which sets out the strategy for growth across North Essex including Tendring, Colchester and Braintree) has been examined by an Independent Planning Inspector who issued his final report and recommended 'main modifications' on 10th December 2020. The Inspector's report confirms that, subject to making his recommended main modifications (including the removal from the plan of two of the three 'Garden Communities' proposed along the A120 i.e. those to the West of Braintree and on the Colchester/Braintree Border), the plan is legally compliant and sound and can proceed to adoption. Notably, the housing and employment targets in the plan have been confirmed as sound, including the housing requirement of 550 dwellings per annum in Tendring.

The Council has now formally adopt Section 1 of the Local Plan, in its modified state, at the meeting of Full Council on 26th January 2021, at which point it became part of the development plan and carries full weight in the determination of planning applications – superseding, in part, some of the more strategic policies in the 2007 adopted plan.

The examination of Section 2 of the Local Plan (which contains more specific policies and proposals for Tendring) will proceed in early 2021 and two Inspectors have been appointed by the Secretary of State to undertake the examination, with the Council preparing and updating its documents ready for the examination. In time, the Section 2 Local Plan (once examined and adopted in its own right) will join the Section 1 Plan as part of the development plan, superseding in full the 2007 adopted plan.

Where emerging policies are particularly relevant to a planning application and can be given 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.

5. Officer Appraisal (including Site Description and Proposal)

Site Description

The application site is land to the south of Gutteridge Hall Lane, Weeley, which is currently laid to grass. The site benefits from an existing gated field access at its north-eastern point. The remainder of the site frontage is marked by a mature hedgerow fronting the lane. To the west of the site is a travellers pitch (the applicant's).

There are further residential properties to the west, and a single dwelling on the north side of Gutteridge Hall Lane, with another well-established traveller site further to the east on Gutteridge Hall Lane - allowed on Appeal - which is closer to Weeley village and railway station.

The surrounding land is in agricultural use, mostly grazing.

Proposal

This application proposes the change of use of the land to paddock land, the erection of a stable/barn building (15m x 11m and 5m to ridge) and a menage (20m x 40m).

The barn would house the applicant's 4 horses/ponies and would be finished in timber and cladding to the roof. The menage would consist of sand and would be enclosed by a low level post and rail fence. No lighting is proposed.

The existing site access would be utilised by this proposal. The application relates to the applicant's horses only (who lives adjacent to the site).

Principle of development

Saved policy COM12 (Equestrian Uses and Buildings) and emerging policy PP13 (The Rural Economy) are most relevant to this proposal. They state, amongst other things, that equestrian development will be considered in respect of the nature and scale of the development upon the character of the countryside.

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 main body of the application site itself is set to grass. The boundary with Gutteridge Hall Lane is demarcated by an established hedgerow that acts as a good screen. It appears that the retention of the hedgerow is not compromised by the development proposal.

Therefore, as stated above, the ménage, stables and paddocks will be located on a well screened area of Gutteridge Hall Lane adjacent to the highway. The siting, design and the presence of the mature vegetation on the site boundary ensures that the impact upon the rural appearance of the area would be minimal. The barn/stable building would be publicly visible from the gated access but not in wider views along the lane due to vegetation. The building would be finished in timber and cladding which would be in keeping with the rural character of the locality. A condition to secure the precise details of the materials of the building will be included.

A condition will be attached to ensure that the extent of any future lighting is controlled in the interests of protecting the character of the rural location.

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

The stable building is proposed to house the applicant's horses/ponies only (4 in total). The size and layout of the stable building is commensurate with the number of horses present on the site.

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

The surrounding area is semi-rural with some residential properties to the north and west. However, given the degree of separation to these properties and intervening mature roadside hedging there is not considered to be a significantly detrimental impact to existing amenities. Furthermore, a condition will be attached to ensure no burning of manure,

The use of the land as a ménage/paddocks on a personal basis would not adversely affected the amenities of the residents living directly to the north. 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 agent for the application has stated within their supporting statement that they will install soakaway crates and a drainage system. A waste management plan to remove waste from the site has also been provided and reviewed by the Council's Environmental Protection Team. They raise no objections to the proposal. Precise details of the waste management plan will be secured via condition.

Therefore the proposal is acceptable against this criterion.

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 situated in the north-east corner of the plot, as such Essex Highways Authority raises no objections to the proposal subject to a turning being provided and pedestrian visibility splays being afforded to the access. Further, a condition will be attached to the decision to ensure the proposal is for the applicant's 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;

The proposal will only be for the private use of the owner and family 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 stable building is only used privately and that no commercial use occurs.

Other Considerations

Weeley Parish Council objects to this application. Further development down Gutteridge Hall Lane should not be supported. It is a designated 'Quiet Lane' and is already overwhelmed with the amount of traffic passing up and down it on a daily basis, causing damage to the verges and distress to local residents.

1 letter of objection has been received outlining the following concerns;

- unacceptable impact upon rural character of the area
- no need for additional stables/paddocks land
- additional use of Gutteridge Hall Lane for heavy traffic
- Gutteridge Hall Lane is a 'Quiet Lane', additional development would harm that status
- Encroachment upon Weeley/Weeley Heath and the rural character.

These points are covered within the appraisal outlined above.

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 and documents:

Drawing no. 20149/01 (Proposed Barn Floor Plan and Elevations)
Drawing no. 20149/02b (Block Plan)
Site Plan
Proposed Menage Floor Plan
Proposed Post and Rail Details

Proposed Fence Details

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 any time.

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 ménage, stables and paddocks 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.

- 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.

- 6 No development shall be commenced until precise details of the manufacturer and types and colours of the external roofing material to be used in construction of the barn/stable building have been submitted to and agreed, in writing, by the Local Planning Authority. Such materials as may be agreed shall be those used in the development unless otherwise agreed, in writing, at a later date with the Local Planning Authority.

Reason - In the interests of visual amenity.

- 7 Prior to first use of the stables hereby approved, a waste management plan dealing with the storage and removal of horse manure shall be submitted to and approved in writing by the Local Planning Authority. The approved waste management plan shall be adhered to at all times unless otherwise agreed in writing by the Local Planning Authority.

Effluent originating from the stable floor must be considered foul water and thus conveyed and disposed of in the same manner as domestic foul water.

Reason - In the interests of residential amenities to ensure that they do not suffer a loss of amenity by reason of odour.

- 8 Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), other than the details approved under condition 2, no provision of fencing, wall or other means of enclosure shall be erected except in accordance with drawings showing the design and siting of such building(s) which shall previously have been submitted to and approved, in writing, by the Local Planning Authority.

Reason - Any future boundary treatment will be important as they will abut the open countryside.

- 9 Prior to first use of the site a vehicular turning facility, of a design to be approved in writing by the Local Planning Authority shall be constructed, surfaced, and maintained free from obstruction within the site at all times for that sole purpose.

Reason - To ensure that vehicles can enter and leave the highway in a forward gear in the interest of highway safety.

- 10 No unbound material shall be used in the surface treatment of the vehicular access within 7.5 metres of the highway boundary.

Reason - To avoid displacement of loose material onto the highway in the interests of highway safety.

- 11 Prior to occupation a 1.5 metre x 1.5 metre pedestrian visibility splay, as measured from and along the highway boundary, shall be provided on both sides of the vehicular access. Such visibility splays shall be retained free of any obstruction in perpetuity. These visibility splays must not form part of the vehicular surface of the access.

Reason - To provide adequate inter-visibility between the users of the access and pedestrians in the adjoining public highway in the interest of highway safety.

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.

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall 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:

Development Management Team
Ardleigh Depot,
Harwich Road,
Ardleigh,
Colchester,
CO7 7LT

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 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.

On the completion of the stables/ menage, 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.

Are there any letters to be sent to applicant / agent with the decision? If so please specify:	YES	NO
Are there any third parties to be informed of the decision?	YES	NO

If so, please specify:		
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