

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	JR	14.04.2021
Planning Development Manager authorisation:	TF	16/04/2021
Admin checks / despatch completed	CC	16.04.2021
Technician Final Checks/ Scanned / LC Notified / UU Emails:	ER	16/04/2021

Application: 21/00004/FUL **Town / Parish:** Wix Parish Council

Applicant: Robert Clark

Address: Dysert Colchester Road Wix CO11 2RT

Development: Repositioning horse manege, erection of post and rail fencing, installation of drainage to existing ditch and installation of LED flood lighting.

1. Town / Parish Council

Wix Parish Council No comments received

2. Consultation Responses

TDC Tree & Landscape Officer No objection - There are no trees or other significant vegetation on the site. The relocation of the existing manege will not have an adverse impact on the local landscape character.

Little benefit to the public realm by new soft landscaping associated with the development proposal.

ECC Highways Dept No comments received

TDC Environmental Protection No objection subject to conditions regarding drainage, a manure management plan, lighting and restrictions on burning on site.

3. Planning History

00/01119/FUL Land arable, set aside land, change of use to garden paddock and stables Approved 22.08.2000

02/01702/FUL Additional stable Approved 24.10.2002

12/00170/FUL Demolish existing single storey extension. Erect single and 2 storey rear extension providing dining room, bath/shower, bed 2 (relocated) over and dormer extension. Approved 20.04.2012

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

EN1 Landscape Character

EN16 Agricultural and Related Development

COM12 Equestrian Uses and Buildings

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

SPL3 Sustainable Design

PPL3 The Rural Landscape

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 Paragraph 213 of the NPPF (2019) allows local planning authorities to give due weight to adopted albeit outdated policies according to their degree of consistency with the policies in the NPPF.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 located on the southern side of Colchester Road, outside of the settlement boundary of Wix. The site is accessed via a track adjacent to the property Dysert. The site is part of a larger area comprising of a stable block and grazing land which is in the ownership of the current occupiers of Dysert and extends along the rear of a number of residential properties.

Proposal

The application seeks planning permission to re-position the existing manege, erect a timber post and rail fence and gate, some 1.2m high around the perimeter of the new manege, form drainage to the existing ditch and install four LED floodlights, one in each corner of the manege. The proposed manege measures 40m x 20m. The proposed floodlights are to be mounted on 6m high poles. The manege is to be used for personal use only in conjunction with the existing stabling and grazing area.

Principle of development

The application is considered against Policies COM12 (Equestrian Uses and Buildings) and emerging Policy PP13 (The Rural Economy) which are concerned with the provision of equestrian development with regard to the nature and scale of the development upon the character of the countryside outside of defined Settlement Development Boundaries. Given the established use of the site for equestrian purposes, the principal of the proposed development is considered acceptable subject to the detailed considerations assessed below.

Policy COM12 sets out the criteria to be considered in relation to the use of rural land for equestrian purposes:

Design and Appearance

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 re-sited manege is in a similar location to the existing, adjacent to the existing stable block and approximately 40m from the rear boundaries of the residential dwellings fronting Colchester Road. The surrounding area is open grazing land and the manege is considered to be of an appropriate design, with a 1.2m high open post and rail boundary fence and surface dressing, sited close to the existing buildings. Therefore the impact on the rural character and appearance of the surrounding area is considered to be minimal.

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

The application does not seek planning permission for stables. There are currently three stables and a number of storage buildings on the adjacent land.

Impact on Neighbour Amenity

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

The surrounding area is semi-rural with residential properties to the north. There is a significant distance (some 40m) from the manege to these properties. The manege is for personal use only by the owners of Dysert and does not increase the extent of the existing equestrian use. However conditions in regard to controlling the light levels and to prohibit any burning on the site are considered reasonable to prevent any detrimental impacts to existing residential amenities. Therefore the proposal is not considered to adversely impact the amenities of the adjacent residents to the north.

Drainage and disposal of waste (manure)

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

The site is part of an existing equestrian use comprising of three stables and an existing manege. Therefore suitable drainage and disposal/storage arrangements for the manure already exist on site in relation to the existing approval in 2000. The new drainage to the manege is indicated to run into the existing ditch. The proposal should be operated in line with the existing arrangements to prevent pollution to surface and underground waters and a condition can be added to ensure this is the case. Therefore the proposal is acceptable in this regard.

Highways

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 would utilise the existing vehicular parking and access arrangements that serve the property Dysert. As the site is located to the rear of the applicant's residential property an excess of vehicle movements is not envisaged. A condition can be added to ensure that the proposed manege 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 to the site 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 proposed manege is for the private use of the owner of Dysert and it is considered that there would be no significant increase in 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, it is not considered that there would be any significant impacts on traffic levels.

Other Considerations

Wix Parish Council have not commented on the application. No other representations have been received.

Conclusion

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

6. Recommendation

Approval – Full

7. Conditions / Reasons for Refusal

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.

- The development hereby permitted shall be carried out in accordance with the following approved plans and document: Location Plan, Block Plan, Drainage Layout Plan, Fence Layout Plan, Cross section of Riding Area.

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

- The manege 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.

- Prior to the first use of the manege, hereby approved, details (to include position, height, aiming points, lighting levels and a polar luminous diagram) of the proposed floodlights shall be submitted to and agreed in writing by the Local Planning Authority. Installation shall be in accordance with the approved details. No other external lighting shall be installed on site, without express planning permission.

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

- There shall be no burning 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.

- The drainage, disposal and storage of waste from the use of the manege hereby approved, shall be in accordance with the existing arrangements in place for the wider site agreed under planning permission 00/01119/FUL.

Reason: To prevent pollution to surface and underground waters and in the interest of local amenity.

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.

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? If so, please specify:	YES	NO

