

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	BO'B	12.01.2022
Planning Development Manager authorisation:	TF	12/01/2022
Admin checks / despatch completed	ER	12/01/2022
Technician Final Checks/ Scanned / LC Notified / UU Emails:	CC	12.01.2022

Application: 21/01914/FUL **Town / Parish:** Great Bromley Parish Council

Applicant: Mrs Sharon Kandiah

Address: Blue Gates Farm Carringtons Road Great Bromley

Development: Proposed erection of horse stable block.

1. Parish Council

Great Bromley Parish Council
08.12.2021

No objection to the application.

2. Consultation Responses

No consultations made

3. Planning History

15/00403/COUNOT	Change of use of agricultural building to residential use (C3)	Determination	06.05.2015
20/00854/FUL	Proposed conversion of vacant barn into a four bedroomed dwelling with associated garaging and landscaping works.	Approved	11.11.2020
21/00566/DISCON	Discharge of condition 3 (Hard and Soft Landscaping), 8 (Biodiversity Enhancement Strategy), and 12 (Programme of Historic Building Recording) of approved planning application 20/00854/FUL	Approved	01.06.2021
21/01914/FUL	Proposed erection of horse stable block.	Current	

4. Relevant Policies / Government Guidance

National:

NPPF National Planning Policy Framework July 2021

National Planning Practice Guidance

Local:

Adopted Tendring District Local Plan 2007 (part superseded)

QL11 Environmental Impacts and Compatibility of Uses (part superseded)

COM12 Equestrian Uses and Buildings

EN1 Landscape Character

Tendring District Local Plan 2013-2033 and Beyond Publication Draft (June 2017) (Section 1 adopted on 26th January 2021)

SP1 Presumption in Favour of Sustainable Development

SP7 Place Shaping Principles

SPL3 Sustainable Design

PP13 The Rural Economy

PPL3 The Rural Landscape

Essex Design Guide

Status of the Local Plan

Planning law requires that decisions on planning applications must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (Section 70(2) of the 1990 Town and Country Planning Act and Section 38(6) of the Planning and Compulsory Purchase Act 2004). This is set out in Paragraph 2 of the National Planning Policy Framework 2021 (the Framework).

The 'development plan' for Tendring comprises, in part, the 'saved' policies of the 2007 Local Plan. Paragraph 219 of the Framework allows local planning authorities to give due weight to policies adopted prior to its publication according to their degree of consistency with the policies in the Framework. On the 26th January 2021 Section 1 of the 2013-2033 Local Plan was adopted and now also forms part of the 'development plan' for Tendring, superseding some of the more strategic policies in the 2007 Local Plan. Notably, the housing and employment targets were found sound and have been fixed, including the housing requirement of 550 dwellings per annum.

Paragraph 48 of the Framework 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 the policies of the Framework. On 24th November 2021, the Council received the Planning Inspectors' final report on the legal compliance and soundness of Section 2 of the emerging Local Plan. The report has confirmed, that with the inclusion of a number of 'Main Modifications' (which have already been the subject of formal public consultation), the Plan is legally compliant and sound and can now proceed to adoption. The report was considered by the Planning Policy and Local Plan Committee on 11th January 2022 and the adoption of the Section 2 Local Plan was recommended to Full Council for consideration on 25th January 2022. On adoption, the new Section 2 Local Plan will join the new Section 1 Local Plan to form the 'development plan' for Tendring and the old 2007 Local Plan will be superseded in full.

Now that the Inspectors' final report is received, the Section 2 Local Plan has virtually reached the final stage of preparation, all objections have been resolved and the Inspector has confirmed that the Plan is sound and therefore in conformity with the Framework. For these reasons, Officers now advise that the emerging Plan should now carry 'almost full weight' in decision making.

Until the new Local Plan is adopted in January 2022, the 2007 adopted Local Plan, legally, will still form part of the 'development plan' and there will still be a requirement to refer to the 2007 Local Plan in decision making. However, the level of weight to be afforded to the policies in the 2007 Plan is reduced to very limited weight given that a more up to date Plan has progressed to such an advanced stage of the plan making process.

5. Officer Appraisal

Site Description

The site consists of an open area of agricultural land which is situated adjacent to the residential curtilage of a dwellinghouse, which is part of the wider Blue Gates Farm complex.

The plot lies outside of any recognised settlement development boundary and is therefore within the countryside.

There is an existing vehicular access to the site from the main highway.

To the rear (south) of the site there is an area of grassland/agricultural land and a number of farm buildings.

Proposal

The proposal is for a stable block with four loose boxes and an associated tack room. It would be sited to the north of the site, directly adjacent to the boundary with Carringtons Road, the main highway.

The proposed building would be of an 'L' shape with the most westerly elevation, measuring 8.6m in length and the most northern elevation, facing the highway, measuring 14.4m in length. The stable block would have a pitched roof and would measure 3m high. The stable block is proposed with four stables with each stable measuring at least 13 m², the minimum size as recommended by the British Horse Society (BHS).

The proposed stable block would be finished with external materials of black shiplap boarding and black onduline roofing.

Main Issues

Principle of Development

Available Pasture Land

Character and Appearance

Principle of Development

Paragraph 84 of the National Planning Policy Framework (2021) states that planning policies and decisions should enable: c) sustainable rural tourism and leisure developments which respect the character of the countryside.

Saved policy COM12 speaks directly of proposals for Equestrian Uses and Buildings. The erection of stables 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;
- b. whether the size of the stables accords with the number of horses intended to be accommodated;
- c. the impact of any built development on the amenity of neighbouring residential properties;
- 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;
- 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;
- f. the impact on the character of the countryside of providing an adequate 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
- h. the impact of traffic levels on the amenities of the land.

Emerging policy PP13 states that, to support growth in the rural economy, the Council may grant planning permission for development in the countryside, outside of defined Settlement Development Boundaries, subject to detailed consideration including against other policy requirements in this Local Plan. This includes item (b) (business and domestic equine related activities) subject to detailed consideration, including against other policy requirements in this Local Plan.

Therefore, the proposed development is acceptable in principle, subject to consideration against the policy requirements of saved policy COM12, emerging policy PP13 and other local policy requirements.

Available Pasture Land

The proposed scale of the building and the equine accommodation within the stable block means that space will be provided for at least four horses. There is not enough pasture land provision on the site to accommodate four horses.

Although it is accepted that the provision of grazing land will depend on types of horse, soil types and field rotation, the general rule for the provision of pasture land, as stated by the BHS (British Horse Society), is 2 acres for the first horse and 1 acre per horse thereafter. Therefore, the required amount of pasture land that is required for the amount of proposed stabling would be a minimum of five acres. The site is shown to have less than ½ acre of pasture land available, contrary to saved policy COM12.

Therefore, it is considered that the scale of the proposed stable block is unnecessary and goes against the requirements for domestic stabling on a site of limited size.

Therefore, to comply with animal welfare standards, it is considered that the proposed stable block could only be used for equestrian business purposes or domestic use if the size of available pasture land was increased.

It is also accepted that feed may be brought onto the land to supplement the limited pasture supply. However, either the supplementation of feed and/or the use of the building for commercial equine purposes would go beyond that of domestic stabling, and a change of use of the agricultural land, to equestrian use, would be required.

A change of use application would require precise details of the types and numbers of horses, feed requirements, transport movements, storage and removal of waste etc. Such details are unavailable and as such are not assessed within this application, as the scheme is unacceptable due to the failure to comply with the requirements of saved policy COM12 and unable to be assessed in line with emerging policy PP13 due to insufficient information.

Character and Appearance

The site is set in a location outside of any defined settlement boundary and is therefore, designated as being within the countryside. Paragraph 174 of the National Planning Policy Framework (2021) states that planning decisions should recognise the intrinsic character and beauty of the countryside.

This tenet is reflected in saved policy EN1 and emerging policy PPL3, which state that any planning application will be refused if harm is caused to the overriding character and appearance of the rural landscape.

Although the design of the building would not be out of character within the rural area and on the wider farm estate, it is considered that the scale of the proposed development is unnecessary for its proposed use on a site where the grazing land is limited. However, given that the proposed scheme may be amended by way of the provision of more grazing land and the consideration of further details, the matter of the impacts of the scale of the proposed building on the rural landscape are considered to be unlikely to cause harm to the appearance of the rural site and its surrounds.

Representations

Great Bromley Parish Council do not object to the proposal.
There have been no other representations.

Conclusion

The scale and accommodation of the proposed stable block does not accord with the number of horses intended to be accommodated as the provision of pasture land is unsuitable for such a number of horses. Therefore, the proposal is contrary to saved policy COM12. Furthermore, given the inadequate provision of grazing land, insufficient details have been provided as to whether the proposed development is for purposes other than ancillary domestic stabling, wherein the proposal fails, or for business purposes and is thus contrary to emerging policy PP13.

6. Recommendation

Refusal-Full

7. Reasons for Refusal

The proposed stable block does not accord with the number of horses intended to be accommodated as the provision of pasture land is inadequate to meet the required animal welfare standards and insufficient details have been provided as to whether the proposed development is for purposes other than ancillary domestic stabling. Therefore, the proposal is considered to be contrary to saved policy COM12 and emerging policy PP13.

8. Informatives

Positive and Proactive Statement

Application Refused Without Discussion

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The Local Planning Authority is willing to meet with the Applicant to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development.

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