

DELEGATED DECISION OFFICER REPORT

AUTHORISATION	INITIALS	DATE
File completed and officer recommendation:	MP	19/06/18
Planning Development Manager authorisation:	AN	19/6/18
Admin checks / despatch completed	WNE EB	21/06/18. 21/06/18.

Application: 18/00699/FUL

Town / Parish: Frinton & Walton Town Council

Applicant: Mrs Mechelle Sweeney

Address: Spring Cottage 82 The Street Kirby Le Soken

Development: Change of use of land from agricultural to paddock including proposed manege (sand school) and muck heap.

1. Town / Parish Council

Frinton & Walton Town Council

APPROVAL – subject to the muck heap being moved back to a less prominent position.

2. Consultation Responses

Tree & Landscape Officer

The implementation of the development proposal will not affect any existing trees or other significant vegetation and the creation of the Ménage/exercise area will not in itself be an unduly incongruous feature in the landscape.

In terms of the visual impact of the proposed change of use of the land there will be no physical alteration or other change to the appearance of the local landscape as the land is currently set to grass and will remain so.

ECC Highways Dept

The Highway Authority does not wish to make comment further to those submitted under application 17/01904/FUL

Environmental Protection

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 paddock 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)
 5. The proposed paddock should operate in such a way as to not cause noise nuisance. It is suggested that it operates between the hours of 7am-7pm daily, if possible closed on Sundays/Bank holidays.
- Reason:
To ensure that nearby noise sensitive premises do not suffer a loss of amenity by reason of odour, light and noise nuisance.

3. Planning History

05/01552/FUL	Two storey extension to form family room bedroom and en-suite shr/wc	Withdrawn	23.10.2005
05/01986/FUL	Two storey extension to form family room, bedroom and en-suite shower and w.c.	Refused	13.01.2006
06/00484/FUL	Two storey extension and conservatory.	Approved	23.05.2006
17/01904/FUL	Proposed erection of stable block & menage (sand school), and change of use of land from agricultural to paddock.	Refused	13.04.2018

4. Relevant Policies / Government Guidance

NPPF National Planning Policy Framework

National Planning Practice Guidance

Tendring District Local Plan 2007

COM12 Equestrian Uses and Buildings

EN1 Landscape Character

EN3 Coastal Protection Belt

EN17 Conservation Areas

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)

PPL2 Coastal Protection Belt

PPL3 The Rural Landscape

PPL8 Conservation Areas

SPL3 Sustainable Design

Status of the Local Plan

The 'development plan' for Tendring is the 2007 'adopted' Local Plan, despite some of its policies being out of date. Paragraph 215 of the NPPF 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 216 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. Part 1 was examined in January 2018 with the Inspector's report awaited and whilst its policies cannot yet carry the full weight of adopted policy, they can carry some weight in

the determination of planning applications. 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 216 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 and west of Spring Cottage, 82 The Street, Kirby-le-Soken. The land is currently characterised as agricultural. The character of the surrounding area is typically rural, with agricultural land to the north, east and west of the site, however there are examples of residential dwellings to the south. The site does not fall within the Settlement Development Boundary for Kirby-le-Soken, as agreed in both the Adopted Tendring Local Plan 2007 and the Emerging Tendring District Local Plan 2013-2033 and Beyond Publication Draft. The site also falls adjacent to, but outside of, the Kirby-le-Soken Conservation Area, and also falls within a Coastal Protection Belt.

Description of Proposal

This application seeks planning permission for the change of land use from agricultural to paddock, which will also incorporate a riding area measuring 50m x 35m, and a muck heap.

History

Under planning reference 17/01904/FUL, planning permission was previously refused for a similar application, which included a riding area, stable block and change of land use from agricultural to paddock. The reasons for refusal were in relation to the prominence of the proposed stable block in a sensitive location and a lack of compelling functional need for its siting within a Coastal Protection Belt.

This proposal is similar in nature but has removed the stable block.

Assessment

Change of Land Use:

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

It is considered that whilst the proposed land is set back from the street scene, thereby slightly reducing its overall visibility, the site is open with dominant views from the west in particular and therefore the proposal will be highly visible. The character of the surrounding area, particularly to the south-east, north-east and further out to the north and south, is dominated by large areas of agricultural land. Furthermore, it is also acknowledged there is existing grassed land to the east and immediate south and the Council's Tree and Landscapes Officer has raised no concerns.

Against this backdrop, whilst a large area of paddock land would not necessarily be in-keeping with the predominant character of the area, there is not considered to be significant material harm and therefore, on balance, this would be acceptable.

Further, Permitted Development rights for fencing have been removed to enable the Council to retain control over this in the interests of maintaining the open character of the Coastal Protection Belt.

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, sited within the Coastal Protection Belt of Pennyhole Bay and the Naze, and also located on the edge of the Kirby-le-Soken Conservation Area. The land to the north, east and west of the site is characterised by open agricultural fields. To the south-east are residential properties. The site itself is open and highly visible from west to east. Against this backdrop, a riding area is not considered to be prominent or out of character within the surrounding area in this location adjacent to residential boundaries.

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 surrounding area is mainly rural but there are some residential properties to the south. 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, whilst the proposed muck heap would ideally be sited further away from these properties, there is still an approximate separation distance of 10 metres and it did not form part of a reason for refusal on the previous similar application at this site.

With regards to the impacts from the manege it will be used for private use only, whilst there is also a significant separation distance of 40m to the nearest neighbouring property to the south. Further, a condition will be attached to ensure no means of floodlighting or external lighting shall be installed on site.

Therefore, on balance, 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 4th June 2018 that the manure is placed in the muck heap and covered, later being removed by a registered certified disposal expert as and when required. 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;

There are no stables proposed as part of this application, however the riding area 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 riding area 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 riding area 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 riding area 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

Frinton and Walton Town Council recommends approval subject to the muck heap being moved back to a less prominent position.

There has been one letter of objection received, with the following concerns;

1. The site falls within the Kirby-le-Soken Conservation Area; and
2. Location of the muck heap close to the highway and dwellings.

In answer to this, both points have been clarified within the main body of the report 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, titled 'Site Location Plan', 'Block Plan' and drawing numbers SO 010 and SO 002 and the email dated 4 June 2018 which clarifies details of how the horse manure is planned to be stored and removed from site.

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 manege and paddock land 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.

- 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 Notwithstanding the provisions of Article 3, Schedule 2 Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification), no provision of gates, fencing, wall or other means of enclosure shall be erected except in accordance with drawings showing the design and siting of such enclosures which shall previously have been submitted to and approved, in writing, by the Local Planning Authority upon submission of a planning application.

Reason - In the interests of maintaining the open character of the Coastal Protection Belt.

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.