

REPORT FROM: PLANNING, BUILDING CONTROL AND LICENSING
SERVICES MANAGER

TO: COLNE & DISTRICT COMMITTEE

DATE: 7th November, 2019

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PLANNING APPLICATIONS

PURPOSE OF REPORT

To determine the attached planning applications.

REPORT TO COLNE AND DISTRICT COMMITTEE ON 7TH NOVEMBER 2019

Application Ref: 19/0650/OUT
Proposal: Full: Erection of a private stable block, with four stables, tack room and feed store (All Matters Reserved).
At: Land to the South of County Brook Lane, Foulridge.
On behalf of: Mr Iain McFarlane
Date Registered: 28.08.2019
Expiry Date: 11.11.2019
Case Officer: Charlotte Pinch

Site Description and Proposal

The application is to be decided at committee as it has received more than three objections.

The application site is an open field, within agricultural use, adjacent to an existing access point onto County Brook Lane. The site is located within the Open Countryside, adjacent to a cluster of buildings at Hey Fold, three of which are Grade II Listed.

The proposal is for the erection of a detached stable block, comprising of four stables, tack room and feed store. This is an outline application with all matters reserved, therefore details of appearance, landscaping, layout, access and scale are reserved for a subsequent reserved matters application.

Relevant Planning History

18/0507/CEA

Certificate of Lawfulness (S192: Proposed Development): Winter mooring of unoccupied canal boats.

Approved. 2018.

18/0479/AGR

Prior Approval Notification (Agricultural Building): Erection of agricultural storage building (13.7m x 9.1m).

Prior Approval Refused. 2018.

Consultee Response

LCC Highways

Having considered the additional information and amended site and location plans submitted, together with further site observations on 24 October 2019, the Highway Development Support Section makes the following comments. We would not raise an objection in principle to this application, subject to the following comments being noted, and conditions and note being applied to any formal planning permission granted. As this application is outline with all matters reserved our comments are only provisional at this stage.

A reserved matters application will need to be submitted covering details of access, appearance, landscaping, layout and scale. As part of any reserved matters planning application the applicant is advised to consider the following comments.

General

County Brook Lane is a privately maintained highway, along, and over, which a number of Public Footpaths pass. The carriageway is single vehicle width, apart from a short section from its junction with Whitemoor Road, with limited locations for two vehicles to pass. To ensure that the proposed development does not generate traffic/vehicle movements that would be detrimental to highway safety, especially at the junction of County Brook Lane and Whitemoor Road/High Lane, we recommend that a condition is applied to any formal permission granted limiting the use of the development to domestic use by the occupants of Hullet Hall Barn only, with no commercial use or livery being undertaken.

Access/layout

The proposed stable block is remote from the residential property associated with it. The amended access to the proposed development would be via an existing field gate leading off County Brook Lane. No construction or layout details of the access, nor internal manoeuvring area(s) have been provided. The existing access would need to be amended to ensure that the intensification of use would not be detrimental to highway safety. In this respect the following comments should be taken into account.

The access from Country Brook Lane should be surfaced in bound porous material for a minimum of 10m from the carriageway edge into the site to prevent loose surface material from being carried onto the highway network, posing a hazard to other users.

A means of controlling surface water should be provided across the entrance from County Brook Lane at a point where it would catch the majority of water, and then be drained to a suitable internal outfall. This is to prevent water from discharging onto the highway and affecting the Public Rights of Way network. The location and method of drainage should be indicated on any plans submitted.

Any gates should be set back a minimum of 10m into the field. These would allow vehicles to pull clear of County Brook Lane when opening/closing gates and prevent vehicles waiting on the carriageway so causing an obstruction to other highway users. 45° visibility splays should also be provided.

Yorkshire Water

United Utilities should provide their comments, as the site is within their area.

Public Response

Five letters of objection were received from neighbouring occupiers, their comments can be summarised as follows:

- Equestrian use and stables would result in additional traffic down a small access lane.
- Access for vehicles to the stables would be difficult as there is no existing track way.
- May result in congestion and parking problems.
- Water from the stables room and effluent may drain onto the lane, which may result in surface water flooding and contamination of a spring – which supplies drinking water.
- Concerns the stables will be used for commercial purposes.

Moreover, following re-consultation and re-siting of the proposed stables, four further letters of objection were received from neighbouring occupiers:

- Although the stables are no closer to an existing access, there will still be an increase of traffic using the lane.
- Large vehicles would stop on County Brook Lane to gain access to the field, therefore causing congestion.

- Concerns the stables are not for the applicant's private use and this would result in an increase in traffic daily.
- A previous application for an agricultural building was refused in this location.
- No access track to the stables and no designated area to exercise the horses.
- No electricity or water supply to the proposed site.
- This may lead to further development in neighbouring fields.
- The introduction of commercial activity would alter the character of County Brook hamlet.
- Concerns the land is not suitable for horses, as it is sloping and wet.

Officer Comments

Policy

Pendle Local Plan Part 1: Core Strategy

Policy ENV1 (Protecting and Enhancing Our Natural and Historic Environments) identifies that development should make a positive contribution to the protection, enhancement, conservation and interpretation of our natural and historic environments. New developments in the natural environment should be kept to a minimum and consider the character of an area.

Policy ENV2 (Achieving Quality in Design and Conservation) All new development should viably seek to deliver the highest possible standards of design, in form and sustainability, and be designed to meet future demands whilst enhancing and conserving our heritage assets.

Replacement Pendle Local Plan

Saved Policy 39 deals with equestrian development, highlighting the importance of the location, size and design of proposals.

Development in Open Countryside SPG gives guidance on the materials which would be acceptable for agricultural and domestic buildings.

National Planning Policy Framework (NPPF)

The Framework states that the purpose of the planning system is to contribute to the achievement of sustainable development. It states that there are three dimensions to sustainable development: economic, social and environmental. The policies in paragraphs 18 to 219 of the Framework, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

Principle of Development

The application site is located within the Open Countryside. The Open Countryside SPD states that equestrian developments should normally be sited adjacent to existing buildings, or should be sited so that they may be effectively screened by existing trees and hedging. Permission will normally be granted where there is access to public bridleways and where they would not have an adverse impact on the landscape or character of the surrounding area.

The siting of the proposed stable block, as revised, would be to the south of the existing field, at a lower land level than the previously proposed stable. The development would be sited adjacent to an existing access point, with mature screening along the southern and western field boundary. Given the sensitive landscape nature of this site, a condition will be applied to ensure that the stables remain in the location shown on the approved plans.

A development in this location would be on land which is not prominent within the landscape and would be well screened by existing vegetation. Therefore, no objections are raised in principle to this development.

Design and Impact on Landscape

The application is in outline form and does not include details of design.

Impact on Amenity

The proposed siting of the stable building would be 60 metres to the north east of the closest residential dwelling, Hey Fold. However, there would be intervening features including County Brook Lane and mature hedging and trees which would sufficiently mitigate any significant detrimental impacts on residential amenity.

The existing site is within agricultural use, which includes the use of County Brook Lane by agricultural vehicles and machinery. The proposed stables would not result in a significant increase in disturbance, over and above the existing situation.

Highways

No objections are raised in principle to the development, subject to the stables not being used for commercial or livery use to control the number of vehicles using County Brook Lane. This will be controlled by condition.

There are acceptable options for access from the stables, across the site, to County Brook Lane. However, access is not to be considered at this stage as part of this outline application and no access point has been formally proposed. Suitable conditions will be applied to a proposed access as part of a reserved matters application.

Drainage

Some concerns have been raised regarding contamination of a private water spring as a result of effluent from the stables, however these comments were made with regard to the previous siting of the stables before the location was revised. Nevertheless, details will be required by condition of manure storage and management to be submitted and approved.

Reason for Decision

Section 38 of the Planning and Compulsory Purchase Act 2004 requires that applications be determined in accordance with the development plan unless material considerations indicate otherwise. The proposed development would accord with Local Planning Policy and would be compliant with the guidance set out in the Framework. The development therefore complies with the development plan. There is a positive presumption in favour of approving the development and there are no material reasons to object to the application.

RECOMMENDATION: Approve

Subject to the following conditions:

1. An application for approval of the reserved matters (namely the access, appearance, layout, scale and landscaping of the development) shall be submitted in writing to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted must be begun two years from the date of approval of the last of the reserved matters to be approved.

Reason: This condition is required to be imposed by the provisions of Article 3 (1) of the Town and Country Planning (General Development Procedure) Order 1995 and Section 92 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Details of the access, appearance, layout, scale and landscaping (hereinafter called the 'reserved matters') shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

Reason: In order to comply with the requirements of Section 92 of the Town & Country Planning Act 1990.

3. The development hereby permitted shall be carried out in accordance with the following approved plans: ML/IM/5822 RevA and Location Plan 1:2500.

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

4. Prior to the commencement of development samples of the external facing materials to be used in the construction of the development hereby permitted (notwithstanding any details shown on previously submitted plans and specification), shall have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in strict accordance with the approved details.

Reason: To ensure the materials are appropriate to the locality and in order to allow the Local Planning Authority to control the external appearance of the development.

5. No works shall commence unless and until a detailed landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be submitted at a scale of 1:200 and shall include the following:

- a. the exact location and species of all existing trees and other planting to be retained;
- b. all proposals for new planting and turfing indicating the location, arrangement, species, sizes, specifications, numbers and planting densities;
- c. all proposed hard landscape elements and pavings, including layout, materials and colours.

The approved scheme shall be implemented in its entirety approved form within the first planting season following the substantial completion of the development. Any tree or other planting that is lost, felled, removed, uprooted, dead, dying or diseased, or is substantially damaged within a period of five years thereafter shall be replaced with a specimen of similar species and size, during the first available planting season following the date of loss or damage.

Reason: To ensure the appropriate landscape design and in the interests of the visual amenities of the area.

6. The stable block, tack room and feed store hereby permitted shall be used for the stabling of horses owned, or leased, by the occupier of Hullet Hall Barn only, unless details of an alternative property are submitted to and approved in writing by the Local Planning Authority. The development shall not be used for livery, equestrian events or any commercial purpose whatsoever at any time.

Reason: The safeguard the amenities of the area and intensity of use.

7. No development shall commence unless and until, a scheme for the containment and storage of manure has been approved in writing by the Local Planning Authority. Such a scheme shall be constructed and completed strictly in accordance with the approved plans.

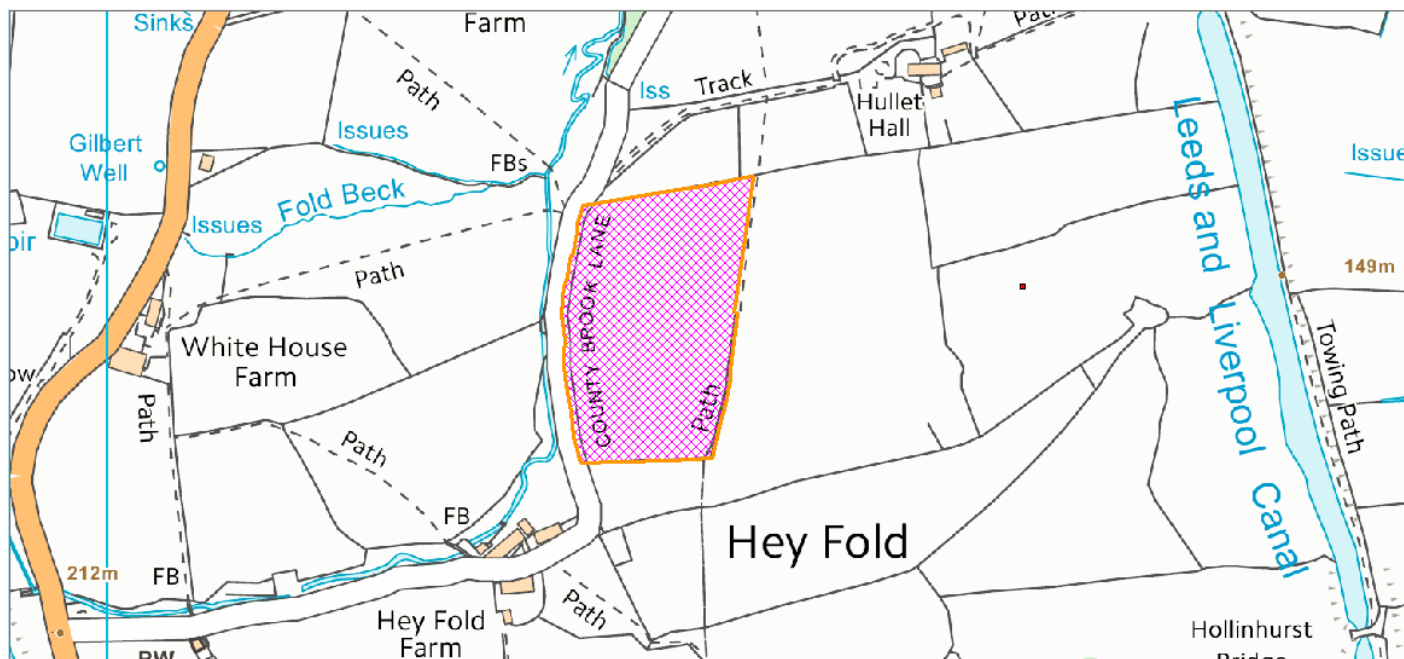
Reason: To prevent the pollution of the water environment.

8. The proposed stables must be positioned on the site in strict accordance with the location shown on plan ML/IM/5822 RevA.

Reason: To protect the visual appearance of the open countryside.

INFORMATIVE

The grant of planning permission does not entitle a developer to obstruct a right of way. The development may affect the setting of Public Footpaths 3, 2



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On behalf of: Mr Iain McFarlane

LIST OF BACKGROUND PAPERS

Planning Applications

NPW/CPB

Date: 28th October 2019