

15. FULL APPLICATION - CHANGE OF USE AND CONSRUCTION OF A STABLE TO HOUSE TWO HORSES / PONIES AT THE COTTAGE IN THE DALE, WENSLEY DALE, WENSLEY. (NP/DDD/0519/0486 SC)

APPLICANT: MR BEN GELSTHORPE

Summary

1. The application seeks permission for the change of use of the agricultural land and the erection of a stable building for private and personal equestrian use. The key planning considerations are the potential effect on the Conservation Area, neighbour amenity and highway safety. The impacts would be acceptable subject to appropriate conditions, therefore recommended for approval.

Site and Surroundings

2. The development site subject of this application is a parcel of enclosed land of approximately 0.47 hectares and located on the south western outskirts of Wensley village. The site is accessed through an existing field gate and descending along an unnamed track from the Square; the track is a Public Right of Way (PRoW). The nearest neighbouring dwelling is Honey Bee Cottage, situated around 70m to the west of the development, with the applicant's property lying a further 20m beyond this. Another PRoW runs in a north south direction between the site and the neighbouring garden at Honey Bee Cottage. The development site lies within the Conservation Area of the village.

Proposal

3. Planning consent is being sought to change the use of the land and erect a stable building to house two horses/ponies. The building would be sited in the north eastern corner of an existing walled area of land, and constructed of natural gritstone under a blue slate roof. Internally the space would provide separate space for two horses/ponies.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions:

- 1 **The development hereby permitted shall be begun within 3 years from the date of this permission.**
- 2 **The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted details and plans, subject to the following conditions:**
- 3 **Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no gates, fences, walls or other means of enclosure, floodlights or any other form of external lighting, horse jumps, field shelters or other ancillary buildings shall be erected or placed within the red edged application site, without the prior written consent of the National Park Authority.**

- 4 **Prior to the erection of the external walls of the building, a sample panel of natural gritstone of at least 1.0 metre square shall be constructed on the site. The Local Planning Authority shall be informed on the completion of the sample panel, which shall then be inspected and approved in writing by the Local Planning Authority. All subsequent walling shall match the approved sample panel in terms of stone colour, size, texture, coursing and pointing, subject to whatever reasonable modifications maybe specifically required in writing by the Authority. If necessary, the Authority shall request the construction of another sample panel incorporating the required modifications.**
- 5 **The roof shall be clad with Natural Blue Slate.**
- 6 **The external doors and windows shall be of timber construction.**
- 7 **All window and doorframes shall be recessed 100mm from the external face of the wall.**
- 8 **All external timberwork shall be vertically boarded which shall be stained or painted a dark brown and permanently so maintained.**
- 9 **All pipework, other than rainwater goods, shall be internal within the building.**
- 10 **The stable building hereby approved shall be used solely for the stabling of horses of the occupiers of ‘The Cottage in the Dale’, Wensley and their immediate family only and shall not be used for any commercial purposes such as riding school/livery at any time during the lifetime of the development hereby permitted.**
- 11 **No development shall take place until a detailed landscaping scheme for the rebuilding/repairing of the drystone walling along the northern and eastern boundaries (adjacent to the proposed stable building) of the development site and tree and shrub planting to supplement any existing, is submitted for written approval by the National Park Authority. Thereafter, the walling shall be repaired within an agreed timescale and the approved tree and shrub-planting element shall be carried out in accordance with agreed details during the first available planting season (Nov-March) following the commencement of works to the site. Any trees or plants, which die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species or in accordance with an alternative scheme previously agreed in writing by the National Park Authority.**
- 12 **No development shall commence until a management scheme/timetable for the disposal of any waste associated with the use of the stables has been submitted to and approved by the National Park Authority. Once agreed the scheme shall be carried out in full accordance with the approved details.**
- 13 **Prior to the stables being used for the stabling of horses, a scheme shall be provided for the capture and use of rainwater.**

Key Issues

4. Whether the stables and their use would have a detrimental impact on the character and appearance of the Conservation Area, the privacy and amenity of neighbouring dwellings and highway safety.

History

5. No previous history relating to the development site, other than pre-application advice resulting in the current application being proposed.

Consultations

6. Highway Authority - *No objections on the basis the stables are justified and that they are strictly for private, domestic use only – no business or commercial activities, riding school or third party stabling etc.*
7. Parish Council - ... *'has concerns that this Application does not address the Animal Welfare aspects of the land in question. Also access to the proposed stables could be problematical for a horse-box etc'.*

Representations

8. Three letters of representation have been submitted. Relevant planning concerns raised are summarised as followed:
 - The proposed building is close to the boundary; it could affect the roots of planting, and may remove support of land if excavations go below the contours of the site.
 - Parking and access concerns.
 - Impacts on Public Rights of Way.
 - Concerns over running as an equestrian business.
 - The application does not show any storage information where feed, tack or horsebox would be housed.

National Planning Policy Framework

9. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England and Wales: Which are; to conserve and enhance the natural beauty, wildlife and cultural heritage and promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public. When national parks carry out these purposes they also have the duty to; seek to foster the economic and social well-being of local communities within the National Parks.
10. The National Planning Policy Framework (NPPF) has been revised (2019). This replaces the previous document (2012) with immediate effect. The Government's intention is that the document should be considered as a material consideration and carry particular weight where a development plan is absent, silent or relevant policies are out of date.
11. In particular, paragraph 172 states that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in relation to these issues. Whilst Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

12. In the National Park, the development plan comprises the Authority's Core Strategy 2011 and the new Development Management Policies (DMP), adopted May 2019. These Development Plan Policies provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application. In this case, it is considered there are no significant conflicts between prevailing policies in the Development Plan and government guidance in the NPPF.

Main Development Plan Policies

Core Strategy

13. GSP1, GSP2 - *Securing National Park Purposes and sustainable development & Enhancing the National Park*. These policies jointly seek to secure national park legal purposes and duties through the conversion and enhancement of the National Park's landscape and its natural and heritage assets.
14. GSP3 - *Development Management Principles*. Requires that particular attention is paid to the impact on the character and setting of buildings and that the design is in accord with the Authority's Design Guide and development is appropriate to the character and appearance of the National Park.
15. DS1 - *Development Strategy*. States, Supports recreation and tourism development in principle in the open countryside.
16. L3 - *Cultural Heritage assets or archaeological, architectural, artistic or historic significance*. Explains that development must conserve and where appropriately enhance or reveal the significance of historic assets and their setting. Other than in exceptional circumstances, development will not be permitted where it is likely to cause harm to the significance of any cultural heritage asset or its setting.
17. L1 - *Landscape character and valued characteristics*. Seeks to ensure that all development conserves and enhances valued landscape character and sites, features and species of biodiversity importance.

Development Management Policies

18. DMC3 - *Siting, Design, layout and landscaping*. Reiterates that where developments are acceptable in principle, Policy requires that design is to high standards and where possible enhances the natural beauty, quality and visual amenity of the landscape. The siting, mass, scale, height, design, building materials should all be appropriate to the context. Accessibility of the development should also be a key consideration.
19. DMC5 - *Assessing the impact of development on designated and non-designated heritage assets and their setting*. The policy provides detailed advice relating to proposals affecting heritage assets and their settings, requiring new development to demonstrate how valued features will be conserved, as well as detailing the types and levels of information required to support such proposals. It also requires development to avoid harm to the significance, character, and appearance of heritage assets and details the exceptional circumstances in which development resulting in such harm may be supported.
20. DMC8 - *Conservation Areas*. States, that applications for development in a Conservation Area, or for development that affects it's setting or important views into or out of the area, across or through the area should assess and clearly demonstrate how the existing character and appearance of the Conservation Area will be preserved and, where possible, enhanced. Applications should also be determined in accordance with

policy DMC5 taking into account amongst other things, form and layout, street pattern scale, height, form and massing, local distinctive design details and the nature and quality of materials.

21. DMH7 - *Extensions and alterations*. States that extensions and alterations to dwellings will be permitted provided that the proposal does not detract from the character, appearance or amenity of the original building, its setting or neighbouring buildings.
22. DMR4 - *Facilities for keeping and riding horses*. Accepts that horse riding is an appropriate activity as part of the quiet enjoyment of the National Park and supports development relating to the provision of facilities for the keeping of and riding of horses provided certain criteria are met.

Supplementary Planning Documents

23. The Authority has adopted three separate supplementary planning documents (SPD) that offers design guidance on householder development namely the Design Guide, the Building Design Guide and the Detailed Design Guide on Alterations and Extensions. The latter offering specific criteria for assessing the impacts of householder development on neighbouring properties.

Assessment

24. The new Development Plan Policies support the facilities for keeping and riding horses, with the preceding text suggesting, that whilst planning permission is not normally required for grazing horses, the construction of stables will. It also recognises that the popularity of such recreation creates pressure for stabling in places where it is not always easy to find a good design and fit with the valued characteristics of the landscape, particularly where these are relatively open. Moreover, experience has shown that where stables are built to a high standard there can be subsequent pressure for conversion to domestic use. As such, it is considered that simpler construction methods offer a more functional solution, although the acceptability of individual designs will depend always on the character and appearance of the surrounding area.

Principle of the development

25. In this case Policy DS1 states, that development for recreation and tourism in all settlements and in the open countryside will be acceptable in principle. Whilst DMR4 accepts that horse riding, is an appropriate activity as part of the quiet enjoyment of the National Park and supports development relating to the provision of facilities for the keeping of and riding of horses.

Siting, design and materials of the proposed stable building

26. In siting terms, the stable building would be positioned towards the north eastern corner of the plot and close to existing boundary walling, albeit some of this walling is in need of rebuilding and repair. With regard to the size, massing and design, the proposed structure would be single storey measuring 7m in length x 4m in width x 4m to the ridge, which in massing terms would not appear unduly intrusive in this corner location, particularly against the backdrop of the rising land behind and the group of trees/shrubs immediately to the east. The building itself would be constructed in a traditional manner, with materials consisting of gritstone for the walling, under a natural blue slate roof, together with gritstone quoins and door surrounds. The stable doors would be of vertical timber construction. In this case, subject to rebuilding/repair of the adjacent drystone walling and all external timberwork being stained or painted a recessive colour, the proposed stable building by virtue of its siting, design and use of materials is

considered an acceptable development, according with policies DMC3 & DMR4 respectively.

Impact on the Conservation Area and the wider locality

27. Applications for development within a Conservation Area (CA), which this proposed development would be, should assess and clearly demonstrate how the significance of the CA will be preserved or enhanced. Whilst the site can be clearly seen from the adjacent track and nearby public footpaths, the building would be located in the least intrusive location within a corner of the plot and set against a backdrop of rising land to the rear (north) and a copse of mature trees and hedging on the eastern boundary, therefore appearing visually less intrusive from these vantage points. A landscaping condition is recommended, requiring some further tree/shrub planting to help partially screen the building from open view, particularly when approaching the development along the adjacent track. In addition, the stables would be constructed in the local vernacular, with materials such as natural gritstone for the walls under a natural Blue Slate roof. With a condition requiring the rebuilding/repair of a section of drystone walling, offering some enhancement, the scheme would help conserve the valued character and appearance of the CA. Consequently, the scheme is considered acceptable in conservation and landscape terms, according with policies L1, DMC5 & DMC8 in these respects.

Amenity impact on neighbouring property

28. The nearest neighbouring property is Honey Bee Cottage, which lies approximately 70m to the west of the proposed building. Whilst the boundaries of Honey Bee Cottage and the development site are closer, there is an intervening PRow between and some mature hedging. Due to the intervening distance, combined with the position and small scale of the stable building, it is considered this would ensure that the proposal would not harm the amenity or quiet enjoyment of the occupants of this neighbouring dwelling or any other neighbouring dwellings within the locality. It is considered that the use of the land for equestrian use at a scale that is just for the private enjoyment of residents of the host dwelling, and not for commercial purposes, would not lead to noise or disturbance that would cause any harm to nearby residents. Consequently, the proposal is considered to accord with policies GSP3 & DCM3 in respect of the impact on the residential amenity of neighbouring occupiers.

Highway & Access matters

29. The site is accessed through an existing field gate, and along a descending track from the Square; the track is a Public Right of Way (PRow). The existing enclosed land is then entered through an existing field gate immediately off the unnamed track, where there is ample space for any private vehicle to park and manoeuvre, as well as space to provide for any horsebox/trailers, which the applicant has stated would be used infrequently due to the small-scale use of the land. In this case, the Highway Authority have no objections subject to the use remaining private and ancillary. Therefore, the scheme is considered acceptable in highway terms, according with policy DMT8, in particular.

Environmental management

30. The applicant has stated that he has an agreement with a neighbouring farmer for the removal of animal waste on a bi-weekly basis or as and when necessary. This disposal would be by traditional muck spreading. In addition, rainwater could be harvested from the roof for drinking water and general cleaning; reducing the requirement of mains water and this can be controlled by condition.

Other Issues

31. A main objection has been a concern for the well-being of the animals. Whilst this is not a planning matter, there is legislation and codes of practice aimed at the welfare of horses and ponies. These would require the applicant to ensure that any horse or pony for which they are responsible, whether on a permanent or a temporary basis: would have a suitable environment to live in, have a healthy diet and amongst other things are able to behave normally.

Conclusion

32. The proposed design of the building is simple and appropriate for equestrian activity and considered commensurate in size for the proposed use, would be in a location that is close to boundary walling and tree cover and uses an existing access. The use of traditional building materials and a recessive brown colour for any external timberwork would limit the potential impact of the building on the immediate and wider landscape. In addition, due to the distance between the development and the nearest neighbouring dwelling, it is considered there are no amenity issue on neighbouring residential dwellings arising from the intended use. Furthermore, should it be required, there is ample room within the site to accommodate parking and manoeuvring associated with the stable use. Consequently and with a landscaping scheme being submitted and agreed, it is concluded that the proposed development is an appropriate form of rural activity, supported within policy, therefore recommended for approval subject to appropriate conditions.

Human Rights

33. Any human rights issues have been considered and addressed in the preparation of this report.

List of Background Papers (not previously published)

34. Nil

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