

10. FULL APPLICATION – PROPOSED HOLIDAY BARN CONVERSION, MANEGE, STABLING AND IMPLEMENT SHED INCLUDING CHANGE OF USE OF LAND AND BUILDINGS AND RETROSPECTIVE CONSENT FOR CREATION OF TWO TURNOUT YARDS AT WILLOW FARM, BUTTERTON (NP/SM/0815/0739, P.1087, 406881/356346, 30/10/2015/ALN)

APPLICANT: MRS MICHELLE ETHERINGTON

Site and Surroundings

The application site, Willow Farm (formerly New House Farm) is situated in open countryside approximately 600m to the west of Butterson village. Access is gained via a surfaced track leading south from an unclassified road that links the B5053 with Butterson village. A public right of way heads south from the road towards the property, across fields to the east of the access track, before turning west on a line just to the south of the buildings associated with the property.

The property is no longer a working farm. It currently consists of a red bricked farmhouse (recently extended) and to the west is a traditional barn currently used in association with the keeping of horses and for domestic storage (Barn 1 for the purposes of this report)). Across a yard to the south of the barn is a set of timber stables which do not benefit from planning permission. To the south of the stables the land levels have been altered and an area fenced off to create 'turnout' yards for the horses. Planning permission was not sought for these engineering operations.

Approximately 35m to the east of the house is a second traditional barn which is currently being converted to a holiday cottage following consent in 2013. This barn is described as "Barn 2" for the purposes of this report.

Proposal

Firstly, this application seeks planning permission for the conversion of the first floor space within the barn to the west of the dwelling house to a unit of holiday accommodation (Barn 1). Secondly, it is proposed to replace the unauthorised timber stables with a larger L shaped block of stabling constructed in a mixture of timber and stone. Thirdly, it is proposed to erect a second block of stabling immediately to the east of Barn 2 and fourthly a ménage is proposed. The submitted plans showed the manege in a field immediately to the south of the existing stabling and turnout yard. Following negotiations, amended plans have been received showing the manege relocated to a position immediately to the south of Barn 2. The application also seeks retrospective consent for the two turnout yards.

The submitted plans also showed the erection on an implement shed between the dwelling house and Barn 1, but following negotiations this has now been omitted from the scheme.

RECOMMENDATION:

That the application be APPROVED subject to the following conditions.

- 1. 3 year implementation time limit.**
- 2. Adopt amended plans.**

3. **Work shall not commence on any of the stabling hereby approved or the manege until a diversion order to the public right of way known as 'Butterton no.17' has been approved re-routing the footpath to the route shown on the approved plans and the new footpath has been provided on the diverted route.**
4. **Turnout areas to be removed and land restored to its former levels and condition within 3 months of the date of failure to meet the requirement set out in (i) below:**
 - (i) **if within 9 months of the date of this decision Staffordshire County Council refuse to make a footpath diversion order of Butterton Footpath no. 17 to the route shown on the approved bock plan and the new route is not provided in accordance with the approved order.**
5. **The development hereby approved shall be used only in connection with ancillary equestrian use in association with the domestic use of Willow Farm or in connection with occupiers of the two approved holiday cottages on site. The facilities shall not be used as commercial livery or as a riding school.**
6. **Existing wooden stables to be completely removed from the site within 4 weeks of either stable block hereby approved being first brought into use.**
7. **Holiday occupancy condition on barn conversion.**
8. **Stables to be removed when no longer required for the keeping of horses.**
9. **First 5m of access track rear of the public highway to be surfaced with an appropriate hard surface before the development hereby approved is first brought into use.**
10. **Manure to be stored in areas shown on approved plans and to be managed in accordance with details received in letter from agent dated 12 October 2015.**
11. **Adopt submitted landscaping scheme for planting to south of manege. Landscaping scheme for additional planting to south of turnout areas to be submitted and agreed.**
12. **Minor Design Details.**

Key Issues

- Whether the proposed development would cause harm to the established landscape character of the area and whether it would conserve a building of historic and vernacular merit.
- Whether the proposed development would compromise the use of the public right of way known as 'Butterton Footpath no. 17.
- Impact on highway safety.

History

March 2014 – consent granted for alterations and extensions to dwelling house (NP/SM/0314/0239).

June 2013 – consent granted for conversion of barn to holiday use (NP/SM/0612/0603).

June 2007 – application for solar water heating collectors refused (NP/SM/0607/0573).

Sept 2006 – consent granted for extension to dwelling house (NP/SM/0906/0883).

Aug 2002 – consent granted for new vehicular access and driveway (NP/SM/0802/044).

Consultations

Highway Authority – no objections subject to a condition required the first 5m of the access driveway rear of the public highway being surfaced with an appropriate hard material.

District Council – no response

Parish Council – With regard to the submitted plans, raise issues with regard to:

- Use of public footpath no.17 – a diversion order does not seem to have been agreed and the applicants have already blocked off part of the track.
- There are no bridleways close to Willow Farm and to access the nearest Bridleway and the Manifold Trail users would have to use local roads which are narrow and already congested.
- Do not object to the use of the barn as a holiday cottage but concerned about general overdevelopment of the site and impact on the landscape.
- Concerns about storage and dispersal of horse manure.
- Existing stables and turnout areas do not benefit from planning permission.

With regard to consultation on amended plans, the Parish Council have made the additional comments:

- Manege is in a better position but screening on eastern side should be considered.
- Otherwise initial comments remain the same.

County Council Rights Of Way Officer –

- SCC is currently processing a diversion of Public Footpath No 17 Butterton which was requested by the owners of Willow Farm.
- The existing definitive line runs around the rear of Willow Farm after crossing fields heading south from Butterton Moor Bank.
- At the informal consultation stage we received no objections although we did receive a letter from Butterton Parish Council. The track that is mentioned in the letter is non-definitive and the public do not have a legal right to use it
- The diversion proposal was approved by the Countryside and Rights of Way Panel on 14 September 2012.
- There have been delays in processing this and other Public Path Orders in recent years and this Order has not yet been made.

- In the forthcoming weeks we will be making the Order and arranging for the formal consultation to take place.

Main Policies

Relevant Core Strategy policies include : GSP1, GSP2, GSP3, L1, L3, RT1, RT2, T6

Relevant Local Plan policies: LC4, LR7, LT20

Policy RT1 of the Core Strategy and saved policy LR7 of the Local Plan provides a clear starting point consistent with the National Park's statutory purposes for the determination of this application. This is because these policies set out the principles for assessing proposals for recreation based developments in the National Park, and in particular for facilities for the keeping and riding of horses.

It is considered that there is no significant conflict between prevailing policies in the Development Plan and more recent Government guidance in the National Planning Policy Framework with regard to the issues that are raised. The Framework, at para 28 seeks to support the sustainable growth of rural tourism and leisure development that benefit businesses, communities and visitors and which respect the character of the countryside.

Paragraph 115 in the Framework states that great weight should be given to conserving landscape and scenic beauty in National Parks along with the conservation of wildlife and cultural heritage.

Assessment

In assessing the principle of this proposal the key policies in relation to the provision of facilities for the keeping and riding of horses are Core Strategy policy RT1 and Saved Local Plan policy LR7.

RT1 states that proposals for recreation facilities will be supported provided that they are appropriate to the National Parks' valued characteristics. New provision must justify its location in relation to environmental capacity, scale and intensity of use or activity and be informed by the Landscape Strategy. In the open countryside, clear demonstration of need for such a location will be necessary. Wherever possible development must re-use existing traditional buildings of historic or vernacular merit. Where this is not possible the construction of new buildings may be acceptable. Development must not on its own, or cumulatively prejudice or disadvantage people's enjoyment of other existing and appropriate activities including the informal quiet enjoyment of the National Park.

Local Plan policy LR7 states that facilities for keeping and riding of horses will be permitted provided that the development (i) does not detract from the landscape and valued characteristics of the area either individually or cumulatively; (ii) is located adjacent to existing buildings or groups of buildings; (iii) is not likely to cause road safety problems; (iv) in the case of commercial stables, has good access to route networks and to adequate bridleway networks and (v) does not constitute a nuisance to local residents, landowners or farmers by noise, smell or other adverse impact. These provisions are repeated in policy DMR4: Facilities for keeping and riding horses in the emerging Development Management Development Plan Document (DPD).

Also of relevance is Core Strategy policy GSP3 which states that development must respect, conserve and enhance all valued characteristics of the site and buildings that are subject to the development proposal.

L1 states that development must conserve and enhance valued landscape character, as identified in the Landscape Strategy and Action Plan and other valued characteristics, and L3 which requires that development must conserve and where appropriate enhance or reveal

significance of archaeological, artistic or historic asset and their setting, including statutory designation and other heritage assets of international, national, regional or local importance or special interest.

RT2 permits that change of use of a traditional building of historic or vernacular merit to catering holiday accommodation except where it would create unacceptable landscape impact in open countryside. Local Plan policy LC8 allows for the conversion of buildings of historic or vernacular merit to another use provided it can be accommodated without changes that would adversely affect the buildings character and the new use does not lead to change to the building curtilage or require new access or services that would adversely affect its character. Policy LC4 expects a high standard of design with particular attention being paid to scale, form and mass, building materials, landscaping, and amenity and privacy

The proposed development, which is for facilities for keeping and riding of horses and for a unit of tourist accommodation is acceptable in principle, taking into account the requirement of the policies summarised above. The main material considerations in reaching a decision are the impact of the development on landscape character, any impact on the enjoyment of the nearby public right of way, and highway issues.

Issue 1 - Whether the proposed development would cause harm to the established landscape character of the area and whether it would conserve a building of historic and vernacular merit.

The proposals are for a range of equestrian related facilities on land at Willow Farm. The submitted Design and Access Statement and other information provided by the agent explains that the applicant currently has four horses and two donkeys on site, all of which are kept for private enjoyment. It is proposed to make both the barn conversion approved in 2012 and the barn conversion currently proposed available for equestrian holiday use and so the total number of 'equines' on the site could increase from 6 to 10 in total.

For the purposes of policies RT1 and L1 the site falls within the Upland Pastures Landscape Character Type within the South West Peak. This is an upland pastoral landscape with a traditional dispersed pattern of gritstone farmsteads of probable ancient origins. There are also localised village settlements. Permanent pasture is enclosed by drystone walls and some hedgerows. This is a peaceful rural landscape with open views to surrounding higher ground.

Stable block to west of Barn 1

Firstly, it is proposed to remove the existing unauthorised stable block to the south of Barn 1 and replace it with an L-shaped range of stables constructed in a mixture of stone and timber with a Staffordshire clay tiled roof. At present there is a lean-to attached to the west facing elevation of Barn 1. This is constructed in stone with a sheeted roof. It is a later addition and is not in keeping with the character of the barn. This structure would be removed to make way for the new stable block. Following negotiations amended plans have been received showing the block reduced in size such that the front elevation of the traditional barn would be more fully apparent. As amended the building would provide two loose boxes and a foaling box, a utility box (for shoeing, washing grooming etc.) and a hay and bedding store in the stone clad section.

The northernmost section of stable block, directly adjacent to the traditional barn and facing north towards the access track would be faced in natural gritstone and this is considered to be appropriate as this is the main approach to the property and is in close juxtaposition to the vernacular barn. The remaining section of the block would be constructed with horizontal timbered walls with a clay tiled roof. Although the timber is a more temporary material that is not always appropriate in the National Park, in this case, the materials are considered to be acceptable as there is already a mixed palette of materials used at the site (i.e. stone on the barns and red brick on the house) and given the fairly discreet location it is not considered that

the timber cladding would appear unduly prominent or at odds with its surroundings. In addition officers are aware that stabling can be a transitory requirement for local residents and the use of timber makes a condition requiring the removal of the stables when no longer required for keeping horses, more reasonable.

With regard to wider landscape the stabling would be visible from the existing public right of way that runs to the south of the farmstead, at close quarters, however for the reasons given above and because of the close proximity of the proposed stabling to existing buildings on the site, it is not considered that the visual qualities of the pastoral landscape would be harmed. When the footpath is diverted (as currently proposed and discussed later in this report) the new route would take walkers to the north of the proposed stables and from where the new building would be less visible. There is a further public right of way (Butterton footpath no. 16) approximately 250m to the south of the application site.

The proposed stables may be just visible at some considerable distance in these views but against a backdrop of rising land in the context of a wider group of existing buildings and so it is not considered that the effect would be harmful to the landscape character of the area. Therefore, it is considered that there are no overriding objections to this proposal on landscape grounds.

Conversion of Barn to Holiday Unit

Also proposed is the conversion of the first floor and part of the ground floor of the two storey barn to the west of the dwelling house (Barn 1) to a single unit of holiday accommodation. The submitted plans show that a cloakroom and w/c would be provided at ground floor and a bedroom and kitchen/living room at first floor.

The barn is a traditional barn constructed in natural gritstone under a clay tiled roof. It has the simple architectural qualities and robust style that is typical of barns in the National Park and as such is considered to have some historic and vernacular merit. The conversion would be carried out within the shell of the existing building and would utilise existing openings. A single conservation rooflight would be provided on the rear (north) facing roofslope. By the removal of the attached untraditional lean-to the significance of the building would be better revealed.

Whilst the proposed accommodation would in close proximity to the proposed stabling the applicant is proposing to market the unit for equestrian holidays and as such it is not considered that the proximity would lead to unacceptable disturbance or loss of amenity. However because of this juxtaposition it is not considered that the barn would be suitable for an independent dwelling house under the provision of HC1 (c) and so a condition restricting occupancy to holiday use is necessary and reasonable.

Subject to the occupancy condition and other minor design details it is considered that the proposed barn conversion would conserve and enhance the non-designated heritage asset in accordance with L3, LC4 and LC8.

Stable Block to east of Barn 2

The third element of the proposals is the construction of a second block of stabling to the east of Barn 2, that is the barn that lies detached, to the east of the dwelling house. The stable block would have an L-shaped plan form and would be constructed in vertically boarded timber under a blue clay tiled roof. The building would provide space for up to 5 loose boxes. An existing mono-pitched implement building constructed in grey corrugated sheeting would be removed to make way for the new stable building.

In terms of the requirements of Local Plan policy LR7, the building would be visible from the public right of way (Butterton no.17) that runs through the site but on the revised line, as

proposed, the building would not be clearly seen.

As with the first stable block, officers consider that timber is appropriate in the context of this site and the fact that it is not prominent in the wider landscape and given the possibly transient nature of the 'need'. The building would be adjacent to and therefore well related to the adjacent barn which is in the process of conversion to a holiday cottage following permission in 2013. From the more remote public right of way to the south the building would be screened by existing tree and hedgerow that is growing along the north eastern boundary of the application site.

Additional planting is also proposed to the south of the stables and proposed manege which would mitigate any visual impact from the south. The removal of the unsightly shed that currently sits on the site is also factor that weighs in favour of acceptance of the new stable block. On balance, officers consider that the proposed stable block would not cause any significant harm to the established landscape quality of the area and this aspect of the proposals is therefore considered to be in accordance with L1 and LR7 (i) and (ii).

Manege

As submitted the plans showed the construction of a new manege immediately to the south of Barn 1. However, the field in question sloped steeply from north to south and the proposals would have required a significant 'cut and fill' operation to provide the manege with a level surface. Officers and the Parish Council were concerned about the landscape impact of the engineering works when viewed from the public right of way to the south.

Following negotiations amended plans have been received showing the manege moved to a position in a paddock immediately to the south of Barn 2. The manege would measure 40m by 20m and would be enclosed by a 1.5m high post and rail fence. It would be surfaced with a black dressing, a sample of which has been submitted. The revised site has the advantage of being relatively flat so fewer engineering works are required, is better related physically to the other buildings on the site and is screened by the existing trees along the eastern boundary. A planting scheme has been submitted which shows additional planting along the southern boundary of the arena to help further screen the manege in views from the south.

The wider landscape impact of the proposed manege, as amended would not be significant subject to the proposed landscaping scheme and therefore, the proposal is considered to be in accordance with L1 and LR7 (i) and (ii).

Retrospective consent – turnout yards

Two turnout yards have been created to the south of Barn 1. These measure 20m by 11m and 21m by 10m respectively. They have been formed by altering the prevailing ground levels to provide level surfaces and have been enclosed by post and rail fences. Buff coloured sand-based surfacing has been provided. These areas are located close to the main group of buildings and are not prominent in the wider landscape. However, some additional planting along the southern boundary of the manege would help to soften the appearance of the whole site when viewed from the south and so a condition requiring the submission of a landscaping scheme is considered to be necessary and reasonable.

Cumulative Impacts

LR7 requires that the cumulative impacts of horse-related developments must be considered. Over-development of the site is one of the concerns that has been raised by the Parish Council. Purely in terms of landscape impact, as explained above, officers consider that each individual element of the scheme is acceptable in landscape terms subject to conditions. When taken cumulatively officers also consider that on balance, with the stable adjacent to Barn 1 reduced in size; with the initially proposed implement shed omitted; and with the manege relocated, that

when taken as a whole the development would not cause harm to the valued character of the site or its setting within the wider landscape. Therefore, there are no overriding objections to the revised application on landscape grounds but it is recognised there are a number of local concerns about the proposals including the question of whether the proposed development would affect the definitive line of a public right of way.

Issue 2 - Whether the proposed development would compromise the use of the public right of way known as 'Butterton Footpath no. 17.'

Saved Local Plan policy LT20 states that where development proposals affect a public right of way, either the definitive line of the right of way should be retained or, in exceptional circumstances where the retention of the definitive line is not possible, the developer will be required to provide an alternative route that is (i) of equal or better quality than the original and (ii) has a similar or improved surface and (iii) wherever appropriate is of benefit to users with special needs and (iv) is available before the definitive route is affected and (v) is as convenient and attractive as the original. These provisions would be preserved in policy DMT4: Development affecting a public right of way in the emerging Development Plan Document.

In this case, a public right of way known as 'Butterton footpath no.17' heads south from the road to the east of and parallel to the access track to Willow Farm. It then turns west across land just to the south of the house and Barn 1. In 2012 the applicant applied to Staffordshire County Council to have the footpath diverted to a line which follows the access track south from the road before meeting the definitive line again to the west of Willow Farm, thus avoiding the route around the south of the buildings associated with Willow Farm, which raised security and privacy issues.

The County Council received no objections at that stage and the diversion order was approved by their Countryside and Rights of Way Panel on 14 September 2012. The officer's report highlighted the fact that people were already using the track rather than walking in the fields and that the proposed route is flatter and presents less boundary crossings thus making it easier to use for less able walkers. However, despite panel approval and new signage being placed on the revised route, the County Council's Public Rights of Way Officer has explained that there have been delays in processing this and other Public Path Orders in recent years and that the Order has not yet been formally made in legal terms.

This is relevant to the current proposals because both of the proposed stable blocks and the manege would sit across the original line of the public rights of way. The proposals would therefore be contrary to the first part of LT20 which requires the definitive line of a right of way to be retained other than in exceptional circumstances. However, given that the diversion order has been approved in principle and is in progress, there is a reasonable certainty that the alternative route will be provided in the near future and will meet the criteria for an exception under LT20. It is therefore considered to be reasonable and necessary to append a condition which prevents work on either of the stable blocks or the manege from commencing until the footpath order has been made. The agent has agreed to such a condition on behalf of his client.

In addition, the existing turnout yard to the south of Barn 1 (for which retrospective consent is being sought) impedes the line of the public right of way on its original line. Again, because there is reasonable certainty that the revised route will be approved, a condition that requires the turnout area to be removed, the land returned to its original contours and the right of way reinstated if, within 12 months of the date of the decision, the County Council refuses to complete an order to formally divert the public footpath to the route shown on the approved plans, is considered to be necessary and reasonable.

Therefore, subject to the conditions outlined above, the proposals would accord with the requirements of Saved Local Plan policy LT20. However, for clarity, the track to which the Parish Council refer (and which runs west to east immediately to the north of the farmhouse and which

has been gated off by the applicant), is non-definitive and the public do not have a right to use. The current use of this track is therefore not considered to weigh heavily in the determination of the current application. However, the Parish Council have also raised concerns about the impact of large number of horses on the local road network and the fact that there are no bridleways in the vicinity of the site.

Issue 3 - Impact on highway safety

Saved Local Plan policy LR7 (iii) states that facilities for horses will be permitted provided that they are not likely to cause road safety problems and (iv) in the case of commercial stabling has good access from the bridleway network. The Parish Council are correct in that there are no bridleways in close to the application site. However the applicant has emphasised that the proposals are not intended to provide for commercial stabling or for a riding school. Most of the stabling would be for the applicants own horses and some provision would also be made for horses belonging to occupiers of the holiday cottages.

On that basis, given a maximum of 10 horses at any one time on site, it is not likely that there would be a significant impact either on the local road network or on the valued character of the area due to increased activity. It should be noted that the Highway Authority has raised no objections to the proposals. A condition restricting use of the facilities currently proposed to that in association with the private, domestic use of the occupiers of Willow Farm and by occupiers of the on-site holiday cottages is considered to be necessary and reasonable however, in order to restrict the nature and level of use to an acceptable level in accordance with LR7.

Impact on Living Conditions and Public Amenity

Other material considerations in relation to the proposals include impact on the living conditions of neighbours as well as its potential impacts on the general amenities of the local area. Core Strategy policy GPS3 and Local Plan policy LC4 require that impact on privacy and amenity be taken into account in planning decisions whilst RT3 requires that development must not prejudice peoples' enjoyment of other existing activities including the quiet enjoyment of the National Park.

In this case the nearest neighbouring residential dwelling is 'Little Twist' which is some 250m to the south east and because of the distances involved; it is very unlikely that there would be any impact on the privacy and amenity of this property. With regard to the quiet enjoyment of the local area by the wider public, the Parish Council has raised issues with regard to manure storage and proximity to the public right of way. The agent, in response, has submitted a plan showing the location of the current muck heap which is close to the southern boundary of the land which the applicant's control, approximately 15m away from public footpath no. 18.

The agent has also confirmed that the heap is made up of dung, straw and wood shavings is not malodorous and is screened from the public right of way by a row of willows. In order to better manage the litter, a management plan has been submitted which shows a second heap, close to the first. The agents considers that whilst an earth bunded concrete panelled storage area could be provided, this is unnecessary given the volumes involved and could appear over-engineered. Officers concur with this view, especially given the screened nature of the site and the fact that the applicant has the machinery available to spread the muck on the land in ownership.

Consequently it is not considered that the proposals would prejudice the ability of walkers to enjoy the nearby public right of way and that they are therefore compliant with RT3 subject to a condition that requires the muck to be managed in accordance with the submitted plans, which is considered to be necessary and reasonable.

Protected Species

Finally, in accordance with The Authority's Guidance Notes on Projected Species and

Development, a protected species survey was not required in this case because the barn to be converted to holiday use has been extensively renovated and re-roofed in 2012. There are no other obvious concerns that the proposals would otherwise affect a protected species or its habitat.

Conclusion

In conclusion, the proposed development, as amended and subject to the conditions outlined above, represents an appropriate form of equestrian related development that would conserve the landscape character of the area as identified in the adopted Landscape Strategy; and which would conserve and enhance a non-designated heritage asset in accordance with policies L3, RT2, LC8 and LC4.

It is also considered that a number of the concerns raised by the Parish Council can be addressed by conditions controlling timing of works so that an alternative route for the public footpath, that is not prejudiced by the proposed development is put in place and subject to conditions controlling the level and nature of the use, the proposals are unlikely to have a significant impact upon the local road network or otherwise harm the valued character of the area due to the intensity of the proposed use.

Accordingly, the revised application is recommended for conditional approval.

Human Rights

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

List of Background Papers (not previously published)

Nil