

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA 3 July 2007

**Winchester City
Council**
Planning Department
Development Control

Committee Decision

**TEAM MANAGER
SIGN OFF SHEET**

Case No:	07/00904/FUL	Valid Date	19 April 2007
W No:	20061/01	Recommendation Date	15 June 2007
Case Officer:	Lisa Booth	8 Week Date	14 June 2007
		Committee date	3 July 2007
Recommendation:	Application Permitted	Decision:	Committee Decision

Proposal:	Change of use of land to equestrian usage (THIS APPLICATION MAY AFFECT THE SETTING OF A PUBLIC RIGHT OF WAY)
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Site:	Himoon Stables Grange Drive Otterbourne Winchester Hampshire
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Open Space Y/N	Legal Agreement	S.O.S	Objections	EIA Development	Monitoring Code	Previous Developed Land
	N	N	Y	N	N	N

DELEGATED ITEM SIGN OFF		
<p style="text-align: center; margin: 0;">APPROVE</p> <p style="margin: 0;">Subject to the condition(s) listed</p>		
	Signature	Date
CASE OFFICER		
TEAM MANAGER		

AMENDED PLANS DATE:-

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Item No: 6
Case No: 07/00904/FUL / W20061/01
Proposal Description: Change of use of land to equestrian usage (RETROSPECTIVE)
(THIS APPLICATION MAY AFFECT THE SETTING OF A PUBLIC RIGHT OF WAY)
Address: Himoon Stables Grange Drive Otterbourne Winchester Hampshire
Parish/Ward: Otterbourne
Applicants Name: Mrs Kerry Tyrrell And Mrs Mary Brown
Case Officer: Lisa Booth
Date Valid: 19 April 2007
Recommendation: Application Permitted

General Comments

This application is reported to Committee because of the number of objections received

Site Description

The application site lies at the end of Grange Drive, Otterbourne. The lane continues as a footpath adjacent to the northern boundary of the site. The site outlined in red occupies an area of approximately 3.0 ha and falls away to the east. The rear gardens of properties fronting Pitmore Road form the eastern boundary. A row of mature trees is located on the northern boundary of the site and forms an effective screen to the north.

There is an existing stable block on site and the land is divided into paddocks.

Proposal

The proposal is for retrospective planning permission for the change of use of the land for the keeping of horses.

Planning permission was granted for stables on the site by the Planning Development Control Committee in March 2007 (ref:W20061). However, the applicants omitted to apply for change of use of the land as part of that application. Therefore, this application is to regularise the use of the land for the keeping of horses.

Relevant Planning History

W20061 - Retrospective Erection of Stable Block – Permitted 02/04/07

Consultations

Landscape:

"The site is fairly well enclosed by woodland trees to the east and a tree'd footpath to the south. Therefore the proposals are considered acceptable in landscape terms."

Countryside Planning – Access Development Team:

No objection providing all boundary features are to be retained; no surface alterations to the RoW; nothing connected to the development or its future use having an adverse impact on RoW. Vehicles accessing the site via PRoW should give way to public at all times; it is an offence to drive over a public footpath or bridleway without lawful authority or ride a horse on a footpath without the land owners permission.

Representations:

Otterbourne Parish Council

- No response

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13 letters received objecting to the application for the following reasons:

- Reference to conditions on and objections to stable permission ref: W20061 and non-compliance with conditions– re: parking of horse lorry, vehicles, manure heap, etc.
- White tape appeared all over the field, is an eyesore.
- Land already been used for grazing of horses for many years.
- The use of the land for equestrian use will result in commercial, riding, etc, resulting in more traffic and increased use of the site.
- Question change of use to equestrian when there are stables on land already
- Sandbags divert water onto PROW
- Will lead to an application for housing
- Do not allow extension will ruin village life
- Impact on residential amenity
- Impact on traffic
- Bollards on PROW to prevent legitimate parking of vehicles
- Grange Drive is too narrow for larger vehicles causing damage to walls
- Poor visibility
- Hope land will not be turned into a car park.
- Lane is too narrow and used by walkers and will interfere with dog walking rights.
- Neighbour letter says “may affect the setting of a public right of way” – if this means horses will be using the footpath then this will impede on the enjoyment of walkers.

0 letters of support received.

Relevant Planning Policy:

Hampshire County Structure Plan Review:

- C1, C2, R3, T1 & T2

Winchester District Local Plan Review

- RT11, CE5, CE28 & T1

National Planning Policy Guidance/Statements:

PPS 1 Delivering Sustainable Development

PPS 7 Sustainable Development in Rural Areas

Planning Considerations

Principle of development

It is understood that the land that is the subject of this application has been used for the keeping of horses for many years.

Planning permission for stables on the site was permitted in April 2007 and the granting of this development is considered to be a material consideration.

Policy RT11 supports the principle of the use of land for equestrian uses in the countryside but the effect on neighbouring property and land uses must be taken into account, as well as the pressures that will be placed on existing footpaths, bridleways and roads. Development should not have an adverse impact on the appearance of the landscape by the use of inappropriate construction materials, boundary treatment, floodlighting and other infrastructure.

Equestrian enterprises generally require a countryside location and frequently include built facilities such as stables, etc. In this instance the stables have already been allowed and this application seeks to regularise the use of the land for the keeping of horses in association with the stables.

The principle of the change of use of the land is considered to be in accordance with development plan policy.

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Impact on character of area and neighbouring property

The use of the land for equestrian is for the applicants own private use and there would be no commercial riding, breeding or training of horses permitted if this application is granted. Therefore it is considered that this level of usage is relatively low-key and does not have a materially detrimental impact on the character of the area or neighbouring properties.

The site is fairly well screened from the public right of way to the north of the site. However, the land does abut the rear gardens of the dwellings in Pitmore Road. There are no new buildings proposed as part of this application, therefore it is not considered that the change of use of the land will in itself have any materially harmful impact on neighbouring properties.

Effect upon Public Rights of Way

The application site does not enjoy direct access to a bridleway. However, a demand for improvement in bridleway amenity has been recognised in the draft Countryside Access Plan for the area. The Rights of Way officer of the HCC does not object to the proposal on the understanding that boundary features are to be maintained, no surface alterations are made to the PRoW and no on site development is to have an adverse effect on the PRoW, which must remain available for public use at all times. It is not considered that the proposal would have an adverse impact or cause an obstruction to the surface of the PRoW on the northern boundary of the site.

Highways/Parking

There are no highway issues as the use of the site has not changed since the stables were permitted under planning permission ref: W20061. Permitting this change of use would be unlikely to generate a significant increase in traffic levels.

Other Matters

With regard to bollards being placed on the Public Right of Way to avoid "legitimate parking", this is not a planning issue. It is illegal to park any vehicles on a Public Right of Way. The matter has been brought to the attention of Countryside Planning at Hampshire County Council.

The applicants have "paddocked-off" the field and have used both post and rail fencing and electric fencing. This does not require planning permission and the Local Planning Authority therefore has no control over the fencing that has been erected.

With regard to the issues raised about the parking of horse lorries and cars and the manure heap, this is being dealt with separately under conditions of planning permission W20061 which was granted for the stables on the site. Condition 4 of the above planning permission restricts the land associated with the stables for the storage or siting of horse transport vehicles, horse boxes and shelters, caravans, mobile stables or any other structures, vehicles or chattels unless otherwise agreed in writing by the Local Planning Authority. Therefore, the applicants can site certain horse related structures and vehicles on the land with the written consent of the Council. The applicants are seeking to comply with the condition. The Local Planning Authority will then assess the siting of the articles listed by the applicant and balance the need for them against the impact they will have on the character of the area and neighbouring properties, etc. The condition is replicated on this application for the use of the land, for clarity.

Recommendation

Application Permitted subject to the following condition(s):

Conditions / Reasons

- 1 The land associated with the equestrian use hereby permitted as outlined in red on the plan submitted shall not be used for the storage or siting of horse transport vehicles, horse boxes and

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shelters, caravans, mobile stables or any other structures, vehicles or chattels unless otherwise agreed in writing by the Local Planning Authority.

1 Reason: In the interests of the amenities of the area.

2. No floodlighting, whether free standing or affixed to an existing structure, shall be provided on the site at any time.

2 Reason: In the interests of the amenities of the locality.

Informatives

1. This permission is granted for the following reasons:

The development is in accordance with the Policies and Proposals of the Development Plan set out below, and other material considerations do not have sufficient weight to justify a refusal of the application. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning permission should therefore be granted.

2. The Local Planning Authority has taken account of the following development plan policies and proposals:-

Hampshire County Structure Plan Review: C1, C2, R3, T1 & T2.

Winchester District Local Plan Review: RT11, CE5, CE28 & T1.

3. The permission hereby granted only authorises the use of the land for private purposes and a further grant of permission would be required for any DIY livery, commercial riding, breeding or training purposes.

4. The applicant is advised that vehicles accessing the site via a public footpath should give way to public users at all times. It is an offence to drive over a public footpath or bridleway without lawful authority. The applicants should satisfy themselves that they have authority, having been granted permission extends to any additional development.

5. It is not permitted to ride a horse on a public footpath without permission of the land owner. Hampshire County Council would seek reparation for any surface damage caused to a footpath as a result of use by horses. The applicants' attention is drawn to the fact that other public rights of way in the vicinity are predominately public footpaths. It is an offence to take a horse along any of these public footpaths unless private landowner rights are being exercised.