

Item No. 4
Case No: SDNP/17/03292/FUL
Proposal Description: Stable building with covered area and tack/feed store (RETROSPECTIVE)
Address: Haycorns Vicarage Lane Swanmore SO32 2PW
Parish, or Ward if within Winchester City: Swanmore
Applicants Name: Mrs Liz Nelson
Case Officer: Anna Hebard
Date Valid: 28 June 2017
Site Factors: CIL South Downs National Park Authority
CIL Zones for Winchester City Council
South Downs National Park
Recommendation: Application Permitted

Executive Summary

This application is reported to Committee because of a request from the Parish Council and 6 letters of objection received. The Parish Council request is appended to the report.

There is a parent planning application also before the committee for consideration 17/01146/FUL, as the application crosses the boundary with the Winchester District and South Downs National Park.

1 Site Description

The site is comprised of a grassed field, enclosed by mature hedging. The field borders Swanmore Primary School and playing field to the North, the gardens of houses on Vicarage Lane and Buckets Farm Close on the South, gardens of houses on Buckets Farm Close and Church Road to the West and open farm land to the East.

The occupant of Haycorns owns the paddock and has erected a small stable block to the rear of the garden area.

Access to Haycorns is from Vicarage Lane, with vehicular access into the field being available from Buckets Farm Close, through an existing gate.

There is also a storage container on site for the storage of the manure.

2 Proposal

The proposal is for a stable building with covered area and tack/feed store.

3 Relevant Planning History

16/02632/ENQ - Do I need planning: Would like to erect stable block in paddock (land behind her property) by her garden boundary. There would be two 12x12 stables with a 12x12 overhang at the side. With tack and feeding rooms to the back. She would also like to know if there are any rules to where she can put a muck heap. The stables are for personal use, not being used for a business. AGENQZ 11th May 2017.

17/01146/FUL - Stable building with covered area and tack/feed store (RETROSPECTIVE). PCO.

4 Consultations

WCC - Environmental Protection

There appear to be no records of any complaints from residents regarding either issues with the stables or the storage of manure since it was built, so I have no evidence to suggest that the facilities proposed are inadequate. I would say that for the size of stables, (i.e. one horse) the manure storage facilities should be adequate. If issues arise in the future, we can deal with such issues under other Environmental Health legislation. (Environmental Protection Act 1990)

Guidance Notes

The applicant is advised that the preferred method of disposal is the frequent removal of manure from the site. The burning of manure or large scale storage on site will not be an acceptable method.

I would recommend that the applicant contact the Environment Agency on 03708 506 506 to discuss changes to the legislation covering the storage and disposal of Horse Manure.

If at any time the premises are used as a riding establishment a licence must be issued by the Environmental Protection Team under The Riding Establishment Acts 1964 and 1970. The term 'riding establishment' means the carrying on of a business of keeping horses to let them out on hire for riding, or for use in providing instruction in riding for payment or both.

WCC - Winchester Highways

This proposal does not contain any significant highway issues and is unlikely to impact on highway safety.

Parish Council Consultee

No objection to the stable building itself.

Objection to:

Visual impact on the residential amenity

Effects of odour produced from stable close to residential properties

If minded to approve, it is requested that the applicant provide details of the facilities for the storage of horse manure/stable waste and its means of disposal

from the site prior to use of stables is commenced. The facilities should also be provided and thereafter maintained in accordance with approved details and environmental health authority

Request for application to go to committee:

I have spoken to my Chairman who acknowledges the material reasons as follows, whilst not strong, with local feelings running high that going to Committee could ease the situation by giving objectors a further opportunity to make their point.

- a. Strength and number of objections
- b. Impact on the neighbours of keeping a horse in the stable particularly odour.

5 Representations

Letters of objection from six households containing the following points;

- the applicant has made inadequate provision for storage and disposal of manure on the site.
- the applicant has made inadequate provision for other storage on the site
- should this be a "change of use" application for the entire site
- should this be dealt with by the South Downs National Park Authority
- the skip is an eyesore- a number of properties are adversely affected.
- manure container causing odour, drainage/flooding and vermin issues
- neighbours have commented on an increased number of horse-flies in their conservatory and have experienced problems with rats.
- waste piles obliterating views of SDNP

Reasons aside not material to planning and therefore not addressed in this report

- development not in accordance with deeds
- neighbour/boundary disputes
- the application being retrospective

6 Planning Policy Context

Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **Winchester District Local Plan Review (2006)** and the following additional plan(s):

- Winchester District Local Plan Part 1 Joint Core Strategy (2013)

The relevant policies to this application are set out in section 7, below.

National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,

- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well being of the local community in pursuit of these purposes.

7 Planning Policy

Relevant Government Planning Policy and Guidance

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued and came into effect on 27 March 2012. The Circular and NPPF confirm that National Parks have the highest status of protection and the NPPF states at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in the national parks and that the conservation of wildlife and cultural heritage are important considerations and should also be given great weight in National Parks.

National Planning Policy Framework (NPPF)

The following National Planning Policy Framework documents have been considered in the assessment of this application:

- NPPF07 - Requiring good design
- NPPF11 - Conserving and enhancing the natural environment
- NPPF12 - Conserving and enhancing the historic environment

The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

The following policies of the **Winchester District Local Plan Review (2006)** are relevant to this application:

- DP3 - General Design Criteria
- RT11 - Equestrian Development
- CE23 - Extension and Replacement Dwellings

The following policies of the **Winchester District Local Plan Part 1 Joint Core Strategy (2013)** are relevant to this application:

- CP13 - High Quality Design

- MTRA4 - Development in the countryside.
- CP19 - South Downs National Park
- CP20 - Heritage and Landscape Character

Partnership Management Plan

The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan.

The following Policies and Outcomes are of particular relevance to this case:

- General Policy 1
- General Policy 9

The South Downs Local Plan: Preferred Options was approved for consultation by the National Park Authority on 16th July 2015 to go out for public consultation under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012. The consultation period ran from 2nd September to 28th October 2015. The responses received are being considered by the Authority. The next stage in the plan preparation will be the publication and then submission of the Local Plan for independent examination. Until this time, the Preferred Options Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 216 of the National Planning Policy Framework, which confirms that weight can be given to policies in emerging plans following publication. Based on the early stage of preparation the policies within the Preferred Options Local Plan are currently afforded limited weight and are not relied upon in the consideration of this application.

8 Planning Assessment

Principle of development

The principle of equestrian development in the countryside is supported by policy RT11 and in this location it is acceptable provided; a) where possible proposals make use of existing buildings and do not involve the erection of new buildings which may harm the landscape appearance of the area; b) well related to existing bridleway's; c) do not have a detrimental affect on nearby properties/land uses; d) do not have an adverse effect on the appearance of the landscape by use of inappropriate construction materials, boundary treatments, floodlighting and other infrastructure.

In this case there are no suitable existing buildings on this site to convert, therefore new build was the only option for providing stables.

Winchester District Local Plan Part 1 - Joint Core Strategy 2013 Policy CP19 requires development to be in keeping with the context and setting of the landscape of the South Downs National Park. This policy also says proposals that support the economic and social well being of the National Park and its communities will be encouraged, provided they do not conflict with the National Park's purposes. The emphasis should be on small-scale proposals that are in a sustainable location and well designed. Development within and adjoining the South Downs National Park which would have a significant detrimental impact to the rural character and setting of settlements and the landscape should not be permitted unless it can be demonstrated that the proposal is of overriding national importance, or its impact can be mitigated". Similarly, Policy CP20 seeks to protect and enhance distinctive landscape and heritage assets and their settings.

Policy MTRA 4 limits development in the countryside to that which has an operational need for such a location, but it should not harm the character and landscape of the area. Policy CP13, amongst other things, requires high quality design and for proposals to make a positive contribution to the local environment.

The statutory purposes of National Park designation are to conserve and enhance the natural beauty, wildlife and cultural heritage of the area, and to promote opportunities for the understanding and enjoyment of its special qualities by the public. There is also a duty to seek to foster the economic and social well being of local communities in National Parks. When the purposes conflict, more weight should be given to the conservation of the environment.

Design/layout

The stables are a scale typical for the purpose, which is considered appropriately designed for this location. The materials consist of timber with a corrugated roof, typical in appearance for a rural building.

Impact on the character of the area and South Downs National Park

Development which would have a significant detrimental impact on the rural character and setting of settlements and the landscape will not be permitted. The site is currently well screened by tree cover and hedgerows to the site boundaries and the development is not highly visible from wider views within the National Park, so the visual implications are not considered harmful. A condition has also been imposed to control lighting, which could otherwise result in visual intrusion.

Only one horse is proposed to use the stables and this horse is solely for private use relating to the applicant. The horse related vehicles will access and park at the applicant's house, adjacent to the site so will not need to use the field. The removal of the waste from the stables is through the use of the storage container which is regularly removed from site for disposal. The trees and hedging to the boundaries of the property will remain. All the above considered, the proposals do

not have an adverse impact on the landscape character of the South Downs National Park.

Impact on the neighbouring property

As the field bounds a number of residential properties local opposition has been raised specifically regarding the manure. Our Environmental Health Officer has stated that these facilities are sufficient and there have been no complaints from residents to the Environmental Health Department. Also should issues arise in the future they can be dealt with under Environmental Health legislation. (Environmental Protection Act 1990)

The stables themselves are not considered to be overbearing or be causing material overshadowing harmful to the neighbours private amenity, to warrant the refusal of the application.

Neighbours have commented that the manure storage is an eyesore, but again it is not considered to be overbearing or cause overshadowing to neighbours causing material harm to neighbouring properties amenity, and people do not have a right to a view across another's land. Whilst the container is not ideal in terms of visual amenity it serves the purpose of containing the manure for frequent disposal as recommended by the Environmental Protection team. The applicant has agreed to site the container further from the neighbouring properties boundaries to address concerns raised.

Landscape/Trees

The existing hedges/trees are to be retained.

Other Matters – Highways

Our highway officer has been consulted and raises no objection to the application.

Other Matters - Ecology

There should be no reason that any protected species would be affected by the stables provided that any external lighting is conditioned at the site.

9 Conclusion

The application is considered to be acceptable and is recommended that permission is given.

10 Reason for Recommendation and Conditions

It is recommended that the application be Approved for the reasons and subject to the conditions set out below.

1. The use of the stables hereby permitted shall be restricted to the keeping of horses for private recreational use by the owner of the land only and shall not at any time be used for any other form of equestrian activity such as for any commercial riding, breeding or training purposes.

Reason: To ensure the satisfactory development of the site and in the interests of the amenity of the area and highway safety.

2. Details of any lighting of the site shall be submitted to, and approved in writing by the Local Planning Authority within 3 months of this permission. This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation.

Reason: To protect the appearance of the area, the environment and local residents from light pollution and in the interests of the amenities of the rural character of the National Park.

3 The manure shall be stored within the site in the container marked position 'B' on the amended plan submitted on 05/09/17, and frequently removed from site unless otherwise agreed in writing with the local planning authority. The facilities shall be provided and thereafter maintained in accordance with these approved details.

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

Informatives

11. Crime and Disorder Implications

11.1 It is considered that the proposal does not raise any crime and disorder implications.

12. Human Rights Implications

12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

13. Equality Act 2010

13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

14. Proactive Working

In accordance with paragraphs 186 and 187 of the NPPF Winchester City Council (SDNP/WCC) take a positive and proactive approach to development proposals focused on solutions. SDNP/WCC work with applicants/agents in a positive and proactive manner by;

- offering a pre-application advice service and,
- updating applicants/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

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

Winchester District Local Plan Review 2006: DP3, RT11, CE23
Local Plan Part 1 - Joint Core Strategy: MTRA4, CP13, CP19, CP20
The South Downs Partnership Management Plan
South Downs National Park Preferred Options Local Plan

Appendices **Appendix 1 - Plans Referred to in Consideration of this Application**
 Appendix 2 – Map
 Appendix 3 – Parish Council

Appendix 1

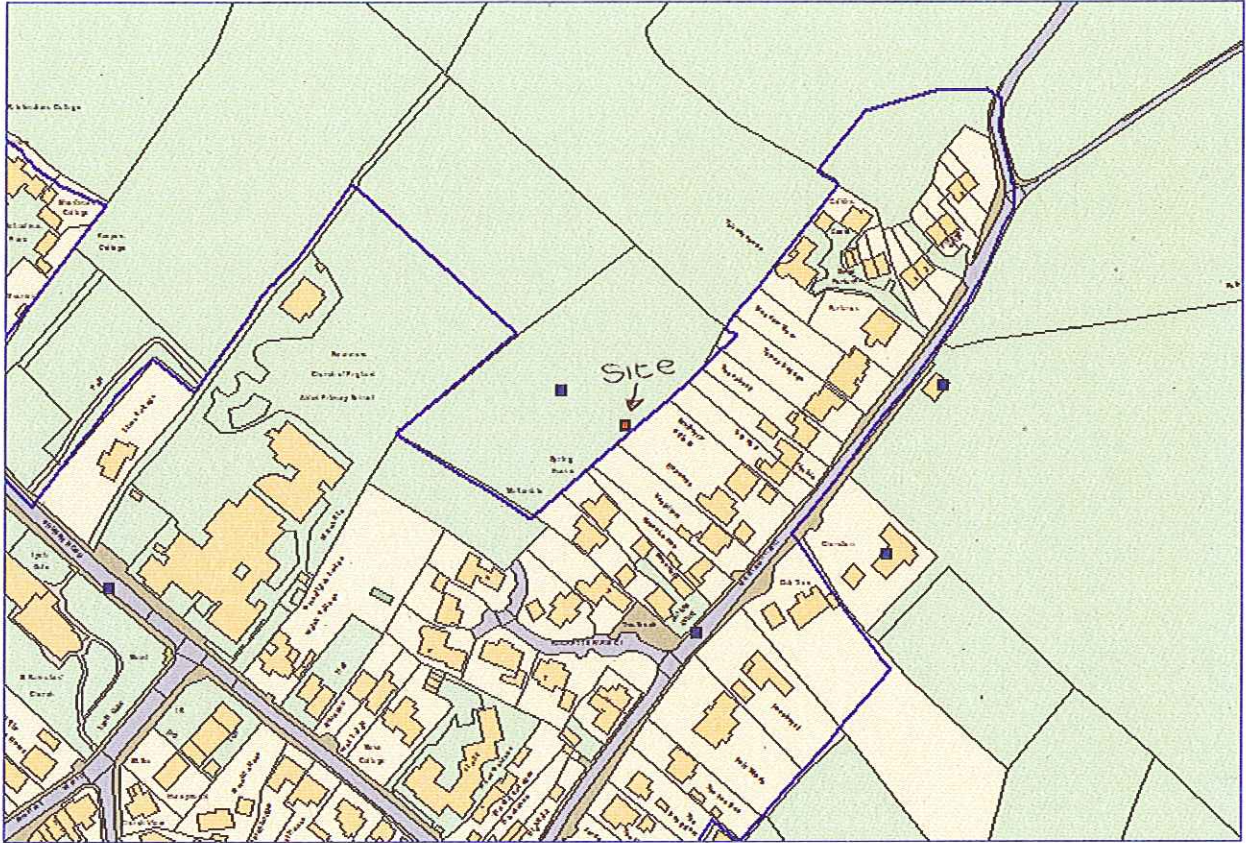
Plans Referred to in Consideration of this Application

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plan Type	Reference	Version	Date on Plan	Status
Plans	Location		28.06.2017	Approved
Plans	Block		28.06.2017	Approved
Plans	Site/Floor plan		28.06.2017	Approved

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

Appendix 2 – Map



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Officer Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. South Downs National Park Authority, Licence No 100050083 (2016) (Not to scale)

Appendix 3 – Parish Council request for application to go to Committee

Case No: 17/01146/FUL SDNP/17/03292/FUL - Lisa Booth Anna Hebard

Location: Haycorns, Vicarage Lane, Swanmore SO32 2PW

Proposal: Stable building with covered area and tack/feed store (RETROSPECTIVE)

Comments:

No objection to the stable building itself.

Objection to:

Visual impact on the residential amenity

Effects of odour produced from stable close to residential properties

If minded to approve, it is requested that the applicant provide details of the facilities for the storage of horse manure/stable waste and its means of disposal from the site prior to use of stables is commenced. The facilities should also be provided and thereafter maintained in accordance with approved details and environmental health authority

Request for application to be considered by Committee

Yes

Signed *Y Wheadon*

Assistant Clerk to the Parish Council

20 July 2017

From: Assistant Clerk [<mailto:admin@swanmorepc.org.uk>]

Sent: 07 August 2017 15:13

To: Lisa Booth

Subject: RE: 17/01146/FUL - Haycorns, Vicarage Lane, Swanmore

Dear Lisa

Thank you for the information.

I have spoken to my Chairman who acknowledges the material reasons as follows, whilst not strong, with local feelings running high that going to Committee could ease the situation by giving objectors a further opportunity to make their point.

- a. Strength and number of objections
- b. Impact on the neighbours of keeping a horse in the stable particularly odour.

Please let me know if this is satisfactory.

Kind regards

Yvonne Wheadon

Assistant Clerk

Swanmore Parish Council