

AGENDA ITEM NO: 8/2(i)

Parish:	Terrington St John	
Proposal:	Change of Use of the land to equestrian for personal use, repair/replacement of fencing and placement of movable shelters/storage	
Location:	Field opposite 3 Gambles Terrace School Road Terrington St John Norfolk	
Applicant:	Miss Joanne MacCallum	
Case No:	17/00236/CU (Change of Use Application)	
Case Officer:	Clare Harpham	Date for Determination: 14 April 2017 Extension of Time Expiry Date: 16 May 2017

Reason for Referral to Planning Committee – The views of Terrington St John Parish Council is contrary to the Officer recommendation

Case Summary

The application is for a change of use of agricultural land to equestrian for personal use. The applicant intends to keep the horses on the land throughout the year and to graze, feed and ride horses on the land. The horses will be rugged when the weather warrants with movable field shelters.

Key Issues

Principle of the Change of Use
Amenity Issues
Highways Issues
Other material considerations
Crime and Disorder

Recommendation

APPROVE

THE APPLICATION

The application site is currently agricultural land laid to grass on the western side of School Road and opposite a row of semi-detached cottages called Gambles Terrace. There is an existing access to the southern corner of the field and there is hedging along the roadside boundary.

The application seeks full planning permission for a change of use of the field to equestrian for the applicant's personal use.

The description also states the placement of movable shelters/storage and the repair/replacement of fencing. During the course of the application the applicant was asked to move the field access which also therefore forms part of this application along with parking and turning.

The applicant has confirmed that the shelters would be approximately 8m x 4m x 2.5m and on skids. The intention is that they will be moved about the field as the horses are moved. Consequently these do not constitute development and do not require consent.

The applicant has also confirmed that the repair and replacement of the fencing would comply with Class A, Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 and that no fence will exceed the 2.0m height restriction within the field and that no fencing will exceed 1.0m in height directly adjacent to the highway. There is currently a hedgerow alongside the highway and it's the applicant's intention to retain this.

Consequently whilst the description in the application includes the placement of movable shelters / storage and the repair / replacement of fencing they themselves do not require consent.

SUPPORTING CASE

The land has been used for the grazing of sheep and horses over the last ten years (the applicant has grazed horses on the land during the last two summers).

Following the purchase applicant wishes to use the land all year, including to feed, rug and ride the horses on the land which requires consent.

The field will be enhanced by repairing broken fencing and maintaining the site.

Flood risk has been taken into consideration and evacuation measures have been outlined.

Our horses already hack around Terrington St John and Marshland St James and by obtaining planning permission for equestrian use we will be able to ride our horses on the land, rather than on the road as we currently do. Therefore by granting the change of use we would be able to use the road less than we do currently.

PLANNING HISTORY

15/02013/O: Application Refused: 29/03/16 - Outline application: Construction of 4 No. detached houses with integral garages - New Sibley Field School Road
Appeal Dismissed 05/09/16;

15/01975/O: Application Withdrawn: 11/12/15 - Outline application: Construction of 4 detached houses and garages - New Sibley Field School Road

RESPONSE TO CONSULTATION

Parish Council: OBJECT Members of the Parish Council have already received substantial safety concerns from a horse riding parishioner using School Road and therefore more horses on the road in this area would be a disadvantage.

Highways Authority: NO OBJECTION following the relocation of the access with on-site parking and turning provided. Conditions are recommended.

Environmental Health & Housing - CSNN: NO OBJECTION request a condition regarding external lighting.

As there is a roadside ditch which would require culverting in order to install the re-positioned access a condition is requested relating to culverting/infilling of ditches.

It is not clear if the applicant intends to permanently house horses on site which would result in the accumulation of manure. Rather than impose a condition I request an informative and would stress that horse waste must not be stored or allowed to accumulate on site unless further planning permission is sought.

REPRESENTATIONS

Three letters of **SUPPORT** covering the following points:-

- The land has been neglected adversely affecting the neighbouring land.
- This will improve the appearance in the neighbourhood and it will be properly maintained.
- The countryside should be for country pursuits.

NATIONAL GUIDANCE

National Planning Policy Framework – sets out the Government’s planning policies for England and how these are expected to be applied.

National Planning Practice Guidance - Provides National Planning Practice Guidance, in support of and in addition to the NPPF

LDF CORE STRATEGY POLICIES

CS06 - Development in Rural Areas

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM17 - Parking Provision in New Development

DM15 – Environment, Design and Amenity

PLANNING CONSIDERATIONS

The main issues to consider when determining this application are as follows:-

- Principle of the Change of Use
- Amenity Issues
- Highways Issues
- Other material considerations
- Crime and Disorder

Principle of the Change of Use

The application site is within the countryside where paragraph 28 of the NPPF supports rural leisure activities which respect the character of the countryside. Horse riding and other equine related activities are popular forms of recreation in the countryside and can help diversify rural economies. Therefore an equestrian use outside of the village boundary is acceptable in policy terms.

Whilst the proposed mobile shelters / storage do not require consent they would not be large in scale nor out of character in a countryside setting. The proposed change of use and resulting structures are not considered to have a detrimental visual impact upon the surrounding countryside.

Amenity Issues

There are dwellings to the opposite side of School Road, and a dwelling to the north-eastern side of the site. The main issue with regard to amenity and the grazing of animals is the storage of waste material and its potential smell.

There are no objections to the proposal from Community Safety and Neighbourhood Nuisance nor have any conditions been requested although they do request the applicant is made aware through the use of an informative that manure must not be allowed to accumulate on site.

Highways Issues

The existing access to the south-eastern corner of the field is not up to current visibility standards and therefore the applicant has submitted amended plans which move the access further north within the site and improve visibility and parking within the site. There are no objections to the proposal from the Highways Officer following the proposed new access arrangements.

The proposed new access would require the culverting of the ditch to the front of the site and therefore an informative will be placed on any decision. Whilst it is the intention of the applicant to retain the roadside hedging the inclusion of a visibility splay may result in the existing hedging being cut back to a degree. This is considered acceptable and not a reason to warrant a refusal.

The Parish Council have objected as they have safety concerns regarding there being more horses on the roads in this area. The applicant has stated that they already ride their horses in this locality and that by granting an equestrian use of the land it would actually result in the road being used less as they could ride on the application site.

Other material considerations

The application site is within Flood Zone 2 and 3 of the SFRA, the proposal is for a 'less vulnerable' form of development which is considered appropriate in this location. The applicant has also submitted supporting information which details how the horses would be evacuated in the event of an emergency to other land in the locality which is within the ownership of family members.

The land is Grade 2 agricultural land which is considered some of the best and most versatile agricultural land which should be protected.

However given the limited size of the parcel of land and the nature of the proposal, it is the opinion of the Local Planning Authority that loss of the agricultural land is not significant in this instance and that it could be reverted to agricultural use in future.

Crime and Disorder

The application is not considered to give rise to any crime and disorder issues.

CONCLUSION

The change of use of the land to equestrian use is considered acceptable and would comply with the principles of the NPPF, Policies CS06, CS08 and CS11 of the King's Lynn Core Strategy 2011 and Policies DM15 and DM17 of the Site Allocations and Development Management Policies Plan 2016. Consequently members are asked to consider the approval of the proposed change of use.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 1 Reason To comply with Section 91 of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.
- 2 Condition The development hereby permitted shall be carried out in accordance with the following approved plans 'Location Plan' received by the Local Planning Authority on 17th February 2017 and 'Location Plan 5664-MacCallum' received by the Local Planning Authority on 16th March 2017.
- 2 Reason For the avoidance of doubt and in the interests of proper planning.
- 3 Condition Prior to the first use of the development hereby permitted the vehicular access shall be provided and thereafter retained at the position shown on the approved plan (drawing ref. 5664-MacCallum) in accordance with the highway specification TRAD 5 attached. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.
- 3 Reason To ensure satisfactory access into the site and avoid carriage of extraneous material or surface water from or onto the highway.
- 4 Condition Vehicular and pedestrian access to and egress from the adjoining highway shall be limited to the access shown on approved drawing No 5664-MacCallum only. Any other access (es) or egresses shall be permanently closed, and the highway verge shall be reinstated in accordance with a detailed scheme to be agreed with the Local Planning Authority concurrently with the bringing into use of the new access.
- 4 Reason In the interests of highway safety.

- 5 Condition The gradient of the vehicular access shall not exceed 1:12 for the first 5 metres into the site as measured from the near channel edge of the adjacent carriageway.
- 5 Reason In the interests of the safety of persons using the access and users of the highway.
- 6 Condition Prior to commencement of the use hereby permitted any access gate(s), bollard, chain or other means of obstruction shall be hung to open inwards, set back and thereafter retained a minimum distance of 8 metres from the near channel edge of the adjacent carriageway.
- 6 Reason To enable vehicles to safely draw off the highway before the gate(s) or obstruction is opened.
- 7 Condition Prior to the commencement of the use hereby permitted the proposed access / on-site car parking / turning area shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 7 Reason To ensure the permanent availability of the parking / manoeuvring area, in the interests of highway safety.
- 8 Condition Prior to the commencement of the use hereby permitted a visibility splay measuring 2.4 X 120.0 metres shall be provided to each side of the access where it meets the highway and such splays shall thereafter be maintained at all times free from any obstruction exceeding 0.6 metres above the level of the adjacent highway carriageway.
- 8 Reason In the interests of highway safety.