

Parish:	West Walton	
Proposal:	Conversion of stable/first floor office/store to partial residential	
Location:	Stables And Equine Facility N of Ashtree Cottage River Road West Walton Norfolk	
Applicant:	Mrs Lorna Walker	
Case No:	18/01175/F (Full Application)	
Case Officer:	Clare Harpham	Date for Determination: 30 August 2018 Extension of Time Expiry Date: 8 October 2018

Reason for Referral to Planning Committee – The Parish Council support the proposal which is contrary to the officer recommendation

Neighbourhood Plan: No

Case Summary

The application is for the partial conversion of an existing stable block to residential accommodation for a groom. There is no justification with regard to a rural enterprise nor is the modern building to be converted worthy of retention, especially given its location outside the development boundary. There are also issues with regard to the road network which serve the site and the visibility at the point of access.

Key Issues

- Site History
- Principle of Development
- Amenity Issues
- Highways Issues
- Flood Risk
- Other material considerations
- Crime and Disorder

Recommendation

REFUSE

THE APPLICATION

The application site is located to the northern side of River Road, down a single vehicle width access track, to the rear of Ashtree Cottage and some farm buildings and glasshouses (not in the same ownership).

On site is a large stable block which has seven stables, a wash room, tack room, store room and seating area / kitchen with stairs leading upstairs to an office and store room. This stable block is constructed of wooden cladding with a pantile roof, including rooflights. There is also an additional stable block of a smaller scale which has additional stables with a profiled sheeting roof. The planning history of the site will be discussed below.

The application is for full planning permission for the conversion of most of the upstairs space (office and storage) to residential accommodation.

SUPPORTING CASE

I can confirm that the applicant lives at 207 Salts Road, Walton Highway. The site is approximately 2 miles from the stables where their horses are kept within the dedicated equestrian facility.

The existing stables are for personal use by the applicants including their children's ponies. The applicants equine activities are within the show jumping field and with breeding horses for private use. There are no commercial activities associated in any way with the stable block.

The nature of the enterprise requires a full-time presence on site as is the case for established private use equine facilities. Previously the applicant resided near the site but moved due to outgrowing the house with the addition of family.

The primary reason for this application relates to the management and welfare of horses which is paramount over 24 hours a day, particularly when a mare is in foal or young foals that require constant observation / checks to, for example, ensure that they are feeding correctly.

Here are a few examples of issues that our client has encountered recently at the stables: -

- 1) 1 x colic case of a horse which happened late at night, it was only by chance that we had been to a show that day and arrived back late to find the horse in agony. He was diagnosed with impaction colic and peritonitis, if we hadn't have found him until the following morning its possible he would have died in agony overnight. This horse needed treatment for the next 2 weeks every 4 hours, so we had to travel down to the yard during the night to administer treatment to him, obviously if someone could have been on site the traffic movements, potential residential amenity impact, would have been avoided and the horse could have been diagnosed sooner.
- 2) 4 x colic cases of a horse which happened overnight, the horse was found in the morning when we arrived on the yard, the horse was in agony, the vet attended and administered medication.
- 3) We have had intruders overnight where they have let out all of the horses from their stables.
- 4) We had a horse have an allergic reaction to a bee/wasp sting, the horse was covered in hives and her throat was swelling rapidly, if the horse had been left without any vet assistance she would have died within hours. It was lucky that there was someone at the yard to assist this horse, 10 minutes later and the groom would have gone home, and the horse would have been left without any help only to have possibly been found dead later that evening when the groom returned to feed them.
- 5) We have had a mare give birth to a foal in the early hours of the morning, the foal was born without part of its leg so would have never been able to get up, stand and suckle from the mother and would have died that night. Luckily, we had gone down for a late night check because we knew the mare was due to give birth any day and we found

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this, if someone was on site the mare would have been checked sooner and a vet could have been called earlier to deal with the problem quicker.

Feed and bedding also require regular attention throughout the day and night, as well as the means of dealing swiftly with any unforeseen emergencies. Allowed appeal reference APP/L2630/A/07/2054499 supports this position.

In addition to the management and welfare of the horses, a presence on site is required to attend to and manage daily deliveries and representatives. This relates to the delivery and collection of, inter alia, horses, equipment, parts, fuel, feed and bedding on a frequent basis. Whilst best endeavours are made, it is understandably not always possible to schedule an accurate time slot or often keep to a schedule due to many influencing factors beyond the applicants' control.

Not only would the on-site presence support operational and management requirements, it is also important for security purposes due to the high value items stored on site. Whilst it is acknowledged that there are alternative means of securing the site, such as additional fencing or CCTV, these are often unsightly and easily disabled in rural locations. A greater presence on site is considered to not only to act as a deterrent, but will also improve natural surveillance and daily monitoring, as well as the ability to act promptly if / when required. As you may be aware there are numerous incidents locally and nationally where animals have been stolen or attacked, even killed and thus our client is trying to avoid this from occurring in the future. Clearly such attacks on the animals cause extreme emotional distress to the applicants as with most pets they are part of the family and this cannot be underestimated these effects on the individual.

Issues of security are raised in appeal reference APP/X3025/A/08/2084072 relating to an occupational dwelling where the Inspector sets out that it would not be feasible to secure the site without extensive and intrusive boundary treatment. The Inspector continues that acts of vandalism and theft cause unnecessary and significant expense and that a permanent, prominent and central presence on site provides a significant deterrent to intruders, thus protecting the property. Appeal reference APP/B3030/A/12/2179575 relating to a new dwelling in the countryside further expands on this and sets out that alarms and CCTV are indeed deterrents but still require a rapid response time to be effective such that security is a contributing factor to requiring an onsite presence.

The overarching need for the on-site presence is to support the functionality, efficiency, effectiveness and welfare of the horses. The proposals are within a developed site and thus there are no issues with services and facilities. However, the alternative is for multiple, daily trips through the day and night to and from the site to undertake the necessary supervision of the animals, coupled with its drive to reduce travel by private car. A residence on site with occasional trips to the settlement and those neighbouring would far outweigh the regular toing and froing that would otherwise be required through residence elsewhere/remote from the site. This is in addition to the amenity issues that would arise through regular vehicular movements, headlights, opening and closing of car doors for example.

The proposed conversion of an existing building element would not impact at all to the site and occupy an area of unused building, roof void. The proposed residence would provide a modest level of habitable accommodation, overall being commensurate with the extent of the use by a single person. The applicant proposes a condition that the residence is permanently linked to the equine use of the site.

In terms of neighbour amenity, there would be no direct bound residential properties such there would be no impact in terms of outlook, privacy, daylight and sunlight.

The use of the stables / equine facility is personal use only as per the current stable planning approval obtained. The current application for the conversion of part of the existing building for a live-in groom is based around the applicant's issues surrounding the proximity of the stables to their current dwelling due to major concerns over the welfare of the animals based at the stables/ security of the facility which houses tack / machinery.

Ultimately the applicants wish to continue operating the stables in a manner consistent with all good practices offering the best welfare to the animals whilst maintaining security at the site. The site has been designed and built in a high-quality manner suitable for the private use by the applicants which they wish to maintain.

PLANNING HISTORY

05/02377/F: Application Permitted: 09/01/06 - Construction of replacement stables and ancillary blocks and all weather menage – Crossparks River Road West Walton Highway

2/92/3089/F: Application Refused: Siting of mobile home for residential use by owner, in connection with keeping horses on site
Appeal dismissed

2/92/0693/F: Application Permitted: Construction of stables and storage shed.

2/92/0197/F: Application Refused: Siting of mobile home for residential use by owner, in connection with keeping horses on the site.

RESPONSE TO CONSULTATION

Parish Council: SUPPORT

The proposal does not affect neighbouring properties.
The proposal is acceptable as a dwelling for the groom.

Highways Authority: OBJECTION

I am mindful of the decision by the Planning Inspectorate under appeal reference T/APP/V2635/A/93/224770/P8. Paragraphs 8-9 relate to the highway conditions experienced at the time, in relation to the width of carriageway and visibility to the bend these considerations have not changed and we would still support that view. The highway consideration for this application comes down to if the application would result in additional traffic being generated. On this matter we would have to look to your authority to consider given the sites historical permitted class use and therefore take the view that if a groom or two can be justified on that basis.

Should the answer to that consideration be no, then I would refer back to the Inspectors decision mentioned and recommend that the application be refused due to the unclassified road being inadequate to serve the development proposed and inadequate visibility splays provided at the point of access with the County highway, both of which would give rise to conditions to the detriment to highway safety.

Environmental Health & Housing - Environmental Quality: NO OBJECTION

The proposed development will include the refurbishment of the existing building. Given the age of the building it is considered likely that there will be asbestos containing materials within the building and therefore an informative is recommended relating to the disposal of asbestos.

Environment Agency: NO OBJECTION

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The EA Nene Tidal Hazard Mapping shows the site could flood to a depth of 0.5m in the event of a breach or overtopping of the Tidal River Nene defences. No objection but strongly recommend the mitigation measures proposed. It is for the LPA to determine if the Sequential Test has to be applied and whether there are other sites available at a lower flood risk.

Emergency Planning: NO OBJECTION

Due to the location in an area at risk of flooding it's advised that the occupants' sign up to the EA FWD service and prepare a flood evacuation plan.

REPRESENTATIONS

No third party representations received.

LDF CORE STRATEGY POLICIES

CS06 - Development in Rural Areas

CS08 - Sustainable Development

CS11 - Transport

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM2 – Development Boundaries

DM6 - Housing Needs of Rural Workers

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

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

PLANNING CONSIDERATIONS

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

- Site History
- Principle of Development
- Amenity Issues
- Highways Issues
- Flood Risk

- Other material considerations
- Crime and Disorder

Site History

In 1992 planning permission was granted for the construction of stable and a storage shed (2/92/0693/F) and this was conditioned so that the use of the stables was limited to 'purposes incidental to the needs and personal enjoyment of the applicant and not used for business or commercial purposes'. The reason for this limitation was because the location of the proposed development was not considered suitable for a commercial enterprise.

Also in 1992 planning permission was refused twice for the siting of a mobile home in connection with the use of the land for keeping horses (2/92/0197/F and 2/92/3089/F). Planning permission was refused due to the fact that the proposed residential use was within the countryside and did not demonstrate a sufficient need which would outweigh the policy objections. In addition the visual impact of siting a mobile home and both the road network and the point of access were not considered suitable and could lead to conditions which would be detrimental to highway safety. Application 2/92/3089/F was dismissed at appeal (see Appendix A) in September 1993 as the Inspector concluded within para 6 'In the representations you mention that it is essential for the welfare of the horses and the security of the coach and equipment that the appellant lives on the site. I accept that there can be much advantage in this but clearly the housing of a coach and a field for the horses is not an agricultural enterprise. The appellant has demonstrated some commitment to the operation by the erection of the stable building but I note that the planning permission for the building comprised a condition that the stables were not to be used for business or commercial purposes. While the personal circumstances of the appellant may have changed since the date of the permission I do not consider this, or the enterprise in general, warrants an exception to the countryside policies of the development plan.' The Inspector also concluded that the proposal would have a detrimental impact upon the character and appearance of the open countryside and that River Road was not suitable (narrow, winding, little passing provision) for further development and that the access to the site was not suitable, joining River Road at an angle with restricted visibility.

In 2006 planning permission was granted to replace the previously approved stables with a larger stable block, ancillary blocks and all weather manege (05/02377/F). The development control board report (dated 9th January 2006) and our records indicate that at that time the applicant resided in the immediate locality and confirmed that the proposal was solely for personal use with no business activity to be undertaken. Consequently whilst the stables were larger it was not envisaged that there would be any increase in the amount of traffic using the site. Planning permission was granted with a condition imposed that the use of the stables shall be to accommodate the applicant's own horses and shall not be used for any commercial riding, breeding or training purposes.

The plans approved in 2006 are slightly different to those that were approved. The drawings submitted in 2005 show a total of 9 stables (one labelled loose box) and the rooflights looked to serve as high level rooflights within the stables. Following a site visit and the plans submitted under this application shows that the roof space has been converted into storage and an office space (the agent has confirmed that the first floor level was created in 2007, one year after the development was completed).

In addition the plans submitted under planning application 05/02377/F show a site layout which has an 'open fronted hay, forage store' along the southern boundary of the application site. Following a site visit this building now comprises a number of additional stables. The agent has stated that this block is still used for hay and straw storage but has the ability to be used as temporary stables occasionally when required. The stables in their current form

were constructed 2 years ago. The agent has stated that there are now eight permanent stables and four temporary ones on site.

Therefore the site history shows that whilst planning permission has been granted in the past for stables, this was with the condition that it should not be used for business or commercial purposes and was not for the amount of possible stabling currently on site.

Principle of Development

The application site lies outside the development boundary of West Walton as identified by Inset Map G120 (West Walton / Walton Highway) of the Site Allocations and Development Management Policies Plan (SADMP)2016 .

Paragraph 79 of the NPPF states that decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) There is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
- b) The development would represent the optimal viable use of a heritage asset or enables development which would secure the future of heritage assets;
- c) The development would re-use redundant or disused buildings and enhance its immediate setting;
- d) The development would involve the sub-division of an existing residential dwelling; or
- e) The design is of an exceptional quality in that it is truly outstanding or innovative and would significantly enhance its immediate setting.

With regard to this application the two sections that have been considered are a) and c) and these key issues are also reiterated through other policies in the Local Plan.

Policy CS06 of the Core Strategy 2011, states that beyond the villages and in the countryside the strategy will be to protect the countryside for its intrinsic character and that development of greenfield sites will be resisted unless essential for agricultural or forestry needs. The conversion of existing buildings to residential use will only be considered following certain criteria which include weighing up the contribution that the existing building makes within the landscape as well as its relationship to the existing settlement pattern. The existing building is relatively modern, has little architectural merit and is approximately 0.6km from the edge of the development boundary by road. The building is still being utilised for the keeping of horses and therefore the conversion of part of it to residential would not be warranted under the criteria set out in Policy CS06.

Policy DM6 of the SADMP sets out the criteria for assessing permanent occupational dwellings in the countryside which should only be allowed to support existing rural based activities on well-established rural based enterprises. The agent has stated that the stables are being used in line with the condition on planning permission 05/02377/F and that the stables are therefore not being used for business or commercial purposes. The justification for requiring a dwelling in this location is for security purposes (due to break-ins and possible harming of the animals) and a live-in groom is required due to concerns over the welfare of the animals on-site. The appeal decision references, quoted within the Supporting Case in the report above, all relate to applications for dwellings which were to be occupied in conjunction with a rural enterprise.

Whilst Policy DM6 does state that a functional need to live on site must be clearly established, it also provides a number of other criteria that need to be met in order for a dwelling to be acceptable. This includes a financial test which must demonstrate that the enterprise is established (for at least three years) and is capable of sustaining a dwelling the size of which is proposed. It should also be demonstrated that the need for a dwelling could

not be met by any existing dwellings in the locality. It is not possible to meet the financial test for this application as the stables are not being utilised for commercial purposes. It could be argued that if a groom is required (or indeed 2 grooms as stated by the agent in an email dated 24th July) then the number of horses is likely to exceed the number of horses reasonably required by the applicant for essentially a hobby use. When the original stable block was permitted the applicant lived very close to the application site but the agent has confirmed that the applicant now lives further away from the site within the village of Walton Highway.

Therefore it can be concluded that the application as submitted does not comply with paragraph 79 of the NPPF, Policy CS06 of the Core Strategy 2011 nor Policy DM6 of the SADMP as the proposed residential accommodation has no rural business justification nor is the building of sufficient merit to warrant conversion, especially given the distance to the development boundary. It can also be concluded that whilst the appeal decision was 25 years ago, similar issues still arise when considering this application.

Amenity Issues

Whilst the proposal would include first floor residential accommodation it would not cause overlooking of any neighbouring private amenity space.

Highways Issues

River Road is narrow, winding and with little passing provision which is why an intensification of the access would lead to conditions detrimental to highway safety. Whilst an argument has been put forward by the agent that providing residential accommodation on site would reduce the number of vehicular movements required, it can also be argued that if the stables are being used for the applicant's personal use then additional grooms should not be required and that by allowing residential accommodation for a groom or grooms actually allows for an intensification of the access over and above what was approved under planning application reference 05/02377/F.

The Highways Officer has made reference to the appeal decision in his comments (T/APP/V2635/A/93/224770/P8) which has been included in Appendix A. He has concluded that the highway conditions with regard to width of carriageway and visibility to the bend have not changed over time and that Highways still support the view expressed at the time and by the Inspector that the road conditions and the access are not suitable for further development which may result in additional traffic being generated. Members are asked to consider whether given the sites planning history and the conditions that were imposed, whether the provision of a groom or even two can be justified on the basis of the restrictive condition.

Flood Risk

The application site is within Flood Zone 3 of the Environment Agency Flood Risk Maps and the Nene Tidal Hazard Mapping area. There are no objections to the proposal from the Environment Agency as the proposal involves the conversion of a building which would provide residential accommodation above 2m. The sequential test is not required in this instance as it involves the conversion of an existing building, the reason for which is site specific.

Other material considerations

There are no other material considerations which are pertinent to this application.

Crime and Disorder

The agent has stated that the approval of the application would help prevent crime as there would be an on-site presence; however no information has been provided regarding how on-site security could be improved without an on-site presence, nor what measures are currently in place. Also this is not a business use, but is essentially a hobby, that is for the applicant's personal benefit.

Conclusion

The proposed conversion of the stable / first floor office / store to partial residential is contrary to paragraph 79 of the NPPF, Policies CS08 and CS11 of the Core Strategy and Policy DM6 of the SADMP and the material considerations submitted in justification of the development are not considered sufficient to outweigh the in principle policy objection. Members are therefore requested to refuse the application.

RECOMMENDATION:

REFUSE for the following reason(s):

- 1 The proposed residential conversion would result in a form of development which would not serve an existing rural enterprise and therefore there is no rural justification for it. The proposal is therefore contrary to paragraph 79 of the National Planning Policy Statement, Policy CS06 of the Core Strategy 2011 and Policy DM6 of the Site Allocations and Development Management Policies Plan 2016.
- 2 The building which is proposed for partial conversion has limited architectural merit which does not warrant its conversion to a residential use given its location outside of the development boundary and within the countryside. The proposal is therefore contrary to paragraph 79 of the National Planning Policy Statement and Policy CS06 of the Core Strategy 2011.
- 3 The unclassified road serving the site is considered to be inadequate to serve the development proposed, by reason of its poor alignment / restricted width / lack of passing provision. The proposal, if permitted, would be likely to give rise to conditions detrimental to highway safety and would be contrary to the provisions of the NPPF, Policy CS11 of the Core Strategy 2011 and Policy DM15 of the Site Allocations and Development Management Policies Plan 2016.
- 4 Inadequate visibility splays are provided at the junction of the access with the County highway and this would cause danger and inconvenience to users of the adjoining public highway. This would be contrary to the provisions of the NPPF, Policy CS11 of the Core Strategy 2011 and Policy DM15 of the Site Allocations and Development Management Policies Plan 2016.