

<b>Parish:</b>	<b>Walpole</b>	
<b>Proposal:</b>	<b>Change of use from agricultural field to private equestrian paddock</b>	
<b>Location:</b>	<b>Land Off Church Road Walpole St Peter Norfolk PE14 7PA</b>	
<b>Applicant:</b>	<b>Miss Katie McCoo</b>	
<b>Case No:</b>	<b>21/01596/CU (Change of Use Application)</b>	
<b>Case Officer:</b>	<b>Bradley Downes</b>	<b>Date for Determination: 5 October 2021</b>

**Reason for Referral to Planning Committee** – Called in by Cllr Blunt

**Neighbourhood Plan:** No

**Case Summary**

The site lies in the countryside on the south side of Church Road, Walpole St Peter, to the rear of a row of dwellings recently permitted under 18/01472/RMM. The proposal is for the change of use of approximately 1.24 Hectares of the agricultural land to an equestrian paddock for private use. No operational development is involved in the planning application.

**Key Issues**

- Principle of development
- Form and character
- Impact on amenity of neighbouring occupiers
- Highway safety and access

**Recommendation**

**APPROVE**

**THE APPLICATION**

The site lies on the south side of Church Road, Walpole St Peter, to the rear of a row of dwellings recently permitted under 18/01472/RMM. Walpole St Peter is classified as a Rural Village in Policy CS02 of the Core Strategy 2011, and the site lies outside the development boundary for Walpole St Peter. The proposal is for the change of use of approximately 1.24 Hectares of the agricultural land to an equestrian paddock for private use. No operational development is involved in the planning application.

**PLANNING HISTORY**

No relevant planning history

## RESPONSE TO CONSULTATION

**Parish Council: SUPPORT** - Support the application on the understanding that any future buildings on the land will have the correct planning application as concerns are raised regarding stables/housing which would not be supported.

**Highways Authority: NO OBJECTION** - No objection being utilised for private use

**Environment Agency: NO COMMENTS**

**Environmental Quality: NO OBJECTION** - There is no known contamination or suspected contamination on the site based on the application form. This seems to correlate with the land historic use.

## REPRESENTATIONS

**TWO** letters have been received, **ONE** with **NEUTRAL** comments and **ONE** which raises concerns.

The neutral comments raised are as follows:

- As ex horse owners and exhibitors it will be pleasant to see horses around again. Fencing has already begun and appears to be aligned with individual houses rather than to the applicants house.

The letter which raised concerns made the following points:

- We wish for the matter to be referred to the planning committee as we have discovered from the original developer that the applicant has 3 relatives that occupy No. 100, 102 and 104. We hold a flood report from 2020 that shows flooding can and does occur and hold photographic evidence parts of our rear garden underwater and parts of adjoining land showing standing water. Concerned if permission is granted it would create a precedent and could lead to development of the land and there is also the opportunity for conducting business, despite covenants of the property preventing business along with storage of caravans and trailers. Currently the site is accessed across a drainage dyke that is shared. Any increase in traffic such as heavier vehicles may ruin the integrity of the road surface. Neighbour's rear boundary fence lies adjacent to the land, there are fears it could be damaged. Animal welfare would suggest the need for shelter added to the fact the storage of dry goods can attract vermin. During the time of our purchase the developer assured that no development was possible.

## LDF CORE STRATEGY POLICIES

**CS06** - Development in Rural Areas

**CS08** - Sustainable Development

## SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

**DM2** – Development Boundaries

**DM15** – Environment, Design and Amenity

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## **NATIONAL GUIDANCE**

National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)  
National Design Guide 2019

## **PLANNING CONSIDERATIONS**

### **The main considerations:**

- Principle of development
- Impact on character and appearance
- Impact on neighbour amenity
- Highway safety
- Other material impacts

### **Principle of development:**

The site lies outside the development boundary for Walpole St Peter. In such areas, policies seek to restrict development in the countryside to that which is identified as suitable in rural areas as set out in other policies of the Development Plan. Policy CS06 states that in the countryside, the strategy will be to protect the countryside for its intrinsic character and beauty. Given the proposed change of use relates to compatible development within the countryside, there would be no conflict in principle with the policies of the Development Plan or with the NPPF.

### **Impact on character and appearance:**

The proposed change of use relates to 1.24ha of land and does not involve any operational development. The keeping of horses on the land is a common sight in the countryside and is not considered to result in any significant visual impact on the character and appearance of the countryside.

Concerns have been raised regarding the potential for buildings to be erected such as stables. It is considered that stabling would be compatible with the locality. However, this application is only for the keeping of horses on the land. Any subsequent development would require a planning application and, in that event, should be considered on its own merits.

### **Impact on neighbour amenity:**

Due to the nature of the development there will not be any significant overlooking, overbearing or overshadowing impacts. It is considered the proposed use of the land for keeping horses for private use will not have any significant noise impact on neighbouring dwellings. The application will be conditioned to ensure it is private use in connection with the dwelling also owned by the applicant (as outlined in blue on the location plan). This provides the required certainty that the land would not be used in connection with an equestrian business without planning permission.

### **Highway safety:**

The applicant has right of access from the rear using a shared track, or they can access the site through the rear garden of the dwelling. The agent has stated that either access may be used. The only time vehicles will need to visit the site in connection with the use are if horses need to be transported or dropped off. It is considered the use of the land for keeping horses

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for private purposes will not have any significant impact on highway safety. The Local Highway Authority do not object to this application on the basis of these access arrangements. Any increased use of the shared access track and subsequent costs for maintenance are a civil matter and not material to this application.

**Other material impacts:**

The historic use of the land has been agricultural with no known sources of contamination. It is considered the proposed change of use will not be at any significant risk from land contamination and no further assessment is deemed necessary. Environmental Quality do not object to the application.

**Specific comments or issues:**

Concern was raised by third party regarding surface water flooding. The proposed use of the land for the private keeping of horses would not have any significant impact on surface water drainage. It is mentioned that covenants of the property are supposed to prevent business being carried out. The proposed development is for private purposes only, in any case covenants on the land are not material planning considerations and remain civil matters

Concern is also raised that since the land is proposed for keeping horses it is imperative buildings are also proposed to adequately house the horses from the elements and to store their food to prevent vermin. Regardless, the proposal to be considered is only for the change of use of the land. It is the applicant's prerogative whether to submit subsequent applications for any buildings, and these will be considered on their own merits.

Any damage that could be done to neighbour's fences by the use of the land for the keeping of horses for private purposes would be a civil matter and not a material planning consideration.

**CONCLUSION:**

The principle of the proposed development is considered acceptable. The proposed change of use will not have any significant adverse impact on the character and appearance of the area and will not have any significant impacts on the amenity of neighbouring occupiers. The proposal is in accordance with Policies CS06 and CS08 of the Core Strategy 2011 and DM2 and DM15 of the SADMPP 2016. The recommendation is to approve the application.

**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. 536.PD.01 (Location Plan - received 18/8/21).
- 2 Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 Condition: The use of the equestrian paddock hereby approved shall be limited to purposes incidental to the needs and personal enjoyment of the occupants of the dwelling shown in blue on dwg no. 536.PD.01 and shall at no time be used for business or commercial purposes.
  
- 3 Reason: For the avoidance of doubt and to safeguard the amenities of the locality in accordance with the NPPF.