

Parish:	Walpole	
Proposal:	Change of use from agricultural field to private equestrian paddock	
Location:	Land Off Church Road Walpole St Peter Norfolk	
Applicant:	Miss Katie McCoo	
Case No:	21/01596/CU (Change of Use Application)	
Case Officer:	Bradley Downes	Date for Determination: 5 October 2021 Extension of Time Expiry Date: 16 November 2021

Reason for Referral to Planning Committee – Called in by Cllr Blunt and deferred from the October Committee

Neighbourhood Plan: No

Members update:

Members will recall that this application was deferred in the October 2021 Committee. The reason given was to clarify which of the plans on the file was proposed and ensure the correct plan was published in consultations.

There are two plans on the file, one showing a larger extent of land including an access point onto Church Road, while the other plan shows a smaller extent of land accessed only from the rear garden of the dwelling. The plan showing larger extent was uploaded to the file 12/8 and the latter plan was uploaded 18/8. In the recommendation, condition 2 specifically refers to the plan uploaded 18/8. Following the October committee session an amended site notice was produced and posted on site and the Parish Council was re-consulted. It is considered this clarifies the matter.

New additional text is set out in bold.

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.

SUPPORTING CASE

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

6 letters have been received, one with neutral comments and **FIVE** which raise 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 letters which raised concerns made the following points:

Planning Committee
8 November 2021

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. **The proposal is not in keeping with the area and as the direct neighbour will have a significant impact.**

When talking to the occupant of Church Road, I was advised that as an owner of land adjoining the paddock he would not object as it can only enhance the value of land. Why should that occur at the detriment of myself and direct neighbour.

The plan does not show the tall trees on the east boundary and mature hedgerow that fronts the drainage dyke at the rear of the property that is in place to alleviate the known flooding issue.

The applicants have not obtained a flood report whereas in 2020 we obtained a report that clearly shows that the land in question is liable to flooding. Access is dubious as the access is across a public bridleway. Our concerns are that the access from Church Road will be used for deliveries, collections and associated matters that will be a direct contravention of the covenants relating to the shared driveway.

No details have been provided where any waste will be stored and the impact resulting from waste such as unwelcome smells, insect activity and the frequency of removal that again ties in with the question of the inadequate access. There are potential wildlife considerations – bats are known to be in St Peters Church and at least one flies around our garden regularly in summer.

Site adjoins an open drainage dyke and recently water voles have been seen in the dyke in question and other drainage dykes on the development.

The vendor of the land included a provision that should any development occur that 40% of any revenue derived be paid over. This demonstrates the intent that the land in question remain as intended as agricultural land.

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

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.

At the October committee session Cllrs suggested a condition requiring details for the storage of waste. A third party has also raised concerns about waste and how it will be collected. The existing use of the land is agricultural and therefore it would be lawful if farming operations were to commence and associated waste associated with that use is not currently controlled. The proposed use of the site for the keeping of horses on the field for private non-business purposes is not considered to warrant the submission of details for the storage and collection of waste. Conditions relating to waste are more commonly placed on stables, which need to be cleaned out, and are sometimes in close proximity to dwellings. It is considered that any odour nuisance associated with the proposed development would be limited and would, in any event, be covered by the Environmental Protection Act should nuisance occur.

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 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.

The proposal is an application for minor development consisting of keeping horses in a field, and although the site lies in Flood Zone 3a, it is considered that a site specific Flood Risk Assessment is not necessary in this case. The use of the site for keeping horses for private purposes is a form of outdoor recreation, and therefore is classified as 'water-compatible development' under the EA Flood Risk vulnerability classification.

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.

A third party raised concern regarding the proximity of the site to wildlife spotted in the area, including bats and potential water voles. It is considered the change of use of the land from agricultural to keeping horses for private purposes would not result in any significant adverse impact on biodiversity or the habitats of protected species.

Lastly, the third party raised concern that mature trees and hedgerow to the east and south boundary are not shown on the submitted plan. It is considered that due to the nature of the proposal for private equestrian purposes it would not be necessary or reasonable to require a tree survey. Furthermore it is considered that since no operational development is proposed, and due to the nature of the proposed use, that the application would not have any significant impact on the trees or hedgerows bounding the site.

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.