

Target Decision Date: 20/02/2019

Expiry Date: 06/03/2019

## OFFICER'S REPORT AND RECOMMENDATION

CASE OFFICER: Andrew Thornton

CASE REFERENCE: DC/19/00028

### The Openness of Local Government Bodies Regulations 2014

The new national regulations on openness and transparency in local government require the recording of certain decisions taken by officers acting under powers delegated to them by a council. The written record should include the following: The decision taken and the date the decision was taken; the reason/s for the decision; any alternative options considered and rejected; and any other background documents. This report and recommendation constitutes the written record for the purposes of the regulations and when read as a whole is the reason for the decision.

PROPOSAL: Full Planning Application - Change of Use of land and erection of 3No Stables.

LOCATION: Land Lying To The South Of Hill Farm , Baylham

PARISH: Baylham.

WARD: Barking & Somersham.

APPLICANT: Mr Michael Heathcote

ENVIRONMENTAL IMPACT ASSESSMENT:

SITE NOTICE DATE: 16/01/2019

PRESS DATE: N/A

## BACKGROUND DOCUMENTS

This decision refers to drawing number Site Location Plan received 22/01/2019 as the defined red line plan with the site shown edged red. Any other drawing showing land edged red whether as part of another document or as a separate plan/drawing has not been accepted or treated as the defined application site for the purposes of this decision.

The plans and documents recorded below are those upon which this decision has been reached:

Defined Red Line Plan Site Location Plan - Received 22/01/2019

Block Plan - Proposed Block/Site plan - Received 22/01/2019

Elevations - Proposed Front and rear elevation - Received 09/01/2019

Plans - Proposed East and West elevations and Aerial floor plan - Received 09/01/2019

Landscaping Plan Pages 1 of 2 and 2 of 2 - Received 11/02/2019

Management Plan/Statement 5 year landscape and management report - Received 11/02/2019

Management Plan/Statement Soft landscaping specification - Received 11/02/2019

The application, plans and documents submitted by the Applicant can be viewed online at [www.babergh.gov.uk](http://www.babergh.gov.uk) or [www.midsuffolk.gov.uk](http://www.midsuffolk.gov.uk).

## SUMMARY OF CONSULTATIONS AND REPRESENTATIONS

Baylham Parish Clerk Comments Received - 30/01/2019

The Parish council object for a number of reasons as outlined in their report. they have been summarised below:

- o Impact on the countryside
- o Impact on the highway
- o Impact on the public foot paths
- o Impact on the Special Landscape Area
- o Cumulative impact of Hoses on landscape

they recommend a number of conditions are imposed including screening, parking restrictions, restrictions on the disposal of waste, levels of lighting and the restriction on the use of the stables.

#### Environmental Health - Noise/Odour/Light/Smoke Comments Received - 29/01/2019

I can confirm with respect to noise and other environmental health issues that I do not have any adverse comments and no objection to the proposed development.

#### SCC - Highways Comments Received - 24/01/2019

Notice is hereby given that the County Council as Highway Authority recommends that any permission which that Planning Authority may give should include the conditions shown below:

Condition: No other part of the development hereby permitted shall be commenced until the existing vehicular access has been improved, laid out and completed in all respects in accordance with DM04 and with an entrance width of 5m and radius of 10m. Thereafter the access shall be retained in the specified form.

Reason: In the interests of highway safety to ensure that the layout of the access is properly designed, constructed and provided before the development is commenced. Condition: Prior to the stables hereby permitted being first occupied, the vehicular access onto the highway shall be properly surfaced with a bound material for a minimum distance of 10 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.

Reason: To secure appropriate improvements to the vehicular access in the interests of highway safety. Condition: Before the development is commenced details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained thereafter in its approved form.

Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking and re-enacting that Order with or without modification) no obstruction over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Baylham Parish Council - Comment The following are Baylham Parish views on the above application. If as we move towards decision, a significant diversion from the position expressed develops they will be updated. These objections, lodged by the Parish are based on contravention of, or poor compliance with, existing county or district planning policy or guidelines and the cumulative impact of the proposed development and change of land use on the landscape or environment. Baylham Common and the valley to the south of the village of Baylham are within Suffolk's Special Landscape Area (SLA) of Rolling Valley Farmland. This land is a Heritage Asset. Apart from the arable fields held in trust to the RNIB, the valley running from Hill Farm into Baylham Common has been, and continues to be, broken up into small land parcels under different ownership. This encourages the construction of agricultural and equestrian clutter and potentially a small industrial unit. The Parish Objects to this proposal and asserts that the immediate negative impact on one of the county's SLAs justifies rejection. There are no short- or long-term mitigating proposals for the impact of intrusive fencing. The mitigation for the stable block and parking is inadequate and will take some years to reach maturity. Additionally, there is significant equestrian impact on the countryside surrounding the site particularly on footpaths. The lack of bridleways raises safety concerns for equestrian activity. No temporary storage is provided for stable bedding and horse droppings prior to removal. This is essential for equine welfare. The application indicates that vehicle parking is not relevant. This assumes that no horse boxes, trailers, caravans or any other wheeled vehicle or any other chattel will be parked or placed on the site. This is clearly desirable as they impact

the countryside, but unrealistic. The Parish OBJECTS and recommends rejection of the application. A comprehensive analysis has been submitted by email.

#### Summary of Neighbour Comments -

Owner/Occupier Vine Cottage Comments: Object due to the impact the buildings will have on the landscape as well as the potential for housing.

Owner/Occupier Castaways Comments: objects due to the impact on the Special Landscape area as the collective effect of stables, shelters, sheds and other buildings etc. also object on highways grounds.

#### PLANNING POLICIES

GP01 - Design and layout of development  
SB03 - Retaining visually important open spaces  
CL08 - Protecting wildlife habitats  
CL21 - Facilities for Horse Riding  
RT06 - Sport and recreational facilities in the countryside  
CL02 - Development within special landscape areas  
H16 - Protecting existing residential amenity  
NPPF - National Planning Policy Framework  
T10 - Highway Considerations in Development  
CS05 - Mid Suffolk's Environment  
FC01 - Presumption In Favour Of Sustainable Development  
FC1.1 Mid Suffolk Approach To Delivering Sustainable Development

#### PLANNING HISTORY

REF: DC/18/04402 Full Planning Application - Erection of an agricultural storage building and the creation of hard standing with associated access, landscaping and ancillary works. DECISION: GTD

REF: 0109/93/OL CONVERSION OF REDUNDANT BARNS/CARTSHED TO DWELLING WITH ALTERATION TO EXISTING VEHICULAR ACCESS AND SEPTIC TANK DRAINAGE. DECISION: GTD

#### ASSESSMENT

From an assessment of relevant planning policy and guidance, representations received, the planning designations and other material issues the main planning considerations considered relevant to this case are set out including the reason/s for the decision, any alternative options considered and rejected. Where a decision is taken under a specific express authorisation, the names of any Member of the Council or local government body who has declared a conflict of interest are recorded.

#### Site and Surroundings

The site is at the top of a small valley that rolls down towards The Baylham village rising again just before the village and beyond. The rear gardens of Upper Street in Baylham look across and up the valley to the site which is adjacent to the unnamed road in an agricultural field. The site lies within a Special Landscape Area (SLA).

### Description of the proposal

The proposal is for the erection of a single storey L shaped stable building with a dual pitched roof to form 3 stables and attached storage space. The proposal measures 14.4m long by 3.6 at the narrow edge and 7.04 at the long edge. The projecting long edge forming the storage is 3.6m wide.

### Principle of Development

The National Planning Policy Framework (NPPF) provides that the NPPF "does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise". The principle of the development is acceptable in accordance with the above policies of the development plan. Planning considerations and other material considerations are detailed where relevant below.

### Design and Layout

The design of the stables is not out of character with the proposed use and is in a traditional style in keeping with the rural setting. Furthermore the design of the stables is similar to a number of stables already established in the area and is in keeping with the countryside nature of the site.

With regards to the proposal here, the site is adjacent to an approved agricultural building 4.6m high. Whilst the proposed stables are considerably smaller at 2.75m in height with a smaller foot print, the agricultural building included screening, which is also proposed in this case, with planting of native species to screen the stables, which can be secured by condition. The proposed site is very small and does not intrude heavily in to the valley and will be located behind the proposed planting, to mitigate the impact, which will be further considered in the Landscape section.

Whilst the comments requesting the reorientation are noted the proposed stables are currently parallel with the field boundary and is considered to be less intrusive in to the countryside than if it was perpendicular, as this would result in a greater projection in to the countryside and result in a more prominent development.

The comments regarding the proposed screening are also noted however the amount currently proposed effectively screens the proposal and any further planting is considered to project unduly in to the valley.

Use of land for equestrian purposes is not an out of character use for the countryside and is well established in the area. As a result, given the small area and size of the proposal it does not cause harm to the character of the immediate setting and wider area.

### Landscape Impact

The application site is located on the edge of this Special Landscape Area designation, and the site is situated on the southerly ridge, with the land dropping to the north, towards the village. As such the site is prominent and forms part of view of the Special Landscape Area, and across the valley.

Policy CL2 of the local plan, 'Development within special landscape areas', states that if development takes place within an SLA it should be sensitively designed, with high standards of layout, materials and landscaping.

As noted above the design of the proposal is considered to be a traditional style, in keeping with the rural setting and existing stables. Its impact will be further reduced by planting to the front of the site which is proposed to mitigate the impact of the proposal.

Comments have been received proposing re-orientation of the building, such that the narrowest elevation faces into the SLA and Baylham itself. However, this would result in the proposal extending further into the SLA, as the building is 14.4m in length. Whilst the width is only 7.04m, and it is appreciated that this would limit the amount of built form facing into the SLA in this instance the length of the building that would project is also an important consideration, with the location of the building being kept adjacent to the road, limiting the projection into the SLA. Furthermore, due to the location in the middle of the field a change in orientation would result in an unnatural divide of the field, where as the current orientation maintains the open flat orientation of the boundary. Whilst it is noted that the neighbouring barn is orientated to be perpendicular to the road its location in a separate field along the edge result in the proposal not forming an artificial projection in the middle of the field, as would be the case here if amended in this way. The comments regarding the restriction of chattels on the site are noted any further building ould require planning permission and cars are already restricted. As a result the site is considered to be restricted enough to address the concerns of the parish without unreasonably restricting the site.

The proposal, with appropriate planting mitigation, would comply with the requirements of Local Plan Policy CL2, and is not considered unacceptable in this regard.

Further protection of the impact on the SLA can be controlled by means of conditions to control lighting on the site.

#### Highway Safety (Parking, Access, Layout)

The proposal, subject to the conditions to control the access and visibility splays, is considered acceptable and will not form a safety hazard to the highway.

No parking is proposed on the site and this can be controlled by condition preventing excessive parking within the site.

As a result, the proposal is in accordance with the policies above.

#### Residential Amenity

This proposal would not have an undue harmful impact on any neighbour amenity, as the proposal will not have an impact on levels of light or overlooking received by neighbours due to the large separation distance from neighbouring properties. Conditions will restrict the disposal of waste and installation of external lighting.

As a result, the proposal is considered in accordance with the policies above.

#### Other Matters

Regulation 9(5) of the Conservation of Habitats and Species Regulations 2010 (Implemented 1st April 2010) provides that all "competent authorities" (public bodies) to "have regard to the Habitats Directive in the exercise of its functions." It has been considered that no criminal offence under the 2010 Regulations against any European Protected Species is likely to be committed. There are no recordings of protected species or their habitats within the site or likely to be affected in the immediate area. It is highly unlikely that any protected species would be found within this site and as such this proposal is not considered to be harmful in terms of biodiversity issues.

#### CONCLUSION

The proposed development is not considered to result in any significant adverse impact on highways safety, residential amenity, heritage assets, the environment or biodiversity interests to warrant refusal. Recommendation is to grant permission.

#### RECOMMENDATION

I have considered Human Rights Act 1998 issues raised in relation to this proposal including matters under Article 8 and the First Protocol. I consider that a proper decision in this case may interfere with human rights under Article 8 and/or the First Protocol. I have taken account of exceptions to Article 8 regarding National Security, Public Safety, Economic and wellbeing of the Country, preventing Crime and Disorder, protection of Health and Morals, protecting the Rights and Freedoms of others. I confirm that the decision taken is necessary, not discriminatory and proportionate in all the circumstances of the case.

RECOMMENDED DECISION:       Granted

#### SUGGESTED CONDITIONS OR REASONS

##### 1. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE: COMMENCEMENT TIME LIMIT

The development hereby permitted shall be begun not later than the expiration of three years from the date of this permission.

Reason - To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

##### 2. APPROVED PLANS & DOCUMENTS

The development hereby permitted shall be carried out in accordance with the drawings/documents listed under Section A above and/or such other drawings/documents as may be approved by the Local Planning Authority in writing pursuant to other conditions of this permission or such drawings/documents as may subsequently be approved in writing by the Local Planning Authority as a non material amendment following an application in that regard.

Reason - For the avoidance of doubt and in the interests of proper planning of the development.

##### 3. SPECIFIC RESTRICTION OF DEVELOPMENT : ILLUMINATION RESTRICTION

There shall be no means of external illumination installed and/or operated on/at the site except pursuant to the prior grant of a planning permission on an application made in that regard.

Reason - In the interests of amenity to reduce the impact of night time illumination on the character of the area and in the interests of biodiversity.

##### 4. SPECIFIC RESTRICTION OF DEVELOPMENT: RESTRICTION ON STORAGE OF WASTE

No burning of waste including, contaminated bedding, food containers, manure etc shall take place on site.

Reason - The burning of waste would be harmful to the local amenity, character and appearance of the area.

##### 5. ON GOING REQUIREMENT OF DEVELOPMENT: RESTRICTION ON USE OF STABLES

The stables/loose boxes hereby permitted shall not be used for any commercial riding, breeding or training purposes including livery or riding school activities except pursuant to the grant of planning permission on an application made in that regard.

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

6. SPECIFIC RESTRICTION OF DEVELOPMENT: RESTRICTION ON STORAGE OF WASTE

The use shall not commence until a method of disposal of all manure produced on the site has been submitted to and approved in writing by the Local Planning Authority. Such methods as agreed shall be carried out in full and retained unless otherwise agreed in writing by the Local Planning Authority.

Reason - The improper disposal of waste would be harmful to the local amenity, character and appearance of the area.

7. ACTION REQUIRED IN ACCORDANCE WITH A SPECIFIC TIMETABLE AND ON GOING REQUIREMENT OF DEVELOPMENT: HIGHWAYS - ACCESS LAYOUT

No other part of the development hereby permitted shall be commenced until the existing vehicular access has been improved, laid out and completed in all respects in accordance with DM04 and with an entrance width of 5m and radius of 10m. Thereafter the access shall be retained in the specified form.

Reason: In the interests of highway safety to ensure that the layout of the access is properly designed, constructed and provided before the development is commenced.

8. ACTION REQUIRED PRIOR TO FIRST OCCUPATION: HIGHWAYS - ACCESS SURFACE TREATMENT

Prior to the stables hereby permitted being first occupied, the vehicular access onto the highway shall be properly surfaced with a bound material for a minimum distance of 10 metres from the edge of the metalled carriageway, in accordance with details previously submitted to and approved in writing by the local planning authority.

Reason: To secure appropriate improvements to the vehicular access in the interests of highway safety.

9. ACTION REQUIRED PRIOR TO COMMENCEMENT OF WORKS TO ACCESS: HIGHWAYS - SURFACE WATER DISCHARGE PREVENTION DETAILS REQUIRED.

Prior to the commencement of any works to the access, details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of surface water from the development onto the highway. The approved scheme shall be carried out in its entirety before the access is first used and shall be retained and maintained thereafter in its approved form.

Reason - To prevent hazards caused by flowing water or ice on the highway.

10. ACTION REQUIRED PRIOR TO FIRST USE OF ACCESS: HIGHWAYS - PROVISION OF VISIBILITY SPLAYS

Before the access is first used visibility, splays shall be provided as shown on approved drawings under Section A and thereafter retained and maintained in the specified form. Notwithstanding the provisions of Part 2 Class A of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no obstruction

over 0.6 metres high shall be erected, constructed, planted or permitted to grow within the areas of the visibility splays.

Reason - To ensure vehicles exiting the drive would have sufficient visibility to enter the public highway safely and vehicles on the public highway would have sufficient warning of a vehicle emerging in order to take avoiding action.

11. ON GOING REQUIREMENT OF DEVELOPMENT: TIMESCALE FOR LANDSCAPING

All changes in ground levels, hard landscaping, planting, seeding or turfing shown on the approved landscaping details shall be carried out in full during the first planting and seeding season (October - March inclusive) following the commencement of the development or in such other phased arrangement as may be approved, in writing, by the Local Planning Authority up to the first use or first occupation of the development. Any trees, hedges, shrubs or turf identified within the approved landscaping details (both proposed planting and existing) which die, are removed, seriously damaged or seriously diseased, within a period of 10 years of being planted or in the case of existing planting within a period of 5 years from the commencement of development, shall be replaced in the next planting season with others of similar size and species.

Reason - To ensure that the approved landscaping scheme has sufficient time to establish, in the interests of visual amenity and the character and appearance of the area.

12. ON GOING REQUIREMENT OF DEVELOPMENT: RESTRICTION ON PARKING

The site shall not be used for the parking of more than one horsebox/trailer at any one time. No more than 2 cars shall be parked on the site at any one time.

Reason - In the interests of the amenities of the locality and in the interests of highway safety.

13. ON GOING REQUIREMENT OF DEVELOPMENT: RESTRICTION ON PARKING

Except in the provision of 24hr healthcare for the horses the site shall not be used for the overnight parking of any wheeled vehicle including caravans.

Reason - In the interests of the amenities of the locality and in the interests of highway safety.

14. ON GOING REQUIREMENT OF DEVELOPMENT: RESTRICTION ON PARKING

Prior to the parking of vehicles on the site details of provision of parking areas shall be submitted to and approved in writing by the Local Planning Authority. Such details as may be agreed shall be implemented fully prior to the site being used for parking.

Reason - In the interests of the amenities of the locality and in the interests of highway safety.

NOTES

1. Statement of positive and proactive working in line with the National Planning Policy Framework (NPPF)



The proposal has been assessed with regard to adopted development plan policies, the National Planning Policy Framework and all other material considerations. The NPPF encourages a positive and proactive approach to decision taking, delivery of sustainable development, achievement of high-quality development and working proactively to secure developments that improve the economic, social and environmental conditions of the area. While the applicant did not take advantage of the service, the Council provides a pre-application advice service prior to the submission of any application. The opportunity to discuss a proposal prior to making an application allows potential issues to be raised and addressed pro-actively at an early stage, potentially allowing the Council to make a favourable determination for a greater proportion of applications than if no such service was available.

2. The change of use from agricultural to equestrian use only applies to the site outlined in red on the defined redline plan. If the area outlined in blue is to be used for equestrian purposes, it will require a further change of use application.

Case Officer Signature: Andrew Thornton

Date: