

Equestrian Design

LAWFUL DEVELOPMENT CERTIFICATE APPLICATION

**FOR A NEW STABLE AND ASSOCIATED STORE
BUILDING TO 2 SCOREBY LANE, SCOREBY,
YORK, YO41 1NW.**

SUPPORTING INFORMATION STATEMENT

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1.0 Introduction:

- 1.1 This application is for a Lawful Development Certificate (LDC) for the erection of two timber buildings to create 2 stables in one building and two store areas in the other building, together with a small associated yard area – as indicated on the submission drawings – within the curtilage of 2 Scoreby Lane. The application is made under Part 1 Class E of the General Permitted Development Order (GPDO).
- 1.2 The proposed new buildings are to be used solely for keeping the applicant's own horses and storage of their feed, bedding, tack and equipment. The proposed new buildings will replace the two mobile buildings presently on the field to the immediate west of the site, which will meet the welfare needs of the applicant's horses.
- 1.3 This statement is intended to provide contextual, supplementary information to aid the determination of the proposal.
- 1.4 Given that the relevant permitted development rights only apply within a curtilage in itself deemed lawful, it is pertinent to note at the outset of this submission that the applicant has lived at 2 Scoreby Lane for in excess of 10 years and has used the application area as a garden continuously and without interruption since moving there. The appended Google Earth Images clearly demonstrate that this is the case as do the attached sworn declarations. It is further pertinent to note that the applicant recognises and accepts that it is an offence to provide false or misleading information or to withhold information with intent to deceive. The applicants understand that the application area was in use by the previous occupants of the property as residential curtilage for a substantial number of years before they bought the property i.e. significantly in excess of the plus ten years the applicant has done so
- 1.5 Case Law makes it clear that the onus of proof is based on a test centred on the 'balance of probability' as opposed to that of 'beyond all reasonable doubt', so therefore it is clear that the ongoing use of the application area as residential curtilage is lawful, in that a change of use to enable such occurred well in excess of ten years ago, with any ongoing use now beyond enforcement action– as set out within Section 171B of the Town and Country Planning Act 1990.

- 1.6 The proposed stable, store and small yard area are to be used solely for the keeping of the applicants' own horses and storage of feed, bedding and equipment, as opposed to any commercial use.

2.0 Site and Application Context:

- 2.1 2 Scoreby Lane is an attractive semi-detached property, in a rural location, set within its own substantial garden. The adjacent 2.75 acre field, which is currently used for grazing the applicant's own horses, is in the same ownership.
- 2.2 The applicant and their immediate family members have been involved with and owned horses for much of their lives. They currently own two horses and train and compete in a number of equestrian disciplines including dressage, show jumping and pony carriage. They also enjoy hacking out and pleasure riding.
- 2.3 Beyond the formal gardens at the property, the adjoining 2.75 acres of land are already in use for the keeping and grazing of horses and remain well suited to do so in the future.
- 2.4 The applicant has tried and failed to gain planning approval for stables – to meet the basic welfare needs of their horses – on the adjacent grazing land. Most recently, they introduced mobile stables and an ancillary store on the land, in response to the need for much needed welfare facilities, but these mobile structures are now the subject of an enforcement appeal.

3.0 The Proposal: Details and Design Principles

- 3.1 Notwithstanding that the now proposed stables store buildings can be pursued via permitted development rights, consideration has nevertheless been afforded to their design approach to ensure they are of an appropriate quality and that ultimately they integrate into their setting.

Buildings

- 3.2 Stabling is required for all of the applicant's horses as well as provision for the storage of the horses feed, hay, bedding and equestrian equipment.

- 3.3 In terms of storage provision at the site, dedicated space is required for a multitude of ancillary needs. This includes the storage of feed, bedding, tack and maintenance equipment all of which need to be kept in a dry, contained and secure environment.
- 3.4 With regards to feed, grazing forms a key part of the diet of the applicant's horses, alongside a complement of other hard feeds including a mixture of oats, barley, bran, horse nut mixes, lucie stalks, lucie nuts, top nosh, grass pellets, sugar beet and also natural supplements such as seaweed. Aside from these supplements internal (secure and dry) storage is also required for hay with this also forming a staple part of their horse's diets.
- 3.5 In terms of the bedding requirement for the horses the applicant will use both straw and shavings for bedding and each horse will require the equivalent of two hay-bale sizes of straw or two bales of shavings for bedding each week, which equates to a sizeable forward supply being required.
- 3.6 Storage space is also required to keep the different types of tack associated with everyday care of the horses and for each of the equestrian disciplines the family train and compete with some of their horses in. This includes saddles, saddle pads, saddle girths, rugs, bridles, reins, leg boots, various different stirrups as well as tack cleaners, care products and grooming equipment, which in addition to needing to be kept inside, within secure and dry storage, are also expensive and require internal storage not least for insurance purposes.
- 3.7 In response to these needs the two building arrangement has been deemed to offer the most practical and holistic solution. This approach is beneficial for a number of reasons including being able to make use of the mobile stables currently in use on the adjacent field, should the enforcement appeal be unsuccessful.
- 3.8 With regards to external appearance, the preferred design solution is indicated on the submitted drawings but in summary sees a corrugated onduline sheeting roof with the exterior walls clad in timber. This traditional approach ensures the character of the buildings are not necessarily conspicuous within a residential curtilage, being tantamount to the approach widely employed in such circumstances for stables, garages, sheds and other ancillary buildings, including to a great degree, the garden buildings already present in the existing garden.

Siting

- 3.9 The preferred design solution is to site the new buildings to the west of the applicants dwelling, on level ground and where screening is strong towards the east and north. Importantly the siting has also been influenced by a need to site the new building outside of any tree root zones.
- 3.10 The proposed position also acts to avoid any adverse impact on the amenity of the applicant's dwelling, notwithstanding that the scale of the proposal and its domestic nature is such that scope for conflict would in any event be limited.

Enclosure

- 3.11 The proposed new buildings are not to be segregated from the remainder of the curtilage in any way.

Lighting

- 3.12 Low key domestic grade PIR security lights will be fitted at the building entrance points.

Access

- 3.13 Access arrangements to the site would remain entirely unchanged, with the points of entry to the highway network and adjacent field, remaining unchanged; this acts to reinforce the ancillary and hence incidental purpose of the new buildings and keeping of horses linked to the enjoyment of the dwelling house.

Traffic Generation

- 3.14 Since the proposal is immediately adjacent to and incidental to the applicant's dwelling, and that the wider land is already in use for the keeping and grazing of the applicant's horses, the new buildings would not result in a material increase in trips above existing levels.

Flood Risk and Drainage

- 3.15 The curtilage of 2 Scoreby Lane is not situated in a known flood risk area which is recognised by the Environment Agency's flood risk designation mapping. There is no known significant risk of flooding from any other source.
- 3.16 With regards to foul water run-off from the stables, there will not be any because when being kept in the stables, the horses will be bedded on straw/wood pellets/or wooden shavings. This bedding material will soak up any liquids generated by the horses within the stables and as the bedding needs to be dry for their comfort, health and well being, it will be maintained and changed as and when required so liquid run off from the stables themselves will not occur. Any foul solids and fouled bedding from within the stables will be removed on a regular basis, during the continuous maintenance of the bedding material and this is to be stored in an existing covered manure trailer already kept on the site (and which does not require planning approval).
- 3.17 Any rainwater produced from the downspouts of the new stables will be harvested in water butts and utilised for the horses drinking needs and the wider garden.

Manure Management

- 3.18 Good manure management arrangements are already in place at the site. All collected manure and soiled bedding will continue to be kept/stored/contained within a sealed and covered manure trailer until it requires removal and disposal. The applicants will continue to arrange for a suitable local contractor to empty and return the trailer on the same day, as and when required, approximately every 4 to 6 weeks or so.

Grazing

- 3.19 The British Horse Society's guidelines indicate that approximately 1 acre per horse is required for grazing, with the adjoining pasture outside of the defined curtilage of 2 Scoreby Lane also in the ownership of the applicant and hence fulfilling grazing needs.

Trees

- 3.20 A visual assessment of the existing trees in closest proximity to the proposed new buildings have been undertaken and all appear to be in good condition. The storage of any building materials during the construction process is also to be kept no closer to the trees, than the extent of the footprint of the proposed buildings.

Security

- 3.21 Security is not a substantial concern for the applicant given the location within their garden and hence proximity to their dwelling.

4.0 Compliance with Part 1 Class E of the General Permitted Development Order (GPDO)

- 4.1 This application seeks a Lawful Development Certificate (LDC) for the erection of a stable and associated tack / feed store within the curtilage of 2 Scoreby Lane. The application is made under Part 1 Class E of the General Permitted Development Order (GPDO) which provides permitted development rights within the area surrounding a house ('the curtilage') for:

- a. any building or enclosure, swimming or other pool required for **a purpose incidental to the enjoyment of the dwellinghouse** as such, or the maintenance, improvement or other alteration of such a building or enclosure; or
- b. a container used for domestic heating purposes for the storage of oil or liquid petroleum gas;

- 4.2 Paragraph E.4 of Class E states that for the purposes of Class E 'purpose incidental to the enjoyment of the dwelling house as such' includes the keeping of poultry bees, pet animals, birds or other livestock for the domestic needs or **personal enjoyment of the dwelling house**."

- 4.3 The term 'incidental to the enjoyment of the dwelling house' has been employed in planning legislation since the inception of the modern system of development control in 1948. Unfortunately, the term is not defined by the Town and Country Planning Act nor the GPDO, with the exception of the aforementioned general note to Class E at paragraph E.4. In the absence of a firm definition case law is therefore undoubtedly relied upon to help

substantiate what does or does not constitute a use incidental to the enjoyment of a dwelling house.

- 4.4 Case law makes clear that the keeping of horses within the garden of an on-going dwelling is not considered to be development and hence is widely accepted as being a use incidental to the enjoyment of a dwelling house. A review of case law identifies that the main factors considered by Inspectors in determining whether the keeping of horses can be considered incidental to the enjoyment of a dwelling house or not includes whether:

the activity is more intense than might reasonably be expected having regard to the size of the property, or when there is non-family use

the activity would have a detrimental impact on the amenity of others and hence be considered un-neighbourly by reason of impact from noise and smell

the amenity impact would be out of character with the nature of the surrounding residential area

- 4.5 It is considered that this proposal comfortably falls within the definition of 'incidental to the enjoyment of a dwelling house' and hence should benefit from Part 1 Class E permitted development rights for the following reasoning:

The stables are to be fully integrated into and constitute a feature within the garden as opposed to being severed to the point of representing a separate planning unit

Being for only two horses the proposal is undoubtedly small-scale in nature, takes up only a minor element of the available garden space and hence is not more intense than would reasonably be expected having regard to the size of the property and its curtilage.

The proposal relates to personal use and the housing of the applicants personal horses (and their ancillary storage needs) as opposed to any commercial basis, livery for friends or rescue horses / ponies.

Following on from the above, the horses constitute the applicant and their family's pets in addition to their hobby. Ongoing success when competing is dependent on a close and trusting relationship between horse and rider and in this regard the bond shared is indistinguishable from those who take pleasure from for example the keeping of dogs, cats or birds.

4.6 It is recognised that Part 1 Class E of the GPDO entails certain exemptions and an assessment against those of relevance, in order to demonstrate the proposals compliance with them, is set out below:

a. *the total area of ground covered by buildings, enclosures and containers within the curtilage (other than the original dwelling house) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwelling house).*

The submitted plans make clear that this would evidently not be the case.

b. *any part of the building, enclosure pool or container would be situated on land forward of a wall forming the principal elevation of the original dwelling house*

The submitted plans make clear that this would evidently not be the case.

c. *The building would have more than one storey*

The proposal is for a single storey building.

d. *The height of the building enclosure or container would exceed 4 metres in the case of a building with a dual-pitched roof, 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwelling house, or 3 metres in any other case*

The submitted plans identify that the building is in excess of 2m from the boundary and that its highest point will not exceed 4 meters.

e. *The height of the eaves of the building would exceed 2.5 metres.*

The submitted plans identify that the eaves of the building will not exceed 2.5 metres.

f. *The building, enclosure, pool or container would be situated within the curtilage of a listed building.*

The dwelling house nor any of the adjoining properties are statutory listed.

g. it would include the construction or provision of a verandah, balcony or raised platform.

The proposal does not entail any veranda, balcony or raised platform.

5.0 Conclusions:

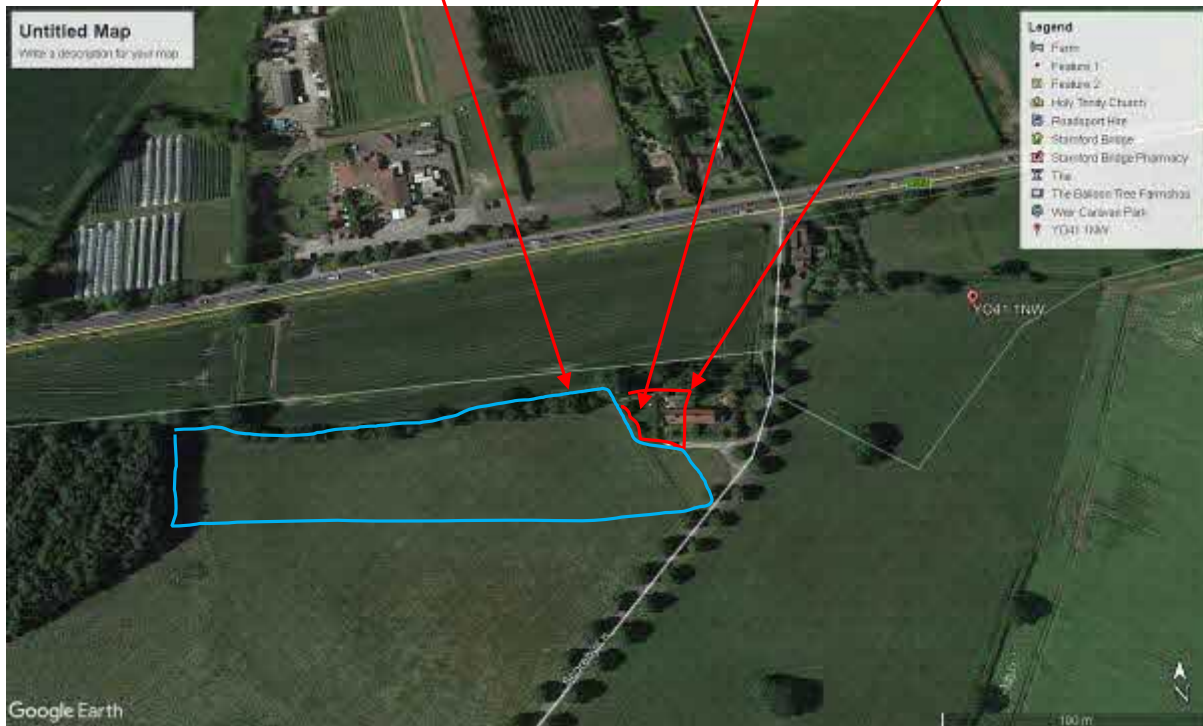
- 5.1 It is considered that this supporting statement demonstrates beyond reasonable doubt that this proposal should be considered as incidental to the enjoyment of a dwelling house and as such should benefit from Part 1 Class E permitted development rights. Accordingly, a planning application is not required and hence it is contended that this lawful development certificate should be approved without delay.
- 5.2 In the event the local planning authority do not concur with this view, the applicant looks forward to positively engaging with the authority to secure a solution, as is advocated by the Framework. In this regard the applicant considers the submission of this application as constituting the start of a positive dialogue with the local planning authority, and looks forward to any potential issues being communicated at the earliest possible opportunity.

APPENDIX 1 – VIEWS OF THE EXISTING SITE

Google Images of the site



Application site field ownership boundary building position house boundary





View of the site from the west



View of the site from the south



View from the A166 – Roman Road



View of the existing garden buildings

APPENDIX 2 – PHOTOGRAPHS OF PROPOSED STABLE CONSTRUCTION



Section of the proposed stable construction. Timber stud construction with horizontal weatherboarding to the external face and finished internally with timber sheeting, such as plywood or OSB



Typical example of corrugated roof sheeting

APPENDIX 3 – HISTORIC GOOGLE EARTH IMAGES OF THE SITE



Sept 2012



April 2015



August 2016



July 2017



June 2018



July 2020

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