

**20/02623/FUL****Applicant** Miss Jen Harvey**Location** Land West Of Pasture Lane Sutton Bonington Nottinghamshire**Proposal** Erection of an equestrian stable block, with outdoor manège, associated car parking and access. Stable block with eight stable pens, hay store and tack room, used as a full livery yard. (Resubmission)**Ward** Sutton Bonington**THE SITE AND SURROUNDINGS**

1. The application site comprises a large broadly triangular open field to the west of Sutton Bonington, accessed off Pasture Lane which runs along the south east boundary of the site. The site is currently in use for grazing. The field is fairly flat, bound by a hedge and post-and-wire fence with some mature tree planting along the Pasture Lane frontage. There is a cluster of modern residential properties immediately to the east of the site at Pasture Close (approved under planning reference 06/01291/FUL). A public footpath runs through the middle of the site, with access off Pasture Lane, adjacent to the site of the proposed vehicular access to the site. The site falls within Flood Zone 3 (high flood risk).

**DETAILS OF THE PROPOSAL**

2. The application seeks planning permission for a commercial livery comprising an eight-bay stable block with hay store and tack room, a manege, and associated parking and access. The stable would comprise a timber building measuring 32.5 metres in width and 3.8 metres in depth, with a 2.9 metre deep single storey rear projection at the eastern end. The roof would comprise corrugated Onduline sheeting measuring 2.1 metres to the eaves and 3 metres to the ridge. The stable would be positioned close to the Pasture Lane frontage.
3. The proposed manege would be sited to the rear of the stables. This would comprise a rectangular area measuring 20 x 40 metres, filled with sand and synthetic fibres and enclosed with a post-and-rail fence. A gravel car park is proposed in the north east corner of the site comprising 8 car parking spaces and 4 trailer spaces. A vehicular access would be formed off Pasture Lane to the north east corner of the site.

**SITE HISTORY**

4. 20/00964/FUL - Erection of an equestrian stable block, with outdoor manège, associated car parking and access. Stable block with eight stable pens, hay store and tack room, used as a full livery yard. Withdrawn in 2020.

## REPRESENTATIONS

### Ward Councillor(s)

5. There is currently no Ward Councillor for the area, however, Cllr Upton as substitute councillor for the area does not object.

### Town/Parish Council

6. Sutton Bonington Parish Council commented on the application with the points summarised as follows:
  - a. The suggested access and highway improvements are inadequate, Pasture Lane will need widening and improving up to and slightly beyond the suggested access point.
  - b. The stable will attract large horse boxes/trailer vehicles requiring large turning circles/manoeuvring space.
  - c. The proposal would lead to verges being overrun
  - d. The existing public footpath is likely to get severely churned up - the need to address this was highlighted prior to submission.
  - e. An alternative access route for horse traffic is needed

### Statutory and Other Consultees

7. The Environment Agency initially objected to the application due to the absence of an acceptable Flood Risk Assessment (FRA). The applicant subsequently provided an FRA.
8. Following the receipt of an FRA, the Environment Agency provided further comments. They note that the site is in a functional floodplain. If the Local Planning Authority deem to classify the development as 'water compatible', then a planning condition should be included requiring the development to be carried out in accordance with the submitted Flood Risk Assessment, specifically the mitigation measures in section 9.1 and Figure 17 of the FRA.
9. The Nottinghamshire County Council as Lead Local Flood Authority do not wish to make specific comments on the application, however they provide standing advice as detailed in their consultee response.
10. The Nottinghamshire County Council as Highways Authority note that the proposal would result in additional traffic, impacting on the public bridleway. As such, the section of Pasture Lane leading to the site requires upgraded surfacing to prevent further degradation along with widening to accommodate two-way traffic. The parking and turning provision are considered acceptable. They suggested that the application should be deferred so that further information can be provided.
11. The Highway Authority also forwarded comments from the Rights of Way team. Rights of Way do not object as the path is fenced on both sides to an acceptable width. They request the applicant considers compacted stone surfacing at any equine/vehicular crossing point of the path and that the design of the site infrastructure allows it to freely drain avoiding the possible retention of water upon the footpath following high rainfall or flood events. The footpath

should remain open at all times, unless a temporary closure has been agreed with Highways.

12. The Highway Authority provided further comments following the receipt of a supporting statement from the applicant's highways consultant. The site currently accommodates 9 horses, of which two are owned by the applicant, and 7 by others. The supporting statement states that the site lacks livery services, the other horse owners currently visit the site twice daily, as well as other vehicle movements associated with vets, farriers and associated service providers. It is argued that the proposal for a full livery service will actually result in a reduction in vehicle movements, with less need for the owners to visit as regularly as at present.
13. However, it is understood that the current equestrian use of the agricultural fields requires planning permission, which has not been applied for, and is therefore unauthorised. Unauthorised and the associated vehicle movements cannot be considered to offset the impact of the proposed development. The actual current permitted use for the site would generate much fewer vehicle movements than suggested by the applicant. The proposal would result in additional traffic to and from the site, impacting on the public bridleway which is in a poor state. The section of Pasture Lane leading to the site would therefore require widening and an upgraded surface. The Highway Authority are unable to recommend approval of the application in its current form, and further information should be submitted to address these concerns.
14. The Ramblers comment that whilst it is difficult to object to the application purely from a Rambler's perspective, they have serious concerns about the nature of Pasture Lane and the proposed access arrangements. There are concerns about the narrowness of Pasture Lane if there is an increase in traffic in the form of larger vehicles towing trailers, or lorries. There could be issues with vehicles trying to pass, although the adequacy of the lane is for technical departments to assess. Without knowing the traffic volume, it is hard to assess the impact on walkers along this lane. The proximity of the proposed site access to the footpath is a concern. Potential visual impact walking in a NE direction. Potential impact on ridge and furrow pasture.
15. East Midlands Airport have no aerodrome safeguarding objections to the proposal subject to a condition that all exterior lighting is to be capped at the horizontal with no upward light spill.
16. The Borough Council's Environmental Health Officer notes that the applicant has provided some details on the waste management proposed at the stables, however there are no details provided on the frequency of the disposal of the manure from the site. In order to ensure that they can be confident the waste management process will be acceptable and create no issues with odours, further details are requested on the frequency of the waste disposal from the site.
17. The Borough Council's Environmental Sustainability Officer notes that the submitted Preliminary Ecological Appraisal was completed in February 2020, which is outside of the optimal time period for flora surveys, but can be used to assess where further surveys are likely to be required. The survey appears to have been carried out according to good practice and is in date. A number of recommendations are detailed in the consultee response.

**Local Residents and the General Public**

18. 24 representations objecting to the proposal have been received from neighbours/members of public with the comments summarised as follows:
- a. Increased traffic volumes
  - b. Risk to users of Pasture Lane i.e. pedestrians
  - c. Insufficient width for two vehicles to pass
  - d. Would be difficult for horseboxes/ trailers to reverse safely if oncoming traffic is encountered
  - e. Further erosion of the track and verges
  - f. Will increase flooding issues. Would add to existing surface water issues. Impact on the function of the flood plain
  - g. Existing drainage system inadequate
  - h. Impact on ability to remove storm water from houses
  - i. Visual impact of buildings and hardstanding, equipment and horseboxes/ high-sided trailers
  - j. Loss of unobstructed views towards the river
  - k. Hazard of further congestion on Main St - Pasture Lane junction
  - l. Would result in increase in large vehicles i.e. trailers
  - m. Would operate all year round, potentially antisocial hours
  - n. Blind exit of the footpath onto the road
  - o. Pedestrian visibility issues on Pasture Lane. New entrance is a pedestrian hazard
  - p. Impact of the application on the road condition, including the small bridge
  - q. Potential damage to hedges and tree roots from vehicles
  - r. Impact of proposed access on trees/hedges - there is already a vehicular access further along Pasture Lane
  - s. Risk to footpath users from manoeuvring vehicles i.e. trailers
  - t. Horses may present a risk to users of the footpath
  - u. Footpath may be churned up by horses and impassable
  - v. Impact on historic ridge and furrow pasture

- w. Traffic noise impacts
- x. Potential lighting impacts
- y. Odour impacts from stored manure
- z. Additional water supply to service stables could add to flooding
- aa. Unlikely that it would benefit local business and amenities
- bb. Query if a toilet block would be required
- cc. No information on local demand for the proposal - customers may not be local, resulting in private vehicle use
- dd. Route of footpath not shown on HAS drawings, making hard to assess the impact on the footpath
- ee. Concern that demand could outstrip the proposed parking. Increased on street parking could make pasture lane impassable for larger vehicles
- ff. The stables must contribute to the maintenance of the road
- gg. Likely future increase in facilities due to the size of the site
- hh. Land can become waterlogged in winter, not good for horses
- ii. Could lead to further development
- jj. Horses already in the field and horsebox parked on the road for several months

## **PLANNING POLICY**

19. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) and the Local Plan Part 2: Land and Planning Policies (LPP2), which was adopted on 8 October 2019. Other material considerations include the 2019 National Planning Policy Framework (NPPF), and the National Planning Practice Guidance (the Guidance).

### **Relevant National Planning Policies and Guidance**

20. The relevant national policy considerations for this proposal are those contained within the NPPF (2019) and the proposal should be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF. In accordance with paragraph 11c), development proposals that accord with an up-to-date development plan should be approved without delay.
21. The proposal falls to be considered under section 12 of the NPPF (Achieving well- designed places) and it should be ensured that the development satisfies the criteria outlined under paragraph 127. Development should function well

and add to the overall quality of the area, not just in the short term but over the lifetime of the development. In line with paragraph 130, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

22. The site falls within an area of flood risk. Paragraph 155 of the NPPF sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

### **Relevant Local Planning Policies and Guidance**

23. LPP1 Policy 1 reinforces the need for a positive and proactive approach to planning decision making that reflects the presumption in favour of sustainable development contained in the NPPF. The proposal falls to be considered under LPP1 Policy 10 (Design and Enhancing Local Identity). Development should make a positive contribution to the public realm and sense of place, and should have regard to the local context and reinforce local characteristics. Development shall be assessed in terms of the criteria listed under section 2 of Policy 10.
24. The proposal falls to be considered under Policy 1 (Development Requirements) of the LPP2 which states that Planning permission for new development, changes of use, conversions or extensions will be granted provided that, where relevant, the criteria listed under this policy are met. As the site lies outside of the settlement, the proposal falls to be considered under Policy 22 (Development within the Countryside). The site is within a high flood risk area and the proposal therefore falls to be considered under Policy 17 (Managing Flood Risk).

### **APPRAISAL**

25. The current application is a resubmission following the withdrawal of application 20/00964/FUL. This previous application was withdrawn on the basis of a technical objection from the Environment Agency and a recommendation from the Highways Authority due to an absence of sufficient information on parking and access arrangements.
26. The Environment Agency objected to the previous application on the basis that the development was considered to be within a flood risk vulnerable category not compatible with its location within Flood Zone 3. Following the withdrawal of the application, discussions took place with the applicant and a revised Flood Risk Assessment has been provided as part of the current application, which confirms that the use of the site for the keeping of horses would be a 'water compatible use'. To avoid the risk of flooding elsewhere, the FRA recommends the use of soakaways for the discharge of any surface water.
27. Subject to the use being considered 'water compatible' the Environment Agency do not raise any objections to the current application, however to comply with the requirements of the NPPF they request that the mitigation measures detailed in the FRA in relation to a water entry strategy for the

buildings should be secured by way of a condition in the event that planning permission is granted.

28. The current application includes supporting plans provided by a highway consultant which show the layout of the proposed car and trailer parking spaces including vehicular tracking, thus addressing the concern raised by the Highway Authority in their comments on the previous application. The Highway Authority consider that the turning and parking provision is acceptable. However, they maintain their objection on the basis that the proposal would result in increased vehicle movements at the site, impacting on the bridleway which provides a substandard level of access for the level of vehicle movements anticipated.
29. The applicant has suggested that the proposed livery would generate fewer trips than the existing use of the site, which currently accommodates 9 horses, two owned by the applicant and 7 others. As the site currently lacks livery services, the use of the site results in vehicle movements associated with twice-daily visits by owners, as well as other vehicle movements associated with vets, farriers and associated service providers. The applicant therefore argues that a full livery service would negate some of these vehicle movements.
30. It should, however, be noted that the site is agricultural land with no existing planning consent for a change the use of the land to equestrian use. As such, the proposed stables would result in increased vehicle movements beyond the existing authorised use of the land, which is restricted to the grazing of livestock. The proposed stables and livery service would thus result in an intensification of the use of Pasture Lane compared with the authorised use.
31. Access to the site is via a single width track leading from the tarmacked part of Pasture Lane, which terminates at the junction with Pasture Close. The section of Pasture Lane running from the end of the metalled area up to the site access is in a poor state of repair, resulting in mud being carried onto the road. The width of the road is also considered substandard. The Highway Authority therefore request that this section of Pasture Lane is widened and its surface upgraded in light of the increased intensification of use. However, the applicant's highway consultant maintains that the level of work required and associate expenditure is not justified.
32. In terms of residential amenity, the closest properties are at Pasture Close to the north east. The proposed stables and manege would be approximately 83m and 92m respectively from the closest property at No. 3. It is not considered that the proposed livery use would unduly impact upon the amenities of these neighbours given the separation distance.
33. The application falls to be considered under Policy 22 of the LPP2 as a development in the countryside. Section 2 of this policy lists appropriate forms of development in the countryside, which include agriculture, equestrian, forestry and other uses requiring a rural location. The proposed equestrian use is thus an appropriate form of development in the countryside. The proposal therefore falls to be considered under the requirements listed under section 3 of this policy. Of particular relevance is criterion 3a) whereby development should conserve and enhance the appearance and character of the landscape, including its historic character and features such as habitats, views, settlement

pattern, rivers, watercourses, field patterns, industrial heritage and local distinctiveness.

34. In terms of visual impact, the development would be confined to the north east corner of the site closest to the edge of the settlement. The stable building would be located on the edge of the site, close to the boundary with Pasture Lane, therefore retaining the majority of the field open and free from development. Whilst the proposed eight bay stable building would be fairly substantial in length, it would be a modest height timber structure that would not appear at odds with the rural setting. The stable would be sited on relatively flat ground with long distance views from the south limited by the tree screening along Pasture Lane, and a backdrop of two storey properties to the north east on Pasture Close. The proposed manege would be enclosed by a post and rail fence and it would not therefore appear prominent in the landscape. It is not considered that the development would appear overly prominent or that it would unduly harm the rural character of the area.
35. A footpath runs across the application site. The layout plan shows that the path would run behind the proposed stables, manege and car park. The Rights of Way Team confirm that the path is fenced to both sides to an acceptable width, therefore the proposal would not impact on its route. They request that the applicant considers compacted stone surfacing at any points where there is an equine/vehicular crossing point, to maintain the integrity of the path.
36. Although the proposal would comprise an appropriate form of development in the countryside, and a 'water compatible' form of development in a high flood risk area, the proposal would result in an intensification of the use of Pasture Lane, which currently provides a substandard level of access both in terms of its narrow width and poor condition. Despite discussions with the applicant in an attempt to address the issue, it has not been possible to agree any improvements to Pasture Lane and therefore the highway objections remain.
37. There is a fundamental objection to the proposal and it is considered that this cannot be overcome. However, discussions have taken place with the applicant in an attempt to address a number of issues and to limit the reasons put forward in the officer recommendation to refuse the application.

## **RECOMMENDATION**

It is RECOMMENDED that planning permission be refused for the following reason(s)

1. The proposed development would be accessed via a shared highway and public bridleway that is substandard in width and in a poor condition. The proposal would result in increased vehicle movements and an intensification of the use of Pasture Lane, leading to further degradation of the highway and bridleway. The width of the highway is insufficient to allow a two-way flow of traffic. The proposed development would therefore be served by an unacceptable highway access to the detriment of highway safety and public amenity.

The proposal would be contrary to Policy 1 (Development Requirements) of the Local Plan Part 2: Land and Planning Policies, which states that permission for new development, changes of use, conversion or extensions would normally be granted provided that, inter alia;



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“a suitable means of access can be provided to the development without detriment to the amenity of adjacent properties or highway safety and the provision of parking is in accordance with advice provided by the Highways Authority;”