

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Planning Committee 5 October 2011  
**AUTHOR/S:** Executive Director (Operational Services) / Corporate Manager (Planning and New Communities)

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### **S/1241/11 – TADLOW**

**Change of use of land for the keeping of horses, retention and re-location of existing field shelters and the erection of stable block for four horses and riding area for private use – 44 High Street for Mr & Mrs Charles Bateman**

**Recommendation: Conditional Approval**

**Date for Determination: 31 August 2011**

#### **Notes:**

**This Application has been reported to the Planning Committee as the officer recommendation differs from that of the Parish Council.**

**Members will visit the Site on 4 October 2011.**

#### **Site and Proposal**

1. 44 High Street is a semi detached two-storey dwellinghouse. The dwelling has been extended significantly over time and is served by a large defined parking area to the front that is shown on plan to be sufficient to park at least 5 domestic vehicles.
2. To the rear of the site is a typical domestic garden area and beyond this there is approximately 9 acres of agricultural land that is within the ownership of the occupants of no.44 High Street. This land is grassed and fenced by a timber post and rail boundary treatment and rises gently to the south west.
3. It is apparent that this land to the rear of the site has been used for the keeping of horses for an undetermined period of time and that there has been no planning permission granted for this use in the past.
4. Tadlow is a small linear village served only by a relatively narrow High Street, there is no through access and limited turning available other than private driveways.
5. Surrounding development predominantly comprises residential properties, which are limited to that on either side of Tadlow High Street. The development framework boundary runs along the rear boundary of residential gardens on either side of Tadlow High Street and therefore in policy terms the application site is within the defined countryside. More generally the countryside forms the setting of the village and comprises large arable fields separated by hedgerows.
6. The proposal seeks to regularise the use of the land to the rear of the site for the keeping of horses and to erect a four-bay stable block and riding arena on the site. In addition it is proposed to retain a two-bay field shelter on the site, this is considered to provide potential stabling for a further two horses although at present is used for feed

and tack. The application is a resubmission of planning application ref. S/0475/11 that refused permission for a similar scheme albeit for the erection of a 12 bay stable.

7. A transport method statement accompanies the application.

### **Planning History**

8. S/0475/11 – For the Erection of a Stable Block and Riding Arena for Private Use – Refused due to harm to highway safety, residential amenity (from the potential obstruction of the highway) and inadequate access for horses.

### **Planning Policy**

9. **South Cambridgeshire Local Development Framework Development Control Policies DPD 2007:**

DP/1 Sustainable Development  
DP/2 Design of New Development  
DP/3 Development Criteria  
DP/7 Development Frameworks  
NE/15 Noise Pollution

10. **South Cambridgeshire Local Development Framework Development Supplementary Planning Documents:**

District Design Guide SPD – Adopted March 2010

### **Consultations**

11. **Tadlow Parish Meeting** – Recommends refusal for the following reasons:

- Inadequate access to the site
- Impact upon residential amenity in terms of noise, smell, light and vermin
- Environmental pollution from the muckheap
- Uncertainty about the number of horses proposed to be kept on site
- Health and Safety risk from the loading and unloading of horses on the highway.

12. **Environmental Health Officer** – Having regard to noise and environmental pollution raises no significant objections to the proposals but does suggest that it may be reasonable to condition the location of any muck heap away from residential dwellings.

13. **Cambridgeshire Fire & Rescue** – No comments received.

14. **Local Highways Authority** - Following the submission of an amended transport statement raises no objections to the proposals but advises that any permission granted should be subject to a conditional requirement ensuring the use is carried out in strict accordance with the submitted Transport Method Statement.

15. **Environment Agency** - Raises no objection to the proposals and recommends a conditional requirement to agree a scheme for the provision and implementation of pollution control to the water environment.

## **Representations**

16. Representation received from Cllr Murfitt raising the following concerns for the proposals:
  - Breach of environmental laws
  - Highway Safety - Inappropriate access for vehicles and horses
  - Impact upon the residential amenity of neighbouring properties in terms of noise and disturbance and insects
  - Uncertainty over the commercial use of the site
  - Health and Safety legislation
  
17. 5 letters of representation received from the occupants of 40, 43, 46, 53, Apsley House, High Street raising the following concerns for the proposals:
  - Highway safety - Inappropriate access and turning for horse delivery and service vehicles
  - Inappropriate access for horses into the site
  - Increased traffic
  - Damage to the highway
  - Noise and disturbance from traffic and from horses on site
  - Increased visitors to the village
  - Health and safety
  - Light pollution
  - Vermin and insects
  - Odour
  - Flood risk
  - Concern that the site will have a commercial use
  - Risk in unloading horses on the front drive
  - Suggestions that the Transport Statement (as amended) is unfeasible with regard to the unloading of horses

## **Planning Comments – Key Issues**

18. The key issues to consider in this instance are the impact of proposals upon the character and appearance of the countryside, highway safety, the residential amenity of neighboring dwellings and whether the proposals overcome the previous reasons for refusal of planning application ref S/1241/11.

## **Character and Appearance**

19. The proposed stables are sited to the rear of the existing dwellinghouse. Due to the fact that the development site is largely screened from High Street by existing residential development the proposed structure would not be significantly visible from this part of the public realm. There may be views afforded across the site from the recreation area that lies to the south, however the proposed use is countryside compatible and the structures are of an appropriate scale, form and appearance so as not to appear unduly prominent or incongruous in the countryside setting.
  
20. Taking the above into consideration there is not considered to be a significant visual impact upon the character and appearance of the surrounding countryside in this instance.

## **Residential Amenity**

21. The proposed stable structure is sited approximately 34m away from the nearest residential property and the structure is low with a ridge height of approximately 2.9m. The riding arena is proposed to be sited to the rear of the stable block.
22. By virtue of the small scale nature and spatial relationship with neighbouring dwellings the structures are not considered to have a significant impact upon residential amenity in terms of overbearing or loss of daylight/sunlight.
23. Letters of representation received raise concerns for noise disturbance from the keeping of horses of the land; neighing, hooves striking the ground etc. Whilst a degree of noise could be expected from such a use of the site it is not considered to be materially different from that associated with the keeping of horses for grazing or the keeping of other livestock i.e. goats, sheep or chickens on the site which could occur without planning control. In addition the scheme proposes the erection of four stables which would naturally limit the total number of horses to be stabled on the site at any one time and would thus restrict the potential for noise and disturbance by the animals. It would be reasonable to limit the maximum number of horses on the site in part for this reason.
24. Further to this the Council's Environmental Health Officer does not consider that noise levels associated with the use would constitute a statutory nuisance. To this end it is not considered that noise impact is sufficient to warrant refusal of the application in this instance.
25. Concerns have been raised for the impact upon amenity from odour from the use of the site. It has to be noted that the site at present comprises agricultural land and that there is a greater propensity for odour related to rural uses in such locations compared to more urban locations. Notwithstanding this, the Council's Environment Health Officer raises no concerns on grounds of odour other than to advise that a condition to agree the location of the proposed muckheap away from adjacent residential properties would be reasonable, this is considered necessary in this instance as the muckheap could certainly be located further from neighboring dwellings.

## **Highway Safety**

26. Policy DP/3 of the South Cambridgeshire Local Development Framework Development Control Policies DPD 2007 seeks to ensure that all development has safe access to and from the highway of a nature proportionate to the use of the site that does not compromise safety.
27. Four stables are proposed the internal dimensions of which are just slightly below the recommended minimum stable size for an average sized horse (British Horse Society Guidance). In addition there is an existing field shelter comprising two bays on the site for which there is no record of planning permission having been sought but nonetheless the application seeks to regularise. Hence unrestricted approval of the application would allow stabling for a maximum of 6 horses. However it is noted that the field shelter is used to store hay and tack at present and it is stated that in the design and access statement this use would continue.
28. The submitted transport method statement states that horses will be brought to and from site using a two-horse trailer towed by a domestic vehicle. It does not speculate as to how often this would be. However given that the capacity to stable horses on

the site would be limited by the finite number of stables proposed, in this instance four, then it is considered unlikely to be a highly regular occurrence.

29. The Local Highways Authority is satisfied that the use of such a trailer will avoid undue obstruction to the highway during periods of loading and unloading of horses. However it does acknowledge that in entering and leaving the hard standing to the front of the site such a vehicle may have cause to manoeuvre within the adopted highway. Given the quiet nature of High Street it does not consider this to unduly affect highway safety.
30. The Local Highways Authority advise that any consent should be subject to a conditional requirement to ensure that the use is carried out in strict accordance with the Transport Method Statement (dated 8<sup>th</sup> September 2011). This is considered reasonable and justified and would enable the Council to enforce against any breach in this method statement. However it is also considered reasonable and necessary to limit the number of horses allowed on site at any one time to 4 to ensure, in part, that vehicular movements are kept to a minimum. Also due to the fact that the Highways Authority advise that vehicles may need to manoeuvre within the highway it is considered reasonable and justified to condition deliveries of horses and feed to be outside of peak flow times to avoid unnecessary traffic conflict.
31. Damage to the highway is raised in a letter of representation received. The Highway is adopted and thus any damage to the road surface is the responsibility of the Local Highways Authority to address. This is not a material planning consideration.

#### **Do the proposals overcome the previous reasons for refusal**

32. Application ref S/0475/11 was refused on grounds of highway safety due to the likely size of vehicles required to service the site (i.e. to deliver horses) and the unsuitable parking and turning provision for such vehicles. The number of stables proposed has been reduced by two thirds and there is now an enlarged parking and turning area to the front of the dwelling. In addition a Transport Method Statement has been submitted that states that only a two-horse trailer towed by a domestic vehicle will take horses to and from the site when required. Cumulatively this is considered to overcome the previous concerns for impact upon highway safety and amenity.
33. The reason for refusal of application ref S/0475/11 also made reference to the undesirable use of the side passage to the north of the site as an access for horses. It should be noted that whilst this passage is undesirable for equine access it could be used without planning control if horses are taken to the site merely to graze rather than be ridden. This is considered to significantly diminish the inappropriateness of this access as a reason for refusal of the scheme and thus in isolation would not be sufficient to sustain refusal of the proposals.

#### **Further Considerations**

34. Letters of representation received raise concern for the proposals on health and safety grounds; horses bolting when being taken to and from site and vermin and pest issues for example. This is not a material consideration in the determination of planning applications as such matters are dealt with under the relevant legislations and it has to be assumed that when operated in proper accordance with such legislation such matters would not cause harm.
35. Letters of representation received raise concerns for the impact of external lighting from the riding arena. The proposals do not show any external lighting and lighting

columns would require planning permission in their own right. However it is considered that any lighting would adversely harm the character and appearance of the countryside at this point and thus it is considered reasonable and justified to apply a condition that restricts any lighting.

36. Letters of representation received raise concerns for flood risk through the discharge of surface water to a drain that runs to the north east of the site that is reportedly at capacity. The site is not in an identified area of flood risk, and although only limited hard standing is proposed and the roof area of the stable is small attenuation rates of surface water run-off could be reduced slightly by the proposals. The application proposes that surface water will be dealt with by soakaway, which is acceptable in principle - however it is considered reasonable to condition details of the soakaways to be agreed prior to commencement of development to ensure that the design is adequate so as not to exacerbate any flooding issues.
37. Letters of representation received raise concerns for pollution to the water environment i.e. the drainage ditch that runs to the north east of the site. The Environment Agency has recommended a condition for details of scheme for implementation of pollution control. This is considered reasonable and justified in this instance.
38. Letters of representation received raise concerns for the potential commercial use of the site. It should be noted that the application specifically applies for consent for stables and arena for private use only. Any commercial use of the site would need planning permission in its own right at which points the merits of such a use would be duly considered. However the supporting statement submitted with the application does make passing reference to the occasional breaking of other people's horses on the site. It is considered reasonable to condition that no business use whatsoever shall be carried out from the site.

### **Conclusion**

39. Conditional approval of the proposals is considered to overcome any material harm that may arise from the proposed use.

### **Recommendation**

40. Approve.

### **Conditions**

1. **The development comprising the erection of stables, relocation of field shelters and riding area, hereby permitted, shall be begun before the expiration of 3 years from the date of this permission.**  
(Reason - To ensure that consideration of any future application for development in the area will not be prejudiced by permissions for development, which have not been acted upon.)
2. **The development hereby permitted shall be carried out in accordance with the following approved plans: H911-01 Rev D (date stamped 8<sup>th</sup> September 2011), H911-03, SC-01 and SC-02.**  
(Reason - To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.)

- 3. Prior to the erection of stables, relocation of field shelters and erection of riding arena, hereby approved, a scheme for the provision and implementation of and pollution control to the water environment which shall include full details of foul and surface water drainage shall be submitted to an agreed in writing by the Local Planning Authority. Works will be carried out in accordance with the approved details.**  
(Reason - To ensure a satisfactory method of foul and surface water drainage and to prevent the increased risk of pollution to the water environment)
- 4. No development shall commence until details of the precise location of the proposed muckheap, its hardstanding and its bunding have been submitted to and approved in writing by the Local Planning Authority; the development shall be carried out in accordance with the approved details.**  
(Reason - Insufficient information was submitted with the application to assure the Local Planning Authority that there would be no harm to the amenity of neighbouring properties to comply with Policy DP/3 of the adopted Local Development Framework 2007.)
- 5. The development, hereby approved, shall be carried out in strict accordance with the Transport Method Statement Dated 8<sup>th</sup> September 2011.**  
(Reason - To ensure that highway safety is not adversely affected)
- 6. No horse or service deliveries related to the development, hereby approved, shall be carried out prior to 9:30am or between the hours of 5:00 and 6:00pm Monday to Friday.**  
(Reason - To ensure that High Street is not adversely obstructed during peak traffic flow times.)
- 7. No more than four (4) horses shall be kept on site at any given time.**  
(Reason - To ensure that residential amenity is not unduly affected by noise and disturbance in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- 8. No commercial use shall be carried out anywhere on site.**  
(Reason - To ensure that residential amenity is not unduly affected by noise and disturbance in accordance with Policy DP/3 of the adopted Local Development Framework 2007.)
- 9. No external lighting shall be provided or installed within the site other than in accordance with a scheme which has been submitted to and approved in writing by the Local Planning Authority.**  
(Reason -To minimise the effects of light pollution on the surrounding area in accordance with Policy NE/14 of the adopted Local Development Framework 2007.)

**Background Papers:** the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Development Framework 2007

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