

RYEDALE DISTRICT COUNCIL

PLANNING COMMITTEE - 18 NOVEMBER 2014

Report of the Development Manager

Musley Bank Stables, Musley Bank, Malton

Purpose of the Report

To advise Members of an alleged breach of planning control and recommend an appropriate course of action.

1. SITE LOCATION

1.1 The site is located on Musley Bank and within the Howardian Hills Area of Outstanding Natural Beauty.

2. ALLEGED BREACH OF PLANNING CONTROL

2.1 The alleged breach of planning control is that the horse walker approved under planning application 08/00630/MFUL (as highlighted in the attached plan) has not been constructed in accordance with the approved plans.

3. WHEN ALLEGED BREACH FIRST OCCURRED

3.1 The Local Planning Authority was first made aware of the breach on 24 March 2014.

4. HISTORY AND EVIDENCE OF BREACH

4.1 The planning consultant acting on behalf of the land owner has not provided any details to accurately document the extent of the breach. However, having carried out a site inspection, officers consider that the position of the development is similar to that approved. The main differences to officers are that the horse walker sits on a raised section of land (approximately 2m high), and that the diameter of the horse walker measures approximately 16.6m. The approved horse walker measured 14m in diameter.

4.2 Officers consider that the horse walker as constructed is more accurately shown within the approved drawings of the later planning permission ref. 14/00574/MFUL. The drawings can be seen within the appendix of this report and extracts of both plans are appended for Members information.

5. PLANNING POLICY CONTEXT

5.1 The relevant planning policy considerations are:

National Planning Policy Framework (NPPF)

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| Paragraph 14 | – | Achieving Sustainable Development |
| Section 11 | – | Conserving and enhancing the natural environment |

PLANNING COMMITTEE

18 NOVEMBER 2014

Ryedale Plan - Local Plan Strategy

Policy SP9	–	The Land-Based and Rural Economy
Policy SP13	–	Landscapes
Policy SP16	–	Design
Policy SP19	–	Presumption in Favour of Sustainable Development
Policy SP20	–	Generic Development Management Issues

6. APPRAISAL

6.1 The main considerations in the assessment of this breach of planning control are:

Landscape Impact

6.2 Policy SP13 of the Ryedale Local Plan Strategy and the NPPF attach great weight to the protection to the landscape of the Howardian Hills Area of Outstanding Natural Beauty.

6.3 In this case, the existing horse walker is located within the established complex of buildings. The view of officers is that the alteration to the position and scale of this horse walker is not one that would be prominent within the landscape or would materially impact on the character and appearance of the AONB. The landscape impact of the development is considered to be acceptable and in accordance with the requirements of Policy SP12 and the NPPF.

Residential Amenity

6.4 Policy SP20 of the Ryedale Local Plan Strategy seeks to protect residential amenity.

6.5 The nearest residential dwellings are situated approximately 65m to the north of the site. At these distances, it is the view of officers that the alterations to the horse walker are not considered to be such that would materially impact on the amenity of nearby residents. Therefore, the development is considered acceptable in terms of residential amenity.

7. RECOMMENDATION

7.1 The National Planning Practice Guidance provides advice on planning enforcement stating:

“In deciding, in each case, what is the most appropriate way forward, local planning authorities should usually avoid taking formal enforcement action where:

- there is a trivial or technical breach of control which causes no material harm or adverse impact on the amenity of the site or the surrounding area;*
- development is acceptable on its planning merits and formal enforcement action would solely be to regularise the development;*
- in their assessment, the local planning authority consider that an application is the appropriate way forward to regularise the situation, for example, where planning conditions may need to be imposed.”*

7.2 The view of officers is that development as built is not significantly different to the approved scheme to such an extent that would cause any material harm to residential amenity or any additional material impact on the surrounding area. Officers consider that the development would be acceptable on its planning merits. Therefore, in this case, it is considered that it is not expedient to seek formal enforcement action

PLANNING COMMITTEE

18 NOVEMBER 2014

7.3 In light of the above report, the recommendation to Members is that no formal enforcement action is taken.