

Item Number: 14
Application No: 15/00229/FUL
Parish: Nunnington Parish Council
Appn. Type: Full Application
Applicant: Mr & Mrs Spencer
Proposal: Erection of timber block of 1no. stable and tack room/feed store for private domestic use (revised details to refusal 14/00953/FUL dated 27.10.2014)
Location: Land East Of Rectory Lane Nunnington Helmsley

Registration Date:
8/13 Wk Expiry Date: 18 May 2015
Overall Expiry Date: 15 April 2015
Case Officer: Helen Bloomer **Ext:** 328

CONSULTATIONS:

Building Conservation Officer	No Objection
Environmental Health Officer	Recommend Conditions
Howardian Hills AONB JC	No observations to make
Highways North Yorkshire	Recommend Conditions
Parish Council	Object

Neighbour responses: Mr Jim Dawson, Stephen Jack, Clive And Jane Rutter, Mr And Mrs W McCluskey, Mrs C.A. Alderman, James Bradley, Stuart Broadhurst, K.L. Metcalf,

SITE:

The application site is a 0.0863 hectare grazing paddock within the centre of the Nunnington Conservation Area. In addition the site is within the boundary of the Howardian Hills Area of Outstanding Natural Beauty. All four boundaries adjoin the rear of the residential properties which border the site.

Access is gained via an existing single vehicle access track to the west of the site, of Rectory Lane, which also serves the neighbouring dwellings. There are a number of existing outbuildings both within the application site and the surrounding properties.
The site is within a Green Zone of Water Protection.

PROPOSAL:

Planning approval is sought for the erection of a timber stable with an associated tack room/feed store for private domestic use. The applicant intends to use the stable whilst visiting his holiday home Badger Cottage. It is understood that it is the applicant's intension is to make Badger cottage his permanent residence.

The stables would measure approximately 4.2 metres to the ridge and measure 8m x 4.1 m and would be clad externally with horizontal timber boarding. The roof would be natural clay pantiles.

HISTORY:

14/00953/FUL. Erection of block of 2 no. stables with store and tack/feed rooms, for private domestic use. Refused.

POLICY:

The Ryedale Plan- Local Plan Strategy

Policy SP1- General Location of Developments and Settlement Hierarchy
Policy SP12- Heritage
PolicySP13- Landscapes
Policy SP16- Design
Policy SP19- Presumption in Favour of Sustainable Developments
Policy SP20- Generic Development Management Issues

National Planning Policies

National Planning Policy Framework
National Planning Policy Guidance.

APPRAISAL:

The considerations in assessing this application are;

- i) Principle of the development
- ii) Impact on Conservation Area
- iii) Impact on the AONB
- iv) Impact on residential amenity
- v) Impact on Highway Safety
- vi) Other Issues

- i) Principle

Policy SP9 (The Land Based and Rural Economy) also supports new development that is necessary to support land based activities such as farming, forestry and equine purpose. One of the reasons for refusal for the previous application was that it had been indicated the stables would form part of the holiday let business and the application had failed to demonstrate that the development would comply with the aims of Policy SP9.

This application confirms that the proposed development is to be used in relation to domestic use of the occupiers of Badger Cottage. It is therefore not considered that the proposed development should be considered against Policy SP9. Officers are satisfied that the principle of a timber stable for the use of a horse is acceptable.

- ii) Impact on Conservation Area

A number of the objectors have raised issue with the scale and sitting of the proposed stables within the Conservation Area. However, the Councils Building Conservation Officer has been consulted and has raised no objection to the proposal in terms of the impact on the Conservation Area.

There are a number of traditional, and more modern large scale agricultural buildings in the near vicinity which the proposed development relates to and is seen in the context of. Traditional farm buildings further to the east are aligned in an east-west direction and ancillary structures to the north are also aligned in an east-west direction. In addition the mapping provided by the applicant shows a building (now removed) in a similar location to the proposed structure.

It is therefore considered that the proposal would relate to the surrounding built context and preserves the character and appearance of the Nunnington Conservation Area and therefore accords with the Planning (Listed Building and Conservation Areas Act) 1990 (Section 72).

iii) Impact on the AONB

Policy SP13 (Landscapes) of the Local Plan Strategy provides protection for the special qualities, scenic and natural beauty of the Howardian Hills Area of Outstanding Natural Beauty. Furthermore Policy SP13 states 'The District Council and the AONB Joint Advisory Committee will resist development proposals or land management that would have an adverse impact on the natural beauty and special qualities of the AONB unless it can be demonstrated that the benefits of the proposal clearly outweigh any adverse impact and the proposal cannot be located elsewhere in a less damaging location'.

The National Planning Policy Framework also advises that great weight should be given to conserving landscape and scenic beauty within the AONB. In addition Section 85 of the Countryside Rights of Way Act 2000 requires that the Local Planning Authority has regard to the conservation and enhancement of the AONB when considering such proposals.

The AONB Joint Advisory Committee had previously identified harm upon the AONB within the Nunnington Conservation Area and had objected to the application. The harm related to the size, scale and location of the proposed building in the edge of the village location. *It is considered that such a stable building would be expected to take the form of a light weight timber structure which would frequently appear in such locations.* The proposed development was therefore not considered to provide any economic or social benefits to outweigh the identified harm upon the AONB

The AONB Joint Advisory Committee has been re consulted as part of the revised application and has raised no objection. Officers consider that the proposed development has addressed the previous reason for refusal and do not consider that the development, as proposed would impact on the special qualities of the AONB.

iv) Impact on Residential Amenity

As previously addressed the application site is surrounded by the amenity spaces of the neighbouring properties .On the previous application Officers raised significant concerns over the issue of how manure/ waste will be dealt with and stored. This mainly centred on the use of the stable as part of the holiday let Badger Cottage, with no one person taking sole responsibility for the management of the site and the lack of control.

There is potential for the storage of manure on the site for an unknown length of time and this may result in an amenity issue in terms of smell. The concern is further exacerbated as the property which the proposed stables would relate to is a holiday let, and again in the absence of a management plan it is not clear who would be responsible for removing the waste in the absence of the owners on site.

As set out previously the use of the stable would be solely to that of the applicant, whom has proposed that the manure would be stored on a trailer which can be removed from the site on regular intervals.

The stables are no longer being proposed to be used in conjunction with the existing holiday let. The applicant has also confirmed that there would be no sub letting of the stable. The uncertainty regarding the use of the site, which was concerning Officers, has therefore been addressed. Whilst Badger Cottage is currently being occupied as a holiday let, the level of use and comings and goings associated with the stable would now only relate to that of one party, the owner, rather than the possibility of it being used on a more frequent basis by other occupiers of the holiday let.

Furthermore it is anticipated that if the owner was to move to Badger cottage on a permanent basis the movement's necessary relating the coming and going of horses would be substantially less.

Environmental Health Officers do not consider that the proposed development by it's nature and setting would adversely affect the amenity of the neighbouring properties.

In light of the above Officers consider that the proposed development has overcome reason for refusal 2 of the original application.

v) Impact on Highway Safety

A number of the objectors have raised concern over the use of the single track access road to the site and the intensification of the access. The Highway Authority had raised no objection to the proposed development as the proposed description stated it would be used for private domestic use only. A number of conditions have however been recommended if Members are minded to approve the application.

The revised scheme which is the subject of this application have addressed Officers previous concerns in relation to the parking and turning arrangements on the site. Officers are satisfied that reason for refusal No.5 of application 14/00953/FUL has now been overcome.

vi) Other Issues

Ground Water Protection Zone

Given the nature of the proposed development it is not considered that it would impact on the Ground Water Protection Zone. However if the application was to be approved it would be recommended that an informative should be attached alerting the applicant to this.

Parish Council Comments

The Parish Council has raised objection to the proposed development for the following reasons;

- The access has not in living memory been used and the use of it would be detrimental to the neighbouring properties.
- The noise, smell and traffic associated with the development would be detrimental to neighbours. As well as the everyday associated requirements of the horse.
- The height of the stable is excessive
- The paddock is too small under BHS Guidelines

Neighbour Comments

At the time of writing six neighbour consultation letters had been received. The following objections were raised.

- Current users are unable to get a small stock trailer to the site and have to walk the sheep to the paddock
- Unsuitable access track
- Frequency of which the access track would be used for the purpose of bringing water to the site and removing manure.
- Height of the proposed building is too tall for a stable and in relation to the existing outbuildings, approximately 0.8 metres
- Unsuitable size of paddock for a horse
- Impact of the smell of manure and the storage of it on residential amenity
- Not a suitable development in a village location.
- High density of development
- Paddock currently acts as a 'buffer zone' between Diamond Farm and the cottages to the west
- The development splits up the paddock
- Concern a future application will seek to make it into a dwelling.
- Feed store will encourage rats

- Concern stone wall would get damaged
- Impact on view
- Fails to comply with the aims of SP9 of the Ryedale Plan - Local Plan Strategy.
- Unnecessary foundation and roof materials
- Impact on AONB and Conservation Area Status

At the time of writing no other written representations have been received.

In light of the above, the recommendation is one of approval subject to the following conditions.

RECOMMENDATION: Approval

1 The development hereby permitted shall be begun on or before .

Reason:- To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

2 The use of the stables hereby approved shall be for domestic purposes only by the occupiers of the dwelling currently known as Badger Cottage, Nunnington, and shall remain ancillary to the use of the dwelling identified above and shall not be sold off or let separately.

Reason:- The use of the site for non-domestic purposes and/or the separation of the uses from the dwelling require further consideration to be given in accordance with Policy SP9 of the Ryedale Plan - Local Plan Strategy.

3 No equipment, including jumping equipment for the riding, schooling or training of horses, shall be permanently erected on the site without the prior written consent of the Local Planning Authority. Such temporary equipment as may be used shall be removed and stored after use in an area agreed in writing by the Local Planning Authority, prior to the commencement of the development.

Reason:- To ensure the impact of the development on the character and appearance of the landscape is appropriate in accordance with Policy SP13 of the Ryedale Plan - Local Plan Strategy.

4 There shall be no burning of stable waste.

Reason:- In the interests of the amenity of neighbouring properties, and to satisfy the requirements of Policy SP20 of the Ryedale Plan - Local Plan Strategy.

5 There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing of material in connection with the construction commences on the site, and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

Reason:- In accordance with Policy SP20 and to ensure that no mud or other debris is deposited on the carriageway in the interests of highway safety.

6 Unless approved otherwise in writing by the Local Planning Authority, there shall be no establishment on a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction of the site, until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of:

(i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway

(ii) on-site materials storage area capable of accommodating all materials required for the operation of the site.

The approved areas shall be kept available for their intended use at all times that construction works are in operation. No vehicles associated with on-site construction works shall be parked on the public highway or outside the application site.

Reason:- In accordance with Policy SP20 and to provide for appropriate on-site vehicle parking and the storage facilities, in the interests of highway safety and the general amenity of the area.

7 The development hereby permitted shall be carried out in accordance with the following approved plan(s):

Floor Plan, East and South Elevation. Sheet One

Layout Detail, North and West Elevation. Sheet Two

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

INFORMATIVE:

1. Ground Water Source Protection Zone (SPZ) 2. The developer should be aware of the requirement to prevent dirty water infiltrating the ground surface and polluting the water course.

Background Papers:

Adopted Ryedale Local Plan 2002
Local Plan Strategy 2013
National Planning Policy Framework
Responses from consultees and interested parties