

Item Number: 12
Application No: 19/00703/FUL
Parish: Aislabby, Middleton & Wrelton Parish
Appn. Type: Full Application
Applicant: Mr Richard Chambers
Proposal: Erection of stable block
Location: Blacksmiths Cottage Main Street Aislabby Pickering North Yorkshire YO18 8PE

Registration Date: 26 June 2019
8/13 Wk Expiry Date: 21 August 2019
Overall Expiry Date: 31 July 2019
Case Officer: Niamh Bonner **Ext:** 43325

CONSULTATIONS:

Aislabby Middleton And Wrelton Parish Council: Comments and concerns
Highways North Yorkshire No objections
Environmental Health Officer No objection – recommend condition

Neighbour responses: Mrs Fiona Hall,

SITE:

The application site is a paddock under the ownership of and located directly to the west of a new build dwelling known as Blacksmith's Cottage to the north of the A170, to the east of Aislabby. This property also incorporates a detached double garage. This application site was formerly associated with the Grade II Listed former Blacksmith Arms restaurant.

The application site also lies within the Area of High Landscape Value and the designated Aislabby Conservation Area.

PROPOSAL:

The proposal seeks permission for the erection of stable block.

The proposed plans were updated slightly in the determination period to take account of the siting of a newly installed telegraph pole. This would have overlapped the footprint of the originally proposed building location. The siting of the proposed building was altered so that it incorporated a 1 metre clearance from the pole and is located approximately 1.8 metres further north than originally proposed.

HISTORY:

The following applications are the most relevant planning history associated with the site:

17/01491/73: Planning permission granted for the variation of Condition 02 of approval 15/00529/FUL dated 29.06.2015 - alterations to approved garage

15/00529/FUL: Planning permission granted for the erection of detached double garage set into banking with regrading of adjacent garden (revised details to parking arrangements at Plot 3 of approval 11/01063/FUL dated 22.02.2012 as revised by approval 15/00149/FUL dated 07.04.2015)

15/00149/FUL - Planning permission granted to erect a detached three bedroom dwelling (revised details to plot three of approval 11/01063/FUL dated 22.02.2015 and 11/01064/LBC dated 28.02.2015)

11/01063/FUL - Planning permission granted for change of use, alteration and extension to former restaurant/inn with owners accommodation to form two four bedroom dwellings and erection of one three bedroom detached dwelling with associated parking/amenity area.

POLICIES:

Local Plan Strategy - Policy SP12 Heritage
Local Plan Strategy - Policy SP13 Landscapes
Local Plan Strategy - Policy SP16 Design
Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development
Local Plan Strategy - Policy SP20 Generic Development Management Issues
National Planning Policy Framework
National Planning Practice Guidance

REPRESENTATIONS:

One formal letter of objection has been received with regard to this development (from the occupier of Lane House Barn, a property that directly adjoins the site to the west). The objections are summarised below but Members can review the original letter in full on the planning file:

- The proposed siting of the block is within 10 feet of our utility and kitchen area, too close in relation to potential disturbance and smells.
- The paddock is not large enough to support 1 horse and this relates to three stables.
- The associated storage of feed for 3 horses will attract vermin and pests.
- The stables will have to be cleaned on a regular basis, where will soiled bedding be placed. Next to the stable would constitute a source of flies and vermin as well as smell nuisance.
- Noise created by stabled could be a 24 hour nuisance.
- Concerns in relation to welfare of three horses on the restricted site.
- Looking at the total space available on the property in question, why is it not positioned closer to the owners house rather than theirs, ie. top of the paddock or adjacent to their garage. This would give no visual impact to neighbouring properties and all could continue to enjoy the view.
- We believe owner of land for horses have an obligation to construct a double fence on the boundary to protect neighbour plants and garden area. If approved, this should be stipulated.
- A previous comment from the owner had indicated that he wanted to build a small stable like structure for storage, this seems to be a considerable departure.

The Parish Council in their response noted the following comments and concerns:

- *The stable is designed for 3 horses however the land available for grazing is very small. The Council has concerns that there is not enough space to accommodate 3 horses particularly around other residential properties.*
- *The waste generated by 3 horses, even if cleaned regularly will have an impact upon neighbouring properties. Particularly smell and possible vermin.*

APPRAISAL:

The key considerations in assessing this application are;

- i) Principle of the Development
- ii) Character, Form and Impact upon Setting of Listed Building and Conservation Area
- iii) Impact upon Area of High Landscape Value
- iv) Impact upon Amenity
- v) Other Matters Including Consultation Responses.

i) Principle of the Development

The proposal relates to the erection of a block comprising 3 stables and a store within a paddock to the west of Blacksmith's Cottage.

It is not considered that the siting of the building amounts to a material change of use of the land to equestrian, but rather relates to the erection of a relatively small scale stable building within a field that maintains an agricultural/paddock use. It is noted that the grazing of horses on agricultural land would not necessitate a change of use of the land and it is considered a stable of this size would not necessarily form a material change of use of the land.

It is considered that therefore the proposed stable would not fundamentally discord with Local Planning Policy. However it is considered necessary to recommend an informative to ensure the applicant is aware that this application does not permit any extension of their current domestic curtilage associated with Blacksmith's Cottage.

It is noted that this proposed stable building would be for private use only and a condition will accordingly be recommended to ensure this is restricted in the future.

ii) Character, Form and Impact upon Setting of Listed Building and Conservation Area

The proposal relates to the proposed erection of an 'L' shaped sectional stable building within an area of open paddock to the west of the application site, forming 3 stables and a hay store. This would extend a maximum of 13.02 metres along the rear western elevation and a maximum of 7.39 metres along the side southern elevation. The building would incorporate a shallow pitched roof, with an eaves height of 2.44 metres and a ridge height of approximately 3.3m. The exterior would be completed with tandalised shiplap timber boarding with a reinforced cement roof. The traditional form, materials and low profile of the proposed stable building would not appear incongruous in this paddock setting and the orientation of the building and its set back positioning within the street scene would not detract from the character of this area.

The proposed stables would be positioned along the western boundary of a paddock, in close proximity to existing linear building form of Lane House Barn and the adjoining Pine Shop. As such, it would not appear isolated in the wider paddock.

Under the Planning (Listed Building and Conservation Areas) Act, 1990, the Local Planning Authority has a duty to preserve or enhance the character of the Conservation Area. It is considered that this proposal would preserve the character of the Conservation Area. The Conservation Officer has made no objection to the proposed development.

It is therefore considered whilst the representation received from the occupier of the adjoining property highlights the other options for the siting of this building within the paddock, that the position proposed appears most appropriate due to the aforementioned linear form of development present in this location. The right to a view is not a material planning consideration, however it is considered that this proposal will preserve the character of the Conservation Area by retaining the open public views from the streetscene to the open countryside to the north.

iii) Impact upon Area of High Landscape Value

As noted, the proposed development would benefit as a result of its proximity to the existing linear pattern of development along this section of the site. This would limit potentially isolated or sporadic development that could otherwise have an adverse effect the character of this designated Area of High Landscape Value.

A condition will be recommended to prevent the outdoor storage of equestrian paraphernalia within the application site. A further condition is recommended to prevent inappropriate lighting of the proposed development, requiring that any external lighting is agreed in writing with the Local Planning Authority prior to its installation.

iv) Impact upon Amenity

As noted, one formal letter of objection has been received with regard to this development (from the occupier of Lane House Barn directly adjoining the site to the west). This has been summarised in the Representation Section above.

As noted, due to the newly installed telegraph pole, the proposed positioning of the stables is now approximately 1.8 metres further north than originally proposed.

The Planning Agent in light of the responses received from the occupier of the adjoining property and the Parish Council has provided an updated statement.

“With regard to the concerns raised by the local Parish Council, our clients are perfectly happy to confirm that the stables would primarily be used for storage.

They further wish to confirm that the stables would not be used to accommodate horses until such time as they have acquired use of suitable alternative grazing land and had a mutually acceptable manure management plan approved by Ryedale District Council.

I respectfully suggest therefore that, in order to satisfy the concerns of the Local Parish Council, the issue of said manure management plan be made a condition of planning approval, so that horses could not be accommodated until discharged.”

It was noted during the site visit that along the eastern elevation of Lane House Barn, no openings are present with the exception of high level roof lights at first floor level. One small opening is present within the northern elevation of the dwelling and it is understood that this serves a utility room. This is not a habitable room and it is considered that the positioning of openings serving habitable rooms away from the proposed stable will help to limit any potential impacts.

The Council’s Environmental Health Officer noted *“Following careful consideration of the above application I do not have any concerns relating to potential noise from stabled horses. However, with regard to the possibility of malodour caused by manure storage, I would recommend the implementation of a manure management plan, agreed with the Local Authority, prior to the arrival of livestock on site.”*

Whilst the points raised by the occupiers of Lane House Barn are noted, the professional assessment undertaken by the Environmental Health Officer is also a significant consideration. It is therefore considered that the proposed siting of the stable would not be likely to result in significant harm to residential amenity subject to the submission and agreement of a Manure Management Plan prior to the introduction of horses on the site. Nor would it result in harm to residential amenity by virtue of enhanced noise nuisance.

Prior to any approval of a condition relating to a Manure Management Plan, all submitted information would be reviewed by the Council’s Environmental Health Team to ensure that a satisfactory scheme was proposed.

It is considered that the potential for vermin as a result of a stable waste could be effectively controlled through the specific siting of the manure heap within an appropriate area of the site. This again would be controlled through the Manure Management Plan condition.

The Local Planning Authority cannot comment on the extent of land required to acceptably home horses or if land would be capable of meeting their specific needs. In this instance, whilst not a material planning consideration, the applicant has confirmed that they will only introduce horses if suitable grazing land was sourced and it is considered that the welfare of horses is therefore being considered by the applicant. Furthermore horses could be grazed in this land without any specific planning permission, even if no stable was present. This therefore limits the weight that can be given to this matter.

It is therefore considered that subject to the proposed manure management condition, the proposal is

considered to accord with the requirements of Policy SP20 of the Ryedale Plan, Local Plan Strategy.

v) Other Matters Including Consultation Responses.

The North Yorkshire Highways Officer confirmed “*The proposed development is stated for the private use and the siting would not affect any of the approved car parking arrangements for the other plot conversions on the former public house. There are no local highway authority objections to the proposed development.*”

The Planning Agent confirmed the following in relation to the telegraph pole on site:

“With regard to the recently installed telegraph pole, which incidentally was not there at the time of my initial site visit on 17th May 2019, I revisited Blacksmiths Cottage again last week, as per our conversation and plotted the poles relative to both boundaries.

The pole is located 1.04m from the existing wooden fence between the paddock and existing car park and 2.5m from the western boundary, as shown on the copy of your photograph.

Clearly the company who installed the pole deemed a clearance of 1.04m to be sufficient therefore it is suggested that the original location of the proposed stables be moved in a northerly direction, albeit slightly, to be approximately 1.2m clear of the new telegraph pole.”

This is considered appropriate and no overhead wires cross the proposed stable. No formal consultation has been undertaken with the utility provider in light of the newly installed telegraph pole. An informative will be added to any approval to highlight that the applicant must make contact to seek any necessary permission/advice for the proposed works in proximity to the infrastructure.

The aspects raised by the occupier of Lane House Barn in relation to the requirement of a double fence for land in which horses are kept is not a specific planning requirement. This may however form a civil matter between the two parties. Previous discussions between neighbours also cannot form a material consideration in the determination of this planning application which has been formally submitted for determination.

It is not considered that the proposed development would have any impact upon the setting of the Grade II Listed form Blacksmith Arms Building.

In the light of the above and subject to the highlighted conditions, the proposal is considered to be acceptable in terms of its character, form and design, its position within the Area of High Landscape Value, landscaping and neighbouring amenity. It is not considered that this proposal fundamentally discords with the relevant policy criteria outlined within Policies SP12, SP13, SP16, SP19 and SP20 of the Ryedale Plan - Local Plan Strategy and within the National Planning Policy Framework. The proposal is therefore recommended for approval.

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

Site Location Plan (Drawing no. 519/051)
Proposed Site Layout Plan (Revised drawing received by the LPA on 22/08/2019)
Proposed Elevations, Floor Plan and Base Details with Brick Plinth Dimensions) (Drawing no. 519/051/2)

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

- 3 The stable block hereby permitted shall only be used for personal/domestic use in association with the property currently known as Blacksmith's Cottage. The use of the site or the facilities should not be used in any way which would relate to a commercial enterprise.

Reason: In the interest of preserving the character and tranquillity of the area in line with Policy SP20 of the Ryedale Plan - Local Plan Strategy and the National Planning Policy Framework.

- 4 Prior to the introduction of any animals on site, a Manure Management Plan shall be submitted in writing for approval to the Local Planning Authority. This shall detail the measures to be taken to minimise environmental issues through the correct collection and storage of animal waste. It shall detail the methods of animal bedding and area cleaning. Such a plan shall be reviewed whenever there are significant changes, and implemented.

Reason: In order to protect the amenity of surrounding properties, and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy

- 5 Unless otherwise agreed with the Local Planning Authority there shall be no outside storage of any equestrian paraphernalia.

Reason: In order to protect the character and appearance of the area and to satisfy Policy SP13 and SP20 of the Ryedale Plan - Local Plan Strategy.

- 6 No external lighting shall be installed to serve the stable without the prior written approval of the Local Planning Authority.

Reason: Inappropriate lighting in this location within the Area of High Landscape Value is considered to conflict with the aims of Policy SP13 of the Ryedale Plan - Local Plan Strategy.

INFORMATIVE(S)

- 1 The stables hereby approved are located in the field to the west of Blacksmiths Cottage, this agricultural field does not form domestic curtilage associated with the residential dwelling. Formal planning permission would be required for that change of use.
- 2 The proposed stable buildings are in close proximity to a 9m high wooden pole, installed by British Telecoms. This includes underground ducting and suspended cabling. The applicant is advised to contact BT Openreach prior to commencing any development to ensure that the proposed development can be undertaken without harm to the apparatus/risk to health and safety or if any specific permissions are required.