

**Item Number:** 10  
**Application No:** 19/01254/MFUL  
**Parish:** Heslerton Parish Council  
**Appn. Type:** Full Application Major  
**Applicant:** Mr Neville Ender  
**Proposal:** Change of use of buildings and land including a block of 12no. stables and a 603m length oval sand canter track from private use to a commercial racehorse training establishment to include erection of a block of 9no. additional stables  
**Location:** Swallows Barn Church Lane East Heslerton Malton North Yorkshire YO17 8RN

**Registration Date:** 5 November 2019  
**8/13 Wk Expiry Date:** 4 February 2020  
**Overall Expiry Date:** 1 February 2020  
**Case Officer:** Niamh Bonner **Ext:** Ext 43325

#### **CONSULTATIONS:**

<b>Public Rights Of Way</b>	No response received
<b>Environmental Health Officer</b>	No objection, following additional information
<b>Heslerton Parish Council</b>	No response received
<b>Highways North Yorkshire</b>	No objections
<b>Archaeology Section</b>	No objection

**Neighbour responses:** No responses received to date

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#### **SITE:**

The application site comprises the residential dwelling of Swallows Barn, with a detached garage, stable building and canter track located within the adjoining field to the west. The existing stables and canter track were approved in 2017 for the use of the applicant only and the stables were converted from a former agricultural barn.

Including the adjoining field to the west, the site incorporates a total area of approximately 5.448 hectares.

The site is accessed off Church Lane that is located approximately 60 metres to the south of the A64 trunk road within the settlement of East Heslerton. The site is also located within the Wolds Area of High Landscape Value and within an archaeological sensitive area. The residential dwelling falls within village development limits, with the land west of the dwelling identified as 'Wider Open Countryside.'

A public right of way runs to the south of the site, directly adjoining the south of the field containing the canter track.

#### **PROPOSAL:**

This application seeks approval for the change of use of buildings and land including a block of 12no. stables and a 603 metres length oval sand canter track from private use to a commercial racehorse training establishment to include erection of a block of 9no. additional stables.

This proposal is 'major' development because the application site has an area in excess of 1,000 metres<sup>2</sup>. As such it is required to be determined by the Planning Committee.

Within the supporting information, the applicant noted that *“I have kept mostly around 12 horses at this address for the past 2 and a half years, all owned by myself while racing a few of them under permit. After some success there have been offers from friends and acquaintances who have enquired as to whether myself and my daughter can train for them. Now seems like a good opportunity to apply for a full training licence and consequently for this I need to change usage of the premises.*

*Also, I am wanting to build a further nine stables adjacent to the existing stables which are situated in my barn. Should we be fortunate enough to fill all the new stables there is potential for taking on two new staff members. I have enough grazing land to accommodate for another nine horses that I may acquire and I envisage this would have very little impact on the neighbours. As I have my own canter track, the horses do most of their exercise on my land.”*

In further supporting information, the Applicant confirmed that if approved, they could potentially have 14 horses in training, as the remainder (9 horses) are retired. Practically, it was noted that there would normally be 7 in training in the summer months and 7 in training in the winter months for flat and jump racing. The information continued to note *“As you are aware from your visit, I am fortunate to have a four furlong canter track that the horses use most days of the week. I do use the Langton Wold Gallops for faster work with the horses but that usually amounts to once to twice per week.*

*My horsebox can carry up to four horses, so going to the gallops is unlikely to increase a great deal. Possibly two extra trips per week and that is assuming I have eight in training at any given time. I still envisage that any trips to the Langton Gallops would be completed by 11.30am.*

*The horses that are in training are turned out for the remainder of the day until brought back in for their evening feed, usually mid afternoon in the winter and late afternoon at other times. They remain in their stables until exercising the following morning.*

*Its difficult to be specific about how many are racing/in training at any given time as, at the time of writing this email I have only one racing at present, as the others are on a break or recuperating from minor to major injuries.*

*Regarding owners visiting I doubt that they would be involved in coming to the yard regularly. When we trained point-to-pointers a few years ago the horses that had owners seldom came.”*

An administrative issue during the consultation process has resulted in Butcher House Farm to the west of the site not receiving a specific notification. Whilst a site notice had been erected close to the site fulfilling the legal requirement placed on the Local Planning Authority, it was considered appropriate to issue a notification letter. This will expire on the 1st February 2020.

Permission is therefore sought to delegate the final decision to Officers, unless additional material planning considerations following the notification process.

## **HISTORY:**

The following planning history is considered most relevant:

17/00146/MFUL: Change of use and alteration of barn and land to equestrian use with formation of 12no. stables within the building together with formation of a 603m length oval sand canter track within the adjacent field, all for the private use of the applicant (part retrospective). Approved.

## **POLICIES**

Local Plan Strategy -Policy SP1 General Location of Development and Settlement Hierarchy  
Local Plan Strategy -Policy SP9 The Land-Based and Rural Economy  
Local Plan Strategy - Policy SP12 Heritage  
Local Plan Strategy - Policy SP16 Design  
Local Plan Strategy - Policy SP20 Generic Development Management Issues  
National Planning Policy Framework

## APPRAISAL:

The main considerations within the determination of this application are:

- i. Principle of the Development
  - ii. Character, Form and Impact upon Area of High Landscape Value
  - iii. Impact upon neighbouring amenity
  - iv. Impact Upon Access and Highway Safety
  - v. Other matters, including consultation responses.
- i. Principle of the Development

Policy SP1 (General Location of Development and Settlement Hierarchy) notes that in all other villages, hamlets and in the open countryside development will be restricted to that *'which is necessary to support a sustainable, vibrant and healthy rural economy and communities.'*

Policy SP9 (The Land Based and Rural Economy) of the Ryedale Plan - Local Plan Strategy is supportive of new buildings that *"are necessary to support land based activity and a working countryside, including for farming, forestry, and equine purposes."*

The principle of development including further operational development to support the development for equine activity is therefore considered to be acceptable and in accordance with Policy SP9 of the Ryedale Plan, Local Plan Strategy.

This however is subject to the proposed development according with the other identified main considerations listed above. This will be explored in the following sections.

- ii. Character, Form and Impact upon Area of High Landscape Value

This proposal seeks permission for the erection of a block of 9no. additional stables to the southern boundary of the more easterly section, directly to the south of the existing stables on an area of existing hardstanding.

These would span approximately 43 metres in length and approximately 6.3 metres in width, positioned slightly inset from the existing landscaping along the southern elevation. These would include a pitched roof design, completed with blockwork and a timber roof completed with felt. This would have an overall apex height of 3.35 metres and an eaves height of 2.54 metres.

The use of blockwork, whilst not traditionally found for stables buildings, would accord with the construction of the existing stable building and would be painted brown in colour finish. This dark colour would allow for assimilation with the existing landscaping preventing the building appearing incongruous. Therefore, given the low profile of the proposed stables (their limited width and the consideration given to the muted colour finish) it is considered that this would appear appropriate in this location, which is further enhanced by the mature landscaping along the boundary. Existing mature landscaping to the northern boundary of the site would also aid in limiting wider views. A condition to secure the dark colour finish of the external walls of the building is recommended. It is also considered that this would result in no harm to the character of the Area of High Landscape Value.

A landscaping plan has been submitted, which indicates that the proposed stable building would incorporate a gap from the existing landscaping located along the southern boundary of the site ranging between 304 millimetres – 912 millimetres. This amendment was following the movement of the proposed building slightly further north. This approach was agreed following negotiation to ensure that the landscaping would not be impacted as a result of the proposed development. This is considered acceptable and it is noted that with the exception of the annotated 'dead tree' the majority of this landscaping is not likely to be harmed.

iii. Impact upon neighbouring amenity

It is not considered that the proposed operational development for the stable building would result in any additional harm to neighbouring amenity by virtue of overshadowing, loss of privacy or noise, given its position within the site adjoining agricultural land. This would be located at a distance of approximately 55 metres from the nearest neighbouring domestic curtilage.

The proposed change of use of the stables and canter track from private, for the personal use of the applicant to a commercial racehorse training establishment has also been considered. The access track to the site is directly adjoined by two residential properties in separate ownership, Bobtail Cottage and The Old Chapel.

The Old Chapel dwelling includes no openings within the northern side or rear elevation, limiting any potential noise impacts or disturbance that could potentially be experienced as a result of enhanced journeys to and from the site.

At ground floor level, Bobtail Cottage incorporates a single opening on the facing side elevation directly abutting the access. This is a side window to a kitchen/dining room, which incorporates larger openings along the rear elevation, together with a porch.

Additional information was submitted by the applicant in support of the application, and has been detailed within the proposal. The additional number of horses would increase the number of vehicular journeys made. However the supporting information indicates that the horses would visit off site Gallops two to three times per week as they are able to avail of the onsite canter track. For external trips, the horses would be loaded within the site, behind the gated area to the rear of the private garage associated with Swallows Barn and this would be undertaken a minimum of around 40 metres westwards of the residential property. It is therefore not considered that this would result in significant additional harm by virtue of noise or disturbance beyond the current arrangements. Should additional staff be taken on in the future, this may result in some limited early morning journeys onto the site. However this is not considered likely to be of a scale that would materially affect amenity in this village location, particularly given there is a relatively small level of equine accommodation within the site. It is also noted that the properties which abut the site access are presently located in a position directly adjoining Church Lane and in close proximity to the A64 to the north, so would not be considered to have low ambient noise levels.

The Council's Environmental Health Officer was consulted in relation to this proposal. He made the following comments on the proposal on the 17th December 2019. *"Based on the supplementary information provided below I would have no concerns regarding vehicular noise affecting the amenity of neighbouring dwellings.*

*The information provided to-date with regard to manure disposal is insufficient and I await the plans, referred to below, that will indicate the proposed location of the manure awaiting disposal. The collection arrangements described below, and in particular the collection frequency, should be confirmed beyond doubt in a management plan alongside the location plan."*

A Manure Management Plan has been submitted, illustrating the positioning of the manure heap to the rear of the existing stables, with an annotation noting that this would be removed three times per year by a local farmer or more frequently if required. The Environmental Health Officer confirmed acceptance of this plan.

iv. Impact Upon Access and Highway Safety

North Yorkshire Highways Officers have been consulted and have confirmed no objection to the proposed development.

The response contained within the consultation response provided additional advice, which is considered important for the Applicant to be aware of. Therefore an informative will be attached to this

permission drawing the attention of the Applicant to this response.

This advice notes *“The proposal to extend the number of stables onsite and change of use from private to commercial is acceptable in principle from the Local Highway Authority perspective and no objections offered as a recommendation. However, should the applicant consider any further extensions to the commercial usage of the site, the highway network in that location would not currently, comfortably accommodate it.”*

v. Other matters, including consultation responses.

No response was received from the Parish Council nor from any third parties to date. As noted, an administrative issue during the consultation process has resulted in Butcher House Farm further to the west of the site not receiving a notification letter, as explained earlier in this report.

North Yorkshire Archaeology were consulted as part of this application and confirmed no objection to the proposal, noting *“there is unlikely to be a significant impact on archaeological deposits.”*

In light of the above assessment, it is considered that the proposed change of use is acceptable in principle and that the proposed operational development is acceptable in form, design and positioning. It is not considered the proposal would result in harm to the amenity of neighbouring properties. The proposed development is also considered to be acceptable in terms of wider landscape impacts and would not result in harm to access or highway safety.

Therefore subject to the identified conditions we can be satisfied that this proposal conforms with Policies SP9, SP12, SP16, SP19 and SP20 of the Ryedale Local Plan, Local Plan Strategy and the National Planning Policy Framework. Permission is therefore sought for the delegation of the final decision to Officers.

**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 plan(s):

- Site Location Plan
- Proposed Floor Plans (Drawing no. 1)
- Proposed Elevations (East and West Elevations) Drawing no. 2
- Proposed Elevations (North and South Elevations) Drawing no. 3
- Proposed Site Layout Plan (Stables)
- Proposed Site Layout Plan (Canter Track)
- Landscaping and Manure Plan

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

3            Unless otherwise approved in writing by the Local Planning Authority, no lighting shall be installed at within the site hereby approved unless first agreed in writing with the Local Planning Authority.

Reason: In the interests of the character of the Area of High Landscape Value in accordance with Policy SP13 of the Ryedale Plan, Local Plan Strategy.

- 4 Unless otherwise agreed in writing with the Local Planning Authority, the stable development hereby approved shall be completed with a dark brown colour finish.

Reason: To ensure a satisfactory external appearance, in the interests of the Area of High Landscape Value in accordance with Policy SP13 of the Ryedale Plan, Local Plan Strategy.

- 5 All manure waste on the site shall be managed in line with the agreed details contained within the Manure Management Plan received by the LPA on the 10th January 2020. Any variation from this agreed scheme shall require the written approval of the Local Planning Authority.

Reason: In the interests of the residential amenity, in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

#### **INFORMATIVE(S)**

- 1 The Applicant's attention is drawn to the consultation response received from the North Yorkshire Highways Officer in their statutory consultation response dated 5th December 2019 in relation to potential future development at the site.