

**Item Number:** 11  
**Application No:** 21/00057/FUL  
**Parish:** Great and Little Barugh Parish Council  
**Appn. Type:** Full Application  
**Applicant:** Mr Andrew Kellet (Wilson And Kellet)  
**Proposal:** Change of use of buildings to commercial livery stables, to include equine therapy and rehabilitation services, erection of 2no. additional stables, construction of 1no. horse walker, formation of riding arena and construction of a hardstanding area for parking and turning of vehicles (retrospective)  
**Location:** Livery At The Haybarn, Barugh Lane, Great Barugh, YO17 6XB

**Registration Date:**  
**8/13 Wk Expiry Date:**  
**Overall Expiry Date:**  
**Case Officer:** Martin MacBeth

#### **CONSULTATIONS:**

<b>Environmental Health Officer</b>	No objection but condition
<b>Highways North Yorkshire</b>	No objections
<b>Great and Little Barugh Parish Council</b>	No objection but comment
<b>Tree and Landscape Officer</b>	No objection

#### **Representations:**

Lloyd Jones on behalf of Gill Truscott – object  
Lloyd Jones on behalf of Mr and Mrs Crockatt - object  
J Dixon – object  
Anne Blakemore – object  
Sophia Bell – support  
Matthew Shaw – support  
Andy Stephenson – support  
Rachel Dring – support but no comments made  
Joanne Penrose – support  
Lesley Salisbury – support  
Barbara Hopkins – neither object nor support then subsequently changed to support  
Tim Easterby – support  
Lawrence Mullaney – support  
Ben Boothman – support  
Donna Fahey – support but no comments made

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#### **SITE:**

The application site is situated to the west of the Haybarn which is accessed off Barugh Lane and located to the south of Great Barugh. The access is taken from Barugh Lane to the east and is shared with nearby residential properties.

The site currently includes a long stable building, area of hardstanding and a horse walker. The site covers 0.2 ha and is located adjacent to wider fields in the applicant's ownership. The subject application site is not listed or within a conservation area but the site does fall within land designated as the 'Wider Open Countryside' under the Ryedale Plan, Local Plan Strategy.

## **PROPOSAL:**

This retrospective application seeks approval for change of use of buildings to commercial livery stables, to include equine therapy and rehabilitation services, erection of 2no.additional stables, construction of 1no.horse walker, formation of riding arena and construction of a hardstanding area for parking and turning of vehicles.

The cover letter included as part of the application submission sets out the following:

*“The applicants purchased the site in 2014 and have been operating the stables as a commercial livery enterprise since 6<sup>th</sup> June 2014.*

*A number of additions have been made to the site since the applicants purchase, and these include the construction of a horse walker (completed 29/02/2016), and the construction of additional stables (completed 09/11/2015, and the construction of the hardstanding, erection of 2 No. additional stables and the construction of a horse walker.*

*The stable block has a capacity for 7 horses, and the business also currently has two horses on grazing only livery. Livery options are available on the site including DIY, full and part livery.”*

Officers have sought clarification over the existing use of the site from the applicant’s agent in order to inform consideration of the application. The agent has confirmed that the buildings at the site include 7 stable boxes, 2 stores and a tack room. In addition, the agent has confirmed that the current tenants who operate and manage the site have an annual lease. They have three horses of their own with three horses at livery and intend to accommodate up to 3 horses at the site for boarding equine therapy. It is proposed to use the tack room for the therapy which includes the use of a solarium and theraplate for joint and muscle therapy. It is understood that one of the couple is a trained veterinary nurse and equine therapist.

With regards to transport at the site, as part of the additional information provided this informs that currently the site generates the tenant’s vehicle plus 3 client’s cars. It is understood that at present the tenant sees to all horses at the first part of the day with livery clients seeing to their own horses later each day. The supporting information indicates that the boarding therapy will generate 12 vehicular movements per month.

## **HISTORY:**

The planning history at the site includes:

01/00981/FUL - Erection of stables/store. Planning permission granted on 3<sup>rd</sup> December 2001.

20/01108/FUL - Change of use of part of buildings to incorporate equine therapy and rehabilitation services to existing livery together with formation of new vehicular access and associated track to the premises and erection of 2no. additional stables and resurfacing of a hardstanding area (part retrospective application). Application made invalid following officers site visit which resulted in the submission of the subject application (21/00057/FUL) currently under consideration.

### **Planning Enforcement History**

20/00117/CU - Change of use of livery stables to equine therapy business and formation of car park. Currently a live enforcement case.

## **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 - SP13 Landscapes  
Local Plan Strategy - Policy SP16 Design  
Local Plan Strategy - Policy SP20 Generic Development Management Issues  
National Planning Policy Framework  
National Planning Practice Guidance

## **REPRESENTATIONS:**

Objections have been received from 4 individuals/ groups. A summary of the main points raised by objectors is as outlined below. Members are advised that the letters of objection can be read in full on the public file on the web-site.

### Principle

- Concerned about the unlawful use of the site
- The commercial enterprise is unacceptable in principle
- Contrary to local and national policy
- Does not constitute sustainable development
- No need for or evidence to justify the use in this location has been demonstrated
- Site is too small and constrained to accommodate the development
- Cannot see any justification for a livery yard to be established at this unsuitable location.
- Restricted covenant is on all the properties that no business is to be run from any of the properties

### Neighbouring Amenity and Safety

- The enterprise has led to a loss of privacy to the detriment of my/our/my clients amenity
- Horse riders using the land have a direct view into my clients garden/property
- The enterprise has led to an increase in noise and disturbance to the detriment of my /our/ my clients amenity
- The enterprise has resulted in an increase in odour to the detriment of my/our/my clients amenity
- No management plan detailing how the stables will be cleaned and waste dealt with
- Resulting loss of amenity has infringed my client's rights under article 8 of the Human Rights Act
- Concerned about safety in terms of fire risk
- The uncontrolled development has extended closer and closer to our property over the last 5 + years affecting both privacy and visual amenity of our property with no opportunity to influence this.
- Creation of the car park on 4<sup>th</sup> Nov immediately adjacent to our wildlife garden and in front of the small woodland area totally compromises our privacy in the garden.
- When planning permission was obtained in 2001 for two stables, one tack room and one hay store on this site for private use only (01/00981/FUL) the Planning Department made it very clear that no business use would be permitted, especially in view of the proximity to neighbouring dwellings.
- The nature of the "Therapy" to be provided is not disclosed and is obviously a significant factor in assessing additional potential impact on surrounding properties and environment.
- One of the unlawfully added additions has extended the block to within 0.5 m of the access track thus bringing the development significantly closer to the neighbouring dwelling
- Our driveway blocked on a number of occasions making access in and out difficult
- Concern on safety grounds that since the yard started on 1st October 2020 it has been tripping the electric off on a number of occasions resulting in no heating and hot water.

- Invasion of privacy concerns raised to neighbouring property
- One of the conditions on the original stables was that it was not to start within 3 meters of the track (which was the case) but is no longer the case as can be seen in photos provided.
- Ryedale District Council considered and highlighted the sites close proximity to neighbouring properties in correspondence relating to the original planning application in 2001. This prior to the sites current business development expansion closer to the access drive and creation of the arena and parking areas.

### Landscape and biodiversity

- Not high quality design. Buildings are utilitarian and of poor quality.
- Prominent from public vantage points
- Appears incongruous in the landscape
- Hopelessly out of place
- Unacceptable detrimental impact and significant harm to the character and appearance of the area
- The development has an adverse impact on the character and appearance of the area
- The development impacts on trees and biodiversity
- No details of how mature trees will be impacted/protected
- No ecological assessment
- The Council must be satisfied that it has the information to ensure that it meets its duties under the NERC Act.
- Impact on habitat and species biodiversity. Several protected species live in, or immediately adjacent to, this field eg extensive badger setts, dormice, toads and tawny owls. The field is part of local barn owl hunting territory. The loss of habitat and intrusion of light and noise would compromise the sustainability of these, and other species.

### Highway Safety

- The development has a severe impact on highway safety
- Has resulted in a significant increase in traffic (one day my client recorded 26 vehicle's passing her property)
- My client has nearly been hit five times
- The land serving the development is a private track
- Barugh Lane is fast moving and the increase in traffic and slow moving horse traffic will result in conflict between users and a significant safety risk to all road users
- Access on the public highway is via a narrow stone track with poor sight lines onto the road which is busy and has a 60mph limit. It is difficult to manoeuvre large horseboxes safely in and out of this junction.
- The road is dangerous to ride on (one of the reasons I moved after several near misses with speeding cars) and the nearest public bridleway is approximately 2 miles away.
- Speed of passing traffic is a cause for concern as well as a safety issue more so when children live at the property.
- Objector when riding their own horse near the double bend near the yard was thrown from their horse by a fast passing tractor.

### Drainage

- There are poor surface water and waste water arrangements
- No details have been provided of the surface water drainage strategy
- The creation of the arena (this was previously an area where sand was laid to deal with drainage problems) has further increased activity and brought it closer to our property.

- Waste trailer in close proximity to neighbouring property and their wildlife garden and woodland area with the smell varying but is particularly bad when the horses are kept in stables during the day due to the poor drainage in the field.
- No mention about the disposal of the horse urine when the horses are in their stable. The previous owner had drainage fitted to the two stables to dispose of this. No mention of any drainage to the additional stables
- The land floods in the winter from land above the stables and the fields on the other side of the stables drains into this area, therefore during most of the winter months the horses are unable to be let out into the paddocks.

Expressions of support have been received from 11 individuals/groups. A summary of the main points raised in support of the proposal is outlined below. Members are advised that all letters of support can be read in full on the public file on the web-site.

- Don't see a reason why this should not go ahead
- I have previously lived in the locality and find the livery quiet and respectful. Noise and odour were never a problem and I never felt unsafe as result of visiting vehicles
- The track has always been present in the position
- Believe objections to the proposal to be unreasonable and exaggerated
- In keeping with the thriving equestrian sector in the local area
- Does not spoil the scenery
- Part of rural life in Ryedale
- Strongly believe it should be approved on the basis that it will be beneficial to the local economy
- Application is in line with the Local Plan Strategy
- Represents investment in agricultural business
- Diversification of business incomes is a key way of ensuring a sustainable rural economy and should be supported particularly with current uncertainty ( Brexit)
- Potential odour issues: since taking over the yard we have changed all bedding from straw to wood shavings. The use of wood shavings greatly reduces the presence of odour.
- Upon walking down the track to the yard there is no noticeable smell other than the natural aroma one would expect to find in the countryside.
- We feel seeing horses out in the paddocks is a pleasant view and is truly representative of the Ryedale countryside.
- Aim to reduce any excess wastewater on site. Although there is sufficient drainage for rainwater, I would like to note that we try harvest rainwater as much as we can to use when cleaning the horses, I feel this is extremely sustainable and how we intend to run the yard.
- Keeping in line with sustainability field paddocks will be harrowed to incorporate any manure in fields to help reduce the amount of inorganic fertilisers used on the land.
- Stable muck is emptied into a designated trailer that is emptied regularly and taken back to the landowner's farm. This is then spread putting organic goodness into the land and therefore again reducing the amount of manufactured fertiliser being applied to the fields. This is a huge benefit to the environment.
- The service provided will help sustain employment and income within the local economy.
- We need yards like this in place so we are happy knowing that ex racehorses are in safe hands once they reach retirement.
- Traffic would be minimal on the lane, doesn't affect the properties on the lane to the yard as the properties all have their own parking within their own boundary
- It would be a good service for the local racing community
- The location of the livery is perfectly suited to serve the needs of the local area
- All the stables are a good size.

- It will contribute to the local rural community by encouraging and enabling young people to work in that community and diversifying to promote future projects
- Will also create other rural jobs such as providing work for farriers and vets
- The National Planning Policy Framework makes it clear that planning should support economic growth in rural areas by taking a positive approach to sustainable new development and that plans should promote the development and diversification of agriculture (paragraph 28).

During the consultation period and beyond there has been on-going rebutting of points raised between the parties. All of the material planning considerations raised as part of the subject application are fully considered below in the appraisal section of this report.

Parish Council Response – 24<sup>th</sup> February 2021

The Parish Council raised the following summarised responses, but this can be reviewed in full in the appendices. The Parish Council had a site meeting with the applicant and neighbouring residents independently on 7<sup>th</sup> February 2021 with subsequent Parish Council meeting on 15<sup>th</sup> February 2021.

*“There are a number of areas that residents have raised concerns about and these include:-“*

- Privacy, particularly pertaining to vehicles parking on the new hardstanding adjacent to The Granary garden.
- Outlook, vehicle parking and position of muck trailer.
- Access and maintenance of access.
- Speed of traffic entering the site.
- Questions over road safety on joining the C20.
- Noise from traffic entering and leaving the site.
- Possible further expansion.
- The number of horses at the livery yard.
- The retrospective nature of the application.
- The equine rehab business, hours of business, potential extra traffic and visitors for this.
- That water and electricity are supplied from the Haybarn, owned by Mr Kellett and that the electricity supply in particular has caused problems to the tenant of The Haybarn. *“It was suggested to the tenant that this matter be raised with the applicant and letting agent.”*
- Fire precautions at the stables are inadequate and that there is a risk to their trees.
- The expansion of the stables may be causing damage to the roots of their trees.
- The original consent for the roadway owned by Mr Kellett was granted on the basis that it would not be used for business access.
- Concerns expressed about whether drainage is adequate.

The Parish Council put these concerns to Mr Kellett who responded as follows:

- Privacy, Mr Kellett is willing for parking to be away from The Granary garden, there is space adjacent to The Haybarn property which he owns or vehicles can park further over in the stoned sheep handling/additional parking area. He is willing to provide screening by way of fence, hedge if required.
- Outlook, as well as vehicles there is the muck trailer which is fully visible from The Granary. Mr Kellett has offered to screen the area with either Yorkshire boarding or planting trees or a hedge. Re-siting the trailer would be considered but it does need to be on hard standing and accessible by a road for emptying.
- Access/maintenance of access. The access road is a shared road owned by Mr Kellett with neighbouring properties having rights of way. Mr Kellett maintains the access as he uses it the most for access to fields for harvesting, livestock etc that he also farms further down from the site in question. Mrs Crockett, a neighbour at The Granary has raised concerns regarding a

covenant in her property's deeds regarding a liability for a contribution towards maintenance of the road. Mr Kellett confirmed that he has not asked for a contribution towards road maintenance. On the 16th February 2021 Cllr Garrett received an email from Mr Kellett clarifying the wording on their title deeds as follows:- “thereof a right of way over the access track on the plan for agricultural, equestrian and maintenance purposes only subject to the user thereof paying towards the cost and maintenance and repair of the access track according to user”.

- Speed of traffic, Mr Kellett indicated he would be willing to put in some small speed bumps.
- Expansion, Mr Kellett does have future plans to increase the fenced exercise area. Flood lights were mentioned at the Parish Council meeting but were deemed cost prohibitive by Mr Kellett. Any future plans for expansion would be subject to a planning application in the future.
- Number of horses, Mr Kellett would be willing to limit the number of horses to 7 on the livery site and land. Concern was raised in relation to noise, vehicle movements and disturbance.
- Equine Rehab, Mr Kellett said he would be willing to have restrictions on business hours from 7am to 7pm, with obvious exceptions for welfare issues. The nature of the business requires horses to be on site for a few weeks at a time so he suggested that there should not be an increase in traffic. Other treatments are done from the existing mobile business. Mr Kellett also confirmed that he would accept DIY livery business hours of 7am to 7pm.
- The Parish Council understands from Mr Kellett that the equine therapy business is not yet up and running out of the Haybarn livery although we did see some equipment had been installed. Therefore as far as we are aware the equine therapy business is not retrospective.
- Access onto the public highway, NYCC Highways have not raised an objection to this.
- The Parish Council is aware that a livery business has run quietly over a number of years from the site with no issues being reported.
- The Parish Council are all in agreeance for supporting small businesses and rural employment with diversification playing a key role.

## **APPRAISAL:**

The main considerations within the determination of this application are:

- **Principle of the development**
- **Neighbouring Amenity and Safety**
- **Landscape and biodiversity**
- **Highway Safety**
- **Drainage**

### **Principle of the development**

The application site falls within land designated as the ‘Wider Open Countryside’ under the Ryedale Plan, Local Plan Strategy.

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.” Policy SP9 also supports “Appropriate farm and rural diversification activity including innovative approaches.”

The NPPF ‘Supporting a prosperous rural economy’ sets out that planning decisions should support economic growth in rural areas by taking a positive approach to sustainable new development and that

plans should promote the development and diversification of agricultural and other land-based rural businesses.

The principle of the development including further operational development to support the development of an equine therapy business is therefore considered to be in accordance with Policies SP1 and SP9 of the Ryedale Plan, Local Plan Strategy.

### **Neighbouring Amenity and Safety**

The site is in close proximity to three nearby dwellings- The Haybarn, The Granary and The Old Wheelhouse. The access to the application site from Barugh Lane is shared with these residential properties which are located to the south of the track and south east of the application site. Stables were originally approved (01/00981/FUL) at the application site for domestic purposes used in conjunction with the property known as The Haybarn. It is understood that whilst the application site/buildings and the dwelling remain in the applicant's ownership, the dwelling is now rented out separately from the application site/ stables.

The three residential properties have gardens situated to their northern elevations and therefore positioned abutting the access track. The gardens are set back from this track by varying distances of between approximately 17m and 25m. Of the three properties, The Granary is situated most westerly of the application site and therefore is in closest proximity to the main area of the application site. It appears that there would be a distance of approximately 8.3m between the south eastern corner of the stables and the nearest part of the domestic curtilage, with a distance of approximately 33m between this south eastern corner and the nearest part of the dwelling. It should be noted however, that the hardstanding that has been laid for parking at the application site immediately abuts the access road to the Granary and a section of the garden of that property.

The occupiers of each of these three properties have objected to the application for a range of reasons which include impact on their residential amenity. The occupier of the Granary – the closest property to the stable buildings and hardstanding did request that Officers experience the application site from three different locations within The Granary which included the woodland garden area to the north of the dwelling, the wildlife garden to the west which has trees, hedging, a pond and seating area used by the owners and is adjacent to the car park. The other area within The Granary that it was requested be viewed was the patio area to the south of the dwelling which it was felt could be viewed from the car park.

The effect of the proposal on the residential amenities of the occupants of these properties is a key consideration in the determination of the application. Notwithstanding the fact the applicant claims to have operated the site as a commercial livery since 2014, the proposal would entail the change of use and intensification of the site in comparison to its lawful private, domestic use. Issues relating to increased activity, noise, disturbance and odour are of particular relevance.

Activity associated with the access to the site as well as activity at the site has the potential for increase noise and disturbance. At present the use of the site is relatively low key with three horses present at the site on a part-livery basis and three horses owned by the current tenant/manager of the site. It is understood that the current manager sees to all horses at the site in the morning and individual owners tend to their own horses later in the day. The current way in which the site operates is therefore relatively low key, with circa one vehicle coming to the site in the morning and up to 4 later in the day. The proposed equine therapy business is intended to operate on a boarding basis and is anticipated to generate vehicle movements in the order of 12 movements per month.

In terms of the current operation at the site and the level and type of equine therapy proposed, the level of disturbance associated with access to the site is not unacceptable. It is considered that this activity is likely to be experienced more greatly by the occupiers of the Granary. This is the closest property to the site and is adjacent to the hardstanding used for parking. However, as noted, a level of activity exists with the lawful use of the site and surrounding agricultural land. The current activity at the site is not considered to result in a significant material difference to the activity which could occur as a result of lawful activity and use of the land and access track. Notwithstanding this point, the occupiers of the



Granary will be aware of increased activity at the site due to the juxtaposition of the hardstanding and their property and the inter-visibility between the two. In this respect, landscaping of the area of hardstanding would serve to reduce the impact associated with activity at the site. It is understood that the applicant has confirmed to the Parish Council that he would agree to the planting of a hedge around the hardstanding. This would also address concerns that the occupier of the Granary has in respect of a loss of visual amenity of their property. The landscaping of the hardstanding would help to mitigate the presence of the use on for the occupiers of the Granary.

It should be noted that the access has historically been used in an unrestricted manner by agricultural vehicles and would also have been used to access the authorised stables as part of the approved planning application (01/00981/FUL). The track is also used to serve the three dwellings and the vehicular movements associated with these, including visitors and deliveries is activity which is experienced, to varying degrees at present.

The close proximity of the main road to the east is also noted, which has a lawful speed limit of 60mph. Barugh Land itself is a source of traffic noise and activity which the existing properties currently experience – especially the occupants of Wheel house which is situated immediately adjacent to the road. However, it is not considered that the intensified use of this access as it currently exists would result in additional material harm to residential amenity and it is noted that vehicles using this would be doing so at slower speeds.

Both the applicant and current tenant/operator envisage up to 9 horses in total at the site. However, there is a clear difference in the way in which the site currently operates (and would operate with the equine therapy as proposed) and the activity which could take place if planning permission was granted with the description of the development proposed. In this respect, there would be nothing to prevent a total of nine horses being at livery on the site. Depending on the type of livery provided, this could result in more vehicles using the access track on a daily basis and being focussed at the site at weekends for example. Additionally, the nature of the equine therapy business at the site could change to include more trips to the site.

Officers have considered the use of a condition to limit the number of horses at livery at the site and the type of equine therapy provided, on the basis that it is these which have the potential to increase and intensify vehicular activity. It is considered that such conditions would be difficult to enforce and are unlikely to meet the necessary tests required as set out in paragraph 55 of the National Planning Policy Framework. In the absence of any ability to control these matters, there is a risk that development as proposed could result in an increased level of vehicular activity at the site.

Objectors to the application have also cited frequent trips by farriers, vets, delivery vehicles to the site in addition to the tenant and the owners of horses at livery. The current tenant has confirmed that farriers visit the site approximately six times per year and that vets are called as and when required. Hay and feed are also delivered by the owner of the site. Such trips are not considered to result in a material difference to the level of vehicular activity using the track.

Objectors to the application have also raised concern over odour from horse urine and manure. Officers have made a number of visits to the site, including one unannounced visit. On each occasion the site was tidy and well maintained. A trailer used for the storage and transportation of stable waste was in situ but no odour witnessed. The Council's Environmental Health Officers have confirmed no objection to the application but have requested that a written manure management procedure be put in place and submitted to the Planning Authority for approval.

Upon request a manure management plan was submitted to the Planning Authority which is considered to be acceptable by the Council's Environmental Health Team. The plan is a detailed document which covers a range of aspects, including a manure management procedure for the stables. Manure will be stored in a trailer then when full transported to the Applicant's arable land where it will be held in accordance with Red Tractor Farm assurance procedures. The Plan also covers the removal of non-manure waste and outlines a complaints procedure.

It should be noted that the existing lawful use of the stables for domestic purposes is not subject to an

agreed Manure Management Plan. In this respect, the application has the potential to provide some additional control at the site.

Objectors have also raised concerns about a reduction in privacy. Gardens to the dwellings face the access track (and the hardstanding in the case of the Granary) and there is some inter-visibility. However, as noted, the access track is shared and deliveries to each of the dwellings served by the track mean that these areas are not entirely private as it currently stands. Landscaping of the area of hardstanding would address any loss of privacy experienced by the occupiers of the Granary.

Objectors have also raised concerns in relation to safety, and the potential fire risk to other properties. Whilst this is acknowledged from a planning assessment, fire precaution matters would not be considered a planning material consideration.

### **Landscape and biodiversity**

The site is situated within the Vale of Pickering on relatively flat terrain. Trees, field boundary hedging and intervening land serve to screen and/or soften views of the site from Barugh Lane and surrounding public vantage points. The buildings and structures on the site are set against the backdrop of a woodland belt and within the context of the adjacent building group. In this respect the development is not considered to represent a significant visual incursion in the countryside and would not result in an unacceptable change in the character of the rural landscape in this locality.

Concerns have been raised with regards to the impact the development has on trees and biodiversity. Accordingly as part of the application assessment comments on the application have been sought from the Council's Tree and Landscape Officer. In response the Officer highlighted that section 10 of the application was in-correct as it had been indicated that there are no trees on the land adjacent to the proposed development site when in fact there is a mature line of trees to the East of the application site and also there are a number of mature trees adjacent to south and east of the hardstanding area. As a result it was stated that:

*“Had the application been made prior to development we would have expected the applicant to provide details of the trees within influencing distance and consideration of the potential impact of the development on the trees. As such, the works that would affect trees within influencing distance has already been done. It is understood that the construction of the additional stables was completed on 09.11.2015 and more recently the construction of the hardstanding area for parking and turning vehicles was completed on 05.11.2020. The horse walker, completed 29.02.2016 is in my view, beyond the zone influence of the trees.”*

Concern was raised by the owner of The Old Wheelhouse via LRJ Planning Ltd acting on behalf of the owner that no details were provided of how the mature trees will be impacted on by the proximity of the stables and the potential future pressure for them to be felled or for works to be carried out as a result of their proximity. As a result a Tree Preservation Order (TPO) has been requested for the consideration of the Council's Tree and Landscaping Officer.

As part of the consultation response from the Tree and Landscape Officer it was noted that no details have been provided regarding the impact on the trees, that may result in pressure on the trees to be pruned or felled as a result of the development. The officer carried out a site visit and states in the response that:

*“On the basis of my site visit I found the trees to have reasonable health and form. There were some minor branches overhanging the applicant's boundary. These relatively small branches are not likely to be a problem at this time.*

*Any remedial cutting back of branches is not considered to be significant and would not harm the amenity of the trees.”*

In addition with regards to the trees and biodiversity the response provided by the officer states “As I understand it, no trees have had to be felled as a result of the development. I can find no obvious loss of

biodiversity as a result of the development. Nevertheless, ,

*Given that the foundations to the additional stables were made in 2015 any damage that may have occurred to the trees will already have occurred, and this would be evident with the canopy of the trees (manifesting as dead wood). There has been no pruning work to the trees to the east of the development following on from the laying of foundations to the stables which suggests that no significant harm has occurred to the roots of the trees.*

*Having considered the application and the information provided I confirm that I have no objections.”*

### **Highway Safety**

As part of the application submission and the cover letter submitted the Agent states the following:

*“The traffic generation is a low-key operation, and results in average traffic generation of approximately 6 cars per day accessing the site.*

*The traffic generation is split into 3 cars on average each morning, and the 3 cars in the late afternoon or evening. Parking and turning provision is available on the site on the hardstanding area which also forms part of this applications.*

*With regard to the equine therapy, a horse requiring therapy is delivered to the site for a period of around 2 weeks. The only traffic involved in this process is the delivery and collection of the horse in a horse box.”*

As detailed earlier in this report further clarification was sought from the agent with regards to the equine therapy. In-terms of transport, the additional supporting statement informs that currently the site generates the tenant’s vehicle, plus 3 client’s cars per day. In addition to the livery off, the tenants are proposing to offer equine therapy. The supporting statements cites that this will be low-key and involve a maximum of 3 horses coming to the site for therapy for a 3 to 4 week period. As a result the extra offer will create around 6 additional vehicles (12 movements) per month for a horse box to deliver and collect horses in therapy.

North Yorkshire Highways have been consulted and have confirmed no objection to the proposed development in terms of access and highways safety.

Within the consultation response the comments cite that *“It is expected that the increase in vehicular activity will be relatively low for the proposed change of use. The existing access is sufficient to support the increase in vehicular activity to this site. In addition, there has been provision made to include additional parking amenity within the curtilage of the application site”*

### **Drainage**

In relation to surface water drainage, it is noted in the application form that the site drains to a soakaway. The Case Officer contacted the Agent to seek confirmation on this point who responded to advise that the drainage was installed when the stables were built and includes a soakaway which is located underneath the riding area and illustrated the location in a revised site location plan which can be viewed via Council’s website under drawing number: IP/WK/03.

### **Other Matters**

It is acknowledged that a number of other aspects have been highlighted in the representations above.

Points have been raised in relation to animal welfare and whilst acknowledged, this is not a material planning consideration in the determination of this application.

## **Conclusion**

The principle of the development is in line with national and local planning policy and represents development that supports Ryedale's land-based, rural economy. In particular, the site currently provides a source of accommodation for a fledgling equine therapy business. Notwithstanding this, the site is in close proximity to residential properties and there is potential for increased activity within the scope of the permission sought. Whilst the level of activity arising from the current management and use of the site is considered to be acceptable in terms of its impact on the amenity of nearby residents, it is unclear how this may change as the equine therapy business becomes established. Therefore, on balance, it is considered that a temporary planning permission could be granted to allow the business to establish and operate. This would allow the full extent of the activity associated with the existing tenants to be known. A temporary permission would also provide scope for the proposed uses to be re-assessed in the event that the existing tenants vacate the site and a different combination of livery/therapy use with the potential for increased vehicular movements arises.

**RECOMMENDATION:** That a temporary planning permission is granted for a period of three years, subject to the following conditions:

1. The development hereby permitted on a temporary basis for a period of three years shall be carried out in accordance with the following approved plan (s):

Location Plan dated Jan 21. DWG. NUMBER: IP/WK/01

Site Plan A1 dated April 21. DWG. NUMBER: IP/WK/03

Elevations A1 dated Jan 21. DWG. NUMBER: IP/WK/03.

Stable Block Floor Plan dated May 21. DWG. NUMBER: IP/WK04

2. On the expiration of the three years from the date of the permission hereby granted the permitted use shall cease.

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

3. No external lighting shall be installed on site unless details of such lighting including the intensity of illumination have been first submitted to and approved in writing by the Local Planning Authority.

To ensure an appropriate appearance and to comply with the requirements of Policies SP16 and SP20 of the Ryedale Plan - Local Plan Strategy.

4. Unless otherwise agreed in writing with the Local Planning Authority, the development hereby approved shall be undertaken in accordance with the details submitted and approved in the Manure Management Statement.

Any proposed amendments to this agreed scheme shall require the prior written approval of the Local Planning Authority.

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

5. Within 3 months of the temporary permission hereby permitted, details of proposed planting to provide additional screening to the development in the car parking area adjoining The Granary garden shall be submitted to the Local Planning Authority for approval in writing. All planting in the approved details of the landscaping scheme shall be carried out in first available planning season.

Reason: To ensure that the development is properly integrated into its rural setting and to protect the amenities of neighbouring occupiers, in accordance with Policies SP13 and SP20 of the Ryedale Plan – Local Plan Strategy.