

**Item Number:** 13  
**Application No:** 21/00740/FUL  
**Parish:** Sproxton Parish Meeting  
**Appn. Type:** Full Application  
**Applicant:** Mr & Mrs Boddy  
**Proposal:** Change of use of buildings and agricultural land to equestrian use to allow the establishment of a commercial livery yard to include erection of a block of 7no. stables, formation of a 60m x 40m outdoor equestrian arena with training mirrors, installation of 1no. partially covered circular horse walker, formation of 3no. covered winter turnout areas and tack room/feed store with storage area above in an existing agricultural store/barn, the erection of a lean-to adjoining the existing stable block to create a covered wash/dry area for horses and the addition of equestrian use to the existing agricultural use of the land red lined in Appendix 1  
**Location:** Courtyard Middle Farm Main Street Sproxton Helmsley North Yorkshire YO62 5EF

**Registration Date:** 26 May 2021  
**8/13 Wk Expiry Date:** 21 July 2021  
**Overall Expiry Date:** 25 June 2021  
**Case Officer:** Alan Goforth **Ext:** 43332

#### CONSULTATIONS:

##### *Initial consultation:*

<b>Highways North Yorkshire</b>	No objection
<b>Sproxton Parish Meeting</b>	Support
<b>Paul Jackson AONB Manager</b>	Comments
<b>Environmental Health</b>	No response received

##### *Re-consultation (in relation to the additional supporting statement):*

<b>Paul Jackson AONB Manager</b>	Comments satisfactorily addressed
<b>CPRE</b>	<i>Any further comments will be reported at the meeting</i>

**Representations (29):** *Objections (3):* Mrs Fiona Wainwright, Mr Mark Wainwright, Simon and Joanne Welford.

*Support (26):* Mrs Helen Wells, Mr Simon Jackson, Mr James Vandebroecke, Mr David Riley, Mr Stephen Burgess, Paulina Swindells, Mrs Maureen Skinner, Mr George Skinner, Mrs Joanna Oliver MBE, Mrs Joyce Walters, Ms Faith Padmore, Mrs Sarah Vandebroecke, Mr Bill Tait, Mr Colin Ward, Nancy and Bob Roberts, Mr Robert Oliver, C.R Jenkins, D Garside, Mr David Wells, Mr Mike McAndrew, Elaine Burgess, Mr Franklin Farrar, Fliss Murtagh, Ms Francesca Sole, Victoria Smart, Mrs Judy Macdonald.

## **BACKGROUND:**

The application is to be determined by Planning Committee as representations received in response to the consultation exercise have raised objections based on material planning considerations.

## **SITE:**

The proposed development site is a farm occupying a central position on the southern side of the village of Sproxton. The site, with the exception of the access, is outside village development limits and in the open countryside. The site is within the Howardian Hills AONB. Access to the site is off the village street (unclassified road) that leads east from the B1257. At the eastern end of the village the road becomes a track and public bridleway.

The application site comprises the existing farmyard consisting of a variety of modern agricultural buildings and 3no. existing stables and adjoining grazing paddocks which extend down the slope to the south of the yard. The site was previously used by a large-scale commercial contract farming enterprise. The applicant's property (Middle Farm Courtyard) is situated at the northern end of the farm yard. The application site is to the rear of the neighbouring residential properties comprising Stable Cottage, Middle Farm, The Cow Shed, The Old Reading Room and Hinds Cottage.

## **PROPOSAL:**

Planning permission is sought for the change of use of buildings and agricultural land to equestrian use to allow the establishment of a commercial livery yard to include erection of a block of 7no. stables, formation of a 60m x 40m outdoor equestrian arena with training mirrors, installation of 1no. partially covered circular horse walker, formation of 3no. covered winter turnout areas and tack room/feed store with storage area above in an existing agricultural store/barn, the erection of a lean-to adjoining the existing stable block to create a covered wash/dry area for horses and the addition of equestrian use to the existing agricultural use of the land red lined in Appendix 1.

The proposed riding arena would measure 60m in length by 40m in width (2400m<sup>2</sup>) and would be located in the south western corner of the farm yard and would involve the removal of an existing hedgerow. The arena would have a wax coated silica sand and stabilising fibre permeable surface and would be enclosed by timber post and rail fencing. It would include 17no. training mirrors installed on the western side of the arena. The arena will be used only during daylight hours and there will be no floodlighting. A circular horse walker (12m diameter) would be constructed in the south eastern corner of the yard to the side of the arena.

To the north of the arena a 24m by 4m building containing 7no. stables would be constructed adjacent to the boundary facing into the yard. The stables would be in concrete blockwork with a corrugated metal dual pitched roof. The existing stables (3no.) which abut the southern end of the steel framed agricultural shed would be extended with a lean-to off the eastern elevation to provide a covered wash area (36m<sup>2</sup>).

The existing steel framed, mono pitched roof agricultural building (422m<sup>2</sup>) which stands parallel to the eastern boundary would be converted to provide a tack room/feed store with storage area above (blockwork and timber cladding) at the northern end with the remainder of the building forming 3no. covered winter turnout areas enclosed by stock boarded galvanized gates.

The livery yard would be gated at the northern and southern end. There would be new/replacement hedgerow planting on the western and southern sides of the arena.

The supporting statement explains that the proposed development would allow the applicant to practice various riding disciplines as well as exercising their horses in a safe environment. The applicant is an amateur event rider, competing in the disciplines of dressage, show jumping and cross country, and the proposed development will provide the facilities to be able to practice 60m x 20m dressage tests and show jumping over a full course of show jumps (smaller than the minimum sized competition arena).

The stables and facilities would be made available to rent/hire. Additional employment generated by the development would comprise a full time yard manager and at least one part time groom.

The applicant has submitted an additional supporting statement in response to comments received during the consultation period. The statement is appended to this report and sets out the applicant's proposals in terms of field shelters, fencing, planting, construction materials and the use of the other farm buildings adjacent to the yard.

## **POLICIES:**

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning authorities are required to determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. The Development Plan for the determination of this particular application comprises the following:

- The Ryedale Plan- Local Plan Strategy (2013)

### The Ryedale Plan - Local Plan Strategy (2013)

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 SP13 Landscapes

Local Plan Strategy - Policy SP16 Design

Local Plan Strategy - Policy SP17 Managing Air Quality, Land and Water Resources

Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development

Local Plan Strategy - Policy SP20 Generic Development Management Issues

### Material Considerations

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (PPG)

## **REPRESENTATIONS:**

The LPA has received a total of 29 representations from local residents and members of the public of which 3 raise objections to the application and 26 support the proposal.

The reasons given in objection can be summarised as follows:-

- The influx of horses into the middle of the Sproxton, using the village street to access the bridleway at the east end of the village will be a hazard to all road users, including pedestrians, cyclists and motorists
- The village street and bridleway is unsafe and too narrow there are no passing places for horses and it is illegal for horses to stand on private driveways
- No limit to the horses stabled at the site
- The large agricultural buildings on the site will have change of use to equestrian and could be used to stable many more horses without the need for permission
- Increase in transport to and from the property on a daily basis including horse trailers and lorries and suppliers (feed companies, farriers, vets, trainers etc).
- The site is within the AONB and the fields would be littered with unsightly white horse tape and plastic horse jumps.
- Arena is of an inappropriate scale
- Visual impact of the mirrored wall at the end of the arena.
- Reflection of the mirrors across the fields will have a huge impact on the local wildlife including owls

- Light pollution from the stable yard
- Noise from early morning (5am - with people going out evening) to late evening (on their return)
- Stables will lead to more dirty water, manure, smell and vermin impacting all residents of the village
- Field shelters should not be permitted

The reasons given in support can be summarised as follows:-

- The change of use is an asset which benefits the local area
- It represents appropriate rural diversification
- The opportunity to provide quality care, high standards of welfare and all weather training to dressage, show jumping and event horses
- Small scale, low-key development appropriate for its setting in keeping with the village
- It will benefit other associated equine related businesses and trades (yard manager/ farrier/vets/ equine physiotherapist/saddlers/feed suppliers/ex racehorse rehab and retraining)
- Less noise / disturbance to neighbouring properties than the previous agricultural business
- Reduce large agricultural HGV's negotiating the village road
- The facility will be well screened by existing and new hedgerows
- The design utilises the existing buildings and yard with screening to ensure the impact on the surrounding landscape is minimal
- Close to bridleway network
- Adequate and unobtrusive parking is available for riders, staff and vehicles including horse boxes
- The proposal is for a high quality boutique livery yard not a large DIY yard, riding school or a home for "happy hackers".
- The size of the arena is average size for a standard course of 14 show jumps

In addition a response has been received from CPRE North Yorkshire. CPRENY do not object to the proposed change of use or buildings per se, however, do have some comments they wish to make regarding appropriate use of mitigation measures to ensure the area remains rural in appearance within the wider context of being within the AONB.

In summary the CPRENY comments are:

- A livery for 7 horses would be a significant reduction in associated vehicular movements compared to the current agricultural enterprise
- The noise associated with the proposal is that of a typical rural environment and again is considered more sympathetic to the existing environment than the vehicular movements including HGVs associated with the current agricultural business.
- There should be no more built up or panelled fencing which would detract from the current open views
- Any jumping paraphernalia should be removed and stored as appropriate and/or located within a specific part of the site so as not to add 'clutter' to the open countryside views
- Buildings should all be of a natural appearance to reflect the rural and open nature of the location, ideally constructed from timber, with a dark roof
- Lighting to be conditioned

## **APPRAISAL:**

### Principle of development

Policy SP1 (General Location of Development and Settlements Hierarchy) of the Ryedale Plan - Local Plan Strategy supports the principle of development within the open countryside where it is necessary to support a sustainable, vibrant and healthy rural economy. Policy SP9 (The Land Based Rural Economy) supports the principle of land-based activity and a working countryside, including equine purposes.

Paragraph 84 of the NPPF (2021), in relation to supporting a prosperous rural economy states that “*Planning policies and decisions should enable:*

- a) *the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) *the development and diversification of agricultural and other land-based rural businesses”.*

The proposal is a form of diversification which aligns with national and local policy in relation to the rural economy and the use would retain and create equine related employment in the area.

### Design and landscape & visual impact

Policy SP16 (Design) of the RPLPS states that to reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings.

The site is within the Howardian Hills AONB. The Countryside and Rights of Way Act 2000 places a statutory duty on authorities to have regard to the purpose of conserving and enhancing the natural beauty of the AONB when exercising or performing any functions affecting land in the AONB.

National planning policy (paragraph 176 of the NPPF) states that “*Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues”.*

The site is located on the southern side of the village and the existing farm buildings are on a plateau set back from the road. To the south, beyond the farm yard, the land falls away down the scarp slope to the valley bottom. There are views of the open fields comprising the southern end of the application site from the B1257 to the south.

The additional stable block, the circular horse walker and the lean-to extension to form a covered wash/dry area are all modest additions within the yard and in terms of siting, scale and appearance are not objectionable. However, there have been concerns raised in relation to the size of the proposed arena. It is understood that the size/footprint of the arena is that which is necessary to safely steer a horse round the course of jumps and much smaller than a show jumping competition arena. The arena is not considered to be excessive and can be accommodated without unacceptable encroachment on to the adjacent paddocks.

The arena surface would be enclosed by timber post and rail fencing and new/replacement native hedgerows on the western and southern sides. The mirrors which would stand along the western side would be inward facing and angled towards the surface. There are no proposals for the arena to be used outside of daylight hours and as a result no requirement for floodlights to illuminate the arena. A condition shall be imposed to control any additional external lighting required within the yard.

The applicant proposes landscape planting in the form of native hedgerow on two sides of the arena and adjacent to the horse walker and also along the southern field boundary. A condition will secure the final details should permission be granted. The topography of the land, the existing and proposed landscape screening and the enclosure provided by the built form and arrangement of existing farm buildings within the yard ensure that the relatively low profile new build elements are not incongruous or visually intrusive. A condition to control the materials and colour finishes of the buildings within the yard will be imposed on any permission granted.

There have been concerns raised by local residents, the AONB manager and CPRENY in relation to the visual impact of temporary structures and excessive fencing within the fields/paddocks south of the livery yard.

Horses will be stabled at the site all year round and given seasonal changes in weather conditions and animal welfare requirements it would be unreasonable to impose a requirement that there are no field shelters permitted in the grass paddocks. However, it is accepted that a proliferation of such structures could potentially detract from the appearance of the open countryside and the scenic beauty of the AONB. In light of this the applicant has agreed to limit the number and position of field shelters within the paddocks and this shall be secured by condition should permission be granted. It is considered that the conditions would ensure that there is control of the temporary structures and means of enclosure in the interests of retaining the undeveloped appearance of the open fields south of the yard.

The AONB Manager is satisfied with the further information from the applicant which would allow for controls to be imposed in relation to field shelters, fencing and planting. The AONB Manager has requested that all hedges should use native species and the hedge around the boundary of the southern field should include hedgerow trees of oak and sycamore in order to provide higher level 'disruptive' screening and improve the biodiversity net gain score.

The siting and scale of the proposed stables and arena would ensure that these aspects of the development do not visually encroach upon the open countryside and the appearance of the yard would not unduly depart from its rural setting. The limitations and controls to be imposed on the number and position of temporary field shelters and fencing within the paddocks would ensure the quality of the AONB landscape is not eroded by an overspill of equestrian paraphernalia or excessive enclosure and the proposal complies with Policies SP13, SP16 and SP20.

#### Impact on amenity

Policy SP20 (Generic Development Management Issues) requires that the development should respect the character of the area without having a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community. Policy SP20 also requires that the proposed development is compatible with the existing ambience of the immediate locality and the surrounding area and with neighbouring land uses and would not prejudice the continued operation of existing neighbouring land uses.

The site is a farm yard containing large steel framed agricultural buildings. The site has previously been the hub of a large-scale commercial contract farming enterprise.

The proposal is a form of rural diversification which will utilise the existing agricultural buildings and the yard hardstanding. The site is set back from the village street to the rear of the frontage properties. The extent of the yard and the arrangement of existing buildings provide a buffer beyond the rear gardens of the nearest residential properties. All existing and proposed buildings are inward facing onto the yard and this would provide a degree of containment and attenuation for any noise arising from activity in this area.

The scale of the development is relatively low key and the general activity associated with the land use would not disrupt the ambience of the immediate locality. It is considered to be a compatible land use in this rural location which would not give rise to any unacceptable nuisance, disturbance or pollution to any occupants of neighbouring dwellings in compliance with Policy SP20.

#### Highways

The equestrian business would operate on a full livery basis with a dedicated manager and staff and, as a result, owners would not have to attend to or visit their horses on a daily basis. The agricultural vehicle movements associated with the intensive contract farming operation previously operating at the site have ceased. The vehicle movements associated with the proposed development would be those of owners, vets, farriers and other equine specialists and would be intermittent across the week and

unlikely to be at peak travel times.

The objections suggest that adverse impacts may arise from a possible future expansion of the livery. Notwithstanding that speculation on further future development at the site is not a valid planning objection, the number of stables available at the yard would restrict any future intensification.

In terms of the impact on the village street and nearby bridleways the development would centre on the use of the on-site training and exercise facilities and whilst the local network of public bridleways are there to be used by riders the proposal would not result in a large number of horses being led on the village street as might be expected from a riding school. In light of this no highway safety issues are anticipated.

The highways officer acknowledges that the vehicular activities associated with the proposed development would be offset by the cessation of vehicular activities associated with the former agricultural use at the site. In light of this there are no highways objections to the application and the proposal complies with Policy SP20.

## **CONCLUSION**

It is considered that, subject to the conditions set out below which reflect the applicant's proposed measures to minimise the impacts of the development, the proposal is compatible with adjacent land uses and the wider designated landscape. The highways impact would be negligible and the use would not result in unacceptable impacts on the living conditions of occupants of neighbouring buildings. In light of the above, the proposal is considered to meet the relevant policy criteria outlined within Policies SP1, SP9, SP13, SP16, SP17, SP19 and SP20 of the Ryedale Plan - Local Plan Strategy and within the National Planning Policy Framework (2021). The recommendation to Members is one of conditional 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 plans:

Site Location Plan  
Proposed Layout Plan  
Proposed Arena Layout ref. OPT009, dated April 2021  
Proposed Covered Turnout Area in existing barn  
Proposed Stables Plan & Elevation  
Appendix 1 – Revised Site Plan

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

- 3            Unless otherwise agreed in writing with the Local Planning Authority, the materials to be used on the exterior of the buildings the subject of this permission shall be in accordance with the details contained with the planning application and as shown on the approved elevation drawings. The roofs of the horse walker and all new buildings should be of a dark grey colour (approximating to Anthracite Grey RAL 7016) and of a non-reflective finish.

Reason: To ensure a satisfactory external appearance and to satisfy the requirements of Policy SP20 of the Ryedale Plan, the Local Plan Strategy.

- 4 Prior to the development being first brought into use, 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 odour and fly problems through the correct collection and storage of manure. It shall detail the methods of animal bedding and area cleaning. The plan shall be implemented as approved.

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

- 5 No development of the site shall take place without the prior written approval by the Local Planning Authority of a landscape scheme for the site that indicates numbers, species, heights on planting, and positions of all trees and shrubs, specifications and schedules, phasing of planting, seeding or turfing and existing plants to be retained. No trees, shrubs, or hedges within the site that are shown to be retained on the approved plan shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without prior written agreement with the Local Planning Authority. Thereafter the scheme shall be implemented as approved unless the Local Planning Authority gives its written consent to any variation.

Reason: To enhance the appearance of the development hereby approved and to satisfy the requirements of Policies SP13, SP16 and SP20 of the Ryedale Plan, the Local Plan Strategy.

- 6 External lighting at the site shall be limited to that required for the security purposes and the safe movement of pedestrians, horses and vehicles within the yard. Details shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The details shall include the position, height, angle of lighting, illuminance level and hours of operation. All lighting shall be installed and maintained in accordance with the approved details. There shall be no lighting installed to illuminate the arena.

Reason: In the interests of the reduction of light pollution and to satisfy the requirements of Policies SP13, SP16 and SP20 of the Ryedale Plan, the Local Plan Strategy.

- 7 There shall be no more than three temporary wooden field shelters permitted to be sited at any one time within the land outlined in red on 'Appendix 1 – Revised Site Plan' (contained within the 'Additional Supporting Statement', dated 12/07/2021). The field shelters shall only be positioned within the areas shaded yellow on the aforementioned plan. All field shelters are to be of timber construction with dark coloured roofing material.

Reason: To enhance the appearance of the development hereby approved and to satisfy the requirements of Policies SP13, SP16 and SP20 of the Ryedale Plan, the Local Plan Strategy.

- 8 The use of the buildings hatched purple on 'Appendix 1 – Revised Site Plan' (contained within the 'Additional Supporting Statement', dated 12/07/2021) shall be limited to ancillary storage and the buildings shall not provide additional stabling without the prior grant of planning permission.

Reason: For the avoidance of doubt and in the interests of amenity in compliance with Policies SP16 and SP20 of the Ryedale Plan, the Local Plan Strategy.

- 9 The use of the building outlined in green on 'Appendix 1 – Revised Site Plan' (contained within the 'Additional Supporting Statement', dated 12/07/2021) shall be limited to a biosecurity isolation area only as detailed in the 'Additional Supporting Statement', dated 12/07/2021.



Reason: For the avoidance of doubt and in the interests of amenity in compliance with Policies SP16 and SP20 of the Ryedale Plan, the Local Plan Strategy.

- 10 Notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order with or without modifications), no fences, gates, walls or other means of enclosure shall be erected within the application site other than the permanent and temporary fencing as shown on the approved plans and referred to in the 'Additional Supporting Statement', dated 12/07/2021, or as may be approved by the Local Planning Authority following specific application in that respect.

Reason: To ensure that the appearance of the area is not prejudiced by the introduction of unacceptable materials and/or structure(s) in compliance with Policies SP13, SP16 and SP20 of the Ryedale Plan, the Local Plan Strategy.

## INFORMATIVE

### Nesting Birds

Any works to the buildings and any groundworks or vegetation removal is required to be undertaken without harming nesting birds or destroying their nests. The main nesting and breeding season runs from 1 March to 31 August. If this is unavoidable checks should be undertaken by a suitably qualified ecologist prior to any works. If nesting birds are found during the watching brief, disturbance and destructive works will need to stop until the young have fledged.