

Item Number: 9
Application No: 21/00579/FUL
Parish: Great & Little Barugh Parish Council
Appn. Type: Full Application
Applicant: Ms Rebecca Seidl
Proposal: Change of use and alterations to existing barn to form 15no. stables and storage rooms to provide 3no. stables for personal use and 12no. stables for full livery service for horse owners and use of existing arena for external hire on up to 30 days per year.
Location: Stainers Farm, Greenland Lane, Little Barugh, Malton, North Yorkshire YO17 6UY

Registration Date: 19 April 2021
8/13 Wk Expiry Date: 14 June 2021
Overall Expiry Date: 20 October 2021
Case Officer: Niamh Bonner **Ext:** 43325

CONSULTATIONS:

Highways North Yorkshire	Recommends conditions
Environmental Health	No objection
Kirby Misperton Parish Council	Recommend Refusal
Great & Little Barugh Parish Council	Object
Highways North Yorkshire	Holding response

Representations: Mrs Susan and Mr Peter Gough, Rita Davison, L & J Messham, Alex and Holly Hird,

SITE:

The application site is Stainers Farm, to the north east of Little Barugh, which is situated in the open countryside and accessed via Greenland Lane.

Greenland Lane is an unclassified road and runs northwards from the junction where Barugh Lane meets Kirby Misperton Road in Little Barugh. Greenland Lane terminates outside Greenland Cottage, the closest residential property to the application site, located approximately 200 metres from barn to be converted and the lane from Greenland Cottage eastwards towards Stainers Farm is private. A public right of way runs along this track.

The site extends to approximately 5.2 hectares and incorporates the main original farm dwelling, holiday accommodation, an agricultural barn which has partly been converted for commercial livery stables under application reference 19/01028/FUL (the remainder of this building presently incorporating a lawful agricultural use) and an equestrian arena, together with a number of fields in the same ownership.

Permission was recently granted for the change of use and alterations to an existing lean-to extension of the barn to form 8no. stables and tack room, to provide a full livery service for horse owners together with formation of an associated 30m x 40m outdoor all-weather riding arena.

PROPOSAL:

Planning permission is sought for the:

“Change of use and alterations to existing barn to form 15no. stables and storage rooms to provide 3no. stables for personal use and 12no. stables for full livery service for horse owners and use of existing arena for external hire on up to 30 days per year.”

This existing agricultural barn is located relatively centrally within the site, with the arena closely positioned to the north. This barn incorporates a lean to element to the east where permission was granted recently for a livery use, as reference above. No external changes are proposed to this building.

A large area of hardstanding is available to the south to accommodate car parking.

The floor plans indicate 15no. additional stables in total, together with a wash and dry area and a feed storage room. It was noted during the site visit that some internal works to provide these stables have been undertaken but none were occupied or in use, these internal works are therefore not in breach of any planning regulations. It is noted that the proposal would relate to 12no. stables for hire/commercial purposes and that these would be run as full livery service only, which does limit the number of daily trips which could otherwise occur with a ‘DIY’ style livery.

This application was originally submitted without reference to the use of the existing arena for external hire, which is not afforded by the grant of the permission under 19-001028-FUL. This was subsequently included within the description and a maximum number of annual events identified within the description.

Revised plans were also received to indicate the proposed provision of a vehicular passing place along Greenland Lane to the south west of the site, to help provide adequate facilities should oncoming traffic meet. This was discussed on site with the Applicant, the North Yorkshire Highways Officer and the Case Officer during a second site visit to the property.

Furthermore, in a supporting statement dated 23rd August 2021, the Applicant noted that *“Upon request I would be prepared to introduce a nightly curfew after 9pm for the arena lights. The lights have not been used to date, and further this would eliminate summer use. Arena hire has been very limited and I anticipate the new stabling will increase arena use so that external arena hire will only take place on a very limited number of occasions per year and further limited to thirty events annually.”*

It is noted that the existing lights have a lawful permission with no specific hourly restriction as approved under the 2019 scheme and this would present a method of control which is not currently available. It was further confirmed that the lights had only been used once at night time since their installation for a publicity photo.

Full readvertisement was undertaken by site notice, neighbour letter and consultation with statutory consultees. The neighbour letter reconsultation time period and the statutory consultee reconsultation time periods have both completed, however the site notice publicity period will run until midnight on the 20th October. Any further responses will be provided to members on the late pages.

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 SP13 Landscapes

Local Plan Strategy - Policy SP16 Design

Local Plan Strategy - Policy SP20 Generic Development Management Issues

National Planning Practice Guidance

HISTORY

The building and surrounding fields (with the exception of the eastern section of the building and equestrian area) presently incorporates a lawful agricultural use, the site also incorporates holiday lets to the east. However the most relevant planning history is considered to be the following:

19/01028/FUL: Change of use and alterations to existing lean-to extension of barn to form 8no. stables and tack room to provide a full livery service for horse owners together with formation of an associated 30m x 40m outdoor all-weather riding arena. Approved.

REPRESENTATIONS:

4no. objections were received in relation to the original scheme. These were received from the occupiers of Greenland Cottage, Windy Ridge, The Clock House, Ash Trees. These are available to view in full on the planning file, but they raise the following summarised points:

- Concern over access via a narrow single track lane, with uneven edges and ditches on both sides. The Lane is already used by agricultural vehicles for the movement of livestock and machinery as well as holiday let traffic from the 5no. holiday lets at Stainers Farm. Runners, children and dog walkers also use the lane. Additional traffic will be danger to humans and wildlife and if pony meets are run for example.
- Greenland Lane has two blind bends and is steep with poor surfacing, poor maintained by the Council (having never been surfaced in 16 years.) It has already been damaged by HGVs accessing the business. This will be exacerbated if the application is approved, causing noise and pollution. The enjoyment of the village green and footpaths will be impacted.
- Since the granting of the 2019 permission there has been an exponential increase in traffic, causing significant impacts to the verge. Damage to the drainage ditches could potentially cause flooding.
- The livery is not fully used with only three horses, to add an additional fifteen stables seems pointless.
- The proposed storage use is ambiguous and may create heavier traffic.
- The only access to Stainers Farm is through the village - No objection to local businesses expanding however this business has already impacted the village. The original access to this property and village was below the village of Little Barugh and wonder if, when this was granted permission to change was the impact upon the village considered?
- Stainers Farm comes under the parish of Kirkby Misperton, who would be far less impacted.
- The lighting from the application 19/01028/FUL continues to be a point of contention, with the flare from the lights being wholly unacceptable and regularly glaring into our bedroom. This can only increase with more livery units.
- There have been regular events for commercial riding clubs and pony clubs and this has led to queues of traffic on the lane. We feel this pushes the bounds of the original application scope which inferred the arena was for exclusive tenant livery use only and not public hire.
- 3no. objections have been received to the revised scheme from the occupiers of Greenland Cottage, Ash Trees and The Clock House, maintaining the original concerns. These can be reviewed in full by Members on the Planning file but relate to the following summarised points:
- Acknowledge a number of steps have been take to try and address the concerns raised including the passing place and the lights curfew, which we welcome. However, the passing place does little to allay our concerns about the already poor road condition and likely increase in traffic volume, being detrimental to our enjoyment of our home and village area by way of increased noise and pollution.
- In summary, whilst certain facts help to improve more minor points, we do not feel that any of the amendments really address the crux of concerns raised by all parties in the initial objections made.
- Concerns remain over highway safety, due to width of the road, blind bends, condition of the road and existing level of traffic, together with use of the site by runners, walkers, families, horse riders.
- Concerns remain that additional traffic, including horse boxes and delivery vehicles will

exacerbate danger and will all come through village. Towed vehicles are more difficult to reverse and the likelihood of accidents is a real concern. Detrimental effect of traffic on residents of Greenland Lane.

- Concern raised over the encroaching bright lighting at night, lighting of the arena at Stainers Farm will contribute to this.
- Perceived lack of need for additional stables given existing aren't occupied
- Proposed use of storage area ambiguous.
- Repairs are of patching type which do not last long and quickly deteriorate.

Parish Council Initial Responses

As noted, the application site falls within the Kirby Misperton Parish Council, with the access falling under Great and Little Barugh Parish Council and both have been consulted.

A response was received from Kirby Misperton Parish Council on the 27th May to note *"It was resolved unanimously at the KMPC meeting of 18th May 2021 that the Planning Application 21/0579/FUL for Stainers Farm be rejected. Whilst appreciative of the applicants wish to expand their business, it was felt that there were too many health and safety challenges for the footpath and the expected increase in heavy traffic. Unless the Council is prepared to upgrade the road and footpath to make it safe, with regret, KMPC are recommending that this application be turned down."*

A response was received from Great and Little Barugh Parish Council on the 11th June 2021. It noted *"The Parish Council of Great and Little Barugh carefully considered this application at our meeting last evening, Thursday, 10th June 2021. The council's decision very much echoes the response made by Kirby Misperton Parish Council. Whilst we welcome the development of rural and local business, we do not think that this application is appropriate for the following reasons.*

- 1. The road is extremely narrow and there are no passing places. It is very difficult for larger vehicles to access and already the high banks on the sharp bend at the bottom of the steep hill and verges on the green have been damaged.*
- 2. The health and safety of all users of the road needs to be considered. This road is regularly used by residents, visitors, their dogs and children. There is no footpath*
- 3. Should horses and vehicles and pedestrians all be using the road at the same time, because of the narrowness and lack of footpath, there is a considerable risk of accident.*
- 4. The road is in very poor condition and likely to become worse with increased traffic, adding to risk for all users including walking residents.*

The council of Great and Little Barugh therefore object to this application"

Parish Council Revised Responses

No response or request for an extension for the time period for comments was received from Kirby Misperton Parish Council in relation to the revised scheme.

Great and Little Barugh Parish Council confirmed the following in their second consultation response received on the 14th October 2021 following the re advertisement of the application:

"Whilst we note the efforts that Ms Seidl has made to mitigate the problems outlined in our previous objection, we continue to think that this application is inappropriate for the following reasons:

- 1. The road is extremely narrow and there are no passing places. It is very difficult for larger vehicles to access and already the high banks on the sharp bend at the bottom of the steep hill and verges on the green have been damaged. One passing place where Ms Seidl proposes to place one will make little difference to the problem on the lane. The verges are bounded by drainage ditches on both sides as well, making the verges dangerous for vehicles to pull onto in order to let passing traffic go by. Vehicles towing trailer horse boxes will exacerbate the danger as reversing is difficult.*
- 2. The health and safety of all users of the road needs to be considered. This road is regularly used by residents, visitors, their dogs and children. There is no footpath and the lane is a public right of way.*
- 3. Should horses and vehicles and pedestrians all be using the road at the same time, because of the narrowness and lack of footpath, there is a considerable risk of accident. Increased traffic, will make*

the use of the lane more dangerous.

4. The road is in very poor condition and likely to become worse with increased traffic, adding to risk for all users including walking residents. We have today received notification from Highways that there will be patch and repair works to Greenland Lane later this month. These repairs rarely last very long before they are once again eroded, becoming pot holes with loose stones on the road surface.

5. Increased traffic on Greenland Lane affects all the occupants of houses on or near the lane as well as through the whole village, which is tiny.

The council of Great and Little Barugh therefore object to this application.”

APPRAISAL:

The main considerations within the determination of this application are:

- i. Principle of the Development.
- ii. Form and Character
- iii. Impact on Residential Amenity
- iv. Access and Highway Safety
- v. Other Matters, including Consultation Response

- 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” as well as “appropriate farm and rural diversification including innovative approaches.”

The principle of development including change of use of an existing redundant agricultural building for equine activity, which makes an important contribution in Ryedale, is therefore considered to be acceptable and in accordance with Policy SP9 of the Ryedale Plan, Local Plan Strategy.

The proposed use of the arena on a limited basis of 30 days per year for outside hire is considered to be acceptable and the Highways Officer was aware of this element of the proposal in his assessment of the application. This arena was approved previously in association with the livery use only, so it falls within the curtilage of a building and therefore no temporary permitted development rights under Class B, Part 4 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015.

However it is acknowledged that if this were not within the curtilage of this building there would be permitted development rights for the temporary use of this land for any purposes for up to 28 days annually (56 days in 2021 due to coronavirus relaxation.) Therefore on balance, given that 28 days is considered to be an acceptable low level by this legislation, it is considered in this instance that 30 potential hire days would be acceptable in principle. If this application is approved this would be conditioned and the Applicant will be required to maintain a register of lettings, to ensure that this condition is being strictly abided by.

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

It has been raised that the present livery places are not at capacity and the need for this development has been queried. It is Officer’s view that this level of investment would not be undertaken lightly and it is anticipated that the demand has been investigated prior to investment.

In terms of the query as to the storage, it is considered most likely that this will be in association with the livery use, ie the feed storage area which is located on the plan. As can be appreciated from the floor plan the majority of the building would be given over to stabling and as this is commercial for outside

hire it is unlikely that any associated non equestrian storage would occur in this building. No part of this permission would afford change of use for non-equestrian storage elsewhere within the wider site.

ii. Form and Character

The proposed development would result in the change of use of part of the existing agricultural building for livery stables. This element of the existing building proposed for the change of use spans approximately 32 metres x 18.21 metres in footprint.

As noted, this would incorporate no external alterations and is therefore considered acceptable in form and design and would have a limited impact on the visual amenity of the locality. Varying the use of the lawful arena would have no additional material impact in terms of visual amenity.

iii. Impact on Residential Amenity

It is noted that there are relatively limited properties in close proximity to the application site. The nearest property is Greenland Cottage to the west, which would be located approximately 200 metres from the proposed stables. No openings would be present on the facing eastern elevation.

It is acknowledged that vehicles accessing the site would pass via other properties along Greenland Lane within the village and Greenland Cottage, which has significant hedgerow screening.

It is not considered that neighbouring residents would be likely to experience material additional harm in terms of noise, amenity impacts or disturbance as a result of this additional vehicular traffic and the proposed full livery service will help to reduce the potential level of journeys which could otherwise be associated with this development.

The proposed restriction of the rental of the arena to 30 days per year is considered reasonable and will ensure that this is ancillary to the main livery use, with hire undertaken only occasionally.

However it is acknowledged that it is noted that the existing barn already incorporates an unrestricted agricultural use and other farm traffic is present along Greenland Lane within the village. It is also noted that vehicles travelling along this lane would not be achieving particularly high speeds which would be helpful given it is a public right of way and used by runners, dog walkers and families for leisure. The proposed installation of a passing place is welcomed in helping to avoid traffic impacts.

In terms of the proposal additional impact as a result of the stable use, it is considered that this would be quite limited and the distance from neighbouring properties is significant.

The concerns raised about the condition of the lane are noted and it was noted in a recent representation that patch repairs are being carried out by NYCC Highways. This is not a matter that the District Council can advise upon but it is noted that the Highways Officer has not required further works to be undertaken in the form of condition surveys. It is also noted that the Applicant is willing to continue to undertake minor works at their own expense. This should however be discussed with NYCC Highways as the statutory undertaker.

The Council's Environmental Health Officer has confirmed no objection to the proposal and noted no specific manure management condition would be necessary given the distance from neighbouring properties. It was also noted that burning of stable waste is now illegal under separate environmental legislation.

The proposal put forward by the Applicant to limit the use of the outdoor lighting of the arena to a maximum time of 9pm in the evening is strongly welcomed by the LPA and will be conditioned. The lighting will not be necessary during summer months and will limit environmental and amenity impacts.

iv. Access and Highway Safety

The points raised by the objectors in the incoming representations are noted.

A supporting statement from the Applicant scanned by the LPA on the 7th June 2021 clarified that they believed the lane to be in average condition, with no untoward damage by vehicles. It was also noted that *“it would be mere speculation that the cause derives from Stainers farm or any visitors to the aforementioned premises. There is no evidence of increased traffic. The majority of livery customers at the farm have 2-3 horses, meaning that the erection of the anticipated 12 livery stables is likely to result in only 4-5 more occasional visitors to the farm, not 12.”* They also highlighted that in their view, some of the damage closer to the junction in the village could be as a result of on street parking in the village.

It was also confirmed that potholes on Greenland Lane will continue to be filled by them as they have done to date at their own cost and that it is important to them that the road is maintained.

As noted, the Applicant has put forward a proposed passing place at one of the bends on Greenland Lane following a meeting with the NYCC Highways Officer on site.

Following review of the revised plans, the NYCC Highways Officer confirmed that they had no objection to the proposal in terms of access and highway safety on the basis of a condition to secure the provision of the passing place, which would be installed prior to the development being brought into use or within 3 months of the date of the permission (whichever is sooner). This will be altered slightly to read ‘unless otherwise agreed in writing’ to afford some flexibility should the securing of an appropriate contractor/the S278 Highways agreement take some time, but ultimately the development could not commence until this was in place.

It is therefore considered that as subject to condition, the North Yorkshire Highways Officer is content with the proposal that this arrangement will be appropriate in terms of access and highway safety.

The concerns raised by the objectors are noted and it is considered that this approach of installing a formalised passing place will help to ensure good visibility and manoeuvring space. It is also noted that the site has a lawful agricultural use which can involve significant volumes of heavy traffic.

However, it is also noted that this approval is given on the basis of a full livery service offer, which will help to address the level of daily journey to and from the site.

The proposed use of the arena on a limited basis of 30 days per year for outside hire is considered to be acceptable and the Highways Officer was aware of this element of the proposal in his assessment of the application.

A review has been carried out into where the historic access to Stainers Farm was located, as identified within the representations. There appears to be no specific access/track shown on the NYCC Highways map and the site appears to have the lawful ability to access the unclassified Greenland Lane without restriction.

Conclusion

This proposal will relate to the potential intensification of Greenland Lane and the points raised by third parties and the Parish Councils are noted and acknowledged. It is considered that in terms of access and highway safety that the proposed passing place will improve the situation to a point where the statutory consultee, North Yorkshire Highways have no objection to the proposal. It is furthermore considered that this proposal would not have a materially adverse impact upon residential amenity and there would be no concerns in relation to form and character as a result of this proposed change of use.

Therefore we can be satisfied that this proposal conforms with Policies SP1, SP9, SP13, SP16 and SP20 of the Ryedale Local Plan, Local Plan Strategy and the National Planning Policy Framework.

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 (Scale 1:1250)
Site Block Plan (Scale 1:1250)
Proposed Floor Plan (Annotated Dimensions)
Map Showing Location of Proposed Passing Place (Google)
Reason: For the avoidance of doubt and in the interests of proper planning.
Top View of Proposed Passing Place Drawing (including Section)
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 column lights serving the arena shall not be illuminated after 9pm at night.
Reason: Inappropriate lighting in this location is considered to conflict with the aims of Policy SP13 of the Ryedale Plan - Local Plan Strategy
- 4 Unless otherwise agreed in writing with the Local Planning Authority the arena shall not be used for external hire for more than 30 days per year. The Applicant shall maintain a record of external hire which the Local Planning Authority may call for inspection at any time.
Reason: To ensure a satisfactory level of residential amenity is maintained in accordance with Policy SP20 of the Ryedale Plan - Local Plan Strategy.
- 5 Unless otherwise agreed in writing with the Local Planning Authority in conjunction with the Local Highway Authority, the following scheme of off-site highway mitigation measures must be completed as indicated below:
- Provision of vehicle passing place on Greenland Lane in accordance with the general details and location as submitted by the applicant to the local planning authority on 23 August 2021 prior to the development hereby permitted being brought into use and/or within 3 months of the date of this permission (whichever is the sooner)

For each scheme of off-site highway mitigation, except for investigative works, no excavation or other groundworks or the depositing of material on site in connection with the construction of any scheme of off-site highway mitigation or any structure or apparatus which will lie beneath that scheme must take place, until full detailed engineering drawings of all aspects of that scheme including any structures which affect or form part of the scheme have been submitted to and approved in writing by the Local Planning Authority.

A programme for the delivery of that scheme and its interaction with delivery of the other identified schemes must be submitted to and approved in writing by the Local Planning Authority prior to construction works commencing on site.

Each item of the off-site highway works must be completed in accordance with the approved engineering details and programme.

Reason: To ensure that the design is appropriate in the interests of the safety and convenience of highway users in accordance with Policy SP20 of the Ryedale Plan, Local Plan Strategy.

MHi-F Delivery of off-site highway works -(MHC07)

Notwithstanding any valid planning permission for works to amend the existing highway, there must be no works in the existing highway until an Agreement under Section 278 of the Highways Act 1980 has been entered into between the Developer and North Yorkshire County Council as the Local Highway Authority. To carry out works within the highway

without a formal Agreement in place is an offence