

UTT/0370/12/FUL – (FELSTED)

(Referred to Committee as applicant is a relative of an employee of the council)

PROPOSAL: Proposed erection of domestic stable.

LOCATION: Land at Causeway End, Chelmsford Road, Felsted

APPLICANT: Mr G Moss

AGENT: Mr G Moss

GRID REFERENCE: TL 680-197

EXPIRY DATE: 1ST May 2012

CASE OFFICER: Mrs M Jones

1.0 NOTATION

1.1 Outside Development Limits.

2.0 DESCRIPTION OF SITE

2.1 The site is to the north of the Chelmsford Road in Felsted. The site is level and enclosed by post and rail fencing. The plot of land is approximately two and a half acres of land that has recently had permission for change of use from agricultural land to equestrian.

3.0 PROPOSAL

3.1 The proposal is for the erection of domestic stables. The development would consist of two stables measuring (approximately) 4.7m by 3.6m each, a hay/straw store measuring 6m by 2.6m (approximately), a tack room measuring 2.9m by 3m (approximately) and a feed store 1.8m by 3m (approximately). They would form a U shape of buildings and their height would be 2.7m reducing to 2.3m. They would be constructed in block work and then clad in brown/black weather board. The roof would be tiled with clay pantiles. The buildings would be located to the north east of number 1 Myrtle Villas.

4.0 APPLICANTS CASE

Additional Information (summary)

4.1 The stables and supporting facilities namely tack room and hay/storage I am proposing to build are for domestic use and have been kept to a minimum in size for the security and welfare of the horses. Because I intend to bring any machinery to the site when required no provision has been made in terms of storage within the building for machinery thereby keeping the size of the building to a minimum.

4.2 It is proposed to site the stables along the North East side of the field. Behind the building line of the row of the adjacent cottages. The rear of the stables would be approximately 2m from the boundary of the end property. This position will ensure the horses are not affected adversely by the inclement weather.

4.3 This situation will also allow access for deliveries and enable the utilities namely electricity and water to be accessed from Chelmsford Road. Efforts have been made to ensure that the stables compliment the local environment and are in keeping with a semi-rural setting.

4.4 Access will be gained via existing entrance in Chelmsford Road which has a dropped kerb already installed.

4.5 I do not anticipate many vehicles visiting the stables at the same time, normally this would entail one vehicle being on site. On occasions there may be other visitors and deliveries. These can be accommodated within the established field entrance off the highway with no obstruction to local traffic.

4.6 Rain water from the roof of the stables will be collected and recycled to feed and wash the horses.

4.7 Manure will be removed from the site using an authorised contractor.

4.8 The two stables will be exclusively utilised by my family who have two horses and close friends.

5.0 RELEVANT SITE HISTORY

5.1 UTT/1816/11/FUL - Change of use of agricultural land to equestrian use approved at Committee 19th October 2011.

5.2 UTT/0848/05/FUL - Change of use of land to paddock and erection of a stable block incorporating a hay store and tack room to a site on the western side of Jollyboys Lane South to the north of Causeway End approved 2005.

6.0 POLICIES

6.1 National Policies

- NPPF

6.2 East of England Plan 2006

- N/A

6.3 Essex Replacement Structure Plan 2001

- Policy N/A

6.4 Uttlesford District Local Plan 2005

- Policy S7 - The Countryside
- Policy GEN1 - Access
- Policy GEN4 - Good Neighbourliness

7.0 PARISH COUNCIL COMMENTS

7.1 Felsted: The Parish council remains concerned at the prospect of built development on this site. In response to the previous application UTT/1816/11/FUL it stated that " the erection of structures on this site should be resisted"

The applicant's assurance that the proposed stable would be for domestic use is noted and the PC urges that , if permission were to be granted, conditions should be imposed (a) preventing subsequent change to commercial use and (b) preventing any change to the proposed external finish.

8.0 CONSULTATIONS

8.1 Environmental Health: No objection in principle. I have noticed comments from neighbours concerning possible nuisance's. These are legitimate concerns that I have raised with the applicant and can be addressed by this department should they occur.

8.2 Essex County Council - Highways: No objections.

9.0 REPRESENTATIONS

9.1 Seven representations have been received. Expiry 21st April 2012.
The main concerns raised are:

- The impact of the use of stables on residential amenity.
- The increase in traffic caused by the use of horse boxes/trailers and the additional noise created.
- Highway safety - The access to this field is on a zig zag bend with limited visibility. There have been several accidents at this area. Cars and vans have already started to park outside the field fencing which causes blockages on the pavement and reduced visibility to car drivers. Concerned that this dangerous usage will increase if this area is used to access the stables. It would not be wise for any vehicles like horseboxes to be trying to enter/exit on this bend. It is not clear whether the primary issue has yet been addressed i.e how it is proposed to access the field on a difficult corner where cars are usually going at least 40mph. Vehicles using the field will cause disruption and potential danger on this difficult corner. In addition I cannot see how horses (not in a vehicle) can safely exit the field onto the road. With the planned stables requiring daily visits to look after the horses, the gate should be repositioned on the straight part of the road, immediately north.
 - Smell- however the manure or waste is disposed of I hope that it will take place off site.
 - Lighting - lights to nearby stables are kept on all night. The stables will require light and power which would cause a dilution of the field from the intended use of keeping horses on.
 - The request for 5 stables appears out of proportion with the site (presumably as the previous planning was for non commercial activity this would preclude the "renting of space" for livery purposes).
 - This field has for many years been a green wedge between Felsted and Causeway End. The allowance of building of any type could be the thin edge of the wedge for the urbanisation of Felsted and its constituent parts.
 - If a stable is to be erected at all, it should be erected as far away as is possible from the nearby houses.
 - The implication within the previous officers report (UTT/1816/11/FUL) is that if buildings are to be erected then there is the real possibility that there will be "unacceptable pressures on the surrounding rural network or being detrimental to highway safety"
 - I am not re-assured by the position of the Environmental Health Officer - it seems to mean that the prevention is better than cure or put another way " that will be like closing the stable door after the horse has bolted"

10.0 APPRAISAL

The issues to consider in the determination of the application are:

- A Whether the erection of the stable block would be acceptable development in the countryside that is appropriate to a rural area and protects or enhances the character of the countryside(ULP policy S7)
- B Whether there would be any harm to residential amenity by virtue of disturbance, noise, nuisance or odours. (ULP policy GEN4)
- C Highway Safety (ULP policy GEN1)

Whether the erection of the stable block would be acceptable development in the countryside that is appropriate to a rural area and protects or enhances the character of the countryside(ULP policy S7)

10.1 The stable and hay/ tack room block is of modest height, and scale and therefore low key. It would be sited at the edge of the field and not in the open which would reduce any detrimental visual impact it would have on the character of the countryside setting.

Whether there would be any harm to residential amenity by virtue of disturbance, light, noise, nuisance or odours. (ULP policy GEN4)

10.2 Several representations object to the location of the buildings, being close to residential properties/gardens. Concern has been expressed regarding smell, noise and possible attraction of vermin to the site. The applicant states that all manure will be removed from the site using an authorised contractor. The burning of manure or other waste on site can be controlled by a suitable condition. With regards to potential noise nuisance, the use of the stabling is solely for private use, it is of modest size and it is not considered that the stabling would increase the intensity to the extent of resulting in unacceptable levels. If the proposal was refused, the visits to the site are still likely to be the same/similar.

10.3 Given the closest separation distance between the neighbouring properties and the stables would be 34m no significant potential for harm is identified by way of disturbance from horses, associated odour or noise. It is considered that it would likely to be at a level that is expected within its countryside setting.

10.4 Concern has also been expressed that because residential gardens adjoin the site that there is the potential of the horses being scared by noise from these gardens from children playing or other social events, however, this is likely to be of a limited nature as the entrance to the stabling would be facing away from the gardens.

In view of the open location of the site there should be strict control of external lighting. Taking this into account no objection with regards to Policy GEN4 of the local plan is raised

Highway Safety (ULP policy GEN1)

10.5 The access to the site is located close to a bend in the road, however, Essex County Council do not have any objections to the proposal. The access is existing and due to the anticipated levels of use of the site it is not likely that the use will be intensified to the extent of resulting in unacceptable pressures on the surrounding rural road network or being detrimental to highway safety. It is considered that the stabling would result in vehicles entering the site rather than parking outside the fencing and therefore may actually reduce any highways issues caused by the use of the site.

Therefore no objection with regards to Policy GEN1 of the Local Plan is raised.

11.0 CONCLUSION

The following is a summary of the main reasons for the recommendation:

- The design and scale is appropriate in this location
- The proposal would not cause any significant material impact to neighbours amenity.
- Is acceptable on balance with regards to highway safety

RECOMMENDATION – CONDITIONAL APPROVAL

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the approved plans as set out in the Schedule.

REASON: For the avoidance of doubt as to the nature of the development hereby permitted, to ensure development is carried out in accordance with the approved application details, to ensure that the development is carried out with the minimum harm to the local environment, in

accordance with the Policies of the Uttlesford Local Plan (adopted 2005) as shown in the Schedule of Policies.

3. There shall be no floodlighting or other form of external lighting constructed within the application site or erected on the stable building without the prior written consent of the local planning authority.

REASON: In the interest of amenity and to ensure the development does not adversely affect the rural character of the area in accordance with Uttlesford Local Plan (adopted 2005) policy S7

4. There shall be no burning or manure or other waste and all manure shall be removed from the site

REASON: In the interests of amenity in accordance with Uttlesford Local Plan (adopted 2005) policy GEN4

5. Muck heaps shall be located to the North West (front) elevation of the stable and hay block hereby permitted and no animal bedding or other waste shall be burnt.

REASON: In order to protect the amenity of adjacent dwellings in accordance with Uttlesford Local Plan (adopted 2005) policy GEN4.

6. The development hereby permitted shall not be used for any separate business or commercial use, other than the personal use for equestrian purposes only (not any other form of recreational use)

REASON: Permission is granted solely to serve the domestic needs of the applicant and a commercial use would be inappropriate in this rural location in accordance with Uttlesford Local Plan (adopted 2005) policy S7



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