

UTT/13/0458/FUL - (HATFIELD BROAD OAK)

(Referred to Committee by Cllr Wells. Reason: It is a retrospective application and is giving concern locally since the conditions imposed on the first application are currently not being met. It was to have been for domestic use but is operating commercially as a livery stable and there is concern about further development taking place etc.)

PROPOSAL: Retrospective application for retention of two hay stores

LOCATION: Land Adj Forest Cottage, Wood Row, Hatfield Broad Oak

APPLICANT: C/o Miss Katherine Munro

AGENT: KMBC Planning

GRID REFERENCE: TL 539-187

EXPIRY DATE: 12 April 2013

CASE OFFICER: Mrs K. Mathieson

1. NOTATION

1.1 Outside development limits

2. DESCRIPTION OF SITE

2.1 The application site comprises a triangular area of grazing land, with a frontage of approximately 125m and a depth of 225m. The total site area is approximately 1.14ha. The site is located outside development limits and for the purposes of planning is located within the open countryside.

2.2 There is an existing vehicular access into the site, along with a turning area and a large stable building, all of which were approved under planning permission UTT/0766/09/FUL.

3. PROPOSAL

3.1 The buildings subject to this planning application have already been erected meaning that this development is subject to a retrospective planning application.

3.2 The buildings which are subject to this application are identical, each measuring 7.3m x 3.65m, each with a footprint of 26.6 metres sq. The ridge heights of the buildings are comparable with the other buildings on site.

3.3 The buildings are positioned adjacent to the existing store, creating a 'U' shaped scheme. The applicant has stated that this is for 'practical purposes'. The buildings are constructed from a timber cladding with a light coloured sheeted roof. The applicant does not intend to alter the appearance of the buildings.

4. APPLICANT'S CASE

4.1 A design and access statement has been submitted with the application which provides details of the site, its planning history and the existing buildings. In addition a further statement has been submitted which is attached at the end of this report.

5. RELEVANT SITE HISTORY

5.1 UTT/0766/09/FUL

5.2 Erection of stables/feed and tack store with associated parking and turning area conditionally approved October 2009.

6. POLICIES

6.1 National Policies

National Planning Policy Framework

6.2 Uttlesford District Local Plan 2005

Policy S7 – The Countryside

Policy GEN2 – Design

Policy GEN4 – Good Neighbourliness

7. PARISH COUNCIL COMMENTS

7.1 No objections.

8. CONSULTATIONS

ECC Ecology

8.1 Comments awaited

9. REPRESENTATIONS

9.1 Five representations objection to the proposal have been received. Period expired 28 March.

1. Extra traffic from livery creates dangerous conditions. The parking area has not been surfaced correctly. The buildings are visible from the road. Materials are not in keeping with the surrounding area. Due to the increase in horses and increase in manure, the residents' amenity are not protected. Impact on the Listed Building and the national trust forest.
2. Several of the original conditions have not been met. Site used as a livery. Leading to more traffic. The stables are clearly visible within the site.
3. A hedgerow and a badger set have been destroyed. The hay stores are out of keeping with the properties nearby. Concerns over the size of the manure pile. Potentially running a business from the site.
4. There has been a blatant abuse of permission and its conditions. Feed and tack store has been converted into 5 stables hence the need to erect further buildings. No landscaping has been carried out.
5. The original application is an ugly eye sore on the landscape. Increased traffic. An ugly floodlight has appeared. The size of the buildings, materials and lighting is unacceptable. Inappropriate place for a business. Increased noise and traffic.

10. APPRAISAL

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

- A The Countryside
- B Design

A The Countryside

- 10.1 The site is located within the countryside where planning permission will only be given for development that needs to take place there or is appropriate to a rural area. Planning permission was granted in 2009 for the erection of a building incorporating stables and tack/feed store. Although this permission has a condition attached preventing the stables from being used as a livery there is no restriction that additional horses cannot be kept on the site and in the part of the building intended for feed and tack store.
- 10.2 The addition of two further horses being kept on the site and in the stable building has resulted in a need for further buildings for storage and tack/feed on the site. Planning permission should have been obtained before the buildings the subject of this application were constructed however despite this not happening the current application must be determined on the basis of the current Development Plan policies.
- 10.3 Equestrian activity is commonly found in the countryside and is an appropriate form of development that needs to take place in the countryside. The applicant has submitted information justifying the need for the two buildings and their design, size, scale and form is not unusual for structures required for equestrian activity. The position of the buildings is well related to the existing stable building and as such the proposal does not have detrimental impact on the open and rural character of the surrounding countryside.

B Design

- 10.4 The proposed buildings are located well away from neighbouring properties and do not result in any loss of amenity to the occupiers of those properties as a result of loss of privacy, loss of daylight, overshadowing or overbearing impacts.
- 10.5 There has been some concern regarding the existing stables not having been painted black and having corrugated sheet roofing however notwithstanding this the application buildings have an appropriate size, scale, form and appearance which it is not unusual to find in the countryside. If necessary it is possible to require by condition that the buildings are painted black which would attempt to replicate the appearance of historic outbuildings.

11. CONCLUSION

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

- A The proposal constitutes appropriate development within the Countryside and complies with the requirements of ULP Policy S7 and the National Planning Policy Framework
- B The buildings have an acceptable size, scale, form and appearance and do not have an impact on the amenity of neighbouring properties in compliance with ULP Policy GEN2.

RECOMMENDATION – UNCONDITIONAL APPROVAL

Submission by Applicant

Justification for Retention of Hay/Tack stores At Land adjacent to Forest Cottage, Wood Row, Hatfield Broad Oak – Planning Reference UTT/13/0458/FUL

While we understand concerns expressed by residents over the building of the stores prior to gaining planning permission, the applicant is now seeking to rectify the situation with this retrospective application. Below we will demonstrate the use is considered appropriate to its location and provide justification for the retention of the two stores.

The proposed buildings are located within the rural area, therefore Uttlesford Local Plan (ULP) policy S7 applies in the determination of this application. ULP policy S7 states the countryside will be protected for its own sake and planning permission will only be given if the development needs to take place or is appropriate to the rural area. Land uses that are considered appropriate include farm diversification and outdoor sport and recreation uses.

The proposal therefore meets appropriate land use exceptions set out in policy S7 and the NPPF and is therefore considered appropriate in the countryside. The Local Planning Authority (LPA), in granting planning permission UTT/0766/09/FUL agreed stating 'In principle, therefore, the proposed use is acceptable in principle under Policy S7.'

The original application (planning ref: UTT/0766/09/FUL) sought erection of stables and feed/tack store for three horses. The stables now house a further two horses (a total of five horses). The applicant erected the two small hay/tack stores to create space where feed and bedding could be kept and tack could be stored securely.

The Code of Practice for the Welfare of Horses, Ponies, Donkeys and their Hybrids clearly states feed should be clean (free from soil and debris), smell fresh and be visibility free from mould and dust. The retention of these stores would enable the feed to be kept clean. The alternative to these buildings would be hay stacks covered in tarpaulin however this would not keep the feed clean. Moreover, it is considered the retention of these buildings is aesthetically better than hay stacks covered in tarpaulin.

The volume of the two hay/tack stores is determined by the cubic capacity of hay and straw required by the five horses stabled on site. If the hay stores were not situated on the site there would be a significant increase in the number of journeys required to replenish supplies of hay/straw.