

DEV/SE/16/21



St Edmundsbury
BOROUGH COUNCIL

Development Control Committee

3 March 2016

Planning Application DC/15/1915/FUL

Pattles Grove, Chedburgh Road, Whepstead

Date	12 October	Expiry Date:	7 December 2015
Registered:	2015		Extension of time agreed
Case Officer:	Charlotte Waugh	Recommendation:	Approve
Parish:	Whepstead	Ward:	Chedburgh

Proposal: Planning Application - (i) Proposed Stables, Barn, Office, Yard, Horse Walker and Lunge Ring ;(i) Associated Landscaping and access road as amended by plans and details received 16 December 2015.

Site: Pattles Grove, Chedburgh Road, Whepstead,

Applicant: Pattles Grove Stud Ltd

Synopsis:

Application under the Town and Country Planning Act 1990 and the (Listed Building and Conservation Areas) Act 1990 and Associated matters.

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Background:

This application was deferred from consideration by the Development Control Committee on 4 February 2016. It had been originally referred to the Committee following consideration at the Delegation Panel and had been presented to the Panel due to the objection received from Whepstead Parish Council, which conflicted with the Officer recommendation of approval.

The application was deferred as the Committee noted that there was conflicting information as to whether the existing dwelling and land forming Pattles Grove and the application site were in the same or separate ownership. Additionally there had been a contradictory view expressed that the application site had not been used previously as a paddock for the keeping of horses. Further clarification on these matters was requested.

1. For all previous matters in relation to this application please see the 4 February 2016 Development Control Committee report at Working Paper 1.

Officer Comment:

2. This matter was deferred by the Committee to enable clarification on two points. The first of these related to matters of land ownership and the second related to clarification around the existing use of the site.

Ownership Matters

3. Firstly, Officers should advise that matters of land ownership are not material to the consideration of planning matters. The land could be in multiple ownerships, or single ownership, and this would not change the planning assessment or the balance of considerations to be struck. Any future sale or subdivision or amalgamation of the site could take place in ownership terms without recourse to the Local Planning Authority providing that there was no operational development involved (building works) and providing that any such change in ownership did not alter the way in which the site was used such that any change in use became 'material'. Any such operational development or material change in the use of the land would be 'development' for the purposes of the planning system and would require planning permission and, if considered expedient, could be enforced against if it took place before any such approval had been granted.
4. It is also the case that the possibility of future changes in the way a site might or might not be used, nor the hypothetical or unknown aspirations of any existing or future owner to alter such, are also not material planning considerations. As set out above, such aspirations, if they do not

involve physical works or any material change of use, could take place without any approval of the Local Planning Authority being necessary, or alternatively they would require such approval. Hence the Local Planning Authority would retain full control in the matter, either through its Development Management function in considering any application, or through its Enforcement function in reacting to any possible breach of planning control.

5. The way Policy DM32 of the Joint Development Management Policies Document 2015 is worded, as a generally permissive policy, is such that the need or not for residential accommodation or supervision associated with a particular commercial equine site is not a prerequisite for approval of such a use. The need or justification for any such would only need to be considered under Policy DM26, if an application were submitted in the future. One of the criteria, inter alia, within Policy DM26 is whether or not there is a suitable alternative dwelling in the vicinity of the site which could be used without the need for a further dwelling. So again the Local Planning Authority would retain full control in the matter, irrespective of whether or not the land was owned or operated, with, or entirely independently from, any other land or enterprise in the vicinity.
6. Noting the reasons why this matter was deferred, Officers have undertaken a search with the Land Registry. These show that the red line application site is within a single ownership, which accords with the 'Certificate B' notice that was signed within the submitted application forms. The owner listed on the official title documents for the application site has their address listed as Pattles Grove House. This ownership does however differ from the ownership of Pattles Grove House itself, which is outside of the red line application site and not within any blue line also indicating that it is within separate ownership.
7. Officer's advice therefore, and to re-iterate, is that matters of ownership are not relevant to the consideration of this proposal, which must be judged on its own merits with regard to the adopted Local Plan and the provisions of the NPPF. When such an assessment is made Officers remain of the opinion that this matter can be supported, recognising the obvious economic benefits of this scheme, supporting the rural area, with only very limited harm, and not any such harm at any such level that would fail the generally permissive Policy tests set out at local or national level. Any future applications to make any physical changes to the site, including proposals for dwellings, would be judged on their own merits against the provisions of Policy DM26, including the existence of any alternative dwellings in the area, and also based on the commercial success and future prospects of any commercial use.

Existing Use

8. Officers' understanding is that the existing use of the land is agricultural,

consistent with the statement within the submitted application forms. This has been confirmed by Enforcement Officers who have had call to visit and investigate this matter.

9. However, as the 4 February 2016 Committee report made clear, the site benefits from an extant permission to change its use to stud use granted under SE/09/0957/FUL. The fact that this approval was granted as part of a then wider application site, which included Pattles Grove House, cannot be anything other than material to the hypothetical consideration of any possible future application for any additional dwellings in relation to the site presently before us noting the requirements of Policy DM26. However, as set out above, the existence of residential accommodation is not a prerequisite for approving commercial equine uses under Policy DM32, so the fact that there is no accommodation with this application site now, noting its subsequent divorcing in ownership terms from the area which previously included Pattles Grove House, is not material to the application before us now, and that any future application for a dwelling will be judged on its own merits against the requirements of Policy DM26.
10. To clarify therefore, and contrary to the description listed within the 4 February 2016 Committee report, the correct description of the proposal is as listed above, and does not include permission being sought to change the use of the land, noting that the implementation of an access in conjunction with SE/09/0957/FUL means that such a change of use remains capable of implementation under that approval.

Conclusion:

11. In conclusion, it remains the view of Officers that the principle and detail of new stud buildings within the rural area is considered acceptable given their scale, form and low lying position. The accompanying documents show that the surrounding landscape will not be adversely affected by the proposal and on this basis, the development is considered to comply with development plan policies and the National Planning Policy Framework.

Recommendation:

It is **RECOMMENDED** that planning permission be **Granted** with the following conditions:

1. Development to commence within 3 years.
2. Prior to commencement of development hereby approved details of the proposed landscaping works shall be submitted to and approved in writing by the Local Planning Authority. The landscaping plan shall be drawn to a scale of not less than 1:200 and include planting plans; schedules of plants noting species, plant sizes and proposed numbers/ densities as well as tree protection measures. The approved scheme of soft landscaping

works shall be implemented not later than the first planting season following commencement of the development (or within such extended period as may first be agreed in writing with the Local Planning Authority). Any planting removed, dying or becoming seriously damaged or diseased within five years of planting shall be replaced within the first available planting season thereafter with planting of similar size and species unless the Local Planning Authority gives written consent for any variation.

3. No external lighting shall be provided on the application site unless details thereof have first been submitted to and approved in writing by the Local Planning Authority.
4. Use of the development hereby approved shall not commence until a waste strategy for the site has been submitted to and approved in writing by the Local Authority. The strategy should include details of the removal of waste from the site including storage, frequency and removal methods.
5. Use of the development hereby approved shall not commence until the area within the site shown on plan no. 1507-PA1/E for the purposes of parking and manoeuvring of vehicles has been provided and thereafter that area shall be retained and used for no other purpose.
6. The development shall be carried out in accordance with plans.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online.

<https://planning.westsuffolk.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=NUVPBEPDKI600>