

Background:

The application was originally referred to the Committee following consideration at the Delegation Panel, it 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 from consideration by the Committee in February 2016 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, and for further clarification on these matters. Following the Committee meeting in April it was decided to further defer the application to enable a site visit to take place.

A site visit is scheduled to take place on 28^t April 2016.

Proposal:

1. Planning permission is sought for the erection of stables (20 boxes contained within a single block), barn, office, yard, horse walker and lunge ring.
2. The application has been amended since the original submission to remove the proposed parade ring, re-locate the lunge ring and horse walker, add the retention of an existing road and move the entire site further west. In addition, it has been established that the entire 36 acre site already benefits from an extant planning permission allowing a stud use and as such, the change of use element of the scheme is no longer required and as such has been removed

Application Supporting Material:

1. Information submitted with the application as follows:
 - Proposed plans and elevations
 - Planning Statement
 - Landscape Impact Assessment
 - Proposed Landscaping Scheme
 - Supporting statement

Site Details:

2. The site is located within the settlement of Whepstead (albeit outside the settlement boundary) within a shallow valley which slopes away from Chedburgh Road. The land is fenced as paddocks and is bounded by a tree plantation to the south, a fenced and hedged boundary to the east and

open paddock land to the north and west.

3. Pattles Grove House is located 140 metres to the south and comprises a large two storey dwelling with surrounding paddocks, stables, menage, outbuildings and office. The overall holding comprises 36 acres of land.

Planning History:

4. Various extensions have been approved on the host dwelling in addition to the following applications which are considered relevant to the current application:

SE/09/0957 - Planning Application - (i) Change of use from agricultural land to stud farm; and (ii) two storey extension to Pattles Grove House to form stud worker's annexe without complying with conditions 4,6,7,8 and 9 of SE/04/3745/P – Approved

SE/04/3745 - Planning Application - (i) Change of use from agricultural land to stud farm; and (ii) two storey extension to Pattles Grove House to form stud worker's annexe – Approved

Consultations:

5. Highway Authority: No objection subject to condition.
6. Public Health and Housing: No objection.
7. Rights of Way Officer: No objection.
8. Tree, Landscape, Ecology Officer: (verbally) No objections subject to submission and approval of detailed landscape scheme.
9. Natural England: No comment.
10. Fire and Rescue Service: Offers advice to applicant.

Representations:

11. Whepstead Parish Council: (In response to amended plans) Councillors recognised that some effort had been made to mitigate the concerns raised by the original application and they agreed that it was a better layout than that originally proposed. However, despite the amendments, they still felt that it was an overdevelopment of the site. Concerns were raised about the lighting – and the lack of detail given on the issue. According to one neighbour who already finds the lighting intrusive, there has been no compliance with a previous lighting agreement.

It was also strongly felt that the whole site should be subject to a Section 106 agreement which would tie the whole property together and prevent future splitting. It must surely be required to maintain the commercial viability and use of the site.

12. Letters of objection have been received (to the original and amended scheme) from 3 adjacent occupants raising the following summarised comments:

- Proposal exceeds covenants
- Development needs to be close to the farmhouse – livestock supervision
- Will affect flora and fauna/Tree survey needed
- Site can flood in heavy rainfall
- Impact on biosecurity due to adjacent equine uses
- Why not develop existing facility before new stud? – if combined total of 40 stables used would be over-development
- Sufficient space for mares within existing site
- Unauthorised developments within the site
- Viability
- Location and construction of muck container
- Lighting details should be subject to approval
- No public transport and therefore, how is it sustainable?
- Where is treatment plant outfall?
- A section 106 agreement should be used to prevent future division
- Proposed trees will take min. 5 years to be established
- Not clear how far away from the drive the development is moved

13. Further information has been submitted since the last meeting as follows:

Neighbours:

- Plumpton Hall Stud: Have submitted a letter from their vets which suggests that any building accommodating horses should be 100 metres from the boundary with the adjacent paddocks and refers to relevant codes of practice.
- Haygreen Farm: Have submitted a further letter detailing concerns over the lack of hygiene measures detailed in the application as well as reiterating concerns over the potential for spread of disease. In addition to:
 - An article from the European Bloodstock News discussing Pattles Grove Stud
 - An article about equine strangles (a respiratory infection)

Applicant: Has responded to the concerns raised as follows:

- Provided details of the relevant codes of practice
- Confirmed that they have a professional firm of vets retained
- Confirmed that the manager has the necessary experience and training
- Confirmed that the applicant and family are resident at Pattles Grove House and own and run the business
- Confirmed that no further residential development is proposed
- Outlined benefits of stud buildings proposed siting
- Outlined advice received and followed so far
- Confirms that importation of bloodstock from overseas is not part of the studs plans
- Notes that Strangles is not an airborne infection and this risk can be managed through the adoption of basic equine hygiene measures

- Confirms that the proposal is for 20 boxes which is considered by vets to be an acceptable size for an individual stable block

Policy: The following policies of the Joint Development Management Policies Document and the St Edmundsbury Core Strategy December 2010 have been taken into account in the consideration of this application:

14. Joint Development Management Policies Document:

- DM1 Presumption in favour of Sustainable Development
- DM2 Creating Places
- DM5 Development in the Countryside
- DM13 Landscape Features
- DM32 Business and Domestic Equine Related activities in the Countryside

15. St Edmundsbury Core Strategy December 2010

- CS3 Local Design and Distinctiveness
- CS13 Rural Areas

16. Rural Vision 2031

- RV1 Presumption in favour of Sustainable Development

Other Planning Policy:

17. National Planning Policy Framework (2012) core principles and paragraphs 28 (Supporting a prosperous rural economy), 56 – 68 (Requiring good design)

Officer Comment:

18. The issues to be considered in the determination of the application are:

- Principle of Development
- Visual Amenity
- Clarification on issues raised at previous meetings

Principle of Development

19. Whilst generally both adopted and national policies seek to restrict new development in the countryside, Policy DM32 offers support to proposals for domestic and commercial equestrian development. This support is offered subject to a number of criteria:

- The size, scale, design and siting (including lighting) does not have an adverse effect on the locality
- Proposals would not result in irreversible loss of most versatile agricultural land
- Proposals should re-use buildings where appropriate with new buildings located in or adjacent an existing group of buildings and have minimal visual impact within the landscape
- Landscape mitigation measures are included
- There is no significant detriment to residential amenity

- There is appropriate parking and access and traffic movements do not compromise highway safety
- Sufficient land is available for grazing and exercise
- There is a satisfactory scheme for the disposal of waste
- Where a new equine use is proposed with no dwelling available proposals must demonstrate site selection procedure and arrangements for animal supervision
- There is no significant detriment to biodiversity or surrounding landscape.

20. In this case, the site benefits from an extant permission to change its use to stud use granted under SE/09/0957/FUL. This means the entire 36 acre site has a stud use and on this basis, the principle of development is already established. This application therefore, must consider, the design, form, scale and siting of the proposed built form and its landscape impact only.

Given the established use, as well as the above policy and the support given to rural enterprise by the NPPF the proposal is considered acceptable subject to compliance with the remaining policies as listed above.

Visual Amenity

21. Policies DM32, DM2 and DM5 seek to ensure development does not adversely affect surrounding landscape and mitigation measures are included within schemes where appropriate.

22. A landscape impact assessment has been submitted to support the application and provides public viewpoints of the site from near distance, middle distance and long distance, including public footpaths, in order to assess the potential impact of the development. As described within this assessment views of the site are constrained by the surrounding topography which includes a series of ridges enclosing the site on three sides, in addition to boundary vegetation this gives rise to a relatively small visual envelope. On this basis, the limited viewpoints where the site is visible it is generally filtered by vegetation. The assessment concludes that the landscape character of the area, which is undulating ancient farmland, is able to accommodate development, provided that additional landscaping and tree retention is ensured. This has informed amended plans which detail a 15 metre tree belt between the east boundary of the application site and the access drive to Plumpton Hall. A further line of trees is indicated to the north of the buildings offering filtration of short range views and the horse walker and lunge ring have been re-located.

23. The tallest building proposed is 5.8 metres in height, when this is considered against the drastic change in land levels with the site itself approximately 9 metres lower than Chedburgh Road to the north, the development will not be visible from this public highway.

24. Several trees were removed prior to the submission of this application. These trees were not protected by any preservation order and as such,

there is no objection to these works. A survey has been undertaken of adjacent notable trees and root protection areas identified. A condition will be imposed on any approval ensuring tree protection measures are adhered to and landscaping is appropriate. With this mitigation it is considered that the proposal will have a very limited impact on the landscape character of the area.

25. The overall layout of the site is considered appropriate; the buildings proposed are typical of this type of development comprising shallow pitched roofs with timber boarded elevations and corrugated sheet roofs with the use of clay pantiles for the office. The scale, appearance and clustered form of these buildings is considered acceptable and appropriate in this rural location. Whilst the facility proposed is not planned immediately adjacent to existing development at Pattles Grove, it is close to the site and due to its position within a corner of the paddock does not result in a large array of isolated buildings.
26. External lighting has the ability to disrupt the rural nature of an area and provide disturbance when it is not adequately directed and controlled. In order to ensure a sensitive scheme is implemented this will be controlled by a condition requiring details to be submitted to and approved by the Local Authority prior to installation.

Other matters

27. The highway authority has confirmed that they are satisfied with both the existing access and parking provision proposed subject to the imposition of a condition.
28. Whilst a section 106 agreement has been requested by the Parish Council and neighbouring occupants to ensure the site is not sub-divided this is not considered appropriate. The application concerns the erection of buildings rather than a change of use and as such, tying the use of the whole site to these buildings is outside of the scope of the application. On this basis, it does not meet the tests required for S106 legal agreements. Furthermore, the NPPF states that planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. In this case, the scheme is not considered unacceptable in this regard.
29. Issues raised regarding covenants are not material planning considerations. Additionally, enforcement enquiries within the site are being dealt with independently to this application and do not impact on its determination.
30. It should also be noted that threats of legal action from neighbouring residents are not material to the planning consideration of the application. Members have had the opportunity to view all the relevant documentation and visit the site, officers have provided the relevant policies which to consider the application against and as such, it is for members to consider the merits of the application before making a decision.

Clarification on issues raised at previous meetings

31. The application was deferred by the Committee in February 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. Since the last meeting (April), the issue of biosecurity has also been raised and these issues will be considered below.

Ownership Matters

32. 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.

33. 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.

34. 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 criterion, 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.

35. Noting the reasons why this matter was originally 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.
36. 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

37. 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.
38. However, as the February 2016 DC 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.

39. To clarify therefore, and contrary to the description listed within the February 2016 DC 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.

Biosecurity

40. Neighbouring occupants have objected to the application due to concerns over biosecurity and contamination. The adjacent stud business at Plumpton Hall has submitted a letter from their vet which contains various guidance regarding the size and siting of equine buildings. This letter was read aloud by an objector at the April Committee meeting, before it had been submitted to the Local Authority. Understandably, neighbouring occupants have concerns over how this business may affect their own, however, details such as biosecurity and contamination are not material planning considerations and cannot form part of members deliberations. Whilst reference has been made to bloodstock policies, the Local Authority has no adopted planning policies which discuss biosecurity, hygiene or disease within studs and these issues are not included within national policy.
41. The proposed stable block is located 250 metres from the stables of Plumpton Hall Stud. The benefit of this location, as previously discussed is that the site is positioned within a dip in the land and as such, from Chedburgh Road, the entire built form will not be visible. The distance between the proposed stable block and boundary with the neighbouring paddocks is 50 metres, of which there is proposed a 15 metre wide tree belt and an access road. There is no legal requirement for stables to be located 100 metres from boundaries and this distance is not mentioned in any guidelines.
42. The applicant has taken advice from their own retained vet and Bloodstock experts and is familiar with the necessary regulatory requirements and 'best practice' guidance as referred to by neighbouring residents. Moreover, the stud manager has the necessary training and experience required to operate a stud farm. It is not intended to import horses from overseas and care has been taken to maintain distances from boundaries, propose appropriate waste storage and to ensure the public footpath does not traverse a paddock. 20 horse boxes are proposed within the site which is considered by vets to be an appropriate size for an individual stable block, additionally; given the size of the site this will not result in overdevelopment or overcrowding.

43. In terms of the ability to provide care and supervision to the horses on site; Pattles Grove House is 140 metres away and easily accessed by a bridge over the stream. Furthermore, closed circuit television covers the entire site and provides the owner with constant access to the sites' activities. It is unlikely that a greater level of supervision would be achieved by a dwelling on-site.

44. To conclude on this point, the whole site has an established equine use and on that basis, has permission to accommodate horses within the entire site and up to the common boundaries. Hygiene and biosecurity measures are not included within the application as they are management and procedural issues and therefore, not relevant to the application. These issues are not material planning considerations and as such, cannot be used to determine the application.

Conclusion

45. 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 **Approved** 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>