

**PARISH** Barlborough

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**APPLICATION** Erection of a single storey stables/tack room building with doors and windows to the front and small windows to the rear (retrospective application).  
**LOCATION** The Laurels Ruthyn Avenue Barlborough Chesterfield  
**APPLICANT** Miss M Manfredi The Laurels Ruthyn Avenue Barlborough Chesterfield Derby  
**APPLICATION NO.** 16/00089/FUL **FILE NO.** PP-04846083  
**CASE OFFICER** Mrs Karen Wake (Mon, Tues, Wed)  
**DATE RECEIVED** 29th February 2016

Delegated application referred to committee by: Development Control Manager  
Reason: Policy Considerations

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### **SITE**

Two storey detached dwelling set within an area of open countryside in the Green Belt with a series of outbuildings and the building, the subject of this application.

### **PROPOSAL**

The application is for the retention of a single storey building which is 5.57m wide, 21m long and has a pitched roof which is 2.8m high to the eaves and 5.2m high to the ridge. The building is constructed in block work cavity walls and a stone and render external finish and a pitched roof finished with slate. The building has Upvc windows to the front and rear. The plans submitted with the application show the building is proposed to be used for stables, hay store, tack room and kitchen although during a site visit the applicant stated that the building was to be used as 2 stables and 2 rooms in connection with keeping/breeding dogs and a bathroom and kitchen area in connection with keeping dogs.

### **AMENDMENTS**

None

### **HISTORY (if relevant)**

CLO/473/5: Erection of single storey dwelling: Refused 25/7/1073. Dismissed on appeal.

### **CONSULTATIONS**

DCC Highways: No objections subject to stables being ancillary to the existing use of the site and for the personal use of the occupants of the dwelling with no commercial use: 14/4/2016

Highways England: No objections: 27/4/2016

Parish Council: No comments received

### **PUBLICITY**

Site notice and 6 neighbours notified. No comments received.

## POLICY

### Bolsover District Local Plan (BDLP)

GEN 1 (Minimum Requirements for Development)

GEN 2 (Impact of the Development on the Environment),

GEN 9 (Development in the Green Belt)

GEN 11 (Development Adjoining the Settlement Framework)

ENV 3 (Development in the Countryside)

HOU 9 (Essential new dwellings in the countryside)

### National Planning Policy Framework

Paragraph 14: At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For **decision-taking** this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted.

Paragraph 17: sets out 12 principles to be applied to planning including taking account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it and contributing to conserving and enhancing the natural environment and reducing pollution

Paragraph 79: The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 87: States inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 88: Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 89: Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are:

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;

- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Paragraph 109: The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests and soils and recognising the wider benefits of ecosystem services, minimising impacts on biodiversity

## **ASSESSMENT**

The site is outside the settlement framework in an area of open countryside within the Green Belt. There had previously been a stable block on the site but this has been removed and the building which is the subject of the application constructed in the same place. Within the Green Belt policies GEN 9 and ENV 3 of the Bolsover District Local Plan will apply. Policy GEN 9 states that planning permission will not be granted in Green Belts except in a small number of limited circumstances and Policy ENV 3 states that planning permission will only be granted for development which is necessary in such a location and if it can be demonstrated that the proposed development would not materially harm the rural landscape and avoid unnecessary urbanisation and sprawl. It is considered that this is also reflected in Para 17 bullet point five of the National Planning Policy Framework which states that as part of the core planning principles planning should “take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it” and paragraph 89 which states planning permission will only be granted in Green Belts in limited circumstances.

The current proposal is for the retention of the existing building for keeping horses (according to the application details) for private use. It is accepted that the keeping of horses requires a rural location and the property has fields which would support the keeping of horses. The keeping of dogs for domestic purposes would however normally take place within the home, or within a small kennel (and there are already kennel buildings on the site which are deemed adequate to support an ancillary use).

The erection of a modest, suitably designed stable block to replace the original one may therefore be acceptable in principle.

However, the building which has been erected is constructed in blockwork with cavity wall construction, finished externally in stone and render. The pitched roof is slate with the underside of the overhang finished in Upvc with led lights along its length. The building also has Upvc windows in the front and rear elevations. Internally the building has plaster-boarded ceilings and has timber studwork in place to create 4 rooms and an internal corridor. One of

these rooms has pipework to provide a bathroom/washroom and the other has plumbing and electrics for kitchen appliances and a boiler and contains an electrical consumer unit. The stables have several internal plug sockets and the doors are accessed via a step up, with airbricks set below the door level such that the ground cannot be raised up to door level. The building in terms of its scale, design, materials of construction and domestic character is more in line with a dwelling construction (with the services in place for a kitchen, bathroom, living space and at least one bedroom) rather than a stable block. Any isolated new dwelling in the countryside which was not essential to the need of agriculture or forestry would be contrary to Policy HOU 9 of the Bolsover District Local Plan and the guidance given in the NPPF and Green Belt policy.

Whilst the application and plans state that the building is for stables the design and form of the building as built is not reasonably designed for that purpose. It is more akin to a dwelling and it is considered more appropriate to assess the proposal on the policies that apply to that type of development and not what has been stated in the application. (The applicant was advised by the Enforcement Officer to stop building works whilst the planning position was sorted out, but works for its completion have continued).

The site was originally a small holding and the building is considered to be outside any domestic curtilage as it replaced a stable block, and the area of hard surfacing to the rear of the building extends further away from the dwelling on site. The development therefore extends into the open countryside within the Green Belt. The building is not the scale or design of a typical rural building which would normally be considered acceptable in the countryside or Green Belt and is not considered to be necessary in such a location.

The building, by virtue of its size, design and appearance represents an urbanising feature in the countryside which is considered to materially harm the rural landscape and the openness of the Green Belt. In view of the opinion that the building is designed as a dwelling and not a stable or similar agricultural/rural building it is considered that it does not comply with the policies on acceptable development in the Green Belt and the countryside more generally. Consequently the proposal is considered to be contrary to policies GEN 9, ENV3 & GEN 2 of the Bolsover District Local Plan and is also contrary to the provisions of the National Planning Policy Framework.

The building is set well from any nearby dwellings such that it is not considered to be detrimental to the amenity of residents of adjacent dwellings. The building is ostensibly for private use and if that was the case and the building was deemed acceptable itself a condition could require that it be used for private/personal use not a business use. Subject to such a condition the proposal would not be considered to be detrimental to highway safety. On this basis the proposal would not be considered to be contrary to Policy GEN 1 of the Bolsover District Local Plan. However this is not considered sufficient to overcome the impact of the proposal on the openness of the Green Belt set out above and .

#### **Other Matters**

Listed Building: N/A

Conservation Area: N/A

Crime and Disorder: No issues relating to this proposal

Equalities: N/A

Access for Disabled: N/A

Trees (Preservation and Planting): No issues relating to this proposal

SSSI Impacts: N/A

Biodiversity: N/A

Human Rights: The judgement of planning merits is deemed to be sufficient to achieve the balance between human rights; there are no excessive impacts that would indicate that the normal balance is not sufficient in this case.

## **RECOMMENDATION:**

- 1. Refuse the application as set out below;**
- 2. Issue an Enforcement Notice in the terms generally set out below (to be formulated in full by the Assistant Director of Planning).**

1. **Refuse** for the following reason:

1. The building is not of a scale or design of a typical rural building for the keeping of horses which would normally be considered acceptable in the countryside or Green Belt but is designed and built in a manner more fitting for domestic occupation and is unlikely to be used for the purposes specified in the application. No need for a new dwelling has been established in this Green Belt location and in view of the design being inappropriate for the specified use it is not considered to be necessary in such a location. The building, by virtue of its size, design and domestic character represents an urbanising feature in the countryside and the Green Belt which is considered to materially harm the rural landscape and the openness of the Green Belt. Consequently the proposal is considered to be contrary to policies GEN9, ENV3 & GEN2 and HOU9 of the Bolsover District Local Plan and is also contrary to the provisions of the National Planning Policy Framework.

2. **Enforce:** An Enforcement Notice be issued

Reason for issuing notice: as set out in the recommendation above;

Requirement: demolish the building and remove all associated material from the site and restore the site to a grassed area level with surrounding land

Period for compliance: 3months for the demolition works and a further 3 months to level and grass seed the site of the building.

Not Set



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Date: 14/05/2016