

PARISH Elmton With Creswell Parish

APPLICATION Change of Use of agricultural land to equine use and the erection of two stables/field shelters
LOCATION Land East Of April Cottage, The Square, Elmton
APPLICANT Miss Tracey Scrimshaw, 4 Elmton View, Creswell, Worksop, S80 4PG
APPLICATION NO. 22/00109/FUL **FILE NO.**
CASE OFFICER Mrs Karen Wake (Mon, Tues, Wed)
DATE RECEIVED 1st March 2022

SUMMARY

This application has been referred to the Planning Committee by Councillor Clifton given the concerns of local residents about the impact of the development on the character and appearance of the conservation area.

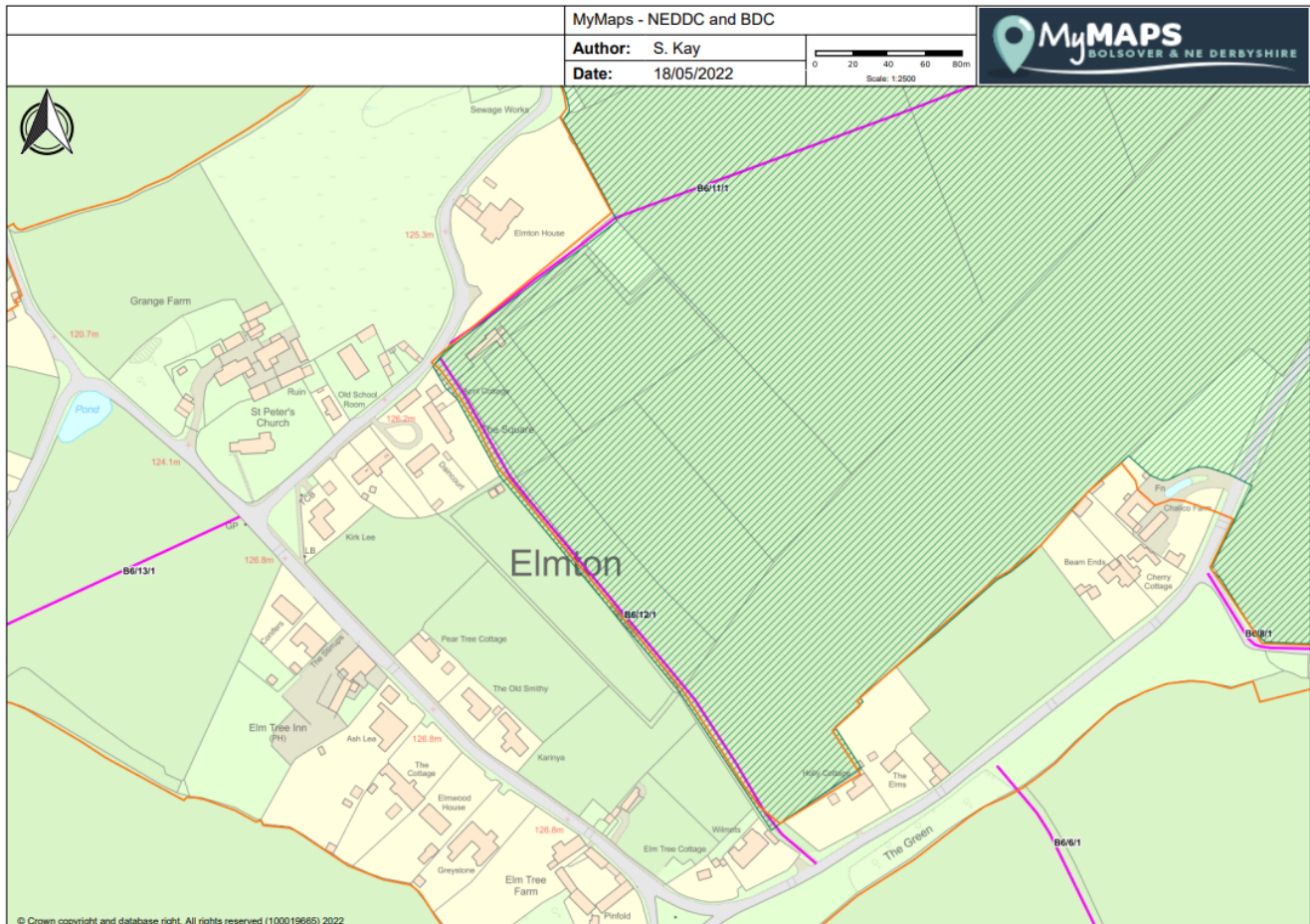
In summary, the application is recommended for approval. The proposal is considered to be a use which requires a rural location. The applicant has made amendments to the proposal following discussions with the Conservation Manager. The amended proposal still has some impact on the character and appearance of the conservation area and its setting, but it is not considered to result in any greater harm than other existing equestrian uses in and adjacent to the conservation area or than some agricultural uses would have which could be implemented without the need for planning permission. On this basis the proposal accords with most policy requirements, subject to the inclusion of suitable conditions.

Site Location Plan



SITE & SURROUNDINGS

The site is a grass field outside the development envelope. There are two public footpaths which cross the site. One is immediately adjacent to the northwest boundary of the site and the other crosses through the site from northwest to southeast. The footpath which crosses through the site is the conservation area boundary. The part of the site which is to the south west of the site is within the conservation area. The remainder of the site is outside the conservation area in an area allocated as an important open break in the Local Plan for Bolsover District. This is shown in the map extract below.



There is a high stone wall along the northwest site boundary with a two storey dwelling beyond. On the west boundary is a mature hedge with dwellings beyond. On the southwest boundary is electric fence with a field beyond which is used for keeping horses. To the northern corner of the site is a mature hedge with a small wooded area beyond and on the northeast and southeast boundaries are mature hedges with fields beyond.

BACKGROUND

The site has been used for the keeping of horses since 2018. The dark brown timber block of three stables and a tack room was also constructed in 2018. A complaint was received and the council visited the site. The applicant was advised that the use of the land and the stable block required planning permission and invited the submission of a retrospective planning

application.

A planning application wasn't submitted so the council had to consider whether or not it would be expedient to take enforcement action to seek the removal of the stable block and/or to stop the use of the land for the keeping of horses.

In 2019 the Council formally considered this and resolved to take no further action in respect of the building and the use for keeping horses. The council decided that there were insufficient planning reasons to justify taking any formal action. This conclusion was reached on the basis that if the Council had received a planning application it would be likely to be approved without planning conditions. The Council should therefore not seek to take action in such a scenario.

That decision did not authorise the development which had been carried out and it remains a breach of planning control. However, that decision does prevent any enforcement action being taken to require the brown timber stable block to be removed or for use of the land for the keeping of horses to stop.

Since that decision was taken a block of two timber field shelters finished in green, an open fronted stable/field shelter, a hay barn and a metal storage building have been added to the site without planning permission.

PROPOSAL

The current application seeks to regularise the use of the site for the keeping of horses and the timber stable block which was considered by the council in 2019. It also seeks to retain the block of two timber field shelters finished in green, the open fronted stable/field shelter attached to the original stable block, the hay barn and a metal storage building which have also now been added to the site.

AMENDMENTS

The application has been amended since its original submission following concerns expressed by the Conservation Manager.

The green field shelters are to be moved to the northern corner of the site adjacent to the hedge and the wooded area. A revised plan has been submitted to show the amended location. The applicant has also confirmed that they will be painted dark green.

The applicant has clad the rear and side of the open store/shelter attached to the stable block in timber cladding and painted it dark brown to match the original stable block and planters have been positioned to screen the surface water collection/treatment butts to the rear of the stable block.

HISTORY

There have been no previous planning applications on this site.

CONSULTATIONS

Derbyshire County Council (Highways) –

No objections to the proposals subject to a condition that the equestrian use will continue for private purposes and not be for any business or commercial enterprise: 9/03/2022

Parish Council –

No comments received.

Conservation Manager-

In the initial consultation response concerns were raised about the following structures on site:-

- Open fronted hay barn with tarpaulin sides
- 2 horse shelters situated in the conservation area and highly visible in views from the conservation area and identified in views HP2 and HP3.
- Pre-fabricated metal garage
- The use of green electric tape rather than white tape would be preferable.

Following a meeting on site with the applicant and the case officer:

- The applicant explained the rationale behind the larger storage shelter and the use of fire retardant mesh. It was agreed that the open structure was preferable to a solid timber clad structure which would appear more permanent and require future maintenance and upkeep.
- A revised plan has been received showing the 2 field shelters re-positioned from a prominent location in the conservation area to a new position in the eastern corner of the field (outside the conservation area) set against a backdrop of mature vegetation. The field shelters will be painted green. It is considered that the revised position in the eastern corner of the field will reduce the visual impact of the structures and addresses the concerns raised previously in relation to the identified views HP2 and HP3.
- There are still some concerns about the metal storage shed as the materials of construction would not normally be acceptable in conservation areas. The need for a secure storage unit in this isolated location has been documented and may justify the use of a composite timber effect cladding in this location. When viewed on site the shed is seen in the context of the adjoining stables. It could be clad in timber but this will introduce further maintenance issues.
- It has now been brought to my attention that the tape is not classed as development and as a result does not require permission. However, the introduction of the white rope in lieu of white tape is regarded as a visual improvement.
- The rear of the shelter has now been clad in timber cladding to match the existing stable block. This has improved the appearance of the building and ensures a continuous design.
- Overall there has been an improvement in the general appearance and tidiness of the site and the applicant has introduced some screening to the water butts.
- The introduction of a solid post and rail fence across the length of the public footpath would be more visually intrusive than the temporary rope and post arrangement used at present and this option would not be supported.

The change of use of the land to equine use is considered acceptable in policy terms. The

revisions outlined above have alleviated some of the concerns previously raised about the harm (less than substantial / low level harm) of the development on the landscape setting of the Conservation Area and the non-designated assets. In particular, the relocation of the field shelters from a prominent site in the conservation area to a much less prominent site outside the conservation area set against a row of mature vegetation thus removing the impacts on identified views HP2 and HP3, the cladding of the rear of the stable, the introduction of white rope and the introduction of vegetation to provide screening has resulted in an overall improvement which has removed the less than substantial / low level harm identified previously and resulted in a neutral impact which now meets the conservation policy requirements set out: 16/05/2022

All consultation responses are available to view in full on the Council's website.

PUBLICITY

Site notice, press notice and 15 neighbours notified. Letters of objection received from 11 residents and the Chair of Elmtun Community Association which raise the following issues:

1. Part of the field is in the Conservation Area, the rest is adjacent to the conservation area and is sensitive to change.
2. The field shelters are in the conservation area. They do not comply with how field shelters should be constructed which are on skids so that they can be moved.
3. The use of the land has increased with more people using the facilities which means increased vehicles visiting the site causing some to park on the Lane. If the change of use is approved the land will become more developed causing more vehicles.
4. Agricultural land does not have to be re-designated as equestrian to have field shelters on it.
5. The landscape of Elmtun is one of open vistas, large gardens and wide uncluttered spaces. This use of land goes against the landscape character.
6. All Elmtun residents are aware of and abide by the strict planning process due to its conservation and award winning status. Stables were erected without planning permission and now residents have to look at these wooden structures instead of views of the beautiful village and fields.
7. Over the last 2yrs the stable building has increased in size and now further buildings have been constructed.
8. How have these permanent structures been built without any planning permission?
9. The plans are inaccurate.
10. Why has a solar power system has been installed which is illuminated all night shining towards homes within Elmtun without any planning permission?
11. The stables do not have an adequate water supply. Water is often piped in from April Cottage across the public right of way causing a tripping hazard, also without consent.
12. If the facility has no planning permission it probably has no insurance and yet a petrol vehicle and hay barn are stored on site close to houses which is a fire risk. Are the Fire service aware of this development?
13. The highway outside the site entrance is covered in mud and sludge from vehicles accessing the site. This, together with the on-street parking on a blind bend means and accident is imminent. There are regularly 3 or 4 vehicles parked on the bend eroding the verges.
14. The original field dividing hedgerows to the east of the site have been compromised by tons of horse manure piled against it which now breaches the hedgerow on to the

adjoining field.

15. The field now contains white tape fences and barbed wire in the hedges. This is an eyesore, is dangerous to pets and children, may interfere with nesting habitats and is an issue of public safety.
16. The woodchip rear elevation of the stable block is an eyesore to public using the footpath.
17. Rats have been seen at the site and are causing a problem in an adjacent garden. Prior to this use of the site there have never been problems with rats.
18. The public rights of way are impassable in wet weather due to the mud at the site entrance caused by the vehicles entering the site. This is a particular problem for people who are elderly or have disabilities and means they cannot use the footpaths.
19. The applicant has shown disregard for the planning process, the village and its residents.
20. If planning permission is granted then further development will follow without planning permission being sought to the detriment of the village.
21. The site should be returned to agricultural use and the buildings removed.
22. The white tape and plastic post fence is harmful to the landscape.
23. There are currently 3 established riding schools in close proximity to the site. The re-designation from agricultural use to equestrian use has potential to create a commercial venture which would be inappropriate to the scale of the village and the conservation area.
24. The proposal affects the setting of a listed building.
25. The buildings are of poor quality and the field shelters are showing signs of neglect. The buildings have more in common with a shanty town than a rural village.
26. The applicant has complained about the annual bonfire night at the pub for animal welfare reasons. Why are there complaints about animal welfare if the horses shouldn't be there.
27. The applicant was advised of the need for planning permission in 2018 and was advised that no further work should be undertaken by the council's planning officer. This advice has been ignored and the site has not been monitored by the council.
28. The building has grown to industrial size without any intervention from the council. This suggests a "closed mind bias" and favour toward the applicant by the council given the applicant's senior role in public office. This is substantiated by the applicant's statement that two officers visited the site and all was found to be acceptable. This takes no account of the previous planning officer's advice to the applicant. How can these buildings be acceptable when 3yrs previously the applicant was advised the buildings required planning permission and the only structures which may be acceptable would be moveable night shelters not those currently in situ.
29. Chatsworth Estates have advised the applicant that the land was for agricultural purposes but the applicant said they would be using the land for equestrian purposes demonstrating a cavalier approach to the planning process and commercial tenancy agreements. The tenancy agreement is complicated by another party who is involved and Chatsworth are waiting for the outcome of the planning application.
30. Elmtun is a conservation area and the surrounding areas of agricultural land are an integral part of this and should be protected from development. The buildings and change of use of land will undermine the environment and the landscape.
31. The site is in open area of countryside, next to the largely protected Elmtun, is agricultural land and is accessed from a relatively narrow public highway on a bend in the road which may be appropriate for occasional agricultural use but not for regular

- access for commercial stables.
32. The buildings are the start of a riding establishment or commercial stables.
 33. This intensive use of the field is to the detriment of the field itself.
 34. The access will need to be hardcored to the detriment of the environment.
 35. The site has no electricity.
 36. The proposal is contrary to policy SC5 because it operates to the detriment of Elmtun, the constructions are illegal and do not reflect agricultural use, the number of stables is detrimental to the adjacent village, utilities to the site are inadequate, the problem of surface water on site has been dealt with badly.
 37. The proposal is contrary to Policy SS9 of the Local plan because the building of industrial size involves more than a change of use or re-use, the buildings are not agricultural, this is not small scale employment in farming or tourism, it is not a community facility, the land had an agricultural use and did not have a vacant or redundant building, there is no neighbourhood development plan which would justify it and nothing constructed is of exceptional quality, just the opposite.
 38. This perceived anti-democratic process of allowing an open door for people to do as they like may encourage further abuse of the planning system.
 39. Elmtun is an important village in the area as underpinned by its conservation area status and award winning success. Residents work hard to maintain its character through careful property management and contribution to numerous conservation projects in recent years. The village hosts and annual open gardens and well dressing weekend attracting visitors and raising thousands of pounds for local and national charities. Villagers do not want to see their efforts diminished by allowing poor quality intrusive developments to take place which set a poor precedent for the future.
 40. The revised plans do nothing to address the concerns raised all they do is move the field shelters all they have done is move the field shelters out of the view of some and into the views of others.

One letter of support has been received which raise the following issues:

1. The applicant has been on site for three years during which time she has been respectful and courteous. She is a good neighbour and no issues or concerns have been experienced. It is a pleasure to have the horses next door and is very fitting for a rural area.
2. Some of the complaints refer to parked cars blocking the road and damaging the grass verge. This road and driveway have never been blocked by parked cars and the verges only get damaged by passing farm vehicles and speeding motorists.

One letter of support from the applicant's landlord has been submitted which confirms the tenancy agreement only allows the applicant and one other person to keep a maximum of 6 horses on the field for hobby or recreational purposes and there can be no manufacture trade or business use of the land or buildings. The applicant has no intention of operating a business from the site.

POLICY

Local Plan for Bolsover District ("the adopted Local Plan")

Planning law requires that applications for planning permission be determined in accordance with policies in the adopted Local Plan, unless material considerations indicate otherwise. In this case, the most relevant Local Plan policies include:

- SS1 (Sustainable Development)
- SS9 (Development in the Countryside)
- SS11 (Development in Important Open Breaks)
- SC2 (Sustainable Design and Construction)
- SC3 (High Quality Development)
- SC5 (Change of Use and Conversions in the countryside)
- SC11 (Environmental Quality (Amenity))
- SC16 (Development Within or Impacting upon Conservation Areas)
- SC17 (Development affecting Listed Buildings and their Settings)
- SC21 (Non-designated Local Heritage Assets)

National Planning Policy Framework ("the Framework")

The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied. The Framework is therefore a material consideration in the determination of this application and policies in the Framework most relevant to this application include:

- Chapter 2: Achieving sustainable development
- Paragraphs 47-48: Determining applications
- Paragraphs 55-58: Planning conditions and obligations
- Paragraphs 174, 180 and 182: Conserving and enhancing the natural environment
- Paragraphs 194, 195 and 199-208: Conserving and enhancing the historic environment

Supplementary Planning Documents

Elmton Conservation Area Appraisal 2021.

ASSESSMENT

Key issues

It is considered that the key issues in the determination of this application are:

- the principle of the development in the countryside
- the impact on the open character of the important open break
- the impact on the character, appearance and setting of the conservation area, listed buildings and non-designated local heritage assets
- residential amenity
- whether the development would be provided with a safe and suitable access

These issues are addressed in turn in the following sections of this report.

Principle of the development in the Countryside

The site is outside the development envelope in an area of open countryside.

The site was previously used for agricultural purposes. The proposed use is the retention of the use of the site for the keeping of horses together with the retention of the existing buildings for private equestrian use. As part of the proposal the green field shelters are to be moved to the northern corner of the site adjacent to the hedge and the wooded area.

Policy SS9 of the Local Plan for Bolsover District restricts development in the countryside unless it falls within one of a number of categories. The proposed development involves the change of use of agricultural land to a private equestrian use. The proposed use is considered to be an appropriate land based use which requires a rural location given the need to graze horses.

The existing timber stable buildings and field shelters are considered to be an acceptable scale and design for their intended use and are fairly standard buildings designed for equestrian/rural purposes. The stable block and hay barn are positioned towards the edge of the field where they are partially screened by and seen against a high stone wall and mature trees. The field shelters are proposed to be positioned in the northern corner of the site, adjacent to the existing mature landscaping which gives some screening from wider views within the countryside.

The existing metal storage building is adjacent to the main stable block and is again partially screened by/seen against the adjacent building, high wall and trees. A metal storage building is not an ideal construction for rural buildings, but they have been accepted elsewhere in the district given the need for on-site secure storage at stable yards. This building is a similar scale to a stable with a shallow mono-pitch roof and although it is constructed in metal it has a mock timber finish which has the appearance of wooden boarding.

The proposal utilises an original field access. There is no solid surfaced parking area and none is proposed as part of this application but grass mats have been installed which allow grass to grow through but create a solid space to park.

Subject to conditions requiring the re-positioning of the field shelters, the field shelters to be retained dark green and the other buildings to be retained dark brown, the proposal is considered to be an appropriate use requiring a countryside location which is not considered harmful to the rural character of the area. On this basis the proposal is considered to broadly meet the requirements of Policies SS9 and SC5 of the Local Plan for Bolsover District.

Impact on the open character of the important open break

The proposal, as amended is considered to be a small scale development which requires a rural location. It is not considered to detract from the objective of maintaining and open character to keep the separation of settlements and as such the proposal is considered to meet the requirements of Policy SS11 of the Local Plan for Bolsover District.

Impact on the character, appearance and setting of the conservation area, listed buildings and non-designated local heritage assets

The site lies in area of open countryside to the east of the historic settlement of Elmtun. Part of the site lies within the Elmtun Conservation Area (a designated heritage asset) and the remainder of the field lies adjacent to the boundary but forms part of the wider setting of the conservation area. The recently adopted Conservation Area Appraisal identifies a number of designated and non-designated heritage assets adjacent to the site and include

- Church of St Peters Church (GII*),
- April Cottage, Dain Court and outbuilding (Key townscape buildings – non designated heritage asset),

- Sunday School (Key townscape buildings – non designated heritage asset),
- Elmdon House (Key townscape buildings – non designated heritage asset).

In heritage terms the main issue for consideration is the impact of the proposed development on the character and appearance of the Conservation Area and setting of the designated and non designated assets in accordance with the policies contained in the Bolsover District Local Plan and the NPPF as outlined above.

Setting is described as “the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. An assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it. It will usually involve an analysis of views to and from the heritage assets.

The designation of a conservation area at Elmdon is in acknowledgement that it retains the character of an historic agrarian settlement. The village of Elmdon is a long standing farming community with Anglo Saxon and possibly earlier origins and the Conservation Area has a strong landscape component to its character. It is a simple yet distinctive agricultural landscape of gently rolling land which has remained relatively unchanged.

The characteristic gentle roll of the underlying landscape is perceptible within the village along the slope of Main Street as well as from the many views out of the village along its length.

The appraisal identifies a number of important open spaces and views within the conservation area.

OS5: Paddock facing former Elm Tree Farm and Elm Tree Inn. This contributes as an open frontage that allows long distance panoramic views of the historic agricultural landscape setting. It also enables picturesque views to the rear of properties fronting Markland Lane in a landscape setting. As a traditional boundary the stone wall enclosing the paddock along Main Road contributes significantly to its visual quality.

HP2: View north east from Elm Tree Farm the view across the paddock extends to a long distance view across a gently undulating landscape with Creswell on the horizon. A characteristic of the view is the lack of tree cover which enables the view to be long distance. Significant in its contribution to the landscape setting.

HP3: View north east from the Elm Tree Inn is a long distance view across a paddock and open fields. This view is significant for the foreground contribution of the traditional village buildings that front Markland Lane which combine with garden trees to create a picturesque timeless view.

The appraisal summarises the character of the Conservation Area as:

- An unspoilt historic farmland setting which makes a significant contribution to the character of the conservation area
- A high quality of vernacular buildings from the 16th to the 19th century reflecting its agricultural origins

As well as the conservation area itself, other designated and non designated assets are:

- Church of St Peter – GII* - designated heritage asset - Completed in 1771 as a replacement for the medieval parish church. It is an ashlar sandstone construction consisting of a nave, and a chancel with a bell turret at the west, as opposed to a tower.
- April Cottage, DainCourt and outbuilding – group of buildings all dating from the 18thC recognised as key townscape buildings of merit in the Appraisal (non designated heritage assets). April Cottage is a stone and pantile detached residence of a size that at the time would have been suitable for a yeoman farmer. It forms a group with Dain Court, a property of similar size at right angles to April Cottage. On the third side of the 'square' an agricultural building. Of significance for its architectural and historic interest and in its contribution to the townscape.
- Sunday School, Markland Lane dating from 19th C (key townscape building as identified in the Appraisal – non-designated heritage asset) is a redbrick building with ashlar dressings and a blue slate roof. The building is single storey and of a domestic scale. The details of its design; porch and openings have an ecclesiastical resonance. Extended at the rear but with a street elevation that retains its original architectural presence. A key building for its historic importance and architectural contribution.
- Elmton House Markland Lane dating from early 19th C (key townscape building as identified in the Appraisal) is a grand villa built in the Regency style with shallow pitched blue slate roofs and rendered facades. The stone boundary wall enclosing the rear garden of the property forms the southern boundary to the site. A key building for its historic importance and architectural contribution.

It is accepted that in rural communities equine use is an appropriate land based use and it follows that well designed and appropriately sited stables are considered necessary to the operation of the business. There are a number of established equine sites with stables in the local vicinity.

However, in this case in addition to the original stable block there was an untidy array of buildings which are highly visible in views across the site to and from the Conservation Area and adjacent non designated heritage assets.

It was considered that the original stable block constructed in dark stained timber and sited to the rear of the field adjacent against the backdrop of a solid stone boundary wall would meet the policy requirements listed above, but a number of the additional structures were considered to be out of character and detrimental to the character and appearance of the conservation area. The structures considered to be out of keeping and detrimental were as follows:

- Open fronted hay barn with tarpaulin sides.
- 2 horse shelters situated in the conservation area and highly visible in views from the conservation area and identified in views HP2 and HP3.
- Pre-fabricated metal garage.
- The use of green electric tape rather than white tape would be preferable.

Due to the intervening built form and the distance from the site it is considered that there will be no impact on the setting of the GII* Listed Church of St. Peter.

In planning terms there is a presumption in favour of development unless material planning considerations indicate otherwise and the National Planning Policy Framework requires Local Planning Authorities to approach decisions on proposed development in a positive way and work proactively with applicants to seek to approve applications for sustainable development where possible. Given this requirement, a site meeting was arranged with the applicant to discuss amendments to the proposal to try to address the concerns about the impact of the proposal on the character and setting of the conservation area.

Following discussions at the meeting the applicant has submitted additional information including:-

- a revised site layout showing the 2 field shelters moved to a new position in the eastern corner of the field and a photograph to show they have been re-painted green
- a quotation for post and rail fencing along the line of the public footpath as an alternative to electric fencing
- a photo showing the rear of the new part of the stable block which was chipboard has been clad in timber to match the original building
- Planters added to screen the water pump and tanks
- The side of the hay barn has been clad in timber and stained dark brown to match the original building
- A photo showing the grass mats installed to create a parking area
- Confirmation that the white electric tape has been replaced with green and white electric rope

On site it was clear that the larger storage shelter did not have tarpaulin sides but and it was in fact dark green fire retardant mesh. It was agreed that the open structure with mesh that can be raised and lowered was preferable to a solid timber clad structure which would appear more permanent and require more future maintenance and upkeep. The storage building was erected to allow on site storage of feed and bedding to reduce the number and frequency of deliveries required to the site.

A revised plan has been received showing the 2 field shelters re-positioned from a prominent location in the conservation area to a new position in the northern corner of the field (outside the conservation area) where the land level is slightly lower and the shelters are set against a backdrop of mature vegetation. The amended siting of the shelters could be controlled by condition. The field shelters have been re-painted green but it is considered a darker green would be more appropriate and this could be required by condition. It is considered that the painting of the shelters and the revised position in the northern corner of the field will reduce the visual impact of the structures and addresses the concerns raised previously in relation to the identified views HP2 and HP3.

There are still some concerns about the metal storage shed as the materials of construction would not normally be acceptable in conservation areas. However the need for a secure storage unit in this isolated location may justify the use of a non-traditional material. This building is a similar scale to a stable with a shallow mono-pitch roof and although it is constructed in metal it has a mock timber finish which has the appearance of wooden boarding and when viewed on site the shed is seen in the context of the adjoining stables. It could be clad in timber but this will introduce further maintenance issues and on balance it is not considered necessary to require the building to be clad in timber.

The field has been subdivided into paddocks using posts and electric tape. This temporary fencing is not development and as such does not require planning permission and as such cannot be controlled. However, the applicant has changed the tape to rope and the introduction of the green and white rope in lieu of white tape is regarded as a visual improvement. The introduction of a solid post and rail fence across the length of the public footpath was discussed but this is considered to be more visually intrusive than the temporary rope and post arrangement used at present and as such would be considered more harmful to the setting of the conservation area.

The rear of the shelter which was just chipboard has now been clad in timber cladding to match the existing stable block. This has improved the appearance of the building and ensures a continuous design.

Overall there has been an improvement in the general appearance and tidiness of the site and the applicant has introduced some screening to the water butts.

The change of use of the land to private equine use is considered acceptable in policy terms and is not considered harmful to the character and appearance of the conservation area. The revisions outlined above have alleviated some of the concerns previously raised about the harm (less than substantial / low level harm) of the development on the landscape setting of the Conservation Area and the non-designated assets. In particular, the relocation of the field shelters from a prominent site in the conservation area to a much less prominent site outside the conservation area set against a row of mature vegetation thus removing the impacts on identified views *HP2 and HP3*, the cladding of the rear of the stable, the introduction of green and white rope and the introduction of vegetation to provide screening has resulted in an overall improvement which has removed the less than substantial / low level harm identified previously and has resulted in a neutral impact which is now considered to meet the requirements of Policies SC16, SC17 and SC21 of the Local Plan for Bolsover District.

In reaching this conclusion consideration has also been given to the fact that the use of the land for agricultural purposes does not require planning permission. Such agricultural uses could include growing maize for biofuel which grows to over 2m in height before being harvested or the keeping of livestock which would also create the need for fencing and may require shelters such as pig arcs which would also do not require permission and could be used on site at any time. Such uses of the site could not be controlled and could be considered to have a greater impact on the setting of the conservation area than the proposed use.

Residential amenity

The site is adjacent to residential properties. The new position of the field shelters is set away from existing dwellings. The remainder of the buildings are close to the boundary with the dwelling to the north of the site but the dwelling to the north is set well away from the buildings and the buildings are partially screened by the existing boundary treatment. There is also a mature hedge providing partial screening from the dwellings to the southwest of the buildings. The proposal is therefore not considered to result in a material loss of daylight to or outlook from adjacent dwellings and is not considered to result in a loss of privacy to adjacent dwellings.

The proposals are obviously visible in views from adjacent dwellings but the planning system does not protect the view from a dwelling.

The use of the site will result in some noise from the comings and goings from the site but this is not considered to result in any greater noise and disturbance for adjacent residents over and above what could reasonably be expected if the field was used for agricultural purposes for keeping livestock which would require daily monitoring and care and which would not require planning permission.

Whether the development would be provided with a safe and suitable access

There are no objections to the proposal from the Highway Authority. The proposal utilises an existing field access. The road on to which the access opens is quite narrow and the access is close to a bend in the road such that there is some restriction to visibility. However, the road is not heavily trafficked and the narrow width and bend in the road will mean that vehicle speeds are restricted at this point. The use of the site for the keeping of horses for private use is not considered to generate a significant increase in vehicle movements to and from the site over and above what could be expected if the agricultural use of the site extended to keeping of livestock which could be the case without the need for any planning permission.

The proposal includes a parking area where the applicant has installed grass mats to prevent the area becoming too muddy and unusable in wet weather. The use of the access may result in mud on the road but this would be no different to the use of the access for agricultural purposes and mud/debris on the road is controlled under The Highways Act.

Subject to a condition restricting the use of the site to be private with no commercial use then the proposal is not considered to be detrimental to highway safety and is considered to meet the requirements of Policy SC3 of the Local Plan for Bolsover District in this respect.

OTHER PLANNING CONSIDERATIONS

Issues raised by residents

Most of the issues raised by local residents have been covered in the above assessment.

The issues relating to a commercial equestrian use have not been considered as this does not form part of the proposal.

The issue of parking on the lane has not been considered as there is adequate room to park on site and the applicant has installed grass mats so this area can be used in wet weather. Legal parking on the highway cannot be controlled and if illegal parking occurs this is a police matter.

The issue of future structures has not been considered as if additional structures require planning permission then a separate planning application would be required and considered at that time.

The issue raised about the safety of the fence for users of the footpath cannot be considered as the fence does not require planning permission. The applicant has however put signs on

the fence to warn people that it is electric.

The issues of obstructing the right of way are partially covered in the above assessment. The public right of way cannot be blocked or altered without consent from Derbyshire County Council.

The issue of lack of electricity and water have not been considered as this is provided by the solar panel and batteries and on site water collection and pumping system. Many equestrian facilities do not have electricity or piped water due to remote locations.

The issue of rats in adjacent gardens cannot be proven to be as a result of this development and is a matter covered under Environmental Health Legislation not Planning Legislation.

The issue of the application being retrospective has not been considered as there is provision within the Planning legislation to apply retrospectively to regularise a development and a retrospective application is considered no differently to an application submitted prior to a development taking place.

CONCLUSION

The keeping of horses is considered to be a use which requires a rural location. The applicant has made amendments to the proposal following discussions with the Conservation Manager. The amended proposal still has some impact on the character and appearance of the conservation area and its setting but it is not considered to result in any greater harm than other existing equestrian uses in and adjacent to the conservation area or than some agricultural uses would have which could be implemented without the need for planning permission. On this basis the proposal accords with the relevant policy requirements, subject to the inclusion of suitable conditions.

RECOMMENDATION

The current application be APPROVED subject to the following conditions:

1. Within 56 days of the date of this permission the field shelters must be moved to the new position shown on the revised plan received via email on 9th May 2022 and must be maintained as such thereafter.
2. Within 56 days of the date of this decision the field shelters must be painted dark green and must be maintained as such thereafter.
3. The stable block and shelter marked building 1 on the revised plan submitted via email on 9th May 2022 must be stained dark brown and must be maintained as such thereafter.
4. The use of the land and buildings must be for the keeping of horses for private use only and no trade, business or commercial use in connection with the keeping of horses must be carried out.

Statement of Decision Process

Officers have worked positively and pro-actively with the applicant to address issues raised during the consideration of the application. The proposal has been considered against the policies and guidelines adopted by the Council and the decision has been taken in accordance with the guidelines of the Framework.

Equalities Statement

Section 149 of the Equality Act 2010 places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it (i.e. "the Public Sector Equality Duty").

In this case, there is no evidence to suggest that the development proposals would have any direct or indirect negative impacts on any person with a protected characteristic or any group of people with a shared protected characteristic.

Human Rights Statement

The specific Articles of the European Commission on Human Rights ('the ECHR') relevant to planning include Article 6 (Right to a fair and public trial within a reasonable time), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).

It is considered that assessing the effects that a proposal will have on individuals and weighing these against the wider public interest in determining whether development should be allowed to proceed is an inherent part of the decision-making process. In carrying out this 'balancing exercise' in the above report, officers are satisfied that the potential for these proposals to affect any individual's (or any group of individuals') human rights has been addressed proportionately and in accordance with the requirements of the ECHR.