

PARISH Old Bolsover Parish

APPLICATION Extension to Stable Building to Provide Ancillary Facilities

LOCATION The Stables Featherbed Lane Bolsover Chesterfield

APPLICANT Mr D McAlister West of Featherbed Lane Derbyshire Bolsover S44 6JY

APPLICATION NO. 22/00389/FUL **FILE NO.** PP-11430124

CASE OFFICER Mrs Karen Wake (Mon, Tues, Wed)

DATE RECEIVED 27th July 2022

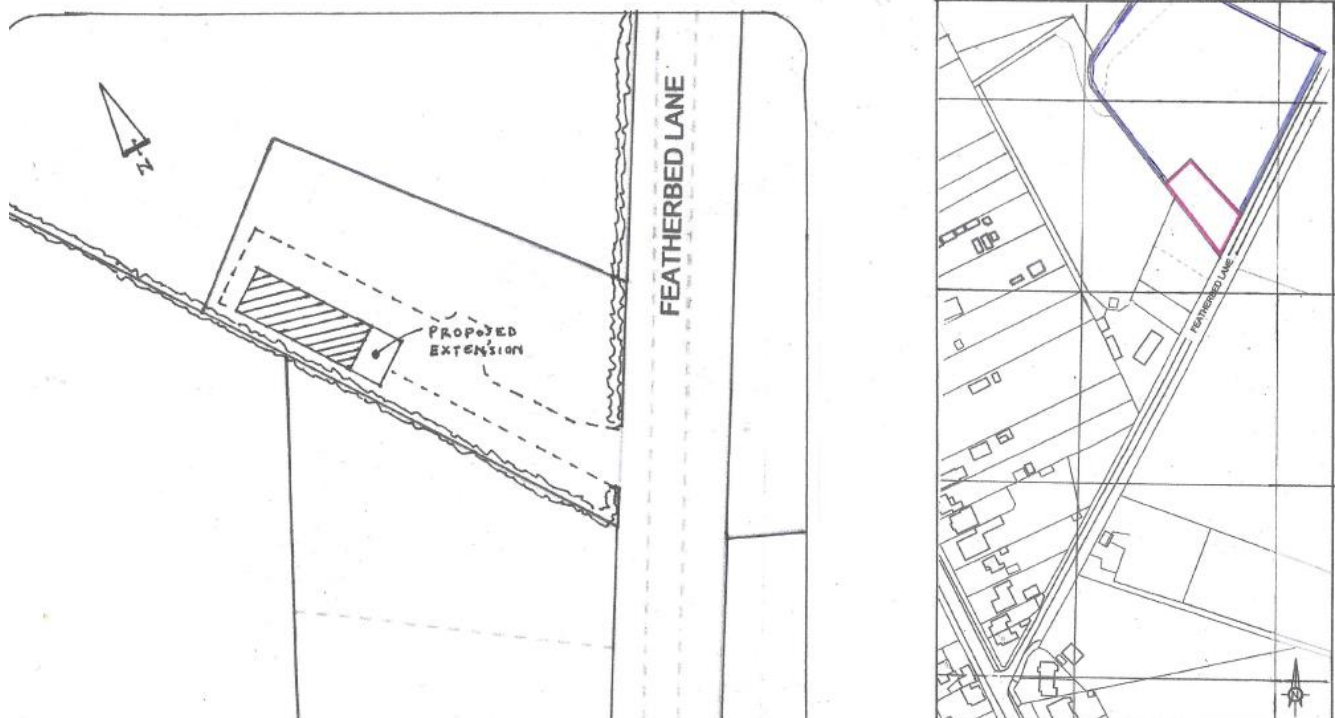
SUMMARY

This application has been referred to the Planning Committee by Cllr Donna Hales given the concerns of local residents about the impact of the development.

In summary, the application is recommended for approval.

The application is for an extension to a previously approved stable block. The proposal is considered to accord with most policy requirements, subject to the inclusion of suitable conditions.

Site Location Plan



OFFICER REPORT ON APPLICATION NO. 22/00389/FUL

SITE & SURROUNDINGS

The site forms part of a larger grassed field. The site has been partially hard surfaced and the construction of the building has commenced on site. On the southeast boundary of the site is a hedge approx 3m high with a new access gate and planters at the site entrance. Beyond that hedge is the access lane with fields beyond that. On the southwest boundary there is a hedge approx 2m in height and mature trees with a bungalow and garden beyond. The remainder of the field, of which the site forms part, has mature hedges and trees around the boundaries with fields beyond.

BACKGROUND

The extension was previously refused by the council in 2016 but an appeal against that decision was allowed and the Planning Inspectorate granted planning permission for the extension to the stable block. That permission hasn't been implemented and the time for its implementation has expired. The only difference between the extension approved by the Planning Inspectorate and the current proposal is the window in the gable which the Inspector removed from the original proposal by condition.

PROPOSAL

The application is for an extension to a previously approved stable block to provide a mess room consisting of a wash basin, seating area and ancillary storage areas, together with a toilet. The exterior materials of the extension are proposed to be timber boarding with a pre-coloured steel sheet roof.

AMENDMENTS

The site layout was amended to include access to a turning area proposed within the field.

HISTORY

13/00276/FUL	Granted Conditionally	Erection of stables and hard standing
15/00052/FUL	Granted Conditionally	Erection of stable and tack room building including site entrance details, fence details, parking and turning area details, removal of hardcore and change of use to keeping of horses (application site area as clarified in e-mail dated 27th January 2015)
16/00472/FUL	Refused, allowed at appeal	Extension to stable building to provide ancillary facilities
22/00425/FUL	Pending consideration	Traveller site with 3 pitches

CONSULTATIONS

Coal Authority

08/08/2022 – Confirmed no objections. Advise an informative note be added to any planning permission to advise the applicant that the site lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development it should be reported immediately to the Coal Authority.

Derbyshire County Council Highways

No objections.

Environmental Health Officer

04/08/2022 – Confirmed they had no comments to make.

Parish Council

No comments received.

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

PUBLICITY

Site notice posted and 6 neighbours notified. Objections received from 19 residents which raise the following issues:

1. This is leading to the future development for residential use.
2. The works being undertaken bear no relation to the plans and suggest a much bigger plan is envisaged.
3. The proposal has led to a significant increase in noise from the site as a result of use of machinery and tractors and loud music. The noise will disturb animals kept near the site and local residents.
4. The proposal will increase traffic on Featherbed Lane which is single width and unsuitable. The proposal is harmful to other lane users including pedestrians. The speed at which traffic travels is dangerous. Traffic often queues on Shuttlewood Road, waiting to turn into the lane as it is single width. Visibility from the lane onto Shuttlewood Road is inadequate.
5. Additional traffic will make the footpath unsafe.
6. The volume of traffic is eroding the lane and is now only usable by 4 x 4's. This particularly affects the bungalow on the lane who could not receive visitors in a normal car.
7. Water run-off and pollution is a concern. There is a watercourse towards the bottom of the hill. Water runs-off from Shuttlewood Road through this area to the water course. If the run-off is blocked it may cause fields to waterlog. There is also potential impacts on the watercourse as a result of increasing the quantity of sewage.
8. This is a Greenfield site and if the development is allowed a valuable asset for nature will be lost, reducing the biodiversity of the region and increasing demands on already stretched local resources.
9. Three cesspits have been delivered which is excessive for one toilet to be used occasionally when at the stables and why is a window necessary. The long term plan is to make it residential.

10. The site owner is living on site in a caravan and operating business vehicles and machinery from the site.
11. The building is double skin with a cavity and it should be single skin and clad in timber.
12. Up to four caravans are parked at various times contrary to previous permissions granted under Policy SS9.
13. No proper waste facilities have been installed or provision made for disposal of animal waste.
14. The lane has been dug up to get utilities to the site illegally.
15. Planning permission was refused in 2019 for a dwelling accessed off the lane. One of the reasons for refusal was highways issues.
16. The lane is used by many walkers and people have spoken about being intimidated whilst using the lane and have witnessed people defecating and disposing of waste in neighbouring fields.
17. The proposal is damaging to the countryside and the wildlife within it.
18. The applicants have no control over Featherbed Lane.
19. The stables have had a 1m canopy added which was not included in the original application.
20. The site should be used for the keeping of horses and no trade or business carried out but the site is being used for a logging and landscaping business.
21. A window has been included in the proposal and the Inspector previously dismissed the installation of the window.
22. The proposal is the first step to developing a traveller site.
23. The proposal is contrary to Local Plan policies.
24. Trees forming part of the boundary hedge have already been cut down on the site without permission of the owner of the adjacent property.

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:

- SS9 Development in the Countryside
- SC2 Sustainable Design and Construction
- SC3 High Quality Development
- SC9 Biodiversity and Geodiversity
- SC11 Environmental Quality (Amenity)

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:

- Paragraphs 47-48: Determining applications
- Paragraphs 55-58: Planning conditions and obligations
- Paragraphs 174, 180 and 182: Conserving and enhancing the natural environment

ASSESSMENT

Key issues

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

- The principle of the development in a rural location and the impact on the character of the countryside
- The impact on 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 a Rural Location and Impact on the Character and Appearance of the Area

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

A stable block has already been approved on site and has been partially constructed. The openings in the building currently under construction are not in accordance with the approved plan but the applicant has confirmed at a site meeting that these openings will be inserted as approved. The building is currently single skin blockwork but the applicant has confirmed the building is to be timber clad blockwork as previously approved. The current proposal is for an extension to that stable block to provide a mess room for the previously approved stable block consisting of a wash basin, seating area and ancillary storage areas, together with a toilet.

Policy SS9: Development in the Countryside is the adopted Local Plan's strategic policy that seeks to restrict urban forms of development in the countryside where these would not be appropriate or sustainable and not in accordance with the Local Plan's Spatial Strategy.

As such, it states that development proposals in the countryside outside development envelopes will only be granted planning permission where it can be demonstrated that they fall within a number of stated categories, such as the re-use of previously developed land or the re-use of redundant buildings that make a positive contribution to the local area.

It is noted that the stated categories do not include extensions to existing buildings located in the countryside and that this could be interpreted as meaning that proposals for extensions to existing stables would not comply with policy SS9. However, this is not the strategic purpose of policy SS9 as stated above.

Whilst policy SS9 is silent on the matter of extensions to existing buildings located in the countryside, it is considered that limited and proportionate extensions or alterations to an existing building can be treated as being compliant with the strategic purpose of policy SS9.

In reaching this view, it is noted that policy SS10: Development in the Green Belt treats limited and proportionate extensions or alterations to an existing building in the Green Belt as being acceptable. In light of this, it is considered that taking a different approach for extensions to existing buildings in the countryside would be illogical.

Finally, as to whether the proposed extensions are proportionate, it is noted that policy SS9

requires all cases where development is considered acceptable to respect the form, scale and character of the landscape, through careful location, design and use of materials.

In this instance, the extension itself has already been previously approved by the Planning Inspectorate at appeal but construction of the extension hadn't commenced within conditioned timescales and as such it was deemed that permission had expired. The extension would have been considered against the adopted Local Plan at the time, rather than the currently adopted Local Plan and as such the proposal must now be considered against Policy SS9.

However, the fact that the extension was previously approved remains a material consideration when considering the current proposal and the Inspector considered the extension to be in keeping with the scale, mass and design of the stable block originally approved and felt it did not harm the rural character of the area. It would be considered unreasonable to take a different view to the Inspector in this respect and as such the proposed extension is considered to be acceptable in principle.

In the previously approved application the Inspector considered that it was reasonable that the users of the stables and paddock would visit the site often and for significant periods of time to both exercise the horses and attend to their welfare. In such circumstances, basic washing facilities and a toilet were amenities that were reasonably necessary to support the use of the stables and ensure appropriate welfare and standards of hygiene. The Inspector also considered that the mess room was of a scale commensurate to the ancillary facilities being provided and would afford an appropriate area of shelter in inclement weather and would reduce the need to travel to and from the site by providing modest facilities for users of the stables and paddock such that there would be potential benefits to the environmental sustainability of the building in that respect.

The only difference between the extension previously approved and the one currently being considered is the addition of a window in the gable end of the extension. The same window was proposed in the extension previously approved but the Inspector conditioned the removal of this window from the proposal. This was because the Inspector considered that a window did not minimise the opportunity for crime which was required by Policy GEN1 of the Bolsover District Local Plan which was the adopted Local Plan at the time. Policy GEN1 is no longer applicable as development is to be considered against the current adopted local plan. Policy SC3 of the adopted local plan requires development to take account of the need to reduce opportunities for crime and as such the window could be removed by condition from the current proposal if it was considered to be necessary in order to comply with the requirements of this policy. However, this policy is referring to high quality design in terms of place making including promoting safe living environments. It is not considered that this policy can necessarily be strictly applied to ensure the security of an extension to an existing building. This is because the building could be kept secure by other means such as internal bars to the window, CCTV, alarms etc. It is therefore considered unreasonable to require the removal of the window purely to ensure the security of the building.

Subject to conditions requiring a suitable finish for the new building the proposal is considered to be an appropriate use for a countryside location and the extension is considered to be an appropriate scale and design for the use proposed and the proposal is not considered harmful to the rural character of the area. On this basis the proposal is considered to meet the requirements of Policy SS9 of the Local Plan for Bolsover District.

Residential Amenity

The proposed extension is set away from adjacent dwellings and is partially screened by the boundary hedges. The proposal is for private use and this can be controlled by condition. Subject to such a condition the proposal is not considered to result in a significant increase in noise or disturbance to residents of adjacent dwellings over and above an agricultural use of the land. The proposal is therefore not considered to result in a significant loss of privacy or amenity for residents of adjacent dwellings and is considered to meet the requirements of Policies SC2, SC3 and SC11 of the Local Plan for Bolsover District.

Access/Highways

The proposal utilises an original field access. Subject to a condition requiring the equestrian use to be private use, the proposal is not considered to result in a significant increase in vehicle movements to and from the site over and above what could have been expected from an agricultural use of the site such as the keeping of sheep or pigs. There are no objections to the proposal from the Highway Authority on this basis.

There is hard-surfacing providing on-site parking and turning allowing vehicles to enter and leave the site in a forward direction. Given that the proposal is not considered to result in a material intensification of the use of the access this is considered sufficient to support the proposed use and 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.

Issues Raised by Local Residents

Most of the issues raised by local residents are covered in the above assessment where they are relevant to this application which is for an extension to the previously approved stable block.

The issues raised in relation to the change of use of part of the site to a traveller site have not been considered as they relate to a separate proposal which is the subject of a separate planning application.

The issue of potential future uses of the site cannot be considered. The application is for an extension to a stable block to provide a mess room and the application is to be considered on this basis. Future uses of the building would need to be the subject of a separate application for a change of use.

The issue of a business use of the extension to the stables can be prevented by condition.

The issues of works to trees and hedgerows and impact on wildlife and biodiversity are covered under the separate application for a change of use of part of the site to a traveller site.

CONCLUSION / PLANNING BALANCE

The proposed extension is considered to be in keeping with the scale, mass and design of the

stable block originally approved and is not considered to harm the rural character of the area. The only difference between the extension proposed and the extension previously approved is the addition of a window. The extension is to provide a mess room which is ancillary to the equestrian use of the building and it is not unreasonable for such facilities to have natural light. Any concern about the potential for the window to be a security issue for the building can be addressed with other security measures. On this basis the proposal broadly meets the requirements of Policies SS9, SC2 and SC3 of the Local Plan for Bolsover District and whilst the concerns of local residents are noted, they do not raise issues which would justify the refusal of the extension to a stable block, particularly given the previous appeal decision.

RECOMMENDATION

The application be APPROVED subject to the following conditions:

1. The development must be begun before the expiration of three years from the date of this permission.
2. The development hereby approved must only be used for private use by the occupier of the land and must not be used for any trade or business use without the prior granting of planning permission by the Local Planning Authority.
3. The extension to the stables and store room hereby approved must be clad in timber and painted dark brown or dark green and the pre-coloured steel roof must be finished in dark brown, dark green or black and must be maintained as such thereafter

Statement of the Decision Process

The proposal complies with the policies and guidelines adopted by the Council and the decision has been taken in accord with the Policies of the National Planning Policy 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.