

11 DCNC2008/1469/F - PROPOSED ERECTION OF STABLE BLOCK INCLUDING CHANGE OF USE OF AGRICULTURAL LAND TO FORM STABLE YARD, HAZELDENE, RISBURY, LEOMINSTER, HR6 0NQ.

For: Mr D. Powell per McCartneys, 54 High Street, Kington, Herefordshire, HR5 3BJ.

Date Received: 30 May 2008

Ward: Hampton Court

Grid Ref: 55154, 54985

Expiry Date: 25 July 2008

Local Member: Councillor KG Grumbley

1. Site Description and Proposal

- 1.1 This site, at Risbury, is located in a field immediately to the rear of the applicant's dwelling which flanks the northern side of the Class III road which runs through the settlement. There are existing dwellings on either side of the applicant's dwelling which also back onto the fields at the rear.
- 1.2 The proposal is to erect two small stable blocks which comprise three stables, a tack room and a fodder store. The proposal also involves the creation of a 'turning out' paddock with a post and rail fence. The stable blocks will be used for domestic purposes for the applicant's private use. The buildings will be clad in vertical timber boarding with dark grey/black corrugated sheeting on the roof. The larger of the two proposed buildings has already been completed. However work on the proposed development has now ceased. There is a gravel driveway along the side of the applicant's dwelling which leads to the field at the rear. The field is at a lower level when compared to the level of the rear gardens of the adjacent dwellings.

2. Policies

2.1 Planning Policy Guidance

PPS1	-	Delivering Sustainable Development
PPS7	-	Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan

Policy S2	-	Development Requirements
Policy DR1	-	Design
Policy H18	-	Alterations and Extensions
Policy DR4	-	Environment
Policy DR13	-	Noise
Policy DR14	-	Lighting
Policy DR3	-	Movement

3. Planning History

- 3.1 None relevant.

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 The Traffic Manager has no objections.
- 4.3 The Environmental Health Officer has no objections in principle but recommends certain conditions being imposed on any permission granted.

5. Representations

- 5.1 The applicant's agent states that the design of the stabling is to form a courtyard appearance into which the stabling has been divided into two blocks. Stable block 'A' has been cut into the ground to minimise the visual impact from the residential properties. The site is to be accessed through the private drive which leads from the highway and which will be extended to the entrance of the site.

The agent also states that an alternative option of re-siting the stables further away from the residential properties would make the buildings more prominent in an open landscape area (as opposed to being close to existing development) and would be detrimental to the visual amenities of the area.

With respect to environmental issues the manure, when cleaned out, would be placed directly on a trailer which would be removed regularly from the site. Any security lighting would not be any greater than normal domestic security lighting. There will be no significant noise disruption as a result of the development.

If the stable blocks were sited further from their proposed position there would be a necessity to have a stoned road to the site which would increase visual impact. The proposed position of the stables is the most appropriate position, taking into account planning policies.

- 5.2 The Parish Council states:

"The Parish Council, or its appropriate committee, has resolved to make the following comments:

1. No objection in principle.
2. Site as proposed is inappropriate on the following grounds:
 - a. too close to the existing dwellings
 - b. likelihood of noise and light pollution
 - c. on health grounds the likelihood of rodents, flies, etc could become a nuisance.
3. The PC recommends that the application for stabling as proposed be rejected on grounds of nuisance and of loss of amenity."

- 5.3 There have been five letters of objection from:

Mr BT & Mrs JP Lloyd, Highgrove, Risbury, Leominster, HR6 0NQ
Mrs H Dyson, Bay Tree Cottage, Risbury, Leominster, HR6 0NQ
Ms AK Spells, 3 Rowan Court, 66 Burnt Ash Hill, London, SE12 0HS (on behalf of
Mrs K Spells, Old Cobblers, Risbury, Leominster, HR6 0NQ
Dr SJ Spells, 120 Prospect Road, Bradway, Sheffield, S17 4JE (on behalf of
Mrs K Spells, Old Cobblers, Risbury, Leominster, HR6 0NQ)

The main points being:

- the stable block 'A' has already been erected
- objector was not approached by applicant before work was commenced
- the stable block 'A' is erected behind objector's dwelling and not behind applicant's as shown on the plans
- building is very large and close to objector's property
- manure pile extremely close to objector's property. Instances where pile has been burnt resulting in noxious smoke entering objector's premises
- concern over noise any animals would make in a wooden structure close to objector's premises especially at night
- concern at potential light pollution to be caused by installation of lights
- no provision made for adequate storage and disposal of waste materials
- the proposed development will result in loss of privacy at rear of objector's property
- the proposal will be contrary to Clean Neighbourhoods and Environment Act 2005, Neighbourhood Noise Policies and Practice for Local Authorities
- vehicular access to site causing noise and loss of privacy. Previous experience of living by an equestrian establishment and suffered the resultant disruption of sleep by vehicle movement and animal noise
- the stable block could be sited further down the field thereby causing minimal disturbance to other villagers
- staining or painting a building of this size positioned so close to a neighbouring property will do nothing to lessen impact on rural environment
- a number of buildings, including at least three stables, are already in place and any further work might affect the right to light ('ancient lights') of the property
- any further building construction will have impact on character of village and surrounding area requiring improvement to access roads to cope with heavy traffic which would all affect the peaceful enjoyment of the objector's property
- drainage is a problem in the area with field already liable to flooding. The development could increase the risk of flooding
- value of objector's property could be affected by the proposed development
- the building is close to objector's property and would block view.

The full text of these letters can be inspected at Northern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

6.1 The main issues relate to:

- (i) The size and design of the development and its effect on the character and visual appearance of the area.
- (ii) The effect the proposed development will have on the residential amenities of neighbouring dwellings.
- (iii) Environmental health issues, e.g. noise and smells, etc.

- (iv) Vehicular access and effect on road network.
- 6.2 The proposed development is considered to be acceptable in this location. The two stable buildings are small and are of an appropriate design and appearance for this rural area. The buildings will be viewed against the backdrop of the existing residential development and will not adversely affect the character and visual appearance of this rural area. The applicant is willing to stain the external wooden cladding a dark brown colour if it is what the Council would prefer. The dark grey/black coloured roof is also considered to be acceptable. The field is at a lower level than the rear gardens of the adjacent dwellings by approximately 1.8 metres and as such will not be prominent when viewed against the backdrop of the dwellings.
- 6.3 In addition, it is considered that the proposed stable buildings will not adversely affect the residential amenities of any of the nearby dwellings. The buildings will be at a lower level than the existing dwellings and in any event will not be situated close enough to cause any problems. There will not be any problems of over-domination nor loss of light.
- 6.4 Similarly, it is not considered that the proposed development will result in any significant loss of privacy to the neighbours, especially as the field is already used to keep horses. Also the use of the stables should not generate any significant problems with respect to noise and its potential effect on the residential amenities of neighbours. The Council's Environmental Health Officer has no objections to the proposal subject to the imposition of certain conditions. The potential problems relating to smells generated by the development again is not considered to be a problem and is addressed in the recommendations of the Council's Environmental Health Officer. The external lighting is only intended to be minimal and again can be controlled by conditions imposed on any planning permission granted.
- 6.5 The proposed development will not generate any significant amounts of additional traffic and as such will not affect highway safety.
- 6.6 In conclusion it is considered that the proposed development is acceptable in this location and situation and will not adversely affect the visual character of the area nor the residential amenities of the occupants of nearby dwellings. The proposed development is therefore considered to be in accordance with planning policies and guidance, in particular Policies S2, DR1, DR4 and H18 of the Herefordshire Unitary Development Plan.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. A01 (Time limit for commencement (full permission))

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2. F09 (Private use of stables only)

Reason: In order to safeguard the character and amenity of the area and to comply with Policy S2 of Herefordshire Unitary Development Plan.

3. C08 (Colour of cladding (stables))

Reason: To protect the visual amenities of the area and to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

4. C07 (Dark roof colouring (agricultural buildings))

Reason: To protect the visual amenities of the area and to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

5. Prior to any work commencing on the construction of the 'turning out paddock' details of the materials (including colour) intended for the top surface of the paddock and also the height and design of the new post and rail fencing around it, shall first be submitted to and be subject to the prior written approval of the local planning authority. Development shall be carried out in accordance with the approved details.

Reason: To protect the visual amenities of the area and to ensure that the development complies with the requirements of Policy DR1 of the Herefordshire Unitary Development Plan.

6. F13 (Restriction on separate sale)

Reason: The close proximity of the access drive to the stables and Hazeldene is likely to give rise to noise nuisance should they be in separate ownership and having regard to Policy DR13 of the Herefordshire Unitary Development Plan.

7. I16 (Restriction of hours during construction)

Reason: To protect the amenity of local residents and to comply with Policy DR13 of Herefordshire Unitary Development Plan.

8. I43 (No burning of material/substances)

Reason: To safeguard residential amenity and prevent pollution and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

9. I30 (Restriction on storage of organic wastes or silage)

Reason: To safeguard residential amenity and to comply with Policies DR4 and E13 of Herefordshire Unitary Development Plan.

10. I32 (Details of floodlighting/external lighting)

Reason: To safeguard local amenities and to comply with Policy DR14 of Herefordshire Unitary Development Plan.

Informative(s):

1. **N03 - Adjoining property rights**
2. **N14 - Party Wall Act 1996**
3. **N19 - Avoidance of doubt - Approved Plans**
4. **N15 - Reason(s) for the Grant of Planning Permission**

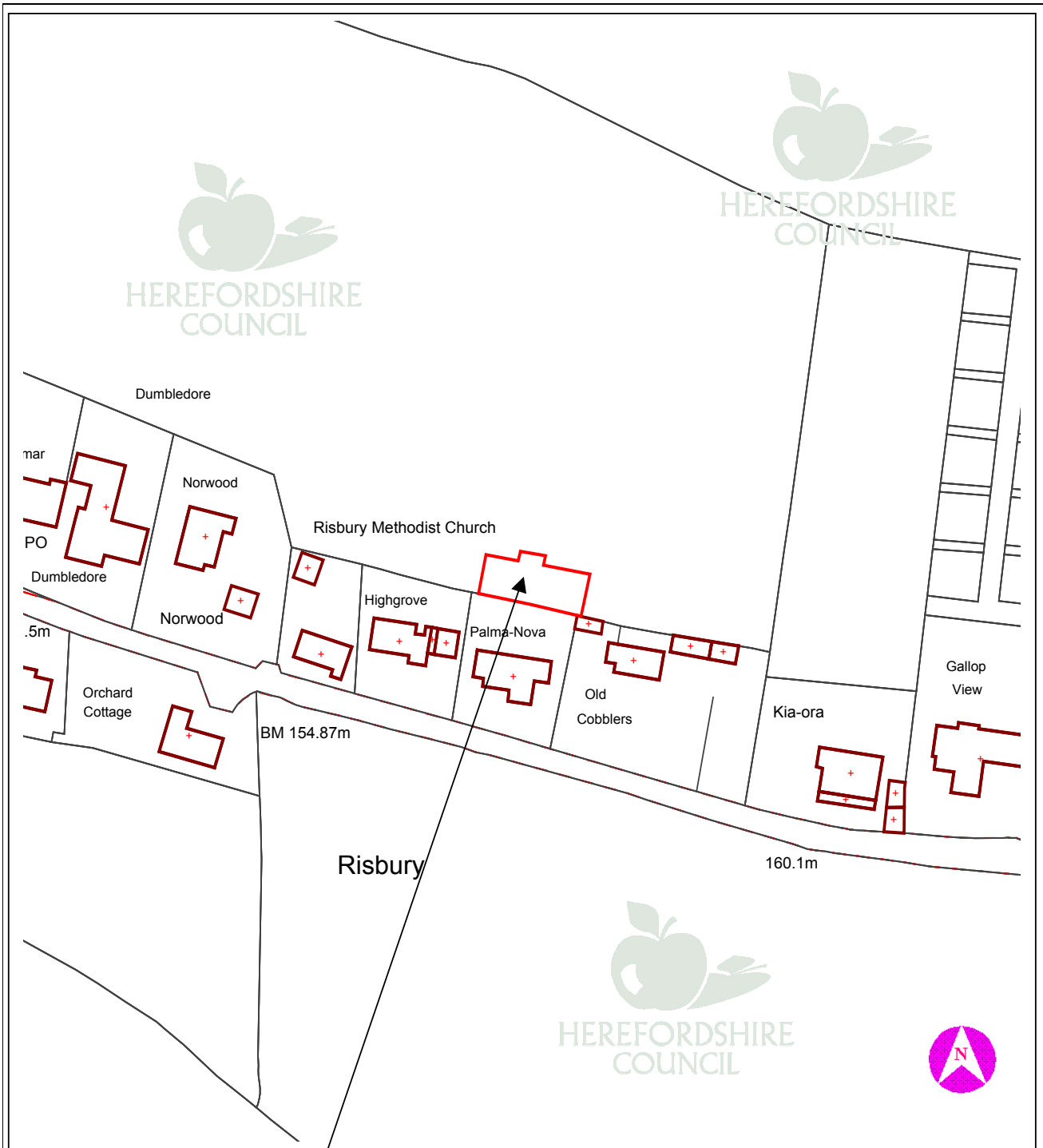
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCNC2008/1469/F

SCALE : 1 : 1250

SITE ADDRESS : Hazeldene, Risbury, Leominster, Herefordshire, HR6 0NQ

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