

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 4 June 2014**

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<b>APPLICATION REF. NO:</b>	14/00323/FUL
<b>STATUTORY DECISION DATE:</b>	28 May 2014
<b>WARD/PARISH:</b>	HEIGHINGTON AND CONISCLIFFE
<b>LOCATION:</b>	Field 0083, Merrybent, Darlington
<b>DESCRIPTION:</b>	Erection of multi-purpose agricultural building (Revised application) (as amended by plans received 19 May 2014)
<b>APPLICANT:</b>	Mrs Maureen Blair

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**APPLICATION AND SITE DESCRIPTION**

The application is for the erection of a single storey building comprising four stables, an isolation room and a tack room. The building measures approximately 5m wide; 19.5m long with an overall height of 3.9m under a dual pitch roof. The building would be constructed from a block work inner leaf with external timber cladding and a green felt roof.

The applicant has confirmed that they currently have horses on various sites such as Black Banks Kennels, Haughton village and Kirk Merrington village. All of the horses are turned out and remain there throughout the summer months. The need for the additional stabling on the application site is to enable the horses to be relocated there from October to March to protect them from adverse weather conditions.

The stables would be for private use for the applicant and family members only. It is not proposed to use the development for commercial livery.

The application site is part of a paddock on the western edge of Merrybent and is accessed via the A67. There is an existing timber stable block and hard standing area at the northern end of the site and the proposed building would be sited adjacent to the existing building.

The site is bounded to the north and west by open fields, to the east by residential dwellings, including the applicant's dwelling and to the south by dwellings on the opposite side of the A67.

A planning application (See Planning History) for the erection of a multi-purpose agricultural building was refused for the following reason:

*The proposed development would have a detrimental impact upon the character and appearance*

*of the site and the surrounding area by virtue of its size, siting and design. The proposal would be contrary to Saved policies Policy E2 (Development Limits) and R15 (Horse Related Development) of the Borough of Darlington Local Plan 1997 and policies CS1 (Darlington's Sub Regional Role and Locational Strategy), CS2 (Achieving High Quality Sustainable Design) and CS14 (Promoting Local Character and Distinctiveness) of the Darlington Core Strategy Development Plan Document 2011.*

### **PLANNING HISTORY**

01/00555/FUL In September 2001 planning permission was GRANTED for the erection of three stables and a new vehicular access from the A67

13/00770/FUL In December 2013 planning permission was REFUSED for the erection of a multi-purpose agricultural building

### **PLANNING POLICY BACKGROUND**

#### **Borough of Darlington Local Plan 1997**

E2 – Development Limits

E4 – New Buildings in the Countryside

R15 – Horse Related Development

#### **Darlington Core Strategy Development Plan Document 2011**

CS1 – Darlington's Sub Regional Role and Locational Strategy

CS2 – Achieving High Quality Sustainable Design

CS14 – Promoting Local Character and Distinctiveness

CS16 - Protecting Environmental Resources, Human Health and Safety

### **RESULTS OF CONSULTATION AND PUBLICITY**

Three letters of objection have been received raising the following concerns:

- *We request that if this application is agreed the usage is restricted to the stabling of horses and personal hobby use only*
- *The paddock for the horse grazing is less than one acre, whilst the plans as proposed request stabling for four horses with a further two stabled in the existing building. Grazing for six horses would seem unsupportable on such a small area of grass*
- *Drainage is not included in the application but would seem to be of importance for this number of horses in stable block area*
- *In the application there is no mention of the surface water drainage from the roof and any hard standing. The present building has down comers from the gutters running into an open drum next to our land. As the land falls from west to east, the overflow runs directly into our land causing poaching. The proposed new building has a much larger roof and if the rain water from it is not piped into a soak away well away from our field, our animals will not be able to get in and out of their building because of water logged ground and mud. We have spent a lot of time and expense on advice on our land, which is registered as a small holding to ensure that all water from our own down comers and drains is contained on our own land*
- *We are most unhappy that the proposed building which will be adjacent to and very close to our boundary, and will have six windows to the north elevation facing over our land, which will compromise our privacy.*

- *We feel that roof lights would be a better proposition. We also feel that the colour of the roof tiles would not blend in or enhance the environment*
- *The red tiled roof would have a detrimental impact when approaching the entrance to the village because of its length and not in keeping with the existing stable with its green corrugated roof. Most agricultural buildings roofs are made of corrugated sheets, not tiled.*
- *Because the building is quite small, the existing stable housing three is adequate.*
- *The proposed stable for a further four horses will create a lot of effluence causing drainage problems as they cannot be kept outside as paddock is too small to sustain seven horses*
- *Could a stipulation be made that it must be used for horses only, no other activities*

One letter of representation has been received following the Council's consultation exercise stating:

- *Providing that the use is exclusively as stated and the finish of the buildings is high quality, my previous objections are withdrawn*

Low Coniscliffe/Merrybent Parish Council has objected to the application on the following grounds:

- *The proposed development is outside the building line of Merrybent*
- *The development is too large for the plot and is not aesthetically in keeping with the surrounding area and this greenfield location*
- *We believe that this proposed development will be setting a precedent for future development*
- *Access to the proposed commercial site from the A67 will pose a general risk to road users due to increased traffic usage. It is well known that other road users drive through Merrybent in excess of the present 50mph speed limit*
- *Why are concrete foundations and a tiled roof proposed on what is going to be predominately a stable block?*
- *The development would be contrary to local planning policy*
- *This area of the Parish is a greenfield area (and has been for many years) and should be protected thereby maintaining it as a distinctive feature of the Parish within this rural setting*

## **PLANNING ISSUES**

The main issues to be considered here are whether or not the proposal is acceptable in the following terms:

Planning Policy

Impact upon the Visual Appearance and Character of the Area

General Amenity

Highway Safety

Drainage

Contaminated Land

### **Planning Policy**

The application site lies outside of the development limits for Merrybent as defined by the

Proposals Map of the Borough of Darlington Local Plan 1997. Saved Policy E2 of the Local Plan states that most new development will be located within development limits and Policy CS1 of the Darlington Core Strategy Development Document 2011 states that outside development limits, development will be limited to that required to meet identified rural needs. Saved Policy E2 of the Local Plan continues to state that small scale developments for countryside related recreation activities will be permitted outside development limits provided that unacceptable harm to the character and appearance of the rural area is avoided.

Saved Policy E4 of the Local Plan states that such buildings should wherever possible be located with and be visually related to existing buildings.

Saved Policy R15 of the Local Plan states that proposals for development related to the keeping and riding of horses for recreational purposes will be permitted in the countryside provided the development does not detract from the character and appearance of the locality or the amenity enjoyed by residents or others using the area for other recreational purposes.

The site is within the Tees Lowland area of the Borough and Policy CS14 of the Core Strategy seeks to protect and enhance the distinct landscape character of this area.

### **Impact upon the Visual Appearance and Character of the Area**

The existing site has a fenced paddock area to the front with the access track running along the east boundary. The access leads to the existing stable and another smaller fenced paddock area, where the proposed building would be sited. The east, south and west boundaries of the site are enclosed by a mix of fencing (ranch style and close boarded) and mature hedging. The northern boundary adjacent to a field not owned by the applicant is formed by low ranch style fencing.

The site is on the edge of the village, in a prominent location, and provides a green buffer between the open countryside and the beginning of the residential dwellings on the north side of the A67.

The building that was previously refused planning permission in 2012 measured 10m wide; 15m long with an overall height of 5.6m to the ridge of the dual pitch roof. The building was timber clad with a tiled roof.

The proposed building is longer but narrower with a lower overall height. The building would be located approximately 90m from the frontage of the site on the A67 and adjacent to the existing stable building (3.6m x 3.6m).

The roofing materials have been revised from Redland Red concrete roof tiles, which were considered to be inappropriate for a stable building and out of character with the existing stable on the site, to the use of green felt on wooden trusses. The existing stable has a green corrugated sheet roof but the applicant has requested not to use similar materials as corrugated sheeting can cause condensation and wet bedding for the horses.

The block work inner leaf is being used to increase security and ventilation of the building and provide a greater ability to steam clean the inner walls to prevent disease and inhibit the opportunity for horses to damage internal boarding. The use of this material is accepted. The external timber cladding would be painted to match the existing stable on the site.

It is considered that this revised building, to be constructed with more appropriate materials, is of appropriate scale, in keeping and visually related with the existing stable, and would no longer harm the appearance of the site and the surrounding area. It is considered that the proposal would accord with the relevant development plan policies.

### **General Amenity**

The application site shares a common boundary (east) with No 103 Merrybent which consists of close boarded fencing and mature hedging. The proposed building is sited on land that is beyond the rear garden of this neighbouring property and it would be sited 70m from the actual dwelling.

The site is currently used for the keeping of horses and the applicant has confirmed that the site would be used for personal use and not as a commercial enterprise. However, it is considered appropriate to impose a suitably worded condition to restrict the usage of the building for such purposes.

There was a condition imposed on the 2001 approval for the existing stable which sought to prevent the burning of waste materials and it is considered appropriate and consistent to impose a similar condition in the interests of residential amenity.

The occupier of No 99 Merrybent owns land to the rear of the application site and raised concerns that a number of openings in the building would overlook their fields. These window openings in the north facing elevation of the proposed building have now been omitted from the scheme.

The dwellings on the opposite side of the A67 are approximately 135m from where the proposed building would be located.

The applicant has confirmed that there is no lighting on the site other than an existing solar panel which charges a battery powered light.

The paddock in front of the stables measures approximately 0.35hectares. As the stables are to be predominately used for winter stabling it is considered that the size of the paddock is acceptable for the number of horses on the site. However, the welfare of the horses would not be within the remit of planning legislation.

It is considered that the proposed building and the increase in the number of horses that would be kept at the site would not adversely affect the amenities of the neighbouring dwellings.

### **Highway Safety**

The existing access to the land would be unaltered and there is sufficient space retained within the site to cater for the end use of winter stabling for horses. The proposed stable block, used for personal enjoyment, is unlikely to generate a significant increase in traffic. The Council's Highways Engineer has raised no objections to the proposal.

### **Drainage**

The proposal involves the creation and use of a soak away in the paddock to the south of the proposed building. The down comers on the proposed building would lead to the soak away via surface water drains.

### **Contaminated Land**

The Council's historic maps do not show any past development on the site. However, it is considered appropriate to impose a condition that states the Council must be contacted if any suspected contamination is found when carrying out the development.

### **SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

### **CONCLUSION**

It is considered that the revised building will not have an adverse impact upon the visual appearance or character of the application site or the surrounding area. The proposal would not raise any residential amenity or highway safety concerns subject to the imposition of a planning condition restricting the usage of the building to the personal enjoyment of the applicant. The proposal would accord with the relevant local development plan policies.

### **RECOMMENDATION**

**PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. A3 – Implementation Limit (Three Years)
2. The building hereby approved shall not be used as a commercial livery or for any other activities other than the keeping of horses for personal use without the consent of the Local Planning Authority first being obtained  
REASON: In the interest of residential amenity and highway safety
3. In the event that suspected contamination is found at any time when carrying out the approved development, it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken, in accordance with best practice guidance, the details of which are to be agreed in writing with the Local Planning Authority. Where remediation is shown to be necessary a remediation scheme must be prepared and submitted to the Local Planning Authority for approval in writing. Following completion of measures identified in the approved remediation scheme, a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority.  
REASON: To ensure that the development can be implemented and used with adequate regard for environmental and public safety
4. Notwithstanding the details shown on the approved plans no burning of waste materials shall take place on the site and the waste materials shall be disposed of in an appropriate manner  
REASON - In the interests of residential amenity.
5. B5 – Detailed Drawings (Accordance with Plan)

**THE FOLLOWING POLICIES AND DOCUMENTS WERE TAKEN INTO ACCOUNT WHEN ARRIVING AT THIS DECISION:**

**Borough of Darlington Local Plan 1997**

E2 – Development Limits

E4 – New Buildings in the Countryside

R15 – Horse Related Development

**Darlington Core Strategy Development Plan Document 2011**

CS1 – Darlington’s Sub Regional Role and Locational Strategy

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