

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 5 May 2010

Page

APPLICATION REF. NO:	09/00649/FUL
STATUTORY DECISION DATE:	4 December 2009
WARD/PARISH:	Bishopton
LOCATION:	Field No 5542, Cobby Castle Lane, Bishopton
DESCRIPTION:	Proposed replacement of an existing agricultural building with a new barn for equestrian use, and the rendering and construction of a pitched roof to existing triple garage (amended plan and description received 19 December 2009, additional information received 25 February 2010).
APPLICANT:	Mr D Metcalfe

APPLICATION AND SITE DESCRIPTION

The application site is situated alongside Cobby Castle Lane, adjacent to the northeastern edge of Bishopton village and the Bishopton Conservation Area. The site comprises an area of land of approximately 0.33 hectares and is occupied by two single storey buildings, an agricultural building and a triple garage building. The remainder of the site comprises grazing land.

The application consists of two elements: -

- The demolition of the existing single storey agricultural building and its replacement with a barn for equestrian purposes to be used for the storage of hay, maintenance equipment, tack, and the provision of two to three stalls for the stabling of horses. The building would measure approximately 8.3m in length, 5.2m in depth and 4m in height at ridge level. The building would be constructed of concrete blocks (lower walls) with Yorkshire timber boarding above this, and a profiled metal sheet roof.
- The rendering of the existing block work garage and the construction of a pitched roof to this. Which would result in an increase in height from 2.3m to 3.2m.

During the consideration of the application a risk assessment for the presence of bats in the buildings has been carried out and a report provided.

PLANNING HISTORY

75/606 – Planning permission was granted in December 1975 for the erection of three private garages.

78/660 – In October 1978 planning permission was refused for the construction of three houses

PLANNING POLICY BACKGROUND

The following policies in the Borough of Darlington Local Plan are relevant: -

E2 - Development Limits

E4 - New Buildings in the Countryside

E7 - Landscape Conservation

H15 The Amenity of Residential Areas

R15- Horse-Related Development

T24 - Parking and Servicing Requirements for New Development

Planning Policy Statement 5 (Planning for the Historic Environment) is also applicable.

RESULTS OF CONSULTATION AND PUBLICITY

One letter of objection has been received to the scheme as originally submitted and the following grounds of objection have been made: -

- Bats have been seen in the vicinity of the site. Although the precise location of the bat roost is not known from observations it is almost certainly situated within the proposed development. No reference is made within the application that any conservation survey has been carried out.
- The height of the proposed barn is contrary to saved Policies E29 and H15 of the Local Plan. The height of the new barn will alter the character and appearance of the setting. We cannot see how such a small paddock could justify the planned height. Any hay yield from the paddock would be very small and any maintenance vehicle for the site would not require such a large barn height.
- The height of the barn should be reduced to 3m.

A further letter of objection has been received to the revised scheme, which reiterates these concerns.

Bishopton Parish Council responded to the consultation on the original proposal recommending that the application be approved subject to the following conditions: -

- The height of the barn to be equal to the height of the garage.
- Hedging previously removed to be replaced.
- Planning permission for fencing must be included as per correspondence with the Council's planning enforcement officer.

The Parish Council has been consulted on the amended scheme and raised an objection to the height of the proposed barn on the grounds that it would impact on the visual amenity of several residents of Town Farm Close and would be out of keeping with the visual aspects of the village.

Natural England has advised that based on the details submitted with the bat report, there is unlikely to be any adverse effects in respect of protected species.

The Council's Highways Engineer has raised no objections to the proposal.

PLANNING ISSUES

The main issues to be considered in the determination of this application are: -

- Planning Policy
- Visual Amenity
- Residential Amenity
- Nature Conservation
- Highway Implications
- Other Matters

Planning Policy

Policy E2 of the Borough of Darlington Local Plan states that new development in the countryside will only be permitted in particular circumstances. This would include horse- related development, provided that unacceptable harm to the character or appearance of the rural area is avoided. Policies E7, and R15 reinforce Policy E2 and set out criteria against which the development should be assessed. In principle the development is considered acceptable subject to the criteria being met in the above policies, which are assessed in the following sections.

Visual Amenity.

The existing buildings on the site are in a poor state of repair and generally unsightly. The existing agricultural building is of a lean form constructed of metal sheets, whilst the garage building is constructed mainly of block work with a metal sheeted roof. In view of their poor construction the existing buildings are visually intrusive and have a negative impact on the adjacent conservation area.

The proposed replacement building would take the form of a modern agricultural style, which would not be significantly different from other agricultural buildings in the area, and it relates well to the adjacent garage building and therefore is considered to accord with Policy E4 of the Local Plan. The proposed alterations to the existing garage building would improve its present condition.

Overall the development is unlikely to result in any material harm to the appearance or character of the surrounding countryside or the setting of the Bishopton Conservation Area nearby.

Residential Amenity

The nearest residential properties to the existing garage building and proposed new building are situated to the south, along Cobby Castle Lane, some 17m away from the former and approximately 26m from the latter. In view of this separation distance there is unlikely to be any resultant material harm to the amenities of the occupiers of those properties.

Nature Conservation

The findings of risk assessment to establish the presence of bats in the buildings are that there is a low risk for roosting and hibernating bats and that the proposed works are considered to have a neutral impact upon on the local bat population. Consequently Natural England has no objections to the development.

Highway Implications

The proposed development raises no issues in respect of highway safety.

Other Matters

The issues of hedging and fencing raised by the Parish Council are connected to an enquiry raised by the Parish Council in June 2009 in respect of the formation of new gated accesses into the field which is the subject of this application, and an allegation that a hedgerow had been removed. These matters were subsequently investigated by the Council's Planning Enforcement Officer. In terms of the hedgerow it could not be established that any hedgerow had been removed within the meaning and definition of hedgerow within the 'Hedgerows Act'. It is not considered that any new hedgerow planting is required to make the proposed development acceptable. The creation of the new field entrances did not require planning permission as they benefitted from permitted development. Similarly it is considered that a post and rail fence and entrance gates erected adjacent to the Lane are also permitted 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

The proposed development is considered acceptable in this countryside location. It would not have an adverse impact on the character or appearance of the locality or materially harm the amenities of nearby residents. The proposal does not adversely affect highway safety. No issues are raised in relation to crime prevention.

RECOMMENDATION

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS: -

- 1) A3 Implementation Limit (Three Years)
- 2) Notwithstanding anything contained in the application, precise details of the coloured finish to the barn roof, together with details of the coloured render and roof tile to the extended garage building, shall be submitted to, and approved by, the Local Planning Authority, prior to the commencement of development. The development shall not be carried out otherwise than in accordance with the approved details.

REASON – In order that the Local Planning Authority may be satisfied as to the details of the development in the interests of the visual amenity of the area.

- 3) B5 Detailed Drawings (Accordance with Plan).

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

The proposed development is considered acceptable in this countryside location. It would not have an adverse impact on the character or appearance of the locality or materially harm the amenities of nearby residents. The proposal does not adversely affect highway safety. No issues are raised in relation to crime prevention. Therefore the proposed development is considered to comply with national planning guidance and the development plan policies set out below:-

National Planning Policy

Planning Policy Statement 5 (Planning for the Historic Environment)

Borough of Darlington Local Plan 1997

- E2 - Development Limits
- E4 - New Buildings in the Countryside
- E7 - Landscape Conservation
- H15 The Amenity of Residential Areas
- R15- Horse-Related Development
- T24 - Parking and Servicing Requirements for New Development