

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 27th June 2012

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APPLICATION REF. NO:	12/00301/FUL
STATUTORY DECISION DATE:	21/06/12
WARD/PARISH:	Sadberge and Whessoe
LOCATION:	Aycliffe Lane, Brafferton
DESCRIPTION:	Erection of stableblock, tack room and amenity block.
APPLICANT:	Mr Billy Cairney.

APPLICATION AND SITE DESCRIPTION

This application site is located about half a kilometre north west of Brafferton village and consists of a paddock area adjoining land partially used as a residential gypsy site but currently unoccupied.

Members may recall that this open countryside site was recently occupied as a gypsy site by the applicant without the benefit of planning permission and that a subsequent planning application was submitted (Ref 10/00840/FUL) and refused by Committee in March 2011 on grounds of visual impact on this open countryside location.

Appeals were lodged by the applicant against the planning refusal and Enforcement Notice and a Hearing took place in October 2011 chaired by a Planning Inspector .

The Enforcement Notice was quashed and the planning appeal was partially allowed in that the use of the land as a residential gypsy site was permitted but the proposed erection of a stable block, tackroom and amenity block was dismissed on grounds that its scale would have a detrimental impact on the character of the surrounding countryside.

In an effort to overcome this aspect of the Inspector's decision the applicant has submitted the current planning application for a stable block, tack room and amenity block divided into two separate elements in order to reduce its visual impact.

PLANNING HISTORY

There have been no other planning applications on this site other than that described above.

PLANNING POLICY BACKGROUND

Borough of Darlington Local Plan – Policies E4 Buildings in the countryside and R15 Horse Related Development.

RESULTS OF CONSULTATION AND PUBLICITY

A site notice was posted and local residents consulted. A number of local residents have objected raising the following issues :

- Visual impact of more stables in open countryside will harm its character.
- This should be refused again as the previous proposal was and at appeal.
- Application should be refused for Gypsies as it would be for others.
- Stable will generate traffic which will have to use an unsafe access onto the road.

Environmental Health Officer – No objection

Environment Agency – Objects on grounds of lack of mains drainage information. (Applicant has been informed and is to submit further information which was approved under the previous application).

Parish Council – Comments awaited.

Highways Engineer – No objections providing works are carried out to the access as required under allowed appeal 10/00840/FUL.

PLANNING ISSUES

In considering the original stable block design/location the Appeal Inspector was concerned about the visual impact of the building in the context of its open countryside location when seen from public viewpoints.

These viewpoints are limited to the north and northwest of the site; from the A1 Trunk Road and from Lime Lane where it crosses the A1.

The original design comprised a single building of some 25 metres in length which the Inspector considered to be visually dominant from public viewpoints and likely to detrimentally affect the character of the locality, notwithstanding her acceptance of the use of adjacent land as a residential gypsy site.

The current proposal effectively divides the building into two and positions the separate buildings in line with each other when seen from the public viewpoints referred to above. This arrangement will have the effect of reducing the visual impact of the structures but retaining the accommodation as before.

The Appeal Inspector's opinion is a material planning consideration and in this instance it is considered that the revised layout will address her concerns relating to visual impact to such an extent that planning permission may now be granted.

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

In allowing the site to be used as a residential Gypsy site, the Appeal Inspector has accepted that a certain amount of visual intrusion into this particular area of open countryside is an acceptable price to pay to enable the provision of a much needed traveller/gypsy residential pitch. The proposed development therefore will not form an isolated feature in this location but part of an overall site used as a gypsy residential pitch. In addition to the stable block, three mobile homes/caravans have been permitted together with associated motor vehicles.

The amended design now proposed is considered to be acceptable in the context of what else has been permitted on this site and in terms of its visual impact from public viewpoints and is therefore recommended for approval.

RECOMMENDATION

That Planning Permission be granted with the following conditions:

1. A3 – Time limit
2. B4 – Submit material details.
3. B5 – Accordance with plans
4. The stables hereby approved shall only be used for domestic purposes in association with the occupiers of the residential gypsy site upon which it is located.

Reason – The site is not considered suitable for commercial livery use.

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

In allowing the site to be used as a residential Gypsy site, the Appeal Inspector has accepted that a certain amount of visual intrusion into this particular area of open countryside is an acceptable price to pay to enable the provision of a much needed traveller/gypsy residential pitch. The proposed development therefore will not form an isolated feature in this location but will be part of an overall site used as a gypsy residential pitch. In addition to the stable block, three mobile homes/caravans have been permitted together with associated motor vehicles.

The amended design now proposed is considered to be acceptable in the context of what else has been permitted on this site and in terms of its visual impact from public viewpoints.

In view of the above therefore it is considered that the proposal conforms with the Borough of Darlington Local Plan – Policies E4 Buildings in the countryside and R15 Horse Related Development.