

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 16 December 2009

Page

APPLICATION REF. NO:	09/00734/CU
STATUTORY DECISION DATE:	15 December 2009
WARD/PARISH:	MIDDLETON ST GEORGE
LOCATION:	The Granary, Neasham Road, Middleton St George
DESCRIPTION:	Change of Use of agricultural land to riding arena
APPLICANT:	Mr AG & Mrs NR Hill

APPLICATION AND SITE DESCRIPTION

The application site is situated approximately 85m from the western edge of the village of Middleton St George and located close to a group of buildings formerly known as Thorntree Farm. The building group comprises the former farmhouse, now subdivided into two dwelling units, and two residential conversions (previously agricultural buildings), one of which is the applicants dwelling. A third residential conversion is currently being undertaken. Several outbuildings including stables are included within this loosely knit group of buildings. The proposed riding arena would be situated on the southern side of and close to this building complex. It would measure some 20m by 40m and enclosed by a timber post and three rail fence. The arena base would comprise of: - a 100mm-150mm base layer of compacted hardcore with 'french' land drainage pipework underneath; a mid layer of 50mm deep compacted silica sand, and a surface layer of 50mm-75mm depth compacted sharp sand.

The applicant has advised that the proposed arena would be for personal domestic use only and not for any commercial activity.

PLANNING HISTORY

The most recent and relevant planning history with regard to the application site was for the erection of a stable building comprising five loose boxes, tack room and hay barn. Planning permission for this was granted in August 2009 under ref: 09/355.

PLANNING POLICY BACKGROUND

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

E2 – Development Limits

E4 – New Buildings in the Countryside

E7 – Landscape Conservation

R14 -Recreation Development in the Countryside

R15- Horse-Related Development

T24 -Parking and Servicing Requirements for New Development

RESULTS OF CONSULTATION AND PUBLICITY

One letter of objection and one letter of representation have been received from nearby residents and the following issues are raised: -

- I object to the change of use of land to a riding arena, as the land has only recently been purchased the applicants would have been aware of its limitations.
- A public footpath runs diagonally across the field, which could make it dangerous for walkers.
- If approved it would set a precedent for future applications for green fields around the village.
- If permission is granted floodlights around the arena/ stables should be prohibited.
- The arena should be restricted for personal use only and not for commercial purposes
- The arena should not be covered.
- The boundary fence to the property to the north should not serve as the boundary to the arena as well due to small children being present at this property.

Middleton St George Parish Council has recommended that the application be approved subject to a condition stating that access to the facility shall be from Neasham Road and not from the already congested traffic road at Thorntree Gardens.

The Council's Highways Engineer has no objections to the proposal on highway or other traffic grounds.

The Council's Countryside Section has advised that a public footpath (No3 Low Dinsdale Parish) passes through the paddock within which the proposed arena would be situated and state that provided the line of the path is not obstructed then there is unlikely to be an issue.

The Council's Public Protection Division has raised two concerns. The first is with regard to the possibility of the arena being used for commercial purposes, and request that a condition be attached to any approval restricting the operational hours, to safeguard the amenities of adjoining residents, should this be the case. The second is with respect to the adverse effects on neighbours from any possible floodlighting if any is proposed and state that a lighting impact assessment would be required.

PLANNING ISSUES

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

- Planning Policy
- Visual Amenity
- Residential Amenity
- Effects on the public right of Way; and
- Highway Implications

Planning Policy

Policy E2 (Development Limits) of the Borough of Darlington Local Plan states that new development in the countryside will only be permitted in certain circumstances, including development for countryside related sports or recreational activities provided that unacceptable harm to the character or appearance of the rural area is avoided. Policy R14 (Recreation Development in the Countryside) and R15 (Horse Related Development) reinforce policy E2 and sets out criteria against which such development should be assessed. Policy E7 (Landscape Conservation) requires development that is acceptable in principle in such areas, to respect the character of its landscape setting in terms of siting, design, materials, landscaping, protection of existing landscape features and relationship to adjoining buildings, having regard to the distinctive landscape characteristics of the area.

In principle the development is considered acceptable subject to the criteria being met in the above policies, which is covered in the following sections of this report.

Visual Amenity

The surface of the arena is unlikely to be visually prominent in the surrounding landscape and is well related to the building complex here, which comprises a number of surface finishes. The proposed post and rail fence that would provide boundary treatment to the arena is similar to fencing generally found in a countryside location. In view of this contextual setting the development is unlikely to result in any material impact on the character or appearance of the surrounding countryside.

Residential Amenity

It is not considered that activities associated with the use of the arena would adversely affect the amenities of nearby occupiers some of whom already keep horses themselves, which is evident by the presence of nearby stable buildings.

Concerning the issue of possible commercial use raised by the Council's Public Protection Division and nearby residents the applicant has stated that the arena would be solely for personal use. Whilst commercial use of the arena would necessitate a separate planning permission it may be prudent to impose a condition to any grant of planning permission to bring to the attention of any future owners of the riding arena that it is for personal enjoyment only.

Concern is raised about the potential impact of floodlighting. However lighting is not proposed and in any event would need to be subject to a separate planning application if it was proposed in the future.

Effects on the Public Right of Way

The Council's Countryside Section has advised that a public footpath (No3 Low Dinsdale Parish) passes through the paddock within which the proposed arena would be situated and state that provided the line of the path is not obstructed then there is unlikely to be an issue. The rights of way records reveal that the footpath would not be affected by the position of the proposed arena, which would be located approximately 30m to the northeast.

Highway Implications

Vehicular access to the site and to the properties in the adjacent complex of buildings here is taken from Neasham Road along an unmade track. A separate track links the development here to Thorntree Gardens to the east. However this is blocked off by a large concrete block near the exit onto Thorntree Gardens, although it is possible to circumvent this by driving around the block over rough pasture land either side of it. Whilst the concerns of the Parish Council are noted about the potential for access to be achieved via Thorntree Gardens the proposal is for private domestic purposes and not for any commercial activity and therefore is not likely to generate significant traffic movements. The council's highways engineer has not raised any objections to the proposal on traffic or other highway grounds.

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 to be acceptable in this location by virtue of the fact that it would not have an adverse impact on the character or amenity of the area. Nor is it considered that there would any resultant material harm to the amenities of nearby residential occupiers. The proposal does not raise any issues in respect of highway safety or crime prevention.

RECOMMENDATION

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

- 1) A3 - Implementation Limit (3years)
- 2) B5 – Detailed Application
- 3) The riding arena hereby approved shall only be used for the exercising of horses owned by the applicants for their personal enjoyment . At no time shall the site be used for any commercial exercising or training of horses without the further written approval of the Local Planning Authority.

REASON – In the interests of residential amenity and highway safety

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

The proposed development is considered to be acceptable in this location by virtue of the fact that it would not have an adverse impact on the character or amenity of the area. Nor is it considered that there would any resultant material harm to the amenities of nearby residential occupiers. The proposal does not raise any issues in respect of highway safety or crime prevention. The proposal is considered to comply with the relevant policies in the development plan set out below:-

The Borough of Darlington Local Plan 1997

E2 – Development Limits

E4 – New Buildings in the Countryside

E7 – Landscape Conservation

R14 -Recreation Development in the Countryside

R15- Horse-Related Development

T24 -Parking and Servicing Requirements for New Development