

DARLINGTON BOROUGH COUNCIL
PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 9th June 2021

APPLICATION REF. NO:	21/00115/FUL
STATUTORY DECISION DATE:	24.03.2021 (Extension of Time until 10.06.2021)
WARD/PARISH:	HEIGHINGTON AND CONISCLIFFE
LOCATION:	Dene Head Farm, Coatham Lane, Coatham Mundeville
DESCRIPTION:	Removal of hedgerow and erection of approx. 1.6m high boundary fencing with access gates, construction of hardstanding for horse arena viewing area and erection of approx. 3m high privacy fencing to side/rear (Retrospective Application)
APPLICANT:	Mr Simon Middleton

RECOMMENDATION: GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS (see details below)

Application documents including application forms, submitted plans, supporting technical information, consultations responses and representations received, and other background papers are available on the Darlington Borough Council website via the following link: <https://publicaccess.darlington.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=QNY1M6FP0C800>

APPLICATION AND SITE DESCRIPTION

1. The application site relates to a group of farm/livery buildings known as Dene Head Farm, Coatham Mundeville located to the west of the East Coast Mainline Railway, the A1(M) and the A167. The site is accessed from a private road, which is coincident with Bridleway No. 8 in the Parish of Coatham Mundeville. Dene Head Farm comprises several farm buildings, stables, and a horse arena with floodlighting for which planning permission was granted in 1999 (19/00038/FUL) located to the south of the access road and bridleway. There is another building and a hardstanding/parking area for the livery business located to the north of the access

and bridleway. The surrounding area is rural in nature. Neighbouring properties, Clova House Farm and Daltamie are located further along the track, to the north west of the application site. There are other properties including The Oaks and Whiley Hill Farm which are located to the north of the application site.

2. This retrospective planning application seeks permission for the removal of a hedgerow measuring a total of 46m and the erection of 1.6m high boundary timber fence with access gates measuring a total length of 61m located on the southern side of the access track and bridleway. The area to the south of the new fence has been hard surfaced to create a viewing area for the arena, which can also be used for access to and maintenance of the riding arena and floodlights. The fencing also encloses a section of guttering located to the south of the access lane and to the east of the viewing area. A 3m high privacy fence has also been erected to the side and rear of the yard area adjacent to the horse arena.
3. The application also proposes a package of compensatory planting to mitigate against the loss of the hedgerow. It is proposed to plant a new hedgerow approximately 90-110m in length to enclose an area of new wildflower meadow, with an area of approximately 1265m², on land in the applicant's ownership to the south of the riding area. The proposed hedge includes common hedge plants of Quickthorn, Blackthorn and three different tree species of Field Maple, Hazel and Crab Apple.

MAIN PLANNING ISSUES

4. Site History:

97/00177/AG Application for prior approval for the erection of a general purpose agricultural building. Planning Permission Not Required. 09.06.1997.

99/00038/FUL Erection of stables and change of use of field to all weather exercise area. Granted with Conditions. 19.04.1999.

04/00054/AG Application for prior approval for the erection of a general purpose agricultural building. Planning Permission Not Required. 10.02.2004.

04/01386/AG Application for prior approval for the erection of a general purpose agricultural building. Approved. 06.01.2005.

13/00114/AG Prior approval for the erection of a lean to building extension (Agricultural Determination). Planning Permission Not Required. 26.03.2013.

13/00115/AG Prior approval for the erection of a lean to extension (Agricultural Determination). Planning Permission Not Required. 26.03.2013.

15/00727/AG Prior approval for the erection of open sided storage building (Agricultural Determination). Planning Permission Not Required. 03.09.2015.

17/00503/AG Prior approval for erection of agricultural building to store farm machinery (Agricultural Determination). Planning Permission Not Required. 28.06.2017.

19/01098/FUL Erection of an agricultural barn for the storage of hay/straw and machinery (Retrospective). Granted. 10.01.2020.

5. The main planning issues to be considered are:

- a) Planning Policy
- b) Visual Amenity
- c) Ecology
- d) Impact on Trees
- e) Highway Safety
- f) Other Matters

PLANNING POLICIES

6. The relevant Local Plan policies include those seeking to ensure the proposed development:

- a) Will meet the criteria for development located outside of defined development limits set out within Policy E2 of the Saved Local Plan 1997
- b) Is wherever possible located with and visually related to existing buildings (Policy E4 of the Saved Local Plan 1997)
- c) Takes into account trees, woodlands and hedgerows adjacent to the site and avoids the need to remove trees and hedgerows and provide for their successful retention during development, where removal is unavoidable any required landscaping works should be so designed as to compensate on or off the development site, for the loss of amenity to the area (Policy E12 of the Saved Local Plan 1997)
- d) Contribute to maintaining the wildlife value of the corridor (Policy E21 of the Saved Local Plan 1997)
- e) Will not detract from the character and appearance of the locality or from the amenity enjoyed by residents or people using the area for other recreational activities and would not be harmful to wildlife (Policy R15 of the Saved Local Plan 1997)
- f) Will accord with Darlington's sub- regional role and locational Strategy set out within Policy CS1 of Darlington's Core Strategy (2011)
- g) Makes efficient use of land and existing buildings and reflect Darlington's distinctive, natural, and built characteristics that contribute to the character of the local area and its sense of place (CS2 of the Core Strategy).

- h) Provides vehicular access and parking suitable for its use and location (CS2 of the Core Strategy).
- i) Would not result in any net loss of existing biodiversity value by protecting and enhancing priority habitats, biodiversity features and would protect and enhance healthy ancient woodland, mature trees, and hedgerows (Policy CS15: Protecting and Enhancing Biodiversity and Geodiversity)
- j) Protects and where possible improves environmental resources whilst ensuring there is no detrimental impact on the environment, general amenity and health and safety of the local community (CS16 of the Core Strategy)

RESULTS OF TECHNICAL CONSULTATION

- 7. The Council's Highway Engineer has been consulted on the application and has raised no objection in principle to the proposal.
- 8. The Council's Public Rights of Way Officer has been consulted on the application and has raised no objections providing that the bridleway (bridleway Coatham Mundeville 8) which runs alongside the length of the site retains a width of 6-8ft and remains open, safe and accessible to legitimate users.
- 9. The Council's Ecology adviser has been consulted and advises that a compensatory hedge of significantly greater length and with standard trees should be provided.
- 10. The Council's Arboricultural Officer has been consulted on the proposals and has raised no objections.

RESULTS OF PUBLICITY AND NOTIFICATION

- 11. The application has been publicised by way of site notice and neighbour letters in accordance with Article 15(5)(a) of The Town and Country Planning (Development Management Procedure) (England) Order 2015.
- 12. 4 objections have been received with responses summarised below:
 - *Works carried out without permission*
 - *Hedge was in good condition*
 - *Hedge was over 30 years old*
 - *Hedge should be replanted*
 - *New viewing area is closer to Coatham Lane than previous hedge*
 - *Fence abuts onto lane, removing safe passing area for horse riders, pedestrians, cyclists, larger farm vehicles etc.*
 - *Narrowing of lane makes it difficult for vehicles to pass safely*
 - *Impact on appearance of area*
 - *Gates opening outwards could cause a hazard*
 - *Concern over placing of stones along grass verge causing a safety hazard*

- *There is no need for the viewing area and concerns over potential increase in capacity for liveries within the site.*
- *Concerns over caterpillar species being a protected species.*

PLANNING ISSUES/ANALYSIS

(a) Planning Policy

13. The proposal is located outside of defined development limits set out within Policy E2 of the Saved Local Plan 1997. It is set out within this policy that development for countryside related sports or recreational activities will be permitted outside them provided that unacceptable harm to the character and appearance of the rural area is avoided. It is considered the proposed fencing and horse arena would be located and visually related to existing buildings and would not detract from the overall character of the area in accordance with Policy E2 and E4 of the Saved Local Plan 1997. It is further considered that the proposal for a horse viewing area and associated fencing would not detract from the character and appearance of the locality as there is already the presence of the horse arena and rural buildings in the immediate area.
14. It has been confirmed that there is no intention to expand the capacity of the horse arena, for which planning permission was granted in 1999 (99/00038/FUL). Rather the viewing area has been created to provide a safe area for people to observe riders within the arena. Notwithstanding this information the proposed horse viewing area and associated fencing are not considered to detract from the character and appearance of the locality given the context in which it is located, against the backdrop of existing horse-related development and is therefore considered to be in accordance with R15 of the Saved Local Plan.
15. The applicant advises that the existing hedge was been removed due to a caterpillar infestation and vehicle collisions with the hedge resulting in decay and a deteriorating condition of parts of the hedge in its overall length. The applicant advised that the hedge has not been reinstated in this location due to the likelihood of the hedge suffering the same infestation resulting in a poor quality hedge. Therefore, based on this information, the decision was taken to erect the viewing arena and fence as an alternative use of the space. A compensatory hedge and wildflower meadow are to be planted to the east and south of the application site. Hedgerows over 30 years old can be deemed to be classified as important based on criteria relating to the value of the hedgerow from an archaeological, historical, landscape or wildlife perspective. However due to the poor condition of the existing hedge and likelihood of the infestation returning if the hedge were to be reinstated it is considered that the compensatory hedge and wildflower meadow would be suitable mitigation for the loss of the hedge in accordance with policies E12 and E21 of the Saved Local Plan 1997.
16. Overall, the proposed horse viewing area and fencing is considered to be acceptable in principle in terms of planning policy.

(b) Visual Amenity

17. The proposed horse area and fencing is located adjacent to the existing buildings and riding arena at Dene Head Farm. The fencing is of a modest height and the materials used are not considered to detract from the character and appearance of the wider area. The viewing area and fencing is closely located and related to the existing use and buildings within the application site and therefore is considered not to harm or detract from the overall character and nature of the area in accordance with E4 and R15 of the Saved Local Plan 1997.
18. Whilst it is acknowledged that the loss of the existing hedge and the erection of the hedge will create a different appearance on the south side of the access track there is hedging located on the northern side of the track and in the wider area. With the growth of the compensatory hedging and wildflower meadow, it is not considered that the overall character and appearance of the area would be materially altered.

(c) Ecology

19. Under the Hedgerow Regulations 1997 where a hedge is over 30 years old it can be deemed to be classified as important based on criteria relating to the value of the hedgerow from an archaeological, historical, landscape or wildlife perspective. It is acknowledged that the application is retrospective, and permission should have been sought prior to the works being carried out. An application should have included justification for the removal of the hedge and therefore it has been requested likewise as part of the retrospective application for evidence proving the condition of the hedge and whether or not it could be reinstated in the same location.
20. The existing hedge that has been removed has been removed after a caterpillar infestation and vehicles colliding with the hedge. These events have caused irreversible damage to sections of the hedge where it could not be rectified to a healthy condition, as set out by the applicant. The applicant has provided spray records to show the treating of the hedge since 2015. A neighbouring property has evidently had similar caterpillar infestations to their hedge. Furthermore, the applicant has advised that below ground drainage pipes and an electrical connection have been installed beneath the viewing area which would make the reinstatement of a hedge in this location more difficult. Based on the justification for the loss of the hedge and the proposed compensatory measures in the form of a 90-110m hedge and wildflower meadow with a further two standard trees on land to the south and east of the riding arena, on balance the loss of the hedge in this instance is accepted.
21. It is set out in Policy E12 of the Saved Local Plan that where removal is unavoidable any required landscaping works should be so designed as to compensate on or off the development site. It is considered that the proposed compensatory measures would offset the loss of the hedge and would maintain the ecological and wildlife value of the area in accordance with Policy E21 of the Saved Local Plan and CS15 of the Core Strategy.
22. The Council's Ecologist has been consulted on the proposals and has set out that there would be expected to be a compensatory hedge of a significantly greater length with some standard trees provided. As there is proposed to be a hedge of significantly greater length and a further wildflower meadow of a larger area than the hedge and

grassed area lost it is considered that this would suitably mitigate against the loss of the hedge from an ecological and biodiversity perspective. The applicant has also agreed to erect two standard trees, as requested by the Council's Ecology advisor.

(d) Impact on Trees

23. The Council's Arboricultural Officer has been consulted on the application and has raised no objections. It is considered that any loss of trees will be suitably mitigated against by the growth of the compensatory hedging and wildflower meadow including two standard trees in accordance with Policy E12 of the Saved Local Plan.

(e) Highway Safety

24. The Council's Highways Engineer has been consulted on the proposals and has set out that the application site is not located next to the adopted highway and as such any complaints regarding obstruction or parking associated with the site would not be under the control of the Highways Authority.

25. The Council's Public Rights of Way Officer has also been consulted on the proposals and advises that the bridleway is required to be have a width of between 1.8m and 2.4m.

26. It is acknowledged that the new fence is located further forward than the removed hedge however, there is a gap between the fencing enclosing the viewing arena and the access track, where a grass verge is to be reinstated. The bridleway is of sufficient width at approximately 3m between kerbs and 3.7m between fencing according to plans submitted. Therefore, it is considered that the width of the bridleway meets the standard requirements set out by the Public Rights of Way Officer. Any further access or highway issues are private matters.

27. There have been concerns set out by nearby residents that the gates open outwards rather than inwards, the Council's Public Rights of Way Officer has set out that this is not considered to be a major issue providing the gates are not left open for prolonged periods of time. The applicant has confirmed that the gates for the platform access will always be shut immediately after access has been gained to the viewing area.

28. Therefore, overall, it is considered the proposal is acceptable in terms of highway safety.

PUBLIC SECTOR EQUALITY DUTY

29. In considering this application the Local Planning Authority has complied with Section 149 of the Equality Act 2010 which places a statutory duty on public authorities in the exercise of their functions to have due regard to the need to eliminate discrimination and advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

CONCLUSION AND RECOMMENDATION

30. The proposals for the erection of fencing and hardstanding for a horse arena viewing area are considered to be acceptable in planning policy terms as the proposals will be located and visually related to the existing character of the area and would therefore not result in a harmful impact on the character and appearance of the surrounding area in terms of visual amenity in accordance with Policies E4 and R15 of the Saved Local Plan 1997.
31. It is acknowledged that approval for the removal of the hedge should have been sought under the Hedgerow Regulations 1997. In view of the information provided by the applicant regarding the condition of the hedge prior to its removal and the proposed compensatory hedgerow and wildflower meadow planting and the planting of 2 no. standard trees as set out in the report, it is considered that the loss of ecological and biodiversity value associated with the loss of the hedge in this instance can be off set and suitably mitigated by the proposed compensatory measures. A condition requiring the implementation of these measures within an agreed timescale is therefore proposed to secure these measures. The proposal does not give rise to any unacceptable issues relating to the use of the bridleway or highway safety given that the adjacent access road is not adopted. In this instance it is considered that the proposals comply with Saved Policies E12 and E21 of the Borough of Darlington Local Plan, 1997 and Policy CS15 of the Core Strategy, 2011.
32. Accordingly, it is recommended **THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:**

1. Notwithstanding any details of the proposed compensatory hedgerow shown on drawing 1 of 3, Rev. A 'Proposed Plans', 2 no. standards trees shall be planted within the hedgerow of a species and in a location that shall first be agreed in writing with the Local Planning Authority.

REASON – In the interest of biodiversity and to comply with Core Strategy Policy CS15.

2. The compensatory hedgerow and wildflower meadow as shown on drawing 1 of 3 Rev A, including the planting of 2 no. standard trees as referred to in condition 1 of this permission, shall be fully implemented within 2 years from the date of this permission. Any trees, hedgerow plants or wildflower meadow planting removed, dying, severely damaged or becoming seriously diseased shall be replaced, and the landscaping scheme shall be maintained for the lifetime of the development hereby permitted.

REASON: To ensure that the compensatory works as approved by this permission are carried out in a timely manner in the interests of ecology and biodiversity.

3. PL

- Site Location Plan
- 1 of 3 Rev A – Proposed Plans
- 3 of 3 Rev A – Proposed Fencing Plans and Elevations