MINOR DEVELOPMENT PLANNING APPLICATION REPORT REF. NO. F/11/69156

DESCRIPTION/ ADDRESS	Change of use from dwelling with outbuildings, annexes and paddocks to a mixed use to enable use of stables & paddock as a commercial livery Hatts Copse Farm Brook Lane Botley Southampton SO30 2ER

SITE VISIT DATE	2/8/11			
ARE PLANS ACCURATE?	X	Yes		No. If not why not…….
HAVE ALL NECESSARY NEIGHBOURS BEEN CONSULTED?	X	Yes		No. If not why not…….

THE SITE AND ITS SURROUNDINGS

DETAILED DESCRIPTION OF APPLICATION	The use of 6 existing stables to the front of the property as a full livery. This would entail a manager looking after the health and welfare of the horses, with their owners visiting solely to ride/see the horse. Car parking would be provided within the curtilage.					
SITE AREA	4.4 ha					
RESIDENTIAL DEVELOPMENT DENSITY (NET)	N/A					
TOPOGRAPHY	X	Level		Sloping …..		Other …
TREES	X	No	Trees to the west of the site and large oak at entrance			
BOUNDARY TREATMENT	A variety of types of treatment					
SITE CHARACTERISTICS	Large detached house accessed along a private drive through an electronic gate. Large gravel turning area adjacent to numerous stables, outbuildings, barns and detached annexe. Agricultural tie recently lifted from the property.					
CHARACTER OF LOCALITY	Countryside with large detached houses on Brook Lane, some backing on to the site.					

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
V/08/64296	Variation to section 106 agreement dated 11/04/1994 relating to planning permission 26442/11 to allow the buildings identified in the agreement to be used solely as accommodation ancillary to the main dwelling house and, as such, to be occupied only by family of the owner of the dwelling house.	Per 2009

RELEVANT PLANNING HISTORY

REFERENCE	DESCRIPTION	DECISION
X/08/63160	Relief of condition 3 of planning permission 26442/6 to remove agricultural occupancy tie	Refused and appeal allowed 2008.
Z/26442/14	Construction of replacement agricultural building and new garage roof	Per 2003
	Renewal of Permission Z/26642/009 for occupation of former garage/outbuilding by parents	Per 1994
Z/26442/009	Conversion of detached garage and outhouse to separate dwellings for occupation by elderly parents (retention of development already carried out).	Per 1992
Z/26442/006	Erection of detached agricultural worker's house with garage, farm office and rest room.	Per 1985

REPRESENTATIONS RECEIVED

SOURCE	SUMMARY OF CONTENT
3 letters of objection	Objection on grounds of noise & safety issues associated with increased vehicle movements and parking at end of garden, difficult to access with larger vehicles, odours associated with horses using the stables, agricultural lifted and would wish for it to remain a domestic property not a commercial enterprise, potential to expand to gymkhanas or similar events, loss of privacy, impact on security,

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
Botley PC	Object. (1) Members objected to the change of use from domestic to commercial following the recent removal of the agricultural tie. (2) Brook Lane is a narrow residential lane and as such is unsuitable to sustain regular commercial traffic. (3) Neighbouring residents have objected to the increased noise and disturbance that will be associated with a commercial livery stable. (4) There is insufficient provision in the application for parking of all business related vehicles within the site in order to prevent overspill parking in Brook Lane. (5) The parking area designated on the plans is along a narrow gravel track outside the house gates but this track is too narrow to permit vehicles to turn within its width. (6) The Council requested that this application should be referred to the HEWEB LAC for decision.
Head of Transportation and Engineering	No objection There are not many bridleways in area and A334 is unsuitable for horse riding. Brook Lane is of restricted width and not good for towing horse

CONSULTATION RESPONSES

CONSULTEE	SUMMARY OF RESPONSE
	boxes it is recommended that that the horse riding is confined to the site or not on local loads , and that a vehicle routeing agreement limits access to site via Brook lane leg and not via Church Lane or Four Acres/Mortimer Road
Head of Regeneration and Planning Policy	No objection. The site is located within the countryside and local gap within an area that is rural in character. Relevant Local Plan Review policies are 1.CO, 3.CO, and 18.CO. PPS7 is the relevant national policy, paragraph 32 of which has regard to equine related activities. The PPS advocates the re-use of farm buildings for small scale horse enterprises that provide a form of farm diversification. 1.CO: restricts development in the countryside to that necessary for agricultural, forestry or horticultural purposes and requiring a countryside location or to development for an outdoor recreational use or required as ancillary to such a use. Any buildings or structures associated with such development must be of a form, scale and design that would not harm the character of the locality. 3.CO: restricts development within the local gap if it could be suitably located elsewhere and/or if it would physically and visually diminish the gap. 18.CO: requires development to respect the intrinsic character of the landscape. The Local Plan Review does have a policy (154.OS) regarding stables, however this concerns equestrian recreation proposals. The change of use proposed is a countryside use, and in this respect, the proposal is not contrary to policy 1.CO. The supporting design and access statement suggests that all of the existing buildings on the site will remain as they are, however they will be used for the livery (stables and stores). In this respect, the impact of the existing buildings on the gap and countryside will remain unchanged, and the proposals are not contrary to policies 3.CO and 18.CO.
Head of Environmental Health	No objection

POLICY CONTEXT

DESIGNATION APPLICABLE TO SITE
• Within Local Gap • Within designated Countryside

DEVELOPMENT PLAN POLICIES

DEVELOPMENT PLAN POLICIES

Eastleigh Borough Local Plan Review (2001-2011) 1.CO, 3.CO, 18.CO, 104.T, 154.OS
Supplementary Planning Guidance : Residential Amenity in the Borough of Eastleigh
Supplementary Planning Document: Parking

PLANNING POLICY GUIDANCE / STATEMENT

PPG - 13 Transport
PPS -- 1 Delivering Sustainability
- 1 Planning and Climate Change Supplement
7 Sustainable Development in Rural Areas

POLICY COMMENTARY

The above policies combine to form the criteria against which this application will be assessed with particular regard to residential amenity, highway matters, trees, rural diversification, street scene and character of the area

COMMENT ON CONSULTATION RESPONSES

Botley PC – Referral to HEWEB. Following discussions between Cllr Mrs Fraser and the case officer, it was agreed that this scheme would not be referred to HEWEB for decision. The development accords with the policies of the Local Plan and the referral was not supported by three members as required by the Constitution.

COMMENT ON REPRESENTATIONS RECEIVED

X	See below		Other……

PLANNING OBLIGATION/CONSIDERATIONS

The traffic movements associated with this development are minimal and the Head of Transportation and Engineering has not thought in this instance it necessary to mitigate the impact of the development through securing contributions towards sustainable transport initiatives.

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:-

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

The Head of Regeneration and Planning Policy in his response has set the policy scene well. This is a rural location in which one would expect to find such equine related activities. The proposal makes use of existing buildings that are in sound structural order, and as such the use complies with the criteria set out in policy 1.CO, 3.CO and 18.CO of the Local Plan. Also relevant to this case is policy 154.OS which states that proposals for stables/riding schools will only be permitted where;

i) In the case of a commercial stable/riding school and dwelling exists on site
ii) They do not have an adverse impact on the character of the locality; and
iii) They are not detrimental to the local road network

ASSESSMENT OF PROPOSAL

DEVELOPMENT PLAN AND/OR LEGISLATIVE BACKGROUND

A dwelling already exists on site, the occupation of which is by the sites' owners. Although the livery will be managed by an employed manager, there is no justification for a separate unit of accommodation on site in association with the proposed use. Criterion ii is amply considered by the Head of Regeneration and Planning Policy, whilst criterion iii is considered later within this report. The scheme complies with policy 154.OS.

Policy 59.BE seeks to protect adjoining land uses from inappropriate development by ensuring new development is appropriate in its use and location, does not undermine the character of the area and does not harm residential amenity through noise, odours, over looking and light pollution.

The use of the stables for horses already exists, thus the odours and noise associated with horses being housed here would not be different to that which could occur at present. The car parking associated with the development originally was proposed between the stable and the east boundary with neighbouring properties. This has been omitted due to the potential impact on neighbouring properties and the lack of space for vehicles to access, park and manoeuvre sufficiently. An additional parking plan is therefore sought via condition. The equestrian use of the site, although utilising an access that passes close to neighbouring properties, is not in itself considered to undermine the privacy of occupiers of those dwellings.

Access to the site is suitably wide with good visibility at its junction with Brook Lane, with sufficient space on site for the parking and turning of vehicles. The comments of the Head of Transportation and Engineering regarding local infrastructure are noted and it is reasonable to condition the route that horse box/lorry access the site i.e. not from Church Lane. However, confining horse riding solely to the site is unreasonable due to the existing quiet nature of Brook Lane and the access this lane provides to local bridleways. Vehicle movements would be minimised by operating a full livery (a livery manager looks after the health and welfare of the horses rather than the horse's owners), as a result owners will not need to visit the site twice a day but only when wishing to ride/visit the horse. It is recommended that conditions are imposed restricting the number of horses associated with the livery to six and that the site must operate as a full livery and no organised events can tale place on site in the interest of amenity and highway safety.

On balance the development is not considered to be contrary to policy 59.BE or 104.T.

The lifting of the agricultural tie in 2008/09 is not a material consideration when assessing the suitability of the site as a full livery.

OTHER MATERIAL CONSIDERATIONS

It is considered that there are no other material considerations to warrant a decision otherwise than in accordance with the Development Plan and/or legislative background.

CONCLUSIONS

The recommendation is to permit

REF. NO. «AltRef»