

DELEGATED REPORT

Date: 19 December 2018 **Ward:** Haxby And Wigginton
Team: Major and Commercial Team **Parish:** Wigginton Parish Council

Reference: 18/02178/FUL
Application at: Os Field 351 Plainville Lane Wigginton York
For: Erection of horse walker
By: Mr & Mrs Batty
Application Type: Full Application
Target Date: 16 November 2018
Recommendation: Approve

1.0 PROPOSAL

1.1 The proposal is for the erection of a horse walker within a paddock. The horse walker will measure 11m across with the external fencing measuring 2.3m in height.

PLANNING HISTORY

1.2 18/01072/FUL - Change of use of land and buildings to equestrian in conjunction with commercial livery (retrospective) - Approved.

2.0 POLICY CONTEXT

2.1 Policies:

Emerging Local Plan

GB1 Development in the Green Belt
EC5 Rural economy

Development Control Local Plan (DCLP) 2005

GB1 Development in the Green Belt

3.0 CONSULTATIONS

INTERNAL

3.1 No consultations undertaken.

EXTERNAL

Wigginton Parish Council

3.2 No objections.

Neighbour notification and publicity

3.3 No representations received.

4.0 APPRAISAL

4.1 KEY ISSUES

- o Policy context
- o Principle of the development - Assessment of harm to Green Belt
- o Character and appearance
- o Other considerations - Business need.

POLICY CONTEXT

Development Plan

4.2 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt. These are policies YH9(C) and Y1 (C1 and C2) which relate to York's Green Belt and the key diagram insofar as it illustrates the general extent of the Green Belt. The policies state that the detailed inner and the rest of the outer boundaries of the Green Belt around York should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster and important open areas.

Local Plan

4.3 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF as revised in July 2018, although the weight that can be afforded to them is very limited.

Policy GB1 relates to development in the Green Belt.

Emerging Local Plan

4.4 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF as revised in July 2018, the relevant 2018 Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012. (NB: Under transitional arrangements plans submitted for examination before 24 January 2019 will be assessed against the 2012 NPPF).

The evidence base underpinning the 2018 Draft Plan is capable of being a material consideration in the determination of planning applications.

Policies GB1 'Development in the Green Belt' and EC 5 'Rural Economy' are relevant.

National Planning Policy Framework (2018)

4.5 The revised National Planning Policy Framework was published on 24 July 2018 (NPPF) and its planning policies are material to the determination of planning applications. It is against the NPPF (as revised) and the saved RSS policies relating to the general extent of the York Green Belt that this proposal should principally be assessed.

GREEN BELT

4.6 As noted above, saved Policies YH9C and Y1C of the Yorkshire and Humberside Regional Strategy define the general extent of the York Green Belt and as such Government Planning Policies in respect of the Green Belt apply. Central Government Planning Policy as outlined in paragraphs 133 to 141 of the National Planning Policy Framework identifies Green Belts as being characterised by their openness and permanence. Substantial weight should be given to any harm to the Green Belt.

4.8 The NPPF states that the fundamental aim of the Green Belt policy is to prevent urban sprawl by keeping land permanently open and that, the essential characteristics of the Green Belt are its openness and permanence.

The Green Belt serves 5 purposes:

- to check the unrestricted sprawl of large built-up areas
- to prevent neighbouring towns merging into one another

- to assist in safeguarding the countryside from encroachment
- to preserve the setting and special character of historic towns
- and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.9 The NPPF (paragraph 143) states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145b allows for the provision of appropriate facilities for outdoor sport and outdoor recreation within the Green Belt as long as these facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

PRINCIPLE OF THE DEVELOPMENT ASSESSMENT OF HARM TO GREEN BELT

4.10 The proposal is for a new horse walker in conjunction with the existing authorised use of the site as a commercial livery. As a result of its form and permanence the horse walker is considered to represent a building and para.145 of the NPPF is therefore relevant. Para.145b allows for appropriate facilities for outdoor sport or outdoor recreation providing they preserve openness and do not conflict with the purposes of including land within the Green Belt. Given the size and form of the horse walker and its position in an undeveloped paddock it is considered that the proposal will impact on openness as it introduces an element of development where there is currently none. The scale of the development and siting beyond the existing buildings result in a material harm to openness and the proposal does not meet the requirements of para.145b in this regard.

4.11 The site is within an area of land identified within the emerging Local Plan as an extension of the Green Wedge. As such the harm arising from the proposal in respect of openness would conflict with the purpose of the Green Belt in respect of preserving the setting and special character of historic towns. Again, the proposal would not meet para.145b as it conflicts with one of the purposes of including land within the Green Belt.

Character and appearance

4.12 The proposal sits within an existing equestrian site with a number of stables and stores associated with the equestrian use. The structure will appear appropriate in its appearance to the character of the site having a fenced outer perimeter to approximately 2.3m in height. As such it is considered that the proposal is in keeping with the character of the site and also the agricultural character of the wider area.

Very special circumstances

4.13 The applicant, while not agreeing that the proposed development results in harm to openness, has put forward very special circumstances which seek to outweigh the identified harm through inappropriateness. The applicant is a qualified British Showjumping coaches with significant experience in caring for and training competition horses.

4.14 The very special circumstances suggested by the applicant are:

- The stables accommodate and train a number of valuable horses mainly for show jumping. These horses are bred to be particularly athletic in form and are therefore prone to injuries if exercised on frozen or water-logged grass. The horsewalker would allow these horses to be exercised without risk of injury.
- The applicant has lost business from an international showjumper as there is no horsewalker on site and the danger of injury to their valuable showjumping horses is therefore high.
- The soil on site is particularly heavy clay and requires extra management and grazing restriction. The horse walker would help to limit the time that horses are left out to exercise in the paddocks.
- Horse walkers are a basic feature of professional yards and have a variety of uses and benefits including the training and starting of young horses; rehabilitation; warming up and cooling down; alternative exercise during winter months; and increase productivity and profitability of the business.

4.15 Supporting information has been provided by the applicant's vet that the provision of a horse walker would improve horse welfare and would provide a safer environment for horses and handler.

5.0 CONCLUSION

5.1 The site lies within the general extent of the Green Belt as identified in the RSS to which S38 of the 1990 Act applies. Having regard to the purpose of the RSS policies it is considered appropriate and justified that the proposal is therefore assessed against the restrictive policies in the NPPF relating to protecting the Green Belt.

5.2 The NPPF indicates that very special circumstances necessary to justify inappropriate development in the Green Belt cannot exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The NPPF also states that in the planning balance substantial weight should be given to any harm to the Green Belt. In this case, harm has been identified by way of inappropriateness of the proposed development. The presumption against inappropriate development in the Green Belt means that this harm alone attracts substantial weight. Additionally, the proposed

development would reduce the openness of the Green Belt as a result of its scale and position in an open paddock when the most important attributes of Green Belts are their openness and permanence. The horse walker would also undermine one of the purposes of including land within the Green Belt by failing to preserve the setting and special character of the city. No other harm has been identified.

5.3 The applicant has put forward a number of factors to demonstrate very special circumstances to clearly outweigh these harms. Substantial weight has been given to the harm to the Green Belt through inappropriateness and additional harm through harm to openness and one of the purposes of including land within the Green Belt. It is considered however that the very special circumstances put forward by the applicant are sufficient to outweigh this harm and are unique and individual to the applicant.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans and other submitted details:-

Location plan

Proposed site plan

Proposed section - horse walker

Proposed plan and specification - horse walker

Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 The horse walker hereby approved shall be installed only with metal mesh fencing. No rubber fencing around the perimeter of the structure or roofing shall be installed at any time during the lifetime of the development.

Reason: In the interests of the openness of the Green Belt.

7.0 INFORMATIVES:

Notes to Applicant

1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve a positive outcome:

Imposed appropriate conditions.

Contact details:

Author: Alison Stockdale Development Management Officer (Tues - Fri)

Tel No: 01904 555730