

COMMITTEE REPORT

Committee: Planning Committee **Ward:** Strensall
Date: 17 December 2007 **Parish:** Earswick Parish Council

Reference: 07/02194/FULM
Application at: Site To The Rear Of Ilford Close Strensall Road York
For: Change of use from agricultural to equestrian use to provide two paddocks and the formation of a turning head
(resubmission)
By: Hogg Builders
Application Type: Major Full Application (13 weeks)
Target Date: 19 December 2007

1.0 PROPOSAL

1.1 The application comprises the change of use of agricultural land east of Strensall Road to equestrian use (Class D2) by the creation of two paddocks and a turning head for vehicles. Access would be via an existing field access from Strensall Road.

1.2 The paddocks would be for domestic use. The applicant anticipates that they would be let to the occupiers of two large detached houses close to the site. The two houses were approved under 06/01020/FUL as amended and are under construction.

1.3 The current application is a resubmission of 07/00955/FULM, which included a stable block and turning area in each paddock. The application was withdrawn due to concerns by officers about impact on the green belt.

1.4 A committee site visit is to take place because objections have been received and the application is recommended for approval.

2.0 POLICY CONTEXT

2.1 Development Plan Allocation:

City Boundary York City Boundary 0001

2.2 Policies:

CYGP1
Design

CYGB1

Development within the Green Belt

3.0 CONSULTATIONS

3.1 Internal

Highway Network Management - The adjacent houses do not abut the application site nor are they included within the application boundary. Therefore, from a highway perspective, the application must be treated as an independent use unconnected and distinct from the neighbouring residential developments. The existing vehicle access should be widened from 3m to 6m for a distance of 15m from the public highway, drained and improved to council standards. The main highway concern is to avoid the intensive use of the access by horse boxes and trailers. Conditions should be attached to achieve this.

Environment, Conservation, Sustainable Development (Countryside) - The site has limited floristic interest. Whilst parts of the hedgerows are in poor condition they form a largely intact part of the old enclosure landscape, including the hedge down the centre of the main field. Conditions should therefore be attached to re-establish and strengthen the hedges, rather than provide fences. This would be of value to wildlife as well as the landscape. The application is unlikely to have a significant impact on newts.

Environmental Protection Unit - No objections. Add standard demolition/construction informative.

3.2 External

Earswick Parish Council - Objection. The green belt should be preserved. The access lane is very narrow and any large vehicle such as a horsebox, would have to swing onto the opposite carriageway causing a danger to other traffic. Although farm traffic has used this lane in the past the danger is increased in light of the improvements to the roundabout, which are intended to speed up the flow of traffic. Riders exiting the lane would cause a danger to traffic as well as themselves. Approval could result in a planning application for housing on the land should the paddocks be unviable at some point in the future.

Public Consultation - The consultation period expired on 31 October 2007. Four objections have been received raising the following planning issues: Exiting horseboxes, etc, would cause a danger to traffic in Strensall Road. Impact on the green belt. Increased crime in the area. The proposals would, in effect, extend into the green belt the gardens of recently-built houses. Impact on amenity of adjacent residents. The developer should be required to install horse-proof fencing. The proposal would assist designation of green belt land for housing. The proposal could expand to become a large commercial venture.

4.0 APPRAISAL

4.1 Key Issues

Principle of development.

Impact on the green belt and countryside.

Neighbour amenity.
Highway safety.
Hedgerows
Future demand for housing.
Crime
Use of applicant's adjacent land

4.2 The Application Site

Approximately 3h of agricultural land in the green belt land close to the settlement limit of Earswick village. Access is from Strensall Road via a gravel-surfaced farm track between two adjacent houses. To the west of the site, fronting onto Strensall Road, is a recent housing development of six houses built by the applicant. Two of the houses abut the green belt and are under construction. The applicant intends that the occupiers of these two houses would lease and occupy the proposed paddocks. Between the houses and the site is an area of approximately 0.26ha of agricultural land in the green belt. This land is under the applicant's control. The land would be laid out as two orchards, separated from the private gardens by a post and rail fence. The orchards would be included in the sale of each of the two adjacent houses with a condition that they remain as orchards.

4.3 Principle of Development

Use of land for the keeping of horses for recreation is materially different from using land for grazing which is an agricultural use. Planning permission is therefore required. The proposed use accords with one of the green belt objectives, set out in PPG2, which is to provide opportunities for outdoor sport and outdoor recreation near urban areas. The use also complies with PPS7 - Sustainable Development in Rural Areas.

4.4 Impact on the Green Belt and the Countryside

The use of the land as paddocks would have little impact on the openness of the green belt. Whilst green belt policy would allow the erection of essential facilities in connection with the use of the land as paddocks, none are proposed under the current application. The use is also in keeping with the open character and appearance of the countryside.

4.5 Neighbour Amenities

The paddocks would be large enough to accommodate approximately six horses, based on the standard requirement of 0.4ha per horse. The level of activity associated with this number of horses is unlikely to have a significant impact on adjacent occupiers. However, a more intensive equestrian use could have a much greater impact. Conditions should be attached limiting the number of horses on the site and preventing any use other than the domestic keeping of horses.

A condition should also be attached to ensure that the stock-proof fencing shown on the approved plans is provided along the boundaries with the adjacent dwellings to prevent horses intruding into adjacent gardens. A further condition should be attached preventing manure being stored close to residential dwellings.

4.6 Highway Safety

The existing field access is narrow and has poor sightlines. The access should therefore be widened from 3m to 6m for a distance of 15m from the public highway, drained and improved to council standards. Intensive use of the site would be likely to increase the number of vehicular movements, particularly by trailers and horse boxes, to the detriment of highway safety. Conditions should be attached to limit the amount of activity on the site. Suitable conditions would include limiting the number of horses to six and restricting the use to only the keeping of horses.

4.7 Hedgerows

Whilst parts of the hedgerows are in poor condition they form a largely intact part of the old enclosure landscape, including the hedge down the centre of the main field. Conditions should therefore be attached to re-establish and strengthen the hedges rather than provide fences (although horse-proof fences may still be needed along some boundaries. This would be of value to wildlife as well as the landscape.

4.8 Future Demand for Housing

Local residents are concerned that an equestrian use could increase the likelihood of the site being used for housing. If planning permission were granted for the keeping of horses the land would retain its green belt status. The land would therefore continue to be protected from inappropriate development as defined in PPG2, which includes housing. Moreover, the small number of horses on the site and its proximity to Strensall should be sufficient to prevent the operators of the paddocks from making a convincing case for erecting a house on the site in order to protect the welfare of the horses.

4.9 Crime

There is no evidence to suggest that the use of the land as domestic paddocks would materially increase the incidence of crime in the area.

4.10 Use of Applicant's Adjacent Land

The adjacent plots of land between the paddocks and the two recently-built houses to the west comprise agricultural land in the green belt. The plots are part of the 'blue land', ie outside the site but under the control of the applicant. No planning permission has been granted, or sought, to change the use of the land from agricultural. However, the use of the application land as paddocks would sever the adjacent blue land, which occupies just 0.26ha. These plots of land would, as a result of the application, appear to be much too small to be a viable agricultural unit. The applicant intends to sell these plots to the owners of the two adjacent houses with a condition that the plots be used as orchards only. The council cannot require this blue land to be included within the application site, ie to be used as part of the paddock land. However the proposals result in a combination of factors that together lead to the domestication of the blue land, contrary to national green belt policy as set out in PPG2. These factors include: the location of the plots immediately behind residential dwellings; the severance of the land from other agricultural land in the area; and the ownership of the land by the owners of the adjacent houses. It is unlikely that any requirement of the lease of the land would be sufficient to protect the land from domestication, which would be detrimental to the integrity and openness of the green belt.

A condition should therefore be attached to the current planning application to ensure that the land be used as orchards only. Whilst the proposed orchards are outside the application site section 70 of the Town and Country Planning Act 1990 confers power on local planning authorities, when granting planning permission, to impose "such conditions as they think fit." Though broad, the discretion is not unfettered. The courts have laid down general criteria for the validity of planning conditions. Further, the Secretary of State takes the view that conditions should not be imposed unless they are both necessary and effective and do not place unjustifiable burdens on applicants. Circular 11/95 lays down tests which conditions should satisfy. Section 72(1)(a) amplifies the general power. It makes clear that the local planning authority may impose conditions regulating the development or use of land under the control of the applicant even if it is outside the site which is the subject of the application.

5.0 CONCLUSION

5.1 The proposal accords with national planning policy in PPG2 and relevant policies of the City of York Local Plan Deposit Draft, subject to conditions including restrictions over the use of adjacent land under the control of the applicant.

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out only in accordance with the approved plans (un-numbered Block Plan received 13 September 2007 and un-numbered Location Plan received 20 November 2007) or any plans or details subsequently agreed in writing by the Local Planning Authority as an amendment to the approved plans.

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 paddocks hereby approved shall be used for the keeping of horses and/or ponies only and for no other purpose whether domestic or commercial.

Reason: In the interests of highway safety and the amenities of adjacent residential occupiers.

4 The paddocks hereby approved shall not be subdivided or sublet without the prior written approval of the local planning authority.

Reason: In the interests of highway safety and the amenities of adjacent residential occupiers.

5 The paddocks hereby approved shall be occupied by a total of no more than

six horses and/or ponies.

Reason: In the interests of highway safety and the amenities of adjacent residential occupiers.

6 Prior to the development coming into use, the crossing of the highway footway and the initial 15m of the vehicular access serving the site shall be reconstructed at a width of 6m to CYC standard detail STD1.1 and drained within the site.

Reason: To permit the simultaneous passage of vehicles within the site and to prevent the egress of water and loose material onto the public highway.

7 Prior to the development coming into use the areas used by vehicles, except the crossing of the highway footway and the initial 15m of the vehicular access serving the site, shall be surfaced in gravel or other unbonded material in accordance with details that shall have been previously submitted to and approved in writing by the local planning authority.

Reason: In the interests of visual amenity and the rural character of the immediate area.

8 The development shall not be occupied until the areas shown on the approved plans for parking and manoeuvring of vehicles have been constructed and laid out in accordance with the approved plans, and thereafter such areas shall be retained solely for such purposes.

Reason: In the interests of highway safety.

9 No part of the site shall come into use until the turning areas have been provided in accordance with the approved plans. Thereafter the turning areas shall be retained free of all obstructions and used solely for the intended purpose.

Reason: To enable vehicles to enter and leave the site in a forward gear thereby ensuring the safe and free passage of traffic on the public highway.

10 Any gates shall be erected a minimum distance of 15m back from the carriageway of the existing highway and shall open into the site.

Reason: To allow a vehicle entering or leaving the site to stand clear of, and thereby avoid obstructing the public highway, in the interests of road safety.

11 No manure shall be stored within 50m of any residential dwelling.

Reason: In the interests of public health and the amenity of the occupiers of adjacent residential dwellings.

12 The stock-proof fencing shown on the un-numbered Block Plan received 13 September 2007 shall be provided in its entirety prior to occupation of the development, unless otherwise agreed in writing by the local planning authority.

Reason: To safeguard the amenities of adjoining occupiers.

13 The development shall not begin until full details of a hedgerow management plan have been submitted to and approved in writing by the local planning authority. The details shall include: (1) The alignment of any new boundaries to be established; (2) A plan of reinstatement of existing hedges and the planting of new hedges to include species and numbers to be planted and details of protective fencing to be erected; (3) Details of future hedgerow management; (4) The timing of all operations. The works shall be implemented in accordance with the approved details and timing unless otherwise approved in writing by the local planning authority.

Reason: To take account of and enhance the landscape and conservation interest of the site.

14 The land lying immediately to the west of the application site and shown outlined in blue on the approved plans shall not be incorporated into the domestic curtilage of those dwellings directly adjacent and co-terminus.

Reason: To maintain the openness and integrity of the green belt.

7.0 INFORMATIVES: Notes to Applicant

1. In the opinion of the Local Planning Authority the proposal, subject to the conditions listed above, would not cause undue harm to interests of acknowledged importance, with particular reference to impact on the green belt, neighbour amenity and highway safety. As such the proposal complies with PPG2, PPG7 and policies GP1 and GB1 of the City of York Local Plan Deposit Draft.

2. You are advised that prior to starting on site consent will be required from the Highway Authority for the works being proposed, under the Highways Act 1980 (unless alternatively specified under the legislation or Regulations listed below). For further information please contact the officer named: Vehicle Crossing - Section 184 - Stuart Partington (01904) 551361

3. If, as part of the proposed development, the applicant encounters any suspect contaminated materials in the ground, the Contaminated Land Officer at the council's Environmental Protection Unit should be contacted immediately. In such cases, the applicant will be required to design and implement a remediation scheme to the satisfaction of the Local Planning Authority. Should City of York Council become aware at a later date of suspect contaminated materials which have not been reported as described above, the council may consider taking action under Part IIA of the Environmental Protection Act 1990.

The developer's attention should also be drawn to the various requirements for the control of noise on construction sites laid down in the Control of Pollution Act 1974. In order to ensure that residents are not adversely affected by air pollution and noise, the following guidance should be attached to any planning approval, failure to do so could result in formal action being taken under the Control of Pollution Act 1974:

1. All demolition and construction works and ancillary operations, including deliveries to and despatch from the site shall be confined to the following hours:

Monday to Friday	08.00 to 18.00
Saturday	09.00 to 13.00
Not at all on Sundays and Bank Holidays.	

2. The work shall be carried out in such a manner so as to comply with the general recommendations of British Standards BS 5228: Part 1: 1997, a code of practice for "Noise and Vibration Control on Construction and Open Sites" and in particular Section 10 of Part 1 of the code entitled "Control of noise and vibration".

3. All plant and machinery to be operated, sited and maintained in order to minimise disturbance. All items of machinery powered by internal combustion engines must be properly silenced and/or fitted with effective and well-maintained mufflers in accordance with manufacturers instructions.

4. The best practicable means, as defined by Section 72 of the Control of Pollution Act 1974, shall be employed at all times, in order to minimise noise emissions.

5. All reasonable measures shall be employed in order to control and minimise dust emissions, including sheeting of vehicles and use of water for dust suppression.

6. There shall be no bonfires on the site.

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