

Committee Report

Application No:	DC/17/00830/FUL
Case Officer	Joanne Munton
Date Application Valid	8 August 2017
Applicant	Mrs Philippa Curry
Site:	Stampley Moss Farm Thornley Lane Rowlands Gill NE21 6LB
Ward:	Winlaton And High Spen
Proposal:	Proposed outdoor equestrian training arena (additional information received 20/09/17 and amended plan received 17/10/17).
Recommendation:	REFUSE
Application Type	Full Application

1.0 The Application:**1.1 DESCRIPTION OF SITE**

The specific application site is grazing land associated with Stampley Moss Farm and located south of the farmhouse. There is an access road to the north linking the farm dwelling with Thornley Lane, which runs north to south between Winlaton and Lockhaugh/Rowlands Gill.

1.2 The red line boundary of the application site includes Stampley Moss Farm buildings and land further north, but the proposal is located to the south of the farm buildings.

1.3 DESCRIPTION OF APPLICATION

The application is for an outdoor equestrian training arena. This would be L-shaped, with a 60m x 28m larger element orientated north west - south east lengthways and a smaller element 20m x 19m further south west at the north western end.

1.4 The all-weather arena would have a sand and rubber surface and would be surrounded by a 1.5m post and rail fence with timber kickboards at the base of the fence.

1.5 Amended plans show LED lights or lighting columns removed from the scheme.

1.6 Additionally, the proposal would result in a change of use from grazing land to land for the keeping, exercising and training of horses and equestrian coaching to members of the public.

1.7 RELEVANT PLANNING HISTORY

1204/87 - Restoration of former clay pit and council tip (retrospective application) - Granted 11.01.1988

863/95 - CERTIFICATE OF LAWFULNESS for existing garage and workshop and bays for building materials (sand, gravel etc) in yard of farmhouse, and trailer and lorry park on land south of farm and its use for sorting of materials and salvaging - Refused 02.11.1995

DC/08/01173/CPE - CERTIFICATE OF LAWFUL DEVELOPMENT FOR AN EXISTING USE OR ACTIVIITY INCLUDING THOSE IN BREACH OF A PLANNING CONDITION: Use of site for storage and collection of building aggregates, the sorting thereof and delivery of building aggregates by the use of a maximum of 10 motor vehicles and 6 trailers between the hours of 06:00 to 17:00 Monday to Friday and 06:00 to 15:00 hours Saturday only - Use considered to be lawful 20.01.2009

DC/14/00516/FUL - Demolition of existing industrial buildings and erection of two dwellings with associated landscaping works (revised scheme) - Granted 04.07.2014

2.0 Consultation Responses:

Durham Wildlife Trust No comments received

Bridleways And Horseriders Association No comments received

Bridleways And Riders Action Group No comments received

3.0 Representations:

3.1 Neighbour notifications were carried out in accordance with formal procedures introduced in the Town and Country Planning (Development Management Procedure) Order 2015.

3.2 No representations were received.

4.0 Policies:

NPPG National Planning Practice Guidance

NPPF National Planning Policy Framework

DC1D Protected Species

DC2 Residential Amenity

ENV3 The Built Environment - Character/Design

ENV46 The Durham Biodiversity Action Plan

ENV47 Wildlife Habitats

ENV48 Sites of Special Scientific Interest

ENV49 Sites of Nature Conservation Importance

ENV51 Wildlife Corridors

CS13 Transport

CS14 Wellbeing and Health

CS15 Place Making

CS17 Flood Risk and Waste Management

CS18 Green Infrastructure/Natural Environment

CS19 Green Belt

5.0 Assessment of the Proposal:

5.1 The key considerations to be taken into account when assessing this planning application are Green Belt, ecology, visual amenity, residential amenity, highway safety and parking, and flood risk.

5.2 GREEN BELT
The site is in the Green Belt.

5.3 NPPF paragraph 79 states that:

'the essential characteristics of Green Belts are their openness and their permanence.'

5.4 NPPF paragraph 80 sets out the five purposes of the Green Belt:

- '- 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.'

5.5 Policy CS19 of the CSUCP reflects the above.

5.6 NPPF paragraph 87 states:

'As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.'

- 5.7 The application seeks consent for a) an outdoor equestrian training arena and b) the change of use of grazing land for the keeping and exercising of horses and equestrian coaching.
- 5.8 In relation to the physical part of the proposal (a)), Paragraph 89 of the NPPF states that:
- 'A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are [amongst others]:
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it'
- 5.9 The proposed arena would be for outdoor sport and recreation. However, it is considered that due to the scale and extent of the proposal it would not preserve the openness of the Green Belt and would conflict with its purposes.
- 5.10 The proposal would result in more than 2,000sqm of open grazing land being enclosed and resurfaced and regular visitors to the site. The land is currently an open field and it is considered that the formalisation and enclosure of some of this land, the installation of new surface materials, the use of equipment and paraphernalia associated with equestrian training, and the increase in bulk resulting from vehicles/horse trailers of visitors would impact on the openness of the Green Belt and would not assist in safeguarding the countryside from encroachment.
- 5.11 The supporting statement states that there would be no competitions at the arena and that there would primarily only be a single horse and rider schooled in the arena, with some limited occasions where classes of up to six ponies would be present. However, it is considered that a condition prohibiting competitions would not be reasonably enforceable, particularly in terms of what kind/extent of event would be considered to be a competition, and similarly, it is possible that other types of events/projects/coaching would also result in increased numbers of visitors and vehicles on site (potentially as spectators).
- 5.12 Similarly, a condition restricting the number of students/participants (potentially controlled by a register) would not control the number of spectators and vehicles/horse trailers, and a condition restricting the number of vehicles used by visitors to the arena would not be reasonably enforceable, primarily as the LPA would not have detailed information of the purpose and ownership of each individual vehicle on site at any one time.

- 5.13 The applicant has suggested that instead of appropriate facilities for outdoor sport and outdoor recreation, the proposal could fall within the definition of engineering operations, which is referenced in NPPF paragraph 90:

'Certain other forms of development are also not inappropriate in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These are:

- engineering operations'

- 5.14 However, as in the NPPF text, this form of development would also need to preserve the openness of the Green Belt and not conflict with its purposes in order to not be inappropriate development in the Green Belt. As above, it is considered that the proposal would not satisfy this provision.

- 5.15 In any event, in terms of the proposed change of use of the land (b)), this would be inappropriate development within the Green Belt. According to the Fordent Judgement (Fordent Holding Limited v Secretary of State 2013 EWHC 2844 (Admin), the lists of exceptions within paragraphs 89 and 90 of the Framework are closed and other types of development cannot be included by implication. Overall, the Fordent Judgement makes it clear that development in the Green Belt is inappropriate (and thus can only be permitted in very special circumstances) unless it falls within one of the specific exceptions identified within paragraphs 89 or 90 of the Framework.

- 5.16 Therefore, in order to not be inappropriate development in the Green Belt, very special circumstances must exist. NPPF paragraph 88 states:

'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.'

- 5.17 The applicant has put forward very special circumstances, namely:

- That they are a top level UK coach who has and continues to train Olympic level riders at one end of the spectrum, whilst at the other end giving up her time, without charge to help Riding for the Disabled (a UK charity) and local disadvantaged children

- 5.18 Additionally, supporting information in the submitted statement also puts forward the following:

- That locating in this area is more practical and accessible than in Northumberland as the applicant draws participants from all over the north of England;

- That the applicant owning her own arena would also have the potential to result in more flexible lesson times and to reduce costs of lessons as part of the normal cost goes towards the hire of the venue;
- That the applicant wishes to use the facility as a hub to help new and existing coaches, which would have the potential to deliver improved sessions in the area and sustained participation. The supporting information submitted with the application states that this would be a unique and innovative approach;
- That the facility would ensure that the Northumberland Academy (showjumping) can continue and would not be in jeopardy of being cancelled due to financial restraints, and that reduced rates would potentially make the Academy more accessible to local riders who cannot afford the current charges.

- 5.19 National guidance advises development is not normally justified on planning grounds because of who would benefit from the permission, save where an exceptional need has been demonstrated. Planning permission runs with the land and planning cannot control the ownership of land. Therefore, if planning permission was granted, the land could be lawfully used in the future as a training arena by an individual who did not have the same (or similar) status, students/participants, connections/affiliations and ambition/approach for the facility.
- 5.20 The approach is supported by British Showjumping and Northumberland Sport in letters in the appendices of the supporting statement. However, there is no detail submitted to give evidence (or guarantee) that an arena in this specific location would result in more flexible lessons times, reduced lesson charges and improved quality of training (all of which would not be reasonable, enforceable or necessary to require by condition).
- 5.21 No details or evidence of the financial situation of the Northumberland Academy have been submitted with the application, or how the location of the proposed arena in this specific location (as opposed to a location outside of the Green Belt) would prevent the Northumberland Academy from being cancelled due to financial restraints. Given the limited amount of participants proposed in the supporting statement and the lack of evidence submitted to demonstrate otherwise, it is considered that the sustained participation in showjumping and the financial stability of the Northumberland Academy would not hinge on the development of an arena in this specific location within the Green Belt.
- 5.22 It is considered that exceptional need, where granting planning permission for development that would not normally be permitted on the site could be justified on planning grounds because of who would benefit from the permission, has not been demonstrated on this occasion.
- 5.23 Therefore, the above proposed very special circumstances would neither individually nor cumulatively outweigh the potential harm to the Green Belt by reason of inappropriateness.

- 5.24 Therefore, the proposal would be inappropriate development in the Green Belt, would not fall within any of the exceptions of paragraphs 89 and 90 of the NPPF, and very special circumstances would not exist that would clearly outweigh the potential harm to the Green Belt by reason of inappropriateness.
- 5.25 The assessment of whether very special circumstances would exist that would clearly outweigh any other harm is provided further in the report below.
- 5.26 VISUAL AMENITY
Policy CS15 of the CSUCP requires development to contribute to good place-making through the delivery of high quality and sustainable design by responding positively to local distinctiveness and character.
- 5.27 Policy ENV3 of the UDP requires design, density and scale of new development to make a positive contribution to the established character and identity of its locality.
- 5.28 The site is an open field used for grazing land within the Green Belt, in a predominantly rural area between Lockhaugh to the south and Winlaton to the north. Public Right of Way BL/50/1 runs through the site northwest to south east, between the farm building and the proposed location of the arena.
- 5.29 It is considered that the proposed materials would not be uncommon for development of this kind. However, one of the established characteristics of the area is the openness of the Green Belt. As above, it is considered that the scale and extent of the proposal would not preserve the openness of the Green Belt.
- 5.30 Therefore, the proposal would not fully respond positively to local distinctiveness and character and would not fully make a positive contribution to the established character and identity of its locality. The proposal would not comply with the aims and requirements of saved policy ENV3 of the UDP and policy CS15 of the CSUCP.
- 5.31 ECOLOGY
The proposed equestrian training arena is located entirely within Huntley Gill Local Wildlife Site (LWS) and the Wildlife Corridor which connects Huntley Gill LWS with Thornley Wood Site of Special Scientific Interest (SSSI) and the wider Derwent Valley strategic Wildlife Corridor.
- 5.32 Paragraph 109 of the NPPF states that:
- 'The planning system should contribute to and enhance the natural and local environment by[amongst others]:
- recognising the wider benefits of ecosystem services;
 - minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by

establishing coherent ecological networks that are more resilient to current and future pressures'

- 5.33 Saved policy DC1(d) requires development to not have an adverse impact on statutorily protected species; saved policy ENV47 of the UDP seeks to protect and enhance wildlife habitats; saved policy ENV48 of the UDP seeks to protect SSSIs where there is the potential for an adverse effect on the site; saved policy ENV49 of the UDP seeks to protect Local Wildlife Sites (formerly Sites of Nature Conservation Importance) from adverse development wherever possible; saved policy ENV51 of the UDP states:

'A network of wildlife corridors will be protected by resisting development or recreational use which would seriously impair their integrity or value to wildlife. Exceptionally, damaging developments may be allowed where habitats would be enhanced or where suitable replacement land is provided to retain the integrity of the corridor'

- 5.34 Policy CS18 of the CSUCP seeks to achieve a high quality and comprehensive framework of interconnected green infrastructure that offers ease of movement and an appealing natural environment for people and wildlife by [amongst others]:

-Maintaining, protecting and enhancing the integrity, connectivity, multifunctionality and accessibility of the Strategic Green Infrastructure Network; and

- Protection, enhancement and management of green infrastructure assets (which include Biodiversity and geodiversity assets, including designated sites, designated wildlife corridors and priority habitats and species).

- 5.35 At its closest point the equestrian training arena is located approximately 13m from woodland and approximately 7m from an established pond. The footprint of the proposed arena currently comprises semi-improved grassland which is periodically cut for hay/silage. It is anticipated that an adjacent area of hardstanding, which supports a mosaic of bare ground and ephemeral/short perennial vegetation, would be used for car parking and the loading and unloading of horses.

- 5.36 An Ecological Impact Assessment (EclA) has been submitted in support of the application, which is based on information gathered as the result of a desk study, a site visit in March 2017, and an eDNA analysis of the pond to determine the presence/likely absence of great crested newts.

- 5.37 The proposed development would result in the direct loss of approximately 2,060sqm of designated Local Wildlife Site. The survey visit/habitat assessment was undertaken outside the optimal survey period for grassland habitats (June to July inclusive), although this is not acknowledged as a constraint within the report. A site visit in October 2017 by the Council's ecologist recorded a sward height of up to 150mm and several forbs species not listed in the submitted EclA.

- 5.38 Despite undertaking a great crested newt eDNA survey of the pond in April 2017, and the habitats (including semi-improved grassland) directly affected by the proposals having the potential to support terrestrial amphibians, there is no reference in the submitted report to the presence/potential impacts of the proposal on other amphibians species, including common toad (which is a priority species). Furthermore there is no consideration in the report to the potential impacts of the drainage proposals (e.g. changes in hydrological function and water quality) on the established pond and its associated interest.
- 5.39 Similarly, there is no reference in the submitted report to the potential for the grassland habitats affected by the proposals to support foraging barn owl or kestrel (which are both priority species).
- 5.40 The submitted information does not adequately allow for the assessment of the likely impact of the proposal on biodiversity, including: designated sites, protected species, priority habitats and species and ecological connectivity.
- 5.41 Additionally, the submitted report recommends mitigation, compensation and enhancement, but this is considered to be inadequate, particularly in light of the inadequacy of the survey.
- 5.42 Paragraph 118 of the NPPF states that:

'When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles [amongst others]:

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused'

- 5.43 In its current form it is considered that the proposal would:
- result in the direct loss of LWS area, direct loss of potential Durham Biodiversity Action Plan (DBAP) priority habitat (i.e. Lowland Meadows and Pastures),
 - potentially have an adverse impact on DBAP priority habitat (i.e. the pond) through changes in hydrology and water quality,
 - result in the direct loss of terrestrial habitat with the potential to support a range of priority/notable species including but not limited to foraging/dispersing amphibians, foraging badger and foraging raptors (e.g. barn owl and kestrel),
 - result in a reduction in ecological connectivity between Huntley Gill LWS and Thornley Wood SSSI.

- 5.44 Therefore, there is insufficient information submitted with the application to demonstrate that the proposal would not have an unacceptable impact on green infrastructure assets in the area.
- 5.45 The proposal would not comply with the aims and requirements of saved policies DC1(d), ENV46, ENV47, ENV48, ENV49 and ENV51 of the UDP and policy CS18 of the CSUCP.
- 5.46 RESIDENTIAL AMENITY
The nearest residential property is Stampley Moss Farm House (within the red line boundary), which would be 50m to the north of the proposed arena. It is considered that the proposal would not result in an unacceptable loss of privacy, light or outlook, and would not have an unacceptable overbearing impact or increase in disturbance.
- 5.47 Therefore, the proposal would comply with the aims and requirements of saved policy DC2 of the UDP and policy CS14 of the CSUCP.
- 5.48 HIGHWAY SAFETY AND PARKING
It is considered that the existing arrangement for vehicles entering and exiting the site would accommodate a low level of trips. The supporting statement proposes a limited number of students/participants, which would be in line with this, but as above, a condition restricting the number of students'/participants' or spectators' vehicles on site at any one time would not be reasonable or enforceable.
- 5.49 The anticipated trip generation and demand for parking have not been submitted with the application, but if the application was recommended to be approved, a condition could be imposed requiring final details of parking provision and associated amended access arrangements where required.
- 5.50 Therefore, it is considered that the proposal would not have an unacceptable impact on highway safety and parking in the area and would comply with the aims and requirements of policy CS13 of the CSUCP.
- 5.51 FLOOD RISK
The supporting statement makes reference to a drainage system that would be beneath the arena and would lead any surface water to the existing pond on the site, ensuring that the arena did not become water logged during winter months.
- 5.52 However, no further drainage details are provided to support this proposal. A condition requiring further detailed drainage information could be imposed if the application was recommended to be granted.
- 5.53 The proposal would comply with the aims and requirements of policy CS17 of the CSUCP.
- 5.54 OTHER MATTERS

The applicant has put forward examples of previous permissions regarding horse arenas in Gateshead, however, each application is determined on its own merits.

6.0 CONCLUSION

- 6.1 The proposal would be inappropriate development in the Green Belt, would not fall within any of the exceptions of paragraphs 89 and 90 of the NPPF, and very special circumstances would not exist that would clearly outweigh the potential harm to the Green Belt by reason of inappropriateness.
- 6.2 Further harm has been identified in terms of the impact on ecology; the information submitted does not adequately demonstrate that the proposal would not have an unacceptable impact on green infrastructure assets in the area. It is considered that the proposed very special circumstances would also not clearly outweigh the level of harm.
- 6.3 Therefore it is considered that the proposal would not comply with the aims and objectives of saved policies DC1(d), ENV3, ENV46, ENV47, ENV48, ENV49 and ENV51 of the UDP and policies CS15, CS18 and CS19 of the CSUCP. It is recommended that planning permission be refused for the following reasons.

7.0 Recommendation:

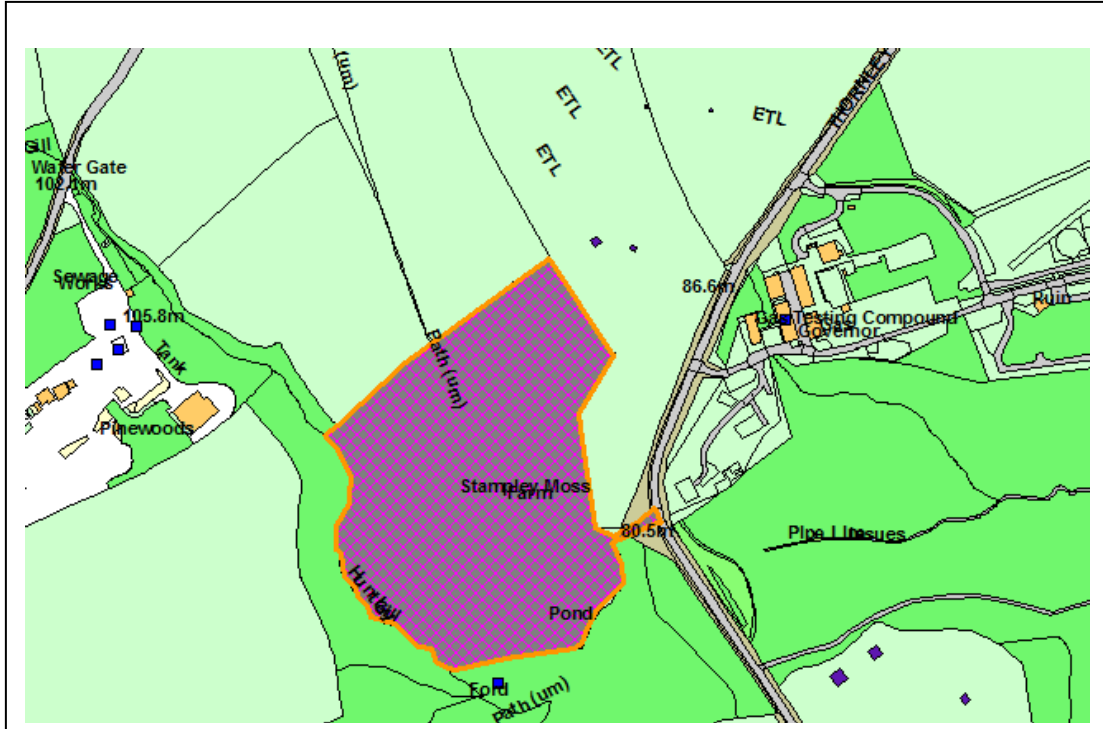
That permission be REFUSED for the following reason(s):

1

The proposal would be inappropriate development in the Green Belt, would not fall within any of the exceptions of paragraphs 89 and 90 of the NPPF, and very special circumstances would not exist that would clearly outweigh the potential harm to the Green Belt by reason of inappropriateness, and any other harm. Therefore, the proposal would not comply with the aims and requirements of saved policy ENV3 of the Unitary Development Plan, policies CS15 and CS19 of the Core Strategy and Urban Core Plan, and the National Planning Policy Framework.

2

Insufficient information has been submitted with the application to demonstrate that the proposal would not have an unacceptable impact on green infrastructure assets. The proposal would not comply with the aims and requirements of saved policies DC1(d), ENV46, ENV47, ENV48, ENV49 and ENV51 of the Unitary Development Plan, policy CS18 of the Core Strategy and Urban Core Plan and the National Planning Policy Framework.



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