

Planning Committee 13th December 2022

APPLICATION NUMBER		22/00378/FUL	
SITE ADDRESS:		Land North Of Park House Farm, Wyaston Road, Yeaveley, Derbyshire	
DESCRIPTION OF DEVELOPMENT		Change of use of land for private equestrian use, erection of stable block, formation of manege and relocation of access with associated parking area	
CASE OFFICER	Mr J Baldwin	APPLICANT	Mr Herring
PARISH/TOWN	Yeaveley	AGENT	Mr S Clark
WARD MEMBER(S)	Cllr T Morley	DETERMINATION TARGET	11.07.2022
REASON FOR DETERMINATION BY COMMITTEE	Major application and due to number of unresolved objections received	REASON FOR SITE VISIT (IF APPLICABLE)	For members to consider the impact of the development on the environment

MATERIAL PLANNING ISSUES
<ul style="list-style-type: none"> – The principle of the development – Impact on the character and appearance of this part of the countryside and the local landscape – Impact on residential amenity – Highway safety – Impact on trees and biodiversity

RECOMMENDATION
That planning permission be granted with conditions

1.0 THE SITE AND SURROUNDINGS

- 1.1 The site is located off the western side of Wyaston Road, to the north of Yeaveley. The site is an agricultural field, accessed via an existing field gate in the south western corner opposite the Wyaston Road and Hales Green road junction. There are neighbouring residential properties to the south and west. The site is otherwise surrounded by open countryside. The existing boundaries of the site comprise tree and hedgerow planting.



2.0 DETAILS OF THE APPLICATION

- 2.1 Planning permission is sought for the change of use of an existing field in agricultural use to equestrian use, the erection of stable block, the formation of a manege and the relocation of the existing access onto Wyaston Road as set out on the submitted plans received by the Local Planning Authority on 11th April 2022.
- 2.2 The proposed stable building and manege would be positioned toward the northern boundary of the site. The proposed stable block would be 22m (width) x 7.7m (depth) x 5m (height) and would be timber clad with clay roof tiles above. The proposed manege would be located to the east of the stable building and would be 40m (length) x 20m (width).
- 2.3 The new access proposed as part of this application would be sited further north along Wyaston Road, providing access to two new “informal” car parking spaces. The existing access would be blocked up.

3.0 PLANNING POLICY AND LEGISLATIVE FRAMEWORK

1. Adopted Derbyshire Dales Local Plan (2017):
 - S1: Sustainable Development Principles
 - S2: Settlement Hierarchy
 - S4: Development in the Countryside
 - PD1: Design and Place Making
 - PD3: Biodiversity and the Natural Environment
 - PD4: Green Infrastructure
 - PD5: Landscape Character
 - PD6: Trees, Hedgerows and Woodlands
 - PD7: Climate Change
 - PD8: Flood Risk Management and Water Quality
 - PD9: Pollution Control and Unstable Land
 - HC19: Accessibility and Transport
 - HC21: Car Parking Standards
2. National Planning Policy Framework (2021)
National Planning Practice Guidance

4.0 RELEVANT PLANNING HISTORY:

None

5.0 CONSULTATION RESPONSES

Rodsley and Yeaveley Parish Council:

- 5.1 The meeting was very well attended by residents who made the following comments during Public Participation
 - Why would a non-resident require private equestrian use of the land when there are already 2 maneges in the village?
 - The proposed new access point is unsafe because it is directly opposite to the opening to Swallowtail Barn. Why would access need to be changed when the existing access is more than adequate and safe, especially for the only occasional equestrian.
 - The Local Plan, Policy S4 paragraph 4, requires that change of use must be of benefit to the area. This is prime agricultural land and the adjacent farmer had hoped to purchase it and would have maintained it as agricultural.
 - The lighting that would be needed by a manège would have a detrimental effect on 2 neighbouring properties.
 - The application and wording in the narrative don't match – with regard to the number of stables and materials used. Change of parking on the site when at present there is no parking area.
 - A lot of the wording in the application is more relevant to residential building requirements than that required for stables and horses!
 - If site only used for grazing then change of use is not required

The Parish Council objects to this application

Derbyshire County Council (Highways)

- 5.2 27/04/2022: Wyaston Road in this location is a classified road subject to a 60mph speed limit, therefore the new access will need to be provided with 2.4m x 203m visibility sightlines. Whilst I appreciate that some visibility sightlines have been shown on the application drawings there do not appear to be any measurements shown. The Highway Authority can consider reducing the sightlines if it can be demonstrated with the aid of a speed survey that the actual vehicle speeds are lower than 60mph. The visibility sightlines can then be adjusted to the actual vehicle speeds. I would also like clarification that the existing access will be

permanently closed and the verge reinstated and that the proposal will be for the personal use of the applicant only.

15/11/2022: The visibility sightlines shown are now acceptable and have been shown in accordance with the actual vehicle speeds submitted on the speed survey data. I have assumed that the proposal is for the personal use of the applicant and not any commercial livery use, assuming this is the case, no objections subject to conditions.

Lead Local Flood Authority (Derbyshire County Council):

- 5.3 We have reviewed the application, the proposed site is more than 1Ha so we recommend applicant to submit an FRA and detailed drainage design for the site.

Derbyshire Wildlife Trust

- 5.4 31/05/2022: We have checked our Biological Records Database and the application area is not identified as a notable grassland site, however we request further details on the existing habitat type and its current management to provide confidence that proposals will not result in the loss of flower-rich grassland. For example, is the field grazed or cut for hay or silage, does it comprise a sown grass ley? This information, along with site photographs if possible, may be sufficient to avoid the requirement for ecological survey.

We have no concerns regarding the erection of the stables. We advise that if any hedgerow is to be lost for a new access, it should be replaced by gapping up the old access with appropriate native hedgerow species.

09/11/2022: Following the submission of photographs of the site: No objections and no further surveys required.

Tree and Landscape Design Officer (Derbyshire Dales)

- 5.5 29/04/2022: A number of mature trees are located close to the proposed development. Unless it can be demonstrated that these trees currently present unacceptable risk to the proposed land use they should all be retained. This is because they contribute significantly to the character and appearance of the local landscape and are likely to contribute to local biodiversity and ecological services. In order to allow the Council to be fully informed regarding the potential impact of the proposals on the trees, the applicant should supply for approval an Arboricultural Impact Assessment to BS5837:2012.

26/07/2022: The submitted tree report, dated July 2022 indicates that the trees are sufficiently far from the proposed development that no direct impact to them is likely and so I have no objections to the proposals.

Environmental Health (Derbyshire Dales)

- 5.6 No objection.

6.0 REPRESENTATIONS RECEIVED

- 6.1 A total of 17 representations have been received in objection to the proposed development. A summary of the representations is outlined below:

- The character of the countryside surrounding the village is overwhelmingly agricultural.
- The site has no planning history as it has been purely agricultural. Granting permission would lead to permanent loss of agricultural use on site.
- Concerns regarding potential future uses of the site e.g. residential.

- The price paid for the site indicates that there was no intention of continuing its agricultural use.
- The applicant does not live in Yeaveley or have any local connections.
- The development would not bring any benefits to the community, the loss of agricultural land would be a setback.
- There is no justification for the new access which is adequate and safe.
- There are numerous issues with the number of horses currently on the roads in the vicinity.
- If there are 6-8 horses the site could be used as a business which would increase traffic to the site.
- Alterations to the road could encourage speeding where there have previously been accidents.
- The site is a SSSI.
- It is essential to secure food security which is not supported with the loss of agricultural land.
- A local farmer expressed interest in the site which demonstrates its viable continued use as agricultural land.
- The location of the proposed development erodes village margins and green space between Yeaveley and Wyaston.
- There are already two maneges within the village.
- The owner does not live in the vicinity so welfare of the horses is a concern.
- The removal of hedging would have a detrimental impact on wildlife.
- A menage and stable block would require suitable external lighting, particularly in autumn and winter and this would be intrusive in a very rural area.
- The land in question is mainly underlying clay and therefore drainage may be an issue particularly in wet winter months when the local roads suffer from water running off the field.
- The development would be wholly negative in terms of damage to the landscape, light pollution and loss of biodiversity.
- The submitted statement mentions that parking signage will be installed for residents and visitors which implies the building will be at least partly for residential use. If the facility is only for the private use of the owner, why is parking signage required at all?
- Soakaways do not perform well in the heavy clay soil of this area and cannot cope with heavy rainfall.
- The scale of the stables is far beyond that of others in the vicinity.
- The fact that the applicant has explored a number of options for development and does not give any real reasoning or justification for the keeping of 8 horses by a non-resident and non-local gives this the feel of a stepping-stone application.
- It is imperative that this application does not set a precedent that agricultural land can be bought and developed; existing hedges with their diverse eco systems destroyed and removed; existing access arrangements be altered when this is not justified; if no improvement of the best use of the land has been proposed.
- References are made to the site being green belt and the NPPF policies relating to the green belt.
- Surely it only needs to be the area of the stable block and ménage that would need to change use from agricultural to a paddock. There is no necessity to change the use of the whole field.
- The effect of the development upon local amenity would be through food prices. There is also a continued loss of agricultural land to desertification.

7.0 OFFICER APPRAISAL

The following material planning issues are relevant to this application:

- The principle of the development

- Impact on the character and appearance of this part of the countryside and the local landscape
- Impact on residential amenity
- Highway safety
- Impact on trees and biodiversity

The principle of the development

- 7.1 The site is located to the north of Yeaveley, a village identified by policy S2 (Settlement Hierarchy) of the Adopted Derbyshire Dales Local Plan (2017) as a fifth tier settlement which has a lack of basic facilities to meet day to day requirements. As Yeaveley does not have a defined settlement boundary, in accordance with policy S2, the site is considered to be “open countryside” and the principle of development should therefore be assessed against policy S4 (Development within the Open Countryside) of the Plan.
- 7.2 Policy S4 outlines the acceptable forms of development in countryside locations such as the application site. Although applications for development in the countryside should generally demonstrate why such a location is required, equestrian activity and associated development is cited as an acceptable form of development under d) where it does not have an adverse impact upon the character of the area, in recognition that such development is compatible with and justifies a countryside location. Where commercial use is proposed consideration would need to be given to the sustainability of the location, however, the development is for the personal use of the applicant in this case.
- 7.3 The impact of the development on the character and appearance of this part of the countryside will be assessed below however, the principle of equestrian development on the site is considered to be acceptable and would be in accordance with policy S4 of the Adopted Derbyshire Dales Local Plan (2017).

Impact on the character and appearance of this part of the countryside and the local landscape

- 7.4 Policy PD1 requires all development to be of high quality design that respects the character, identity and context of the Derbyshire Dale’s townscapes and landscapes.
- 7.5 The existing site comprises a relatively level open agricultural field, enclosed by boundary hedge/tree planting. It is acknowledged that the addition of the stables and manege would result in some landscape visual impact however, due to the existing mature planting views of the new structures would be limited from the highway / public viewpoints. The stables, whilst large in footprint, are of modest height and would be clad in timber to give a utilitarian appearance that would not be conspicuous in the landscape. It is acknowledged however than any further development such as floodlighting may have additional visual impact which may then result in harm and it is therefore considered necessary to restrict any further development of this nature by condition.
- 7.6 The proposed new vehicular access to the site would be formed by the removal of an existing section of hedgerow. The existing hedgerow planting along Wyaston Road is considered to make a significant contribution to the rural character of the area. The removal of a section of hedgerow is therefore considered to result in some impact on the character of the area however, given the scale amount of planting to be removed and the strengthening of the boundary hedge through the blocking upon of the existing access, this impact is not deemed to be significant in landscape impact terms to the extent that a recommendation of refusal on such grounds could be sustained.
- 7.7 The development is considered to be compatible with and respectful of the character and appearance of this part of the countryside and the identity and context of the landscape and

would be in accordance with policies S4, PD1 and PD5 of the Adopted Derbyshire Dales Local Plan (2017) in this regard.

Impact on residential amenity

- 7.8 Policy PD1 of the Adopted Derbyshire Dales Local Plan (2017) requires development proposals to achieve a satisfactory relationship with adjacent development and not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.
- 7.9 Whilst there are neighbouring residential properties in the vicinity of the site, the proposed stable building and manege are positioned at the northern end of the existing field, away from these residential properties. The development is unlikely to result in any adverse impacts to the residential amenity of the occupants of the nearby dwellings with regard to overshadowing/loss of privacy or any odour associated with the equestrian use of the site. Environmental health officers have raised no objection to the development in this regard.
- 7.10 Based on the above, the development is considered to achieve a satisfactory relationship with surrounding properties and the development would remain in accordance with policy PD1 of the Adopted Derbyshire Dales Local Plan (2017).

Impact on highway safety

- 7.11 The application, as submitted, was accompanied by a site location/block plan and Design and Access Statement which set out the proposed new access to the development site. The initial comments received from the Local Highway Authority raised concerns that the proposed visibility sightlines would not be sufficient for Wyaston Road which is subject to a 60mph limit.
- 7.12 The applicant has since carried out a speed survey for the highway which concluded that the average speed of 85% of traffic is 43mph. The amended sight location plan demonstrates that the Manual for Streets recommended visibility splay of 79-95m can be achieved in both directions. Confirmation has also been received that the existing access would be permanently blocked up.
- 7.13 On the basis of the additional information provided, the Local Highway Authority are satisfied that the new access, subject to conditions, would not have an adverse impact on the safety of highway users. The development is therefore considered to be in accordance with policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

Impact on trees and biodiversity

- 7.14 Following initial comments received from the District Council's Trees and Landscape Officer, the applicant has submitted an Arboricultural Assessment of the Site. The findings of the assessment conclude that the development is located a sufficient distance away from any planting such that there would be no direct impact on any of the trees on site as a result of the proposed development.
- 7.15 Reference is made within the representations to the site being Green Belt land and a Site of Special Scientific Interest (SSSI). The site is open agricultural land however, Derbyshire Dales does not have any green belt land which is subject to the protections outlined in Part 13 of the National Planning Policy Framework (2021). Similarly, whilst the half of the site is located within an SSSI Impact Risk Zone the site itself is not designated a SSSI.
- 7.16 Notwithstanding the above, Derbyshire Wildlife Trust sought additional information on the existing habitat type and its management in order to be satisfied that no additional surveys

would be required. The applicant has since submitted additional information confirming that the site is currently mown for hay and therefore provides limited habitat potential. Confirmation has also been provided that the existing access would be blocked up using a native species hedgerow. On the basis of the additional information provided, Derbyshire Wildlife Trust have confirmed that no further survey work is required and the development would not result in any adverse impacts on the biodiversity of the site. A condition to secure additional planting in lieu of the section of hedgerow to be removed to facilitate the new access and any other habitat creation is recommended to ensure biodiversity enhancement.

- 7.17 The development is considered to be in accordance with policies PD3 and PD6 of the Adopted Derbyshire Dales Local Plan (2017) with regard to its impact on trees and biodiversity.

Conclusion:

Based on the above assessment, the proposed development, subject to conditions would be in accordance with the relevant policies of the Adopted Derbyshire Dales Local Plan (2017). A recommendation of approval is made on this basis.

8.0 RECOMMENDATION

That planning permission be granted subject to the following conditions:

1. The development hereby permitted must be begun before the expiration of three years from the date of this permission.

Reason:

This is a statutory period which is specified in Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following plans:

003 Rev P05 – Amended Site Location Plan (received 28/10/2022)

004 Rev P03 – Proposed Stables (received 13/04/2022)

Reason:

For the avoidance of doubt.

3. The development hereby permitted does not extend to the erection of any floodlights without first obtaining the prior written approval of the Local Planning Authority on an application submitted to it.

Reason:

In the interests of visual amenity and to protect the character, appearance and setting of nearby heritage assets in accordance with policies PD1 and PD2 of the Adopted Derbyshire Dales Local Plan (2017).

4. The development hereby permitted shall only be used for the private use of the applicant/landowner and shall at no time be used for any commercial purpose whatsoever, including for livery, or in connection with equestrian tuition or leisure rides.

Reason:

In the interests of highway safety in accordance with policy S4, PD1 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

5. Before any other operations are commenced a new vehicular access shall be created to Wyaston Road in accordance with the revised application drawings, laid out, constructed and provided with visibility splays of 2.4m x 104m to the north and 2.4m x 79 to the south, the area in advance of the sightlines being maintained throughout the life of the development clear of any object greater than 1m in height (0.6m in the case of vegetation) relative to adjoining nearside carriageway channel level.

Reason:

In the interest of highway safety in accordance with policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

6. Before any other operations are commenced (excluding creation of the new access, the subject of condition 5 above), the existing vehicular access to Wyaston Road shall be permanently closed with a physical barrier and the existing vehicle crossover reinstated as verge in a manner to be agreed in writing with the Local Planning Authority in consultation with the County Highway Authority prior to first use of the new access.

Reason:

In the interest of highway safety in accordance with policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

7. Prior to first use of the stables or manege hereby approved, space shall be provided within the application site in accordance with the application drawings for the parking and manoeuvring of vehicles, laid out, surfaced and maintained throughout the life of the development free from any impediment to its designated use.

Reason:

In the interest of highway safety in accordance with policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

8. There shall be no gates or other barriers within 15m of the nearside highway boundary and any gates shall open inwards only.

Reason:

In the interest of highway safety in accordance with policies S4 and HC19 of the Adopted Derbyshire Dales Local Plan (2017).

9. Samples of all materials to be used in the construction of the external surfaces of the proposed development shall be submitted to and approved in writing by the Local Planning Authority before any work to any external surface is carried out. The development shall thereafter be constructed in accordance with the approved details.

Reason:

To ensure a satisfactory external appearance of the development in accordance with policies S4 and PD1 of the Adopted Derbyshire Dales Local Plan (2017).

10. In accordance with the requirements of Condition 6, details of the measures to achieve biodiversity gain, including planting associated with the closing up of the existing access and new habitat creation shall be submitted to and approved in writing by the Local Planning Authority. The measures and planting shall thereafter be carried out in accordance with the approved details within the first planting and seeding season following first use of the access, manage or stables hereby approved unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To minimise the impact on the local landscape and to comply with the requirements of Policies PD1, PD3 and PD5 of the Adopted Derbyshire Dales Local Plan (2017).

9.0 NOTES TO APPLICANT:

The Local Planning Authority prior to and during the consideration of the application engaged in a positive and proactive dialogue with the applicant which resulted in the submission of a scheme that overcame initial concerns relating to the impact of the proposed development on highway safety and biodiversity.

The Town and Country Planning (Fees for Applications and Deemed Applications, Requests and Site Visits) (England) Regulations 2012 (SI 2012/2920) stipulate that a fee will henceforth be payable where a written request is received in accordance with Article 30 of the Town and Country Planning (Development Management Procedure) Order 2010. Where written confirmation is required that one or more Conditions imposed on the same permission have been complied with, the fee chargeable by the Authority is £97 per request. The fee must be paid when the request is made and cannot be required retrospectively. Further advice in regard to these provisions is contained in DCLG Circular 04/2008.

Pursuant to Section 184 of the Highways Act 1980 and Section 86(4) of the New Roads and Streetworks Act 1991 prior notification shall be given to the Department - Place at County Hall, Matlock regarding access works within the highway. Information, and relevant application forms, regarding the undertaking of access works within highway limits is available via the County Council's website <https://www.derbyshire.gov.uk/transport-roads/roads-traffic/licences-enforcements/vehicular-access/vehicle-accesses-crossovers-and-dropped-kerbs.aspx> E-mail highways.hub@derbyshire.gov.uk or Telephone Call Derbyshire on 01629 533190.

Pursuant to Section 127 of the Highways Act 1980, no work may commence within the limits of the public highway to close any redundant accesses and to reinstate the footway without the formal written Agreement of the County Council as Highway Authority. It must be ensured that public transport services in the vicinity of the site are not adversely affected by the development works. Advice regarding the technical, legal, administrative and financial processes involved in Section 127 Agreements may be obtained by contacting this Authority via email – highways.hub@derbyshire.gov.uk. The applicant is advised to allow approximately 12 weeks in any programme of works to obtain a Section 127 Agreement.

The Highway Authority recommends that the first 5m of the proposed access driveway should not be surfaced with a loose material (i.e. unbound chippings or gravel etc). In the event that loose material is transferred to the highway and is regarded as a hazard or nuisance to highway users, the Authority reserves the right to take any necessary action against the householder.

Pursuant to Section 163 of the Highways Act 1980, where the site curtilage slopes down towards the public highway, measures shall be taken to ensure that surface water run-off from within the site is not permitted to discharge across the footway margin. This usually takes the form of a dish channel or gully laid across the access immediately behind the back edge of the highway, discharging to a drain or soakaway within the site.

Pursuant to Sections 149 and 151 of the Highways Act 1980, steps shall be taken to ensure that mud or other extraneous material is not carried out of the site and deposited on the public highway. Should such deposits occur, it is the applicant's responsibility to ensure that all reasonable steps (e.g. street sweeping) are taken to maintain the roads in the vicinity of the site to a satisfactory level of cleanliness.