

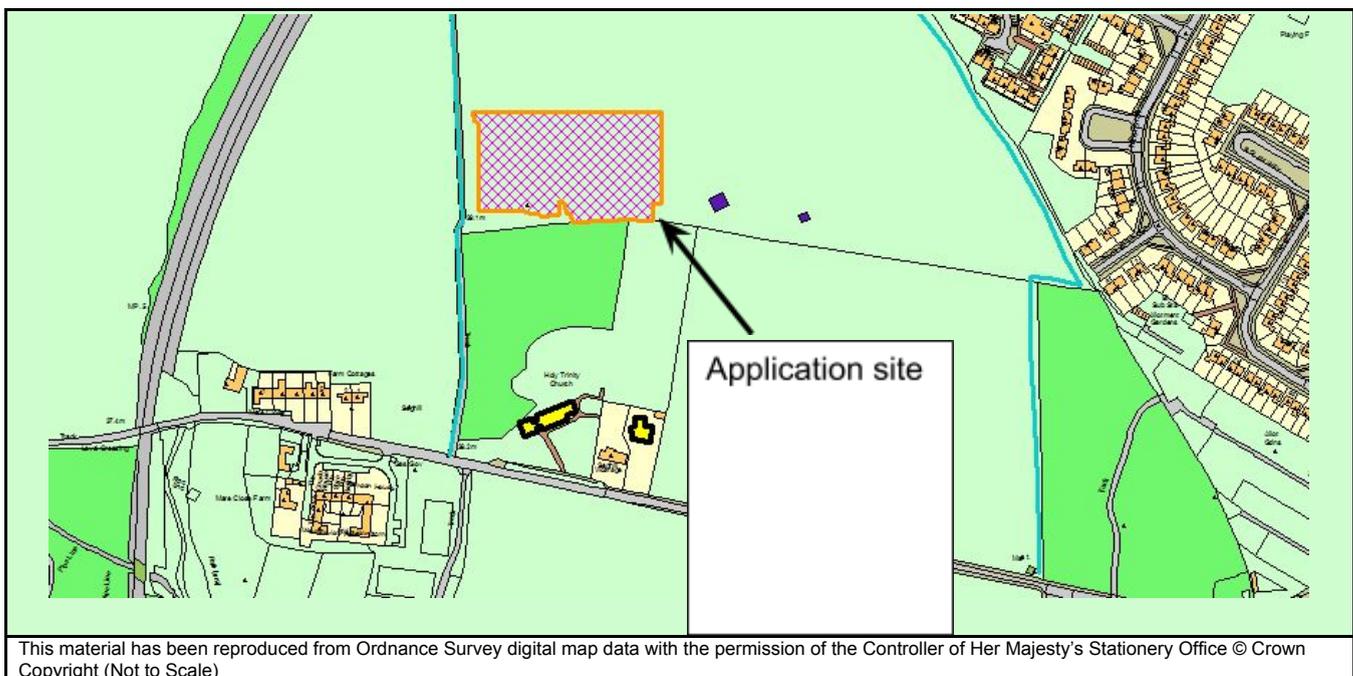


Northumberland County Council

Cramlington, Bedlington and Seaton Valley Local Area Council 19th December 2018

Application No:	18/03545/VARYCO		
Proposal:	Variation of condition 1 (approved plans) and 2 (storage container temporary use) pursuant to planning permission 18/00649/FUL in order to change materials on the storage container and remove condition 2.		
Site Address	Equestrian Livery Stables , Mare Close, Seghill, NE23 7ED		
Applicant:	Mr N Boath C / O George F White	Agent:	Mr Craig Ross 4-6 Market Street, Alnwick, NE66 1TL
Ward	Seghill With Seaton Delaval	Parish	Seaton Valley
Valid Date:	16 October 2018	Expiry Date:	20 December 2018
Case Officer Details:	Name: Mr Ryan Soulsby Job Title: Planning Officer Tel No: 01670 622627 Email: Ryan.Soulsby@northumberland.gov.uk		

Recommendation: That this application be GRANTED permission



1. Introduction

- 1.1 Under the provisions of the Council's current Scheme of Delegation, due to a valid objection from Seaton Valley Parish Council, the application has been referred to the Head of Service and the Planning Chair of the Cramlington,

Bedlington and Seaton Valley Local Area Council for consideration to be given as to whether the application should be referred to Planning Committee for determination. The decision taken was for the application to be decided before the Cramlington, Bedlington and Seaton Valley Local Area Committee, with a recommendation of approval.

2. Description of the Proposals

2.1 An amendment is sought to planning application 18/00649/FUL which granted consent for the change of use and various additions to the application site recognised as Equestrian Livery Stables, Mare Close, Seghill.

2.2 2no conditions were attached to the approval, which was granted consent by members at the Local Area Council in July in line with officer recommendation, relating to the approved plans for the development and a time constraint being attached to the storage container that formed part of the approval. It was recognised during assessment of this previous planning application that a steel storage container was not an appropriate addition within such an open countryside location and therefore, only temporary consent would be granted due to the adverse visual aspect. The condition reads as follows:

'Permission for the storage container, as shown on drawing no. 3136/005, is limited to a period expiring 1 year from the date of decision, or upon completion of any sale of the land (whichever is the sooner), when the building hereby permitted shall be removed and the land restored to its former condition within 1 month of the permission expiring or the completion of the sale of the land (whichever is the sooner), unless a further application for planning permission has been submitted, and subsequently approved, to retain the building.'

Reason: The storage container would not be recognised as natural development within the open countryside making it unsuitable for a permanent permission, in accordance with the provisions of DC1 and DC3 of the Blyth Valley Development Control Policies Document.'

2.3 The applicant is seeking to remove this condition under this variation application whilst also seeking to vary the approved plans condition with the existing storage container to be timber clad to represent a more appropriate addition to the site and open countryside.

2.4 The application site is situated outwith any defined settlement boundary and is therefore considered as open countryside. The site is also situated within Green Belt land.

3. Planning History

Reference Number: 12/02481/AGRGDO

Description: A general purpose agricultural building.

Status: Permitted

Reference Number: 14/00415/FUL

Description: Proposed construction of wooden stable block and outdoor riding arena (including works to access)

Status: Permitted

Reference Number: 14/01517/DISCON

Description: Discharge of conditions 3 and 4 relating to planning application 14/00415/FUL.

Status: Permitted

Reference Number: 14/03785/FUL

Description: A general purpose agricultural building (as amended)

Status: Permitted

Reference Number: 14/03790/FUL

Description: Application for construction of wooden stable block and outdoor riding arena with ancillary landscaping.

Status: Permitted

Reference Number: 15/03283/DISCON

Description: Discharge of condition 2 (lighting) for approved planning application 14/03785/FUL

Status: Permitted

Reference Number: 15/03285/DISCON

Description: Discharge of condition 2 (flood lights) for approved planning application 14/03790/FUL

Status: Permitted

Reference Number: 18/00649/FUL

Description: Retrospective Planning Permission for the erection of a lean to addition to the main building including its change of use to equestrian and incorporating additional stabling, the erection and siting of a single stable block, the erection and siting of a double stable block, the erection and siting of a hen house, the erection of a bale and materials store and the siting of a storage container in association with the existing equestrian centre.

Status: Permitted

4. Consultee Responses

Seaton Valley Parish Council	The Council is disappointed to see yet another application/variation for this site and feels that the applicant appears to be deliberately using the system to incrementally add to planning permissions already achieved.
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	The Council has consistently opposed this over development of the green belt and therefore confirms its objection to this Variation Application on the grounds that the development, with the addition of a large permanent store, is not small scale and does not preserve the openness of the green belt.
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5. Public Responses

Neighbour Notification

Number of Neighbours Notified	12
Number of Objections	0
Number of Support	0
Number of General Comments	0

Notices

General site notice, 24th October 2018
No Press Notice Required.

Summary of Responses:

None received

6. Planning Policy

6.1 Development Plan Policy

Blyth Valley District Local Plan 1999:

G7 Green Belt - Definition
G10 Development Criteria in the Countryside Generally

Blyth Valley District Local Development Framework: Core Strategy 2007:

ENV1 Natural Environment and Resources
ENV2 Historic and Built Environment

Blyth Valley District Local Development Framework: Development Control Policies 2007:

DC1 General Development
DC3 Development in the Green Belt and in the Countryside
DC11 Planning for Sustainable Travel
DC27 Design of New Developments

6.2 National Planning Policy

National Planning Policy Framework (2018)
National Planning Practice Guidance (2018, as updated)

7. Appraisal

- 7.1 The principle of the development has already been established as acceptable with the granting of planning permission under application 18/00649/FUL. The principle of the change of use and additions on site remain in accordance with local and national planning policies. The only consideration in the assessment of this application is the visual impact the proposal would have in timber cladding the structure and any impact this may have upon the appearance of the open countryside and Green Belt.

Visual impact and character

- 7.2 Policy DC27 of the Blyth Valley Development Control Policies Document outlines that all new development will be expected to achieve a high standard of design whilst reflecting local distinctiveness. The application site is situated within an open countryside location, bounded by a small woodland to the south and open fields to North, East and West elevations. The prevailing character of the surrounding landscape is that of a countryside nature and therefore it is considered that any development within this area must relate well to its surroundings.
- 7.3 The National Planning Policy Framework (NPPF) also seeks for development to achieve a high level of design with paragraph 124 of the NPPF recognising good design as a key aspect of sustainable development. Paragraph 127 of the NPPF goes on to note that development should be visually attractive whilst also being sympathetic to local character and the landscape setting. It is recognised that these provisions closely align with policy DC27 of the Blyth Valley DPD and form the guidance within the assessment of this planning application.
- 7.4 It is recognised in its current form, the existing storage container is a harsh addition upon the surrounding landscape, hence the local planning authority were only willing to grant a temporary permission for this development within the previous application. The steel finish to the container is not considered appropriate and does not relate well to the character of the surrounding landscape unlike the other structures upon the application site. The applicant, in correspondence with the planning officer, has advised of the need to have such a secure storage container at the application site and seeks to retain the structure beyond the length of the temporary permission, hence the submission of this current application.
- 7.5 The intention of the applicant to timber clad all visible elevations (North, West and South) of the existing storage container would ensure that the structure would relate well to existing timber structures already existing within the site, most notably the bale store which is located directly to the East of the storage container. It would ensure that the container is no longer viewed as a harsh addition upon the appearance of the site and area in general and in the opinion of the officer, would represent an appropriate form of development within its open countryside location.

- 7.6 Taking into consideration the above, it is therefore recognised that the proposal would conform with relevant local and national planning policies in terms of design and would be viewed as a more appropriate addition to the site than the storage container at present.

Green Belt

- 7.7 Whilst the site is recognised as being Green Belt land, the principle of such a structure within the site has been considered appropriate under the granting of the previous application with this proposal only detailing design changes to this existing structure. Timber cladding would represent a more appropriate finish to a structure within such a location and would not result in any conflict with Green Belt policies, the structure still being used for the benefit of outdoor recreation thus falling under one of the exceptions detailed within paragraph 145 of the NPPF.

Equality Duty

- 7.8 The County Council has a duty to have regard to the impact of any proposal on those people with characteristics protected by the Equality Act. Officers have had due regard to Sec 149(1) (a) and (b) of the Equality Act 2010 and considered the information provided by the applicant, together with the responses from consultees and other parties, and determined that the proposal would have no material impact on individuals or identifiable groups with protected characteristics. Accordingly, no changes to the proposal were required to make it acceptable in this regard.

Crime and Disorder Act Implications

- 7.9 These proposals have no implications in relation to crime and disorder.

Human Rights Act Implications

- 7.10 The Human Rights Act requires the County Council to take into account the rights of the public under the European Convention on Human Rights and prevents the Council from acting in a manner which is incompatible with those rights. Article 8 of the Convention provides that there shall be respect for an individual's private life and home save for that interference which is in accordance with the law and necessary in a democratic society in the interests of (inter alia) public safety and the economic wellbeing of the country. Article 1 of protocol 1 provides that an individual's peaceful enjoyment of their property shall not be interfered with save as is necessary in the public interest.
- 7.11 For an interference with these rights to be justifiable the interference (and the means employed) needs to be proportionate to the aims sought to be realised. The main body of this report identifies the extent to which there is any identifiable interference with these rights. The Planning Considerations identified are also relevant in deciding whether any interference is proportionate. Case law has been decided which indicates that certain development does interfere with an individual's rights under Human Rights

legislation. This application has been considered in the light of statute and case law and the interference is not considered to be disproportionate.

- 7.12 Officers are also aware of Article 6, the focus of which (for the purpose of this decision) is the determination of an individual's civil rights and obligations. Article 6 provides that in the determination of these rights, an individual is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. Article 6 has been subject to a great deal of case law. It has been decided that for planning matters the decision making process as a whole, which includes the right of review by the High Court, complied with Article 6.

8. Conclusion

- 8.1 The main planning considerations in determining this variation of conditions application have been assessed above and it is officer opinion that the works would accord with relevant local and national planning policies within this assessment. The proposal is therefore recommended for approval.

9. Recommendation

That this application be GRANTED permission subject to the following:

Conditions/Reason

01. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans. The approved plans for this development are:-

- 1) Location plan drawing no. 01 (received 19th February 2018)
- 2) Hen enclosure drawing no. 3136/006 (received 6th April 2018)
- 3) Site/block plan drawing no. 3136/001 (received 6th April 2018)
- 4) Plan of main livery stables drawing no. 3136/002 (received 6th April 2018)
- 5) Elevations of main livery stables drawing no. 3136/003 (received 6th April 2018)
- 6) Stables 1, 2 & 3 drawing no. 3136/004 (received 6th April 2018)
- 7) Bale store drawing no. 3136/007 (received 16th October 2018)

Reason: To ensure that the approved development is carried out in complete accordance with the approved plans.

02. Within 2 months of the date of decision, the existing storage container must be clad in timber as shown on drawing no. 3136/007

Reason: To ensure the works are completed in appropriate time frame to protect the visual amenity of the open countryside, in accordance with policy DC27 of the Blyth Valley DPD and the National Planning Policy Framework.

03. Upon completion of the works within condition 2, this timber cladding must therefore be retained upon the structure in perpetuity.

Reason: To protect the visual amenity of the open countryside, in accordance with policy DC27 of the Blyth Valley DPD and the National Planning Policy Framework.

Date of Report: 30th November 2018

Background Papers: Planning application file(s) 18/03545/VARYCO