

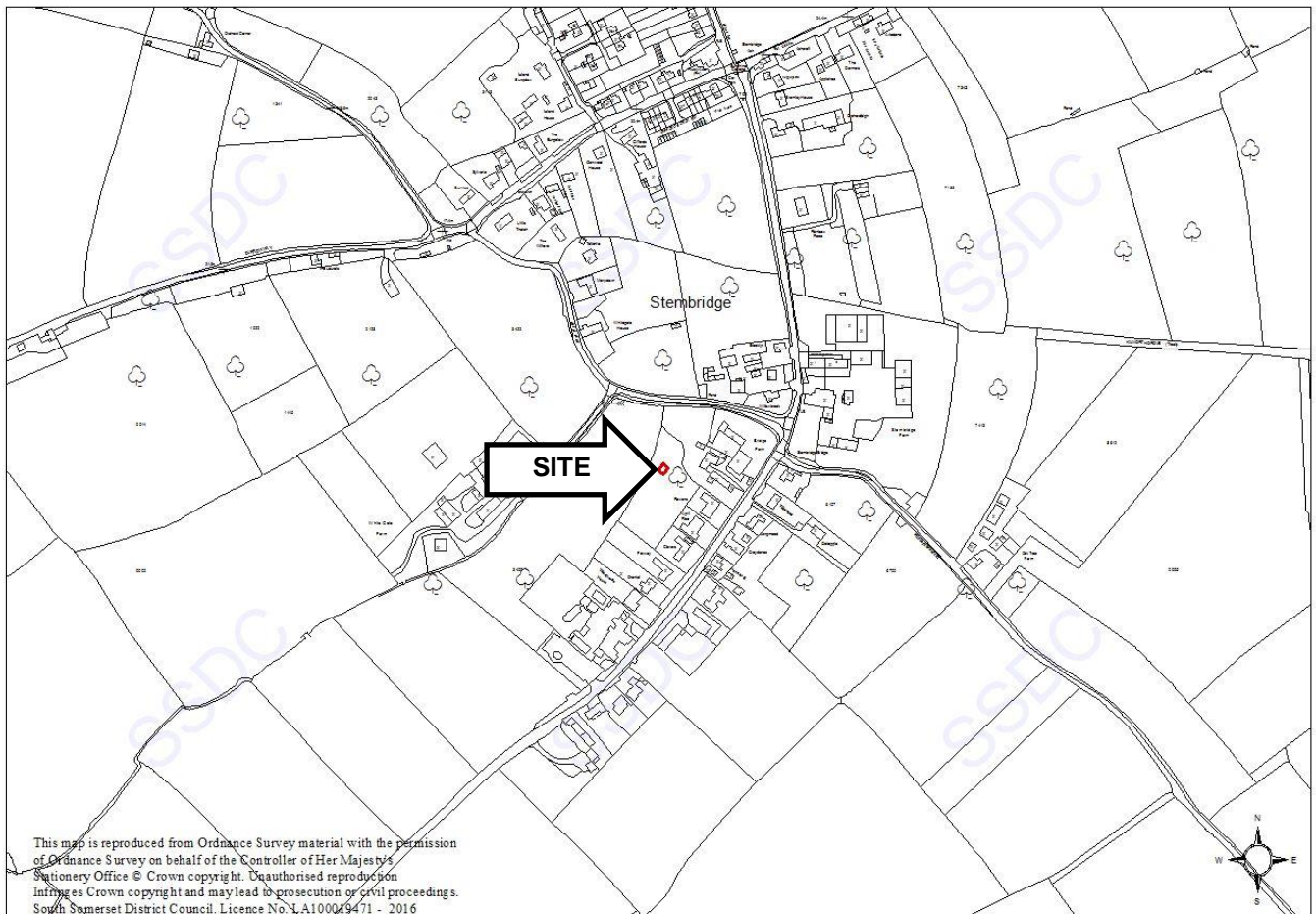
Officer Report On Planning Application: 17/01183/FUL

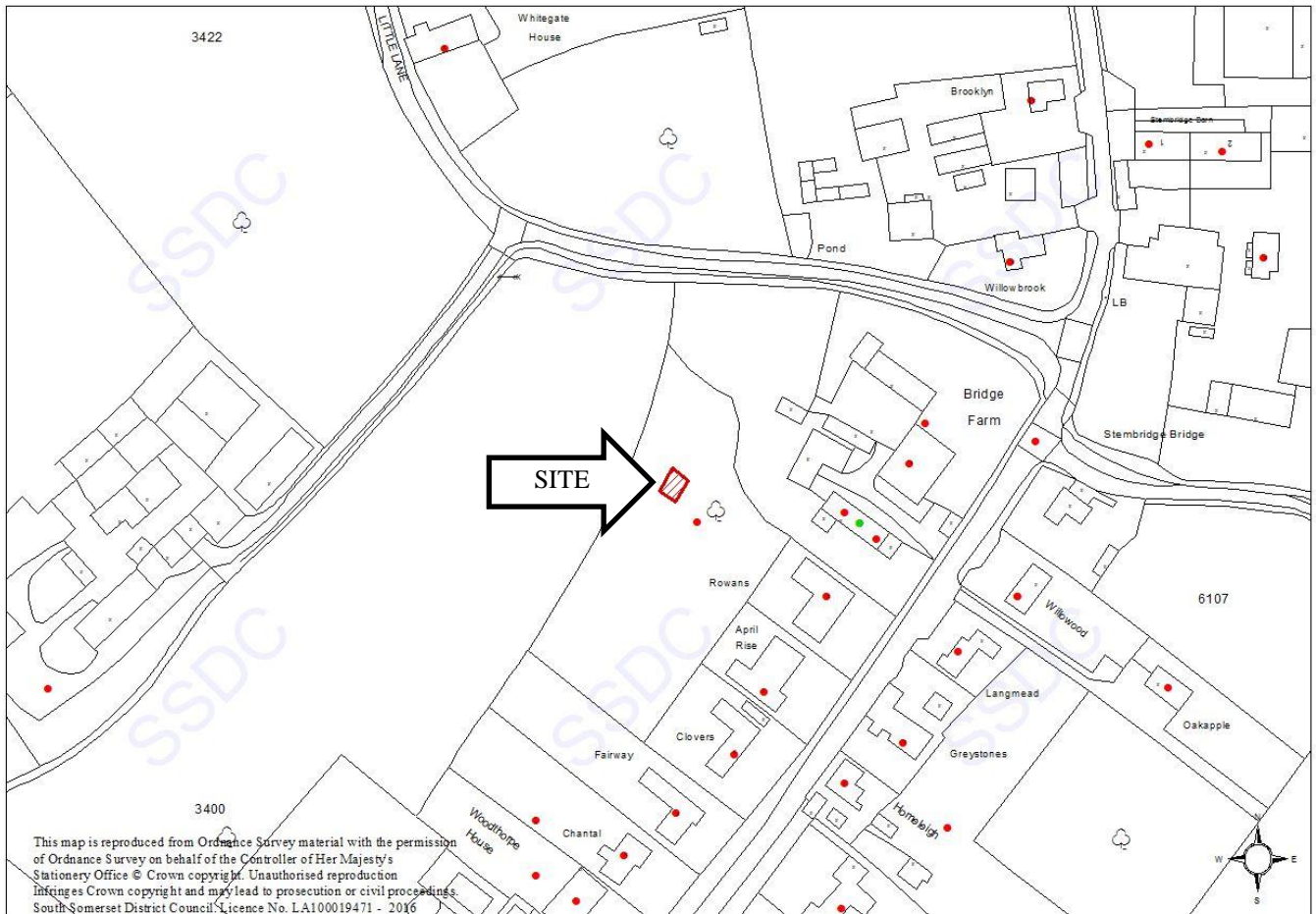
Proposal :	Retention of timber pony shelter.
Site Address:	Orchard Land Adjoining Rowans, Stembridge, Martock.
Parish:	Kingsbury Episcopi
BURROW HILL Ward (SSDC Member)	Cllr Derek Yeomans
Recommending Case Officer:	Alex Skidmore Tel: 01935 462430 Email: alex.skidmore@southsomerset.gov.uk
Target date :	27th April 2017
Applicant :	Mrs Clare Aparicio Paul
Agent: (no agent if blank)	
Application Type :	Minor Other less than 1,000 sq.m or 1ha

REASON FOR REFERRAL

The application is referred to Area North Committee under the Scheme of Delegation due to the applicant being an elected member.

SITE DESCRIPTION AND PROPOSAL





This application follows the granting of planning permission for the change of use of land from agricultural use to equestrian use as well as the laying of a concrete base for the siting of a pony stable/shelter for part of the year. The current application is seeking to retain a stable on this concrete base permanently. The proposed stable is of timber construction and measures 3.6m wide by 4.8m deep (including an overhang) and 4.1m high.

The application site forms part of a larger parcel of agricultural land that once formed an orchard and sits to the rear of a line of residential properties. The site is level with the surrounding land and sits on a narrow section of the field that is enclosed by a post and rail fence and a high timber boarded fence behind this to the southeast side and a hedge to the northwest, which contains and limits views of the site from any public vantage point.

RELEVANT HISTORY:

16/04421/FUL: Change of use and laying of concrete base for temporary siting of pony shelter. Permitted.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF states that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

Policies of the South Somerset Local Plan (2006-2028)

SD1 - Sustainable Development

SS2 - Development in Rural Settlements

EQ2 - General Development

EQ8 - Equine Development

National Planning Policy Framework

Part 7 - Requiring good design

Part 8 - Promoting healthy communities

Part 11 - Conserving and enhancing the natural environment

CONSULTATIONS

Kingsbury Episcopi Parish Council: No objection.

County Highways: No observations

SSDC Highway Consultant: No objections

REPRESENTATIONS

Written representations have been received from an adjacent neighbour (Rowans) who raised the following concerns and objections:

- A commitment was given to the parish council that the siting of the pony shelter would be temporary. I believe the intention was never to move it.
- The construction of the shelter is too flimsy to be moved.
- My land registry documents indicate that part of the site belongs to myself (occupier of the Rowans). They also state that I have a right of access over the land for the purpose of repairing, maintaining and renewing the boundary.
- The applicant stated at the Parish Council meeting that I would still be able to maintain my fence. If permission is given to retain the structure permanently this will not be possible as it is only 15 inches from my fence.
- The concrete base was laid before permission was granted for it.
- The shelter is so close to the neighbours boundary fence they are unable to maintain it.
- Concerned that there is no guttering, where will the excess water be directed?
- During September - November last year the applicant was using her Harry Hebditch stable for her horse. Why is the proposed new shelter needed?
- The position of the stable next to the neighbour's fence obstructs the neighbours view over farmland.
- The pony is approximately 17.2 hands, the description of the stable being for a pony is therefore misleading.

CONSIDERATIONS

The principle of use of this site to accommodate a pony shelter / stable has already been established through the permission granted late last year for the change of use of this land and the laying of a

concrete base on which the applicant originally intended to keep the shelter here for the winter months and to move it around the rest of their land during the remainder of the year.

The appropriateness of this location for the proposed shelter has therefore already been fully considered including matters of land ownership, visual amenity and neighbour amenity. .

Firstly, the issues relating to the neighbour's ownership / right of access are noted, however, such concerns are civil matters that can only be resolved by the relevant parties and must not form part of the considerations of this planning application. It is important to note that the granting of any planning approval does not supersede any such outstanding legal concerns which would still have to be addressed separately. To this end it would be unreasonable to refuse the application for this reason.

The position of the proposed shelter is more than 30m from the rear boundary of the nearest neighbour's (Rowans) garden and approximately 40m from the neighbour's house. Due to the distances involved and the modest scale of the development and that it is only sought for the applicant's own private recreational purposes it is considered that the proposal should not give rise to any significant residential amenity concerns. It is noted that concerns have been raised that the stable would obstruct the neighbours views over adjoining farmland, however, such a consideration carries very limited weight and again is not a substantive reason on which to base a refusal. Furthermore, it is noted that there is a high close board fence along the intervening boundary which already limits views beyond the neighbour's own property, given the scale and position of the shelter its intrusion into any such views is not great.

From a wider visual perspective the modest scale of the building, its position close to other built form and the existing hedge and planting to one side and the fence to the other provides containment to this site and is such that the structure will have an unobtrusive presence within the local landscape.

In respect of the concerns relating to surface water drainage the applicant has agreed to this being dealt with either through a soakaway or to collect rainwater in water butts, a matter that can be conditioned, and which is considered to satisfactorily address such concerns.

For the reasons set out above the permanent retention of the pony shelter in this position is not considered to give rise to any substantive visual amenity, residential amenity or other environmental concerns and to therefore accord with local plan policies SD1, EQ2 and EQ8 and the provisions of the NPPF, and is therefore recommended for approval.

RECOMMENDATION

Grant consent for the following reasons:

The proposed development, by reasons of its nature, siting, scale and materials, is not considered to cause any demonstrable harm to visual amenity, residential amenity or highway safety and as such is in accordance with the aims and objectives of policies SD1, EQ2 and EQ8 of the South Somerset Local Plan and the provisions of the National Planning Policy Framework.

SUBJECT TO THE FOLLOWING:

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

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out in accordance with the location plan received 02/03/2017 and email from the applicant (Clare Paul) dated 03/03/2017 and accompanying photograph.

Reason: For the avoidance of doubt and in the interests of proper planning.

03. The development hereby permitted shall be used for private and domestic equestrian purposes only and shall not be used for any business or commercial use.

Reason: In the interests of local amenities to accord with policyies EQ2 and EQ8 of the South Somerset Local Plan.

04. Any surface water run-off generated by the development hereby permitted shall be disposed of either by water butts or soakaways, unless otherwise agreed in writing by the local planning authority.

Reason: To minimise any increased surface water runoff in the interest of the environment to accord with policy EQ7 of the South Somerset Local Plan and the provisions of the NPPF.

Informatives:

01. The applicant is advised that the granting of planning consent does not supersede any land ownership or rights of access queries that may be ongoing and that such matters must be dealt with separately between the relevant interested parties.
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