

10/21/0011

MRS G PEATFIELD

Change of use of land from agricultural to mixed agricultural and equine use and laying of hardstanding at Merlands, Stapley Road, Biscombe, Churchstanton (in accordance with amended plans received on 16 April 2021)

Location: MERLANDS, STAPLEY ROAD BISCOMBE, CHURCHSTANTON,
TAUNTON, TA3 7PZ

Grid Reference: 317563.113324

Full Planning Permission

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

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

(A4) Site Plan
(A4) Location Plan

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

3. No jumps or other structures shall be erected on the land without the prior written consent of the Council.

Reason: To protect the landscape and visual amenity of the area in accordance with policy CP8 of the Core Strategy.

4. None of the fields shall be subdivided by way of hedges or fences without the prior written consent of the Council.

Reason: To protect the landscape and visual amenity of the area in accordance with policy CP8 of the Core Strategy.

Notes to Applicant

- . In accordance with paragraph 38 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.

Proposal

The application, submitted partly in retrospect, proposes the change of use of agricultural land to a mixed agricultural and equine use. The application also includes the laying of a hardstanding at the field entrance from Merlands to the field to the east. The site area measures 9.4 acres.

The applicants agent has confirmed that all other accesses shown on the submitted plan are existing.

The applicant has requested a mix use to allow the recreational grazing of horses as well as the grazing of livestock. The application does not propose any physical changes to the land except for the laying of an area of hardstanding at the entrance to the field from Merlands. The land is to be used for the grazing of horses in connection with and ancillary to the recently approved stables and turnout area on an adjoining site (10/19/0030)

Site Description

The site lies to the east of the village of Hemyock and two miles south of Churchstanton in an area of open countryside within the Blackdown Hills AONB. There are a number of residential properties along the road in close proximity to the application site and accessing onto Stapley Road. The parcels of land the subject of this application lie to the north and south of the highway and are bounded by mature hedgerows and trees.

Relevant Planning History

10/91/0027 -CA granted in March 1992 for the change of use of garage and store to form a granny annex at Merlands, Biscombe, Churchstanton

10/03/0034 - CA granted in March 2003 for the use of existing annex as holiday accommodation in addition to annex use at Merlands, Biscombe, Churchstanton

10/09/0022- CA granted in September 2002 for the erection of single and double storey extension to rear at Merlands, Biscombe, Churchstanton

10/10/0012 - CA in October 2012 for alterations to fenestration, incorporation of balcony into bedroom into bedroom and provision of balustrade at Merlands, Biscombe, Churchstanton (non material amendment to permission 10/09/0022) as amended by revised proposed elevations and proposed first floor plan (reference

PM0971 Rev D)

10/19/0032 - Conversion of annex to dwelling - Approved 31 January 2020

10/19/0030 - Change of use of land from agricultural to equestrian with erection of stable block and formation of turning area at Merlands, Biscombe, Churchstanton - Approved

Consultation Responses

CHURCHSTANTON PARISH COUNCIL - The Parish Council support this application.

SCC - ECOLOGY - As long as the proposal does not result in any change in the existing ecological (including removal of vegetation/greenspace and changes in lighting levels), I do not foresee any ecological constraints relating to this proposal.

SCC - TRANSPORT DEVELOPMENT GROUP - Standing advice can be applied on the basis that this is ancillary to 10/19/0030 and for private use and not a business/commercial use

PLANNING ENFORCEMENT - No comments received

TREE OFFICER - Hedgerow Regs

If the hedge was part of the domestic curtilage then no hedge removal notice would have been necessary, as these hedges are not covered by the 1997 Regs.

If the hedge was covered by the Regs, you can make an access if you have no other way into your land (such as if you have purchased a new field), or if you are replacing an old access which would then be blocked with new planting

BLACKDOWN HILLS AONB SERVICE - We do not wish to submit any detailed comments on this occasion other than to note that should the council be minded to approve the application we would support restrictive conditions relating to jumps and similar, and the sub-division/fencing of fields in the interests of landscape and visual amenity of the AONB.

Habitats Regulations Assessment

Not applicable

Representations Received

Ward Councillor (Cllr Henley) - I am the ward District Councillor for this Parish and I would like to request that this planning application is determined by the Planning Committee. Due to comments made by local residents raising a number of objections I would like this to go to committee. I think it would be premature to determine this application also while complaints about previous applications are still yet to be determined.

Two representations received objecting to the proposal and the objections are summarised below:

- Current use of the land not approved (since April 2020)

- Impact of equine use on neighbouring property having a negative impact on the health and welfare of horses and dogs
- personal safety whilst caring for own horses
- no evidence that the use is a benefit to the area and land, the only benefit being for the applicant
- Access to the fields - one access to the south of Stapley Road has been blocked off with a post and wire fence, the access from Merlands to the adjoining field was created in 2019 during the protected nesting season
- Previous use of the land (prior to April 2020) for cows is disputed
- Proposed expansion of equine use of the land would impact on the use and enjoyment of property and would lead to further harm to the surrounding area
- Proposed continued agricultural use of the land
- Adherence of planning requirements
- the proposed use would not be sensitive to the surroundings and consideration of the existing neighbours have not been taken into account
- discrepancies in the application

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

DM1 - General requirements,
 DM2 - Development in the countryside,
 NPPF - National Planning Policy Framework,
 CP8 - Environment,

The National Planning Policy Guidance (NPPF) is a material consideration.

Local finance considerations

Community Infrastructure Levy

Not applicable

Determining issues and considerations

Policy DM1 sets out the general requirements for development. There are no specific policies relating to the change of use to mixed agriculture and equestrian.

Policy CP8 - Environment requires the conservation and enhancement of the natural environment and will not permit development proposals that would harm these interests.

The site lies within the Blackdown Hills AONB. The use of the land for mixed equine and agriculture would not affect the landscape character in this location. The AONB officer has requested conditions restricting jumps and similar and no subdivision of fields in the interests of landscape and visual amenity. Appropriate conditions have been included.

An area of hardstanding (approx. 200m²) has been laid between Merlands garden and the field access to the east. The application was amended to include this component and reconsultation was carried out. Given the size, materials and location of the hardstanding in close proximity to the domestic curtilage, it is not considered it harms the landscape character of the area.

No additional traffic is likely to be created by the development. The stables in connection with this use are located on an adjoining field on the northern side of Stapley Road.

The issues raised in the representations raise concerns that the land is already being used for equine purposes, the application is incorrect as the use has been applied for retrospectively and the impact of the equine use on the adjoining site currently used for equine purposes.

Following the investigation by the Council into the unauthorised use, this application has been submitted for consideration and it is acknowledged it is retrospective.

The applicants agent has confirmed that the access from Merlands into the adjoining field was created in August 2019. Permission for the removal of the hedgerow was not required under the Hedgerow Regulations. Following the comments from the ecologist the details of the creation of the access were forwarded for clarification and further comment. No comments have been received. Confirmation has been received from the applicants agent that all other access points indicated on the plan are existing.

The site is located in a rural area where the keeping of animals is not an unusual feature. The use of the land for the grazing of horses would not be dissimilar to other animals grazing the land. Consequently it is not considered that the proposal would have a greater impact in terms of residential amenity or the rural character of the area. The horses are kept for private use and not for business purposes.

The existing stables on the adjoining site have planning permission (10/19/0030) and the proposal is for the grazing of the horses in the adjoining and nearby fields. The level of activity is restricted to some extent by the number of loose boxes in the stable block. The application is not proposing additional horses so there would be no greater impact on the adjoining land use.

Other issues raised in the representations relate to the non-compliance of conditions attached to the application for stables and turnout area (10/19/0030). However these matters have been investigated by the enforcement officer and the case is now closed.

The Ward Councillor raised concerns that the application should not be determined until the complaint to the Ombudsman regarding the adjoining site had been determined. The Ombudman has concluded his investigation and issued his decision. No further action is required.

The proposal is considered acceptable and approval is recommended.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.

Contact Officer: Denise Grandfield