



Report Reference Number 2019/0564/FUL

To: Planning Committee
Date: 6 November 2019
Author: Mandy Cooper (Principal Planning Officer)
Lead Officer: Ruth Hardingham (Planning Development Manager)

APPLICATION NUMBER:	2019/0564/FUL	PARISH:	Church Fenton Parish Council
APPLICANT:	Mr S Hudson & Ms R Harrison	VALID DATE: EXPIRY DATE:	6th June 2019 5th September 2019
PROPOSAL:	Section 73 application for erection of 3 blocks of 7 No. stables with tack room, erection of indoor riding area, construction of outdoor riding area and vehicle park and siting of a mobile home for the variation of conditions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of approval 2009/0565/FUL allowed on appeal on 01 April 2011		
LOCATION:	Hall Lane Stables Hall Lane Church Fenton Tadcaster North Yorkshire LS24 9RN		
RECOMMENDATION:	APPROVE		

This application has been brought before Planning Committee as more than 10 letters of representation have been received which raise material planning considerations and officers would otherwise determine the application contrary to these recommendations. It has also been requested by Cllr. Musgrave.

1. INTRODUCTION AND BACKGROUND

Site and Context

- 1.1 The proposal site is accessed off Hall Lane and located to the south east of the settlement of Church Fenton, beyond the Development Limits. For the purposes of the Development Plan, the site is situated in the open countryside.

- 1.2 To the northwest of the stables is Hall Farm (100m) and a number of residential properties; northeast is Kennel Garth Farm (50m) and to the west at an approximate distance of 150m (minimum) are a number of residential properties.
- 1.3 The site comprises of a modern, purpose built yard which offers full and part livery, set within a 30 acre site and includes an indoor arena and outdoor manege, both with sand and fibre surfaces. There are 21 masonry built stables with separate tack, feed and rug rooms. To the immediate west of the stables is a large agricultural storage building and paddocks extend around the site to the south east, southwest and south and are separated with timber post and rail fencing.
- 1.4 Beyond the stables to the west at a distance of 90m is a midden (which is manure storage area) surrounded by a low (1m high) bund. This is used for soiled bedding and waste from the horses.
- 1.5 Planning permission was granted for a livery yard in 2011 (2009/0565/FUL) on Appeal, along with a dwelling in 2016 (2015/0908/FUL).

The Proposal

- 1.6 The proposal is for a Section 73 application for erection of three blocks of seven No. stables with tack room, erection of indoor riding area, construction of outdoor riding area and vehicle parking and siting of a mobile home for the variation of conditions 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of approval 2009/0565/FUL allowed on appeal on 01 April 2011.
- 1.7 The proposal relates to allowing for additional horses as condition 11 restricts numbers to 21 and the applicant wishes to increase numbers to 27.
- 1.8 The livery has successfully retained its customers, some of whom now have two horses rather than just one. It would be impractical to place an additional horse at another livery, hence the proposed increase to 27. Additionally, the applicants have recently started to breed their own horses, resulting in more than when the appeal was considered.
- 1.9 The applicants have five horses of their own – three of which are foals between the ages of one and five which will be sold at age four. Once sold however and if breeding is successful, they will be replaced by other foals, which is one reason for the applicants seeking to change condition 11.
- 1.10 As this application would result in a new permission, it is essential that all conditions are reviewed to reflect the circumstances on the site. The agent has supplied a comprehensive Planning Statement which refers to each condition from the original decision notice and clarifies the reason for the application and deletion of conditions as follows:

CONDITION	COMMENT
1. Time Limit (three years)	Delete as no longer necessary – development built within 3 years of approval
2. Approved Plans: SH01A, SH01, SH02, SH03, SH04 & SH05	Replace with: The development hereby permitted shall be retained in accordance with the following plans/drawings listed below:

	UKS6693 – External floodlighting for manege
3. Materials and finish	Delete as no longer necessary – <i>discharged under 2011/0590/DPC</i>
4. Surface Water Drainage	Delete as no longer necessary – <i>discharged under 2011/0590/DPC</i>
5. Soft Landscaping	Delete as no longer necessary – <i>discharged under 2011/0590/DPC</i>
6. Boundary treatment	Delete as no longer necessary – <i>discharged under 2011/0590/DPC</i>
7. External lighting	Replace with: The arena shall not be illuminated except in accordance with the details shown in the lighting scheme received by the Local Planning Authority on 24.10.2019.
8. No development shall take place until a detailed scheme for the disposal of fouled bedding and manure and for the control of odour and flies has been submitted to and approved in writing by the local planning authority. The scheme shall thereafter be implemented as approved.	<i>discharged under 2011/0590/DPC</i> Replace with: The approved scheme for the disposal of fouled bedding (as received on the 01.06.2019 and approved under 2011/0590/DPC) and manure and for the control of flies shall be operated for the duration of the approved use.
9. Tied caravan	Delete as no longer necessary – <i>Tied dwelling to replace caravan under approval 2015/0908/FUL.</i>
10. Notification to local authority of the first occupation of the first of the loose boxes and removal of residential caravan within three years of date of permission and restoration of site.	Delete as no longer necessary.
11. At no time shall the number of horses stabled at the development hereby permitted exceed 21. Other than a maximum of three horses at any one time, the stabled horses shall be kept there on a full-time livery or part-livery basis only; the term 'livery' being taken for this purpose as meaning the provision of facilities for and the supervision and care of, horses that are not the property of the proprietor, in return for remuneration or reward. Horses shall at no time be offered for hire at the development hereby	Replace with: At no time shall the number of horses stabled at the development hereby permitted exceed 27. Other than a maximum of six horses at any one time, the stabled horses shall be kept there on a full-livery or part-livery basis only; the term 'livery' being taken for this purpose as meaning the provision of facilities for and the supervision and care of, horses that are not the property of the proprietor, in return for remuneration or reward. Horses shall at no time be offered for hire at the development hereby permitted for supervised riding on or off the site.

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12. No competitive equestrian event, including shows or gymkhanas, shall be held at the site, or on the adjoining land in the same ownership and any training of riders undertaken shall be restricted solely to riders who are owners of horses kept at the horse livery and training centre hereby permitted. Such training shall only take place between 9.00 and 19.00 Mondays to Fridays and between 10.00 and 18.00 on Saturdays, Sundays and Bank holidays. Within the outside arena, no more than two riders shall be trained at any one time.	Retain with no modifications.

Relevant Planning History

- 1.11 The following historical application is considered to be relevant to the determination of this application:

2009/0565/FUL,AltRef: 8/62/232/PA,Description: Erection of 3 blocks of 7No. stables with tack room, erection of indoor riding area, construction of outdoor riding area and vehicle park and siting of a mobile home, Land To Rear Fennel Farm,Hall Lane, Church Fenton, Tadcaster, North Yorkshire, LS24 9RN, Decision: REF: 26-MAY-10 ALLOWED ON APPEAL: 01.04.2011

2011/0590/DPC,AltRef: 8/62/232A/PA,Description: Discharge of conditions 3(materials), 4(surface drainage), 5(landscaping), 6(boundary treatments), 7(lighting) & 8(fouled bedding) of appeal approval APP/N2739/A/2134309 (2009/0565/FUL) for the erection of 3 blocks of 7No. stables with tack room, erection of indoor riding area, construction of outdoor riding area and vehicle park and siting of a mobile home,Address: Land To Rear Fennel Farm,Hall Lane,Church Fenton,Tadcaster, Decision: CONDP: 27-JUL-11

2015/0908/FUL,AltRef: 8/62/23B/PA,Description: Proposed erection of a dwelling and garage for essential rural worker,Address: Hall Lane Stables,Hall Lane,Church Fenton,Tadcaster, Decision: PER: 05-MAY-16

2016/0615/DOC,AltRef: 8/62/23C/PA,Description: Discharge of condition 04 (materials) of approval 2015/0908/FUL Erection of a dwelling,Address: Hall Lane Stables,Hall Lane,Church Fenton,Tadcaster,Decision: COND: 22-JUL-16

2. CONSULTATION AND PUBLICITY

- 2.1 **Selby Area Internal Drainage Board** – The applicant should ensure that any existing or proposed surface water discharge system has adequate capacity for any increase in surface water run-off to the area. A number of conditions/informatives recommended.

- 2.2 Environmental Health** – No objections.
- 2.3 Enforcement Team** – No response received.
- 2.4 NYCC Highways Canal Rd** - There are no local highway authority objections to the Section 73 as none of the Conditions are highway related.
- 2.5 Yorkshire Water Services Ltd** – No response received.
- 2.6 Parish Council** - Application was considered by the Parish Council at its meeting on 20th June 2019 when it was resolved to OBJECT on the following grounds:
- Intensification of use leading to an increase in activity and traffic to the detriment of local residential amenity. When this proposal was granted on Appeal the Inspector stated that "Provided the intensity of use of the proposed development were to be limited to that which, on the basis of the evidence before me, I would reasonably anticipate to be associated with the operation proposed, I do not consider that there would be significantly harmful conflict with the intentions of the relevant Local Plan Policy..."
 - Consent was limited to 21 horses to support that reasoning. This proposal represents a substantial increase which fails to recognise the impact on local amenity.
 - Paragraph 6.6 of the supporting statement confirms that an expansion has already taken place without planning consent. This provides little comfort that the operation is being operated in accordance with the current and any future consent and leads to concerns that control of this expanded proposal may require enforcement action which is time consuming and does little to protect local residents.
 - It is impossible to understand the changes proposed to conditions 7 and 8 as there is no information available as part of the application regarding the "approved schemes" referred to. It should not be possible to determine this application without this information being publicly available.
- 2.7 Publicity/Neighbour Summary** – All immediate neighbours were informed directly by letter, a site notice was posted outside the site

15 letters of objection were received stating:

- Does not represent a minor amendment given number of horses to be stabled
- Impact on residential amenity due to noise and increase in traffic
- Special regard to be given to existing condition 8 regarding waste disposal – increase should see amendments to location, scale and removal of manure bund which would adversely impact on residential amenity
- Information provided is insufficient
- Neighbour consultation is inadequate
- Applicant already in breach of the conditions relating to original planning permission
- Location of existing (manure) bund has a negative impact on me and my family which would worsen if more manure disposed of
- Odour from manure is so strong we are unable to use our garden and it triggers migraines; breathing and mental wellbeing problems

- Windows in my home are taped up to prevent smells; children unable to play in garden; washing not hung out and dried indoors – environmental impact due to tumble dryer use
- Location and scale of manure heap does not comply with condition 8 of permission as the size was increased in 2017
- Midden is not in position specified and has been extended (2017) so instead of being 10m by 10m it is 32m by 9m and having a larger surface area
- Heavy traffic from more horse boxes in Church Fenton which is already subjected to many lorries through centre of village and roads are not suitable
- Would like confirmation that other conditions are being met
- Business operation starts (circa 7am); reference to quad moving manure to midden; traffic to and from site
- Existing planning allows for a maximum of 21 horses on site and there are currently 27
- Lighting shines continuously into neighbours garden on Nanny Lane
- This is a residential area and should be kept as such
- Relocate the manure bund as it is impacting on residential amenity of locals

and 1 letter of support stating the following:

- Planning and environmental issues raised in regard to the midden have been thoroughly investigated by Selby District Council (SDC) following persistent and repeated complaints which were ultimately found to be baseless
- Dimensions deemed to be acceptable and located in the position as a requirement of the planning approval
- Residential properties allowed despite SDC being aware of midden and each and every resident of new properties purchased were aware of its presence
- Environmental Health Officers have fully investigated the alleged hazards including flies and concluded there is no hazard
- Lucky to live in a rural environment which as a consequence there will be livestock and crops and agricultural traffic
- Any increase in traffic would be minimal and less so than traffic generated by multi-car households and other agricultural and commercial traffic in the locality
- Hall Lane Stables is a small local business providing a valuable local commodity
- Myself and others benefit from keeping our horses here and the unit is ranked as one of the highest livery yards in the country as assessed by the British Horse Society on an annual basis
- Supporting local businesses is a key part of the local and strategic plans as communities cannot thrive without them
- Provides employment to local residents and trade to shops and pubs
- Ensures considerable open, green space remains well maintained and thereby enhancing the character of the countryside

3 SITE CONSTRAINTS

- 3.1 The application site is located outside the Development Limits of Church Fenton. The site is located in Flood Zone 2. The land is potentially contaminated. The site is not situated within a Conservation Area nor is it close to a Listed Building.

4 POLICY CONSIDERATIONS

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states "if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise". This is recognised in paragraph 11 of the NPPF, with paragraph 12 stating that the framework does not change the statutory status of the development plan as the starting point for decision making.
- 4.2 The development plan for the Selby District comprises the Selby District Core Strategy Local Plan (adopted 22nd October 2013) and those policies in the Selby District Local Plan (adopted on 8 February 2005) which were saved by the direction of the Secretary of State and which have not been superseded by the Core Strategy. On 17 September 2019 the Council agreed to prepare a new Local Plan. The timetable set out in the updated Local Development Scheme envisages adoption of a new Local Plan in 2023. Consultation on issues and options would take place early in 2020. There are therefore no emerging policies at this stage so no weight can be attached to emerging local plan policies.
- 4.3 The National Planning Policy Framework (February 2019) (NPPF) replaced the July 2018 NPPF, first published in March 2012. The NPPF does not change the status of an up to date development plan and where a planning application conflicts with such a plan, permission should not usually be granted unless material considerations indicate otherwise (paragraph 12). This application has been considered against the 2019 NPPF.
- 4.4 Annex 1 of the National Planning Policy Framework (NPPF) outlines the implementation of the Framework -

"213.existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

Selby District Core Strategy Local Plan

- 4.5 The relevant Core Strategy Policies are:

SP1 Presumption in Favour of Sustainable Development
SP2 Spatial Development Strategy
SP13 Scale and Distribution of Economic Growth
SP15 Sustainable Development and Climate Change
SP18 Protecting and Enhancing the Environment
SP19 Design Quality

Selby District Local Plan

- 4.6 The relevant Selby District Local Plan Policies are:

EMP9 Expansion of Existing Employment Uses in the Countryside
ENV1 Control of Development
T1 Development in Relation to the Highway Network

T2 Access to Roads
RT9 Horse Related Development

5 APPRAISAL

5.1 The main issues to be taken into account when assessing this application are:

- Principle of the Development
- Impact on Residential Amenity
- Impact on Highway Safety
- Flood Risk and Drainage
- Other Matters

5.2 Principle of Development

5.3 Section 73 of the Town and Country Planning Act 1990 '*determination of applications to develop land without conditions previously attached*' permits an application to remove a planning condition(s) or to vary a planning condition(s) following the grant of planning permission.

5.4 Application is made to the local planning authority, who may either refuse the application, grant the application to remove or vary conditions unconditionally, or grant the application to remove or vary conditions, but with further conditions attached.

5.5 A section 73 application can only be made if the time within which the development was required to begin has not expired without the development commencing. In this case the permission has been established for a number of years (approximately eight).

5.6 The section 73 application process can also be used to make '*minor-material amendments*' to a planning permission, that is, amendments '*...whose scale and nature results in a development which is not substantially different from the one which has been approved.*'

5.7 A specific '*non-material amendment*' application process came into effect in October 2009, but no new process was introduced for minor-material amendments, and so these applications are still submitted using the existing section 73 procedure.

5.8 In this instance an application (2009/0565/FUL) refused by the local authority on the 26.05.2010 was Allowed on Appeal for the development (APP/N2739/A/10/2134309) on the 12.01.2011, therefore all matters previously considered were considered to be policy compliant. However, the applicant wishes to increase the amount of stabling available which would therefore require an amendment to condition 11 of the permission.

5.9 Whilst some of the conditions are ongoing for the lifetime of the development; a large extent were pre-commencement and all have now been discharged and complied with. On this basis, the applicant has taken the opportunity to remove these conditions through this proposal and modify the conditions which have been discharged, where relevant.

5.10 Policy has changed since the granting of planning permission in respect of the adoption of the Selby District Core Strategy (CS) on 22.10.2013 which on adoption replaced a number of 'saved' Selby District Local Plan (SDLP) policies. Additionally,

the introduction (and updates) to the National Planning Policy Guidance (NPPF) in March of 2012 which replaced Planning Policy Statements (PPS) requires the proposed modification to the permission to be assessed against the updated policies and guidance.

- 5.11 The proposal was assessed against policies ENV1, RT9 and EMP7 – Employment Development in the Countryside (SDLP) of which policy EMP7 has now been deleted. Policy ENV1 is however still of relevance and which states that proposals for new development shall be permitted providing a good quality of development is achieved and taking account of (amongst other reasons) 1) character of the area and amenity of adjoining residents and 2) the sites relationship to the highway network, including means of access and car parking. Policy RT9 is also relevant and specifically relates to stables and the keeping of horses and states that development will be permitted providing (amongst other things) buildings do not detract from the character and appearance of the rural environment; sited at a distance from the nearest dwelling in the interests of residential amenity; 3) adequate provision to be made for storage and disposal of soiled bedding material and 4) would not create conditions prejudicial to highway safety which can adversely affect local amenity.
- 5.12 Whilst the changes to condition 11 involve six additional stables (under a separate application) these have been constructed within an existing building which houses the indoor arena, therefore there would be no additional visual impact on the character of the open countryside from these changes. Furthermore, the stables are situated to the south elevation of the building and at a minimum distance of 80m from the nearest residential property.
- 5.13 Part C of policy SP13 of the Core Strategy replaces policy EMP7 (SDLP) and states that sustainable development in rural areas which brings economic growth through local employment should be supported which (amongst other things) includes: 1) re-use of existing buildings; 2) redevelopment of existing and former employment sites/commercial premises; 3) diversification of...and other land based rural businesses; 4)other small scale rural development; 5) ...supporting development and expansion of local facilities in accordance with policy SP14. Section D of policy SP13 adds that development should be sustainable and appropriate in scale and type to its location; not harm the character of the area and seek a good standard of amenity. The proposal seeks to vary condition 11 in order to provide for a small expansion to what is an established and successful business. The change would be minimal and would not encroach into the open countryside, nor would there be any detrimental or adverse impacts on neighbour amenity or highway safety. Policy EMP9 (SDLP) however has been retained and therefore still applies to the development in regards to the expansion of existing businesses outside development limits; subject to matters relating to highway safety; impact on character and appearance of the area; design and no loss of the best agricultural land being acceptable.
- 5.14 The above considerations comply with the NPPF at paragraph 83, and paragraph 84 expands on this advising that existing sites which meet local and business needs in rural areas are often beyond or adjacent to existing settlements and sites which are well related to existing settlements should be encouraged where suitable opportunities exist. Therefore in regards to re-visiting updated policy, the proposal is still very much compliant.
- 5.15 As such the only consideration of this application is in relation to the conditions of the approval and the impact the proposed variation would have. Therefore key to the determination of this application is whether a new planning consent for the

development with the proposed variation to Condition 11 as detailed in paragraph 1 would be contrary to the provisions within the development plan or whether there are reasonable grounds for refusal if these conditions were retained in their present form.

5.16 Impact on Residential Amenity

- 5.17 Following the approval of the midden (which is a manure storage area) under 2011/0590/DPC, a scheme for the conversion of existing farm buildings to the north of the midden was approved (2011/0767/COU) in addition to the construction of a housing development of five properties at a later date (2012/0903/OUT and 2014/0629/REM) properties. Objection letters have been received from adjacent householders in regards to the existing midden. This does not however form part of the proposal but it is reasonable to respond and address along with other objections as follows:
- 5.18 The position of the midden was approved under a Discharge of Conditions application (condition 8) of: 2011/0590/DPC on 27.07.2011 and this was prior to the approval of the nine dwellings immediately north of the bunded area. The dimensions of the midden (bunded manure storage area) do not strictly accord with the scheme approved (10m by 10m by 1.5m high) instead the dimensions are 20m by 7m by 1m high. However, the storage is below the agreed volume of 150 cubic metres at 140 cubic metres.
- 5.19 Numerous studies of and visits (seven - collectively) to the midden have been undertaken by Environmental Health Officers (EHO) and Planning Enforcement Officers where it has been concluded that it is not causing a statutory nuisance. Furthermore, whilst it was acknowledged that there was a minor breach in regards to the dimensions, Planning Enforcement Officers concluded that there is no justification for action to be taken. Furthermore, claims that the midden is impacting on the health of an objector have been investigated by the EHO and such claims have been proven to be completely unfounded.
- 5.20 This application does not involve operational development but the Planning Statement advises that despite the increase in horses, the midden would simply be emptied as soon as current levels of the agreed volume are reached, should this be sooner than the existing situation.
- 5.21 In regards to operations on site, there are no time restrictions only in respect of the training of owners whose horses have livery at the premises (up to two at a time) between the following times:
- Monday to Friday: 9.00 and 19.00
 - Saturdays, Sundays & Bank Holidays: 10.00 and 18.00
- 5.22 The Council's Environmental Health Officer (EHO) has been consulted on the proposals and initially was under the misconception that all conditions were to be changed. In reality, the only condition this application affects is condition 11. However, as a substantial period of time has passed since the proposal was allowed on appeal, almost all of the conditions have now been complied with and have therefore outlived their purpose. There are also slight changes to the wording of condition 8 (manure disposal) in order to retain the scheme as approved. With regards to the lighting scheme (condition 7), this was not formally approved on the original Discharge of Conditions application (2011/0590/DPC) as the EHO at that

time sought additional information. The EHO informally agreed the scheme at a later date but this was never officially discharged. The agent has submitted details of the scheme which has been in force for some eight or nine years, which the EHO has advised he has nothing to add to his previous comments (no objection) on the basis that there have been no complaints.

5.23 Subject to the amended conditions, it is considered that the amenities of the adjacent residents would be preserved in accordance with Policies ENV1 and RT9 of the Selby District Local Plan and policy contained within the NPPF.

5.24 Impact on Highway Safety

5.25 Local Plan policy RT9 expects horse related development to not “*create conditions prejudicial to highway safety.*” There would be no alterations to the existing access and the proposal would not intensify the use of the site due to the majority of horses being either added by those who currently already use the livery or by the applicants themselves for young foals.

5.26 Objections received state that there would be an increase in heavy traffic from additional horse boxes, for which the roads are unsuitable. Low levels of additional traffic associated with the proposal are anticipated and therefore would not have an adverse impact on the existing highway.

5.27 NYCC Highways have been consulted on the proposals and have advised that they have no objections to the proposed development as the conditions are not highway related.

5.28 On this basis, the proposal is acceptable in regards to highway safety in accordance with Policies ENV1, RT9, T1 and T2 of the Selby District Local Plan and national policy contained within the NPPF.

5.29 Flood Risk and Drainage

5.30 The Internal Drainage Board (IDB) has included a number of recommendations, conditions and informatives in the response. The proposal is however for the variation of the relevant conditions and does not include any operational development, therefore it is considered unnecessary to incorporate such conditions as part of this proposal. A separate submission for the stables has been received by the LPA which is currently being validated and such conditions would be included with any permission, should that be the case.

5.31 Other Matters

5.32 There are a number of general objections which haven't been addressed in the above sections and responses to are provided below:

- It is not a requirement to provide the Notice of Decision for the application to which this is linked (2009/0565/FUL) but in order to inform the general public and consultees a copy of this has been made available on Public Access
- In regards to neighbour notification, consultations have been undertaken in accordance with the regulations, including the placing of a site notice on Hall Lane.
- Objectors have raised planning enforcement matters relating to the original approval (midden) which do not form part of the application for consideration

- The variation of condition 11 would not result in a substantial increase in numbers of horses by allowing up to six more.
- In terms of lighting, if complaints of light spill are received by the Environmental Health Officer, this matter would be considered under the terms of the Environmental Protection Act 1990 Statutory Nuisance provisions.
- As referred to in Section 5.16 of the report, the applicant is not in breach of any conditions as matters have previously been addressed and resolved.
- Landscaping in regards to condition 5 involved a mixed species hedge to the south east boundary of the stable/arena areas; cherry tree to the central area of the stable block; In addition to a 1.8m acoustic timber fence to the boundary which separates the site from Fennel Garth Farm to the north

6 CONCLUSION

- 6.1 Having had regard to the development plan, all other relevant local and national policy, consultation responses and all other material planning considerations, it is considered that the change to condition 11 is acceptable and would not have a detrimental effect on the character and appearance of the area, the residential amenity of the occupants of neighbouring properties and highway safety beyond that accepted under the original approval.

7 RECOMMENDATION

This application is recommended to be **GRANTED** in accordance with the following conditions:

01. The development hereby permitted shall be retained in accordance with the following plans/drawings listed below:

SH01A – Location plan
 SH01 – Site Layout
 SH02 A – Indoor Arena
 SH03 - Stable block floor plans and elevations
 SH04 – Typical section through stable block / proposed site plan
 SH05 – Typical section of outdoor arena
 UKS6693 – External floodlighting for manege

Reason: For the avoidance of doubt

02. The arena shall not be illuminated except in accordance with the details shown in the lighting scheme received by the Local Planning Authority on 24.10.2019

Reason: In the interests of neighbour amenity, to prevent light spillage into the open countryside and in accordance with Policy ENV1 of the Local Plan.

03. The approved scheme (under Discharge of Condition (No.8) application ref: 2011/0590/DPC) for the disposal of foul bedding and manure and for the control of odour and flies shall be operated for the duration of the approved use.

Reason: In the interests of residential amenity and to minimise the risk of pollution in accordance with Policy ENV1 of the Local Plan.

04. At no time shall the number of horses stabled at the development exceed 27. Other than a maximum of 6 horses at any one time, the stabled horses shall be kept there on a full livery or part livery basis only; the term livery being taken as meaning the provision of facilities for, and the supervision and care of horses that are not the property of the proprietor, in return for remuneration or reward. Horses shall at no time be offered for hire at the development hereby permitted for supervised or unsupervised riding on or off the site.

Reason: In the interests of residential amenity in accordance with Policy ENV1 of the Local Plan.

05. No competitive equestrian events, including shows or gymkhanas shall be held at the site, or on the adjoining land in the same ownership and any training of riders undertaken shall be restricted solely to riders who are owners of horses kept at the livery and training centre hereby permitted.

Such training shall only take place between the hours of:

9.00am and 7.00pm Monday to Friday
and between the hours of 10.00am to 6.00pm on Saturdays, Sundays and Bank Holidays.

Within the outside arena no more than two riders shall be trained at any one time.

Reason: In the interests of residential amenity in accordance with Policy ENV1 of the Local Plan.

INFORMATIVES

The proposal complies with the development plan and would improve the economic, social and environmental conditions of the area. It therefore comprises sustainable development and the Local Planning Authority worked proactively and positively to issue the decision without delay. The Local Planning Authority has therefore implemented the requirement in Paragraph 38 of the NPPF.

8 Legal Issues

8.1 Planning Acts

This application has been determined in accordance with the relevant planning acts.

8.2 Human Rights Act 1998

It is considered that a decision made in accordance with this recommendation would not result in any breach of convention rights.

8.3 Equality Act 2010

This application has been determined with regard to the Council's duties and obligations under the Equality Act 2010. However it is considered that the recommendation made in this report is proportionate taking into account the conflicting matters of the public and private interest so that there is no violation of those rights.

9. Financial Issues

Financial issues are not material to the determination of this application.

10. Background Documents

Planning Application file reference 2019/0564/FUL and associated documents.

Contact Officer:

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Appendices: None