

Report

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Report to:	Clydesdale Area Committee
Date of Meeting:	19 December 2006
Report by:	Executive Director (Enterprise Resources)

Application No	CL/06/0705
Planning Proposal:	Formation of Equestrian Training Yard (Retrospective)

1 Summary Application Information

- Application Type : Detailed Planning Application
- Applicant : Mr D Campbell
- Location : Area of land within Yett Farm
Woodhall Road
Braidwood ML8 5NF

2 Recommendation(s)

2.1 The Committee is asked to approve the following recommendation(s):-

- (1) Grant Detailed Planning Permission – (Subject to Conditions – Based on Conditions Listed)

2.2 Other Actions/Notes

The Area Committee has delegated powers to determine this application

3 Other Information

- ◆ Applicant's Agent: Hastie Weir
- ◆ Council Area/Ward: 07 Duneaton/Carmichael
- ◆ Policy Reference(s): Lower Clydesdale Local Plan (Adopted)
 - Policy ENV1: Green Belt
 - Policy ENV7: Areas of Great Landscape Value

South Lanarkshire Local Plan (Finalised Draft)

- Policy STRAT3: The Green Belt and Urban Settlements in the Green Belt
- Policy ENV4: Protection of the Natural and Built Environment
- Policy ENV28: Regional Scenic Area and Areas of Great Landscape Value
- Policy DM1: Development Management
- Policy ENV11: Design Quality
- Policy ENV33: Development in the Countryside

- ◆ Representation(s):

► 4 Objection Letters

◆ Consultation(s):

Environmental Services

S.E.P.A. (West Region)

Planning Application Report

1 Application Site

- 1.1 The application site is located to the south of Yett Farm, outside the settlement boundary of Braidwood. The site is bounded by open land to the south and an existing riding arena to the west. To the northern boundary is an area of undeveloped land with detailed planning permission for a 2-storey detached dwellinghouse. The garden curtilage of Yett Holm, located to the north-west corner of the site, extends along the eastern boundary of the site. There is an existing 1.9m close boarded fence erected along the north boundary of the site and mature trees run along the eastern boundary. The riding arena is located on land which slopes gently on a north-south axis.

2 Proposal(s)

- 2.1 The applicant seeks retrospective planning consent for the formation of an equestrian training yard and riding arena. The arena extends 45m in length and 25m in width. The original ground levels have been made up to create a level platform. It sits below the level of the ground to the north of and for much of the boundary to the east. The applicant has provided a supporting letter detailing why a second equestrian riding arena is required. The applicant has stated that the topography of the land where the existing arena is positioned and the gravel surface of the arena are not suitable for show jump horses that his family own and use in competitions. In addition, the existing arena has no appropriate drainage systems in place to prevent flooding during periods of rain. The works required to remedy the problems of the existing arena to make it suitable were not financially feasible and therefore the applicant decided to relocate the arena to form a suitable riding arena specifically for show jump horses.

3 Background

3.1 Local Plan Status

The site is identified as lying within the Green Belt and an Area of Great Landscape Value in both the adopted Lower Clydesdale Local Plan and the South Lanarkshire Local Plan (Finalised Draft). The proposal would therefore be assessed against Policies ENV 1 & ENV 7 of the Lower Clydesdale Local Plan and Policies STRAT3, ENV4, ENV28, DM1, ENV11 and ENV33 of the South Lanarkshire Local Plan (Finalised Draft).

3.2 Relevant Government Advice/Policy

None relevant.

3.3 Planning History

A previous application (CL/03/0124) seeking detailed planning consent for the erection of stables and an exercise yard was granted 1 April 2003. The planning consent has been implemented and the stables are located to the north of the current application site, and are screened by Yett Farm dwellinghouse. The riding arena was formed to the south of the stables and to the west of the current site. The arena is linked to the newly formed arena by way of a gravel pathway. The second equestrian arena was completed before an application was submitted, however the works were brought to the attention of this Service and letters were sent to the applicant between 10 July 2006 and 18 August requesting that work stopped and that an application was to be submitted. An application was submitted on the 18 August 2006 after works on site were completed.

4 Consultation(s)

4.1 **SEPA** – has no objections to the proposal.

Response: Noted.

4.2 **Environmental Services** – require a noise impact report to be submitted that will examine the design and use of the outdoor facility to ensure that there is minimal noise impact on neighbouring properties. Measures should be made to prevent light from floodlights affecting adjacent properties.

Response: It is not considered that noise to an unsuitable degree will be created by the development as it is merely for private use. No floodlights are proposed under this application.

5 Representation(s)

5.1 Following neighbour notification, 4 letters of objections were received and the grounds of objections area are as follows.

(a) **The scale and siting of the development does not comply with local plan policy and the close proximity of the arena has an adverse impact on residential amenity.**

Response: The proposal complies with the relevant local plan policies, as detailed below, and would not have a detrimental impact on residential or visual amenity. Existing screening and tree planting and the lower ground level of the riding arena in relation to adjoining houses would ensure that the development does not impact on residential properties.

(b) **The arena is for commercial use and this can be seen through the cumulative impact of the equestrian development at the site.**

Response: The applicant has confirmed in writing that the riding arena is for personal use only and, if consent is granted, a condition would be attached to ensure that it is for private use only incidental to the dwellinghouse.

(c) **The stability of the land is unsure due to the significant ground works and levelling that has been completed.**

Response: A structural engineer's report has been submitted by the applicant which advises that the development and associated ground works have been formed in a manner that would not cause instability issues .

(d) **To the south-east of the site the ground works have raised the arena above the boundary fence of the surrounding land and this will affect the residents' privacy and create a risk to safety.**

Response: There are existing mature trees along eastern boundary which screen the arena from Yett Holm and its garden curtilage.

(e) **The development could have been erected at another location within the applicant's ownership; however this site was chosen to create maximum impact on neighbouring properties and minimising the affect on the applicant.**

Response: The applicant has submitted a supporting letter detailing the reasons why the new arena was formed at the application site. After assessment by the applicant, it was considered that the area of land where it is located was the least sloping land in which to form a suitable riding arena specifically for show jump horses. The location of the riding arena has minimal

impact on the Green Belt and surrounding Great Landscape Area as it integrates satisfactorily with the natural slope of the land and the backdrop of mature trees.

- (f) **The applicant was requested to stop all works and that a planning application should be submitted; however the applicant continued and completed the work before an application was submitted.**

Response: Although the development was completed before a planning application was submitted, the application has been assessed on its own merits.

- (g) **Since the arena has been in use, the noise level from voices in the area where clients are being coached in riding is excessive. There is also a smell from the materials used to form the arena and in due course there will be the smell from horses.**

Response: The arena would be used solely for private use and, as such, there should be no unacceptable noise levels created that would impact on adjoining properties.

- (h) **Neighbour notification, as stated on the applicant's application form, was not received by Mr Colin Fleming.**

Response: The address to which the neighbour notification was sent was incorrect. In response to this, the applicant re-sent notification to all neighbours to the correct addresses.

- (i) **The area to the rear of the objector's garden is waterlogging due to the elevated ground level to the east of the site.**

Response: If consent is granted, a condition would be attached to ensure that drainage is provided to prevent surface water from the site running onto adjoining land.

These letters have been copied and are available for inspection in the usual manner.

6 Assessment and Conclusions

6.1 The determining issue in this application is its compliance with the local plan policies and the impact on residential and visual amenity. The site lies within the Green Belt and an Area of Great Landscape Value wherein Policies ENV1 and ENV7 of the Lower Clydesdale Local Plan apply respectively. Great importance is attached to preserving the designated Green Belt and achieving a high standard of design to ensure safeguarding of the landscape character of the site. There is a general presumption against all development except where it can be shown to be necessary for the furtherance of agriculture, horticulture, forestry, recreation establishments or other uses considered appropriate to the Green Belt including telecommunications and renewable energy development. Policy SPL1: Green Belt of the Lower Clydesdale Local Plan supports the aims of Policy ENV1 in protecting the amenity of the Green Belt area. Any development that the Council considers to be appropriate in principle should be located and designed in a manner that will not significantly adversely affect the agricultural, natural heritage and amenity value and landscape character of the Green Belt.

6.2 Policy STRAT3: The Green Belt and Urban Settlements in the Green Belt of the South Lanarkshire Local Plan (Finalised Draft) reiterates the aims and requirements of Policy ENV1 of the Lower Clydesdale Local Plan in that there is a general presumption against all development except where it can be shown to be necessary

for the furtherance of agriculture, horticulture, forestry, recreation establishments or other uses considered appropriate to the greenbelt.

- 6.3 Policy ENV 4: Protection of the Natural and Built Environment of the finalised South Lanarkshire Local Plan states that the Council will assess all development proposals in terms of their effect on the character and amenity of the natural and built environment. The Council will seek to safeguard areas which are identified in the South Lanarkshire Local Plan. These include Regional Scenic Areas, within which the site is located. Developments will only be permitted where the integrity of the protected resource will not be undermined.
- 6.4 Policy ENV28: Regional Scenic Area and Areas of Great Landscape Value of the finalised South Lanarkshire Local Plan states that within the Regional Scenic Area and Areas of Great Landscape Value, development will only be permitted if it satisfies the requirements of Policy STRAT4 and can be accommodated without adversely affecting the overall quality of the designated landscape area.
- 6.5 Policy DM1: Development Management of the South Lanarkshire Local Plan (Finalised Draft) states that all planning applications will require to take account of the local context and built form, and all development will require to enhance the quality and appearance of the local environment.
- 6.6 Policy ENV 11: Design Quality of the South Lanarkshire Local Plan (Finalised Draft) states that the quality of the design and layout of new developments must be such that they can demonstrate the application of the principles of sustainable development and make a positive contribution to the character and appearance of the urban or rural environment in which it is located.
- 6.7 Policy ENV 33: Development in the Countryside of the South Lanarkshire Local Plan (Finalised Draft) aims to conserve the natural and built environment and avoid dominating or adversely interfering with existing views in and out of the site. In addition, the development should respect existing landscape form, and retain or reinstate trees, woodland and boundary features which contribute to landscape character and support wildlife.
- 6.8 The proposal involves the retention of a horse training facility and riding arena for domestic use. I am satisfied that the proposal is an appropriate rural use and therefore it complies in principle with Green Belt policy in the adopted and finalised plans. The equestrian arena visually integrates well with the surrounding area due to its location which has a backdrop of an existing 1.9metre high fence and mature trees. The side embankments of the arena have been grassed to integrate with the landscape, and there is no artificial lighting proposed. The arena is not visually prominent from the main public views from Woodhall Road as it is screened by existing development and mature trees. There is existing woodland which runs along the boundary of the applicant's field boundary to the west of the application site next to Braidwood Burn. These trees provide effective screening of the arena from views along Braidwood Road. The development does not have a detrimental impact on the visual amenity of the surrounding area and is considered an appropriate use for the Green Belt area.
- 6.9 The applicant has submitted a structural report from a suitably qualified engineer that assesses the stability of the arena and the associated ground works that were carried out. Due to the sloping nature of the land, ground works were carried out to level the land and create a flat surface suitable for the development. The ground level was reduced approximately 1.5m at the north of the site and raised

approximately 1.7m to the south. The ground works created a graded embankment around the arena which was then grassed. The structural report certifies that the arena and the surrounding land is stable.

- 6.10 Although the arena is in close proximity to the approved house plot to the northern boundary, it is not considered that the arena would have a significant impact on the visual or residential amenity of that property as the existing 1.9 metre fence and the lower ground level of the arena would ensure that the development is sufficiently screened from the proposed house and its garden curtilage. The mature trees to the eastern boundary of the site screen the development and its associated ground works from Yett Holm. The applicant has confirmed in writing that the arena would be used only for private use and, if granted, a condition would be attached to control the use of the arena to ensure that there would be no unacceptable noise level created that would adversely impact the adjoining neighbours.
- 6.11 In view of the above, I consider that the proposal is an appropriate form of development for the site, would not have an adverse impact on visual or residential amenity and complies with local plan policy. I therefore recommend that planning permission be granted.

7 Reasons for Decision

- 7.1 The proposal complies with Policies ENV1 and ENV7 of the Lower Clydesdale Local Plan (Adopted) and Policies STRAT3, ENV4, ENV28, DM1, ENV11 and ENV33 of the South Lanarkshire Local Plan (Finalised Draft) and would not have a detrimental impact on residential or visual amenity.

Iain Urquhart
Executive Director (Enterprise Resources)

5 December 2006

Previous References

- ◆ CL/03/0124

List of Background Papers

- ▶ Application Form
- ▶ Application Plans
- ▶ Consultations
Environmental Services 07/11/2006
- ▶ Representations
 - Representation from : Hew Campbell, Yett Holm, Woodhall Road, Braidwood
Carlisle, DATED 23/10/2006
 - Representation from : Hew Campbell, Yett Holm, Woodhall Road, Braidwood
ML8 5NF, DATED 22/09/2006

Representation from : Hew Campbell, Yett Holm, Woodhall Road, Braidwood
ML8 5NF, DATED 23/11/2006

Representation from : Colin Fleming, Plot 1, Woodhall Road, Braidwood
ML8 5NF, DATED 26/09/2006

Contact for Further Information

If you would like to inspect the background papers or want further information, please contact:-

Pamela Ashbridge

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E-mail: Enterprise.lanark@southlanarkshire.gov.uk

CONDITIONS

- 1 That the development hereby permitted shall be started within five years of the date of this permission.
- 2 That the development shall be carried out strictly in accordance with the plans hereby approved and no change to the design or external finishes shall take place without the prior written approval of the Council as Planning Authority.
- 3 That the use of the training yard and riding arena hereby permitted shall be restricted to private use incidental to the enjoyment of the dwellinghouse on the site and no commercial activity shall be carried out in or from the arena.
- 4 That within 3 months of the date of consent, a drainage system capable of preventing any flow of water from the site onto neighbouring land, or into the site from surrounding land shall be provided to a specification of, and thereafter maintained to, the satisfaction of the Council as Planning Authority at the applicants expense.
- 5 That the sides, front and rear embankment shall be grassed and thereafter maintained to the satisfaction of the Council as Planning Authority.
- 6 That the 1.0 metre fence hereby approved shall be painted/stained green and shall thereafter be maintained to the satisfaction of the Council as Planning Authority.
- 7 In the event that the riding arena becomes obsolete or redundant it must be removed and the site reinstated to the satisfaction of the planning authority within 2 months.
- 8 That no consent is granted for any form of illumination at the site. A further planning application shall be submitted for the consideration of the Council as Planning Authority for any form of illumination at the site.

REASONS

- 1 To accord with the provisions of the Town and Country Planning (Scotland) Act 1997.
- 2 In the interests of amenity and in order to retain effective planning control.
- 3 To retain effective planning control and safeguard the amenity of the area.
- 4 To ensure the provision of a satisfactory drainage system.
- 5 To ensure satisfactory integration of the new development with the designated Greenbelt.
- 6 To ensure satisfactory integration of the new development with the designated Greenbelt.
- 7 To minimise the level of visual intrusion, and ensure the reinstatement of the site to a satisfactory standard.
- 8 To safeguard the residential amenity of the area.

For information only

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