

**North Northamptonshire Area Planning Committee
(Thrapston)
20 December 2021**

Application Reference	NE/21/00994/FUL
Case Officer	Jacqui Colbourne
Location	2 Orchard Lane, Woodnewton, Peterborough, Northamptonshire, PE8 5EE
Development	Change of use from agricultural use to mixed agricultural and equine use.
Applicant	Mr D And Mrs A Hiles
Agent	Bill Griffin Associated - Bill Griffin
Ward	Oundle
Overall Expiry Date	28 September 2021
Agreed Extension of Time	24 December 2021

Scheme of Delegation

This application is brought to committee because it falls outside of the Council's Scheme of Delegation. Three letters of objection, raising material planning matters, have been received from the public and the recommendation is to approve.

1. Recommendation

- 1.1 That planning permission be GRANTED subject to conditions.

2. The Proposal

- 2.1 The application proposes the change of use from agricultural to mixed agricultural and equestrian use of the application site. No structures are proposed.

3. Site Description

- 3.1 The application relates to land in open countryside to the east of 2 Orchard Lane, a residential property. Land to the north, east, and south of the site is open countryside. To the west of the site is a public footpath. The application site is not located within the Woodnewton Conservation Area.

4. Relevant Planning History

- 4.1 None.

5. Consultation Responses

A full copy of all comments received can be found on the Council's website [here](#)

5.1 Woodnewton Parish Council

No objection to the change of use but raise concerns of safety around the proposed new access. The proposed access is a "historic access" and possibly so for the reasons that this is a narrow and straight part of the road where the traffic moves at speed. The proposed access lies just outside the 30mph village limit and although clear of the bend into the village when you look up the road towards Nassington after the first incline there is a blind dip which limits visibility and is further hampered by how well the verges are maintained - currently only cut to a width of about 1.5m. This has to be taken into consideration with the unpredictability of livestock behaviour.

5.2 Neighbours / Responses to Publicity

13 letters have been received, 10 in support and 3 raising objections. The issues raised are summarised below:

In objection:

- Concerns regarding a potential commercial enterprise;
- Access and traffic noise;
- Increased traffic;
- Air Pollution;
- Clarity of the meaning of "*Horsicultural*";
- Smells;
- Visual Impact;
- Noise from the use; and
- Invasion of privacy.

In support:

- Safer than riding on the roads;
- No impact on neighbours;
- Visually attractive;
- No noise nuisance use;
- Access only occasional, as only for applicants use and is not unacceptable; and
- Enhances the rural character

5.3 Highways (LHA)

The highways team state that there is an existing field access and that this proposal would result in a lesser intensification and suggest that the local planning authority takes its own view.

5.4 Community Development

No comments received.

5.5 Northamptonshire British Horse Society

No comments received.

5.6 The British Horse Society

No comments received.

5.7 Natural England

No comments to make.

5.8 Ecology

No comments received.

5.9 Definitive Maps Team – Rights of Way (ROW)

No changes to the footpath are proposed on the application form, or drawings. The ROW team has stated that as long as the applicant's agent confirms this is the case, then they have no comments to add. The applicant's agent confirmed via email on 22.11.2021 that no changes are proposed.

6. Relevant Planning Policies and Considerations

6.1 Statutory Duty

Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

6.2 National Policy

National Planning Policy Framework (NPPF) (2021)
National Planning Practice Guidance (NPPG)
National Design Guide (NDG) (2019)

6.3 North Northamptonshire Joint Core Strategy (JCS) (2016)

Policy 1 - Presumption in Favour of Sustainable Development
Policy 3 - Landscape Character
Policy 8 - North Northamptonshire Place Shaping Principles

- 6.4 Emerging East Northamptonshire Local Plan (LPP2) (2021)
EN1 – Spatial Development Strategy
- 6.5 Neighbourhood Plan
None
- 6.6 Other Relevant Documents
Highway Authority Standing Advice for Planning Authorities 2016

7. Evaluation

The key issues for consideration are:

- Principle of Development
- Visual Impact
- Impact on Neighbouring Amenity
- Highway Matters
- Environmental Matters

7.1 Principle of Development

- 7.1.1 The application proposes the change the use of land currently used for the purposes of agriculture - to mixed agricultural and equestrian use. The term "*Horsicultural*" use was used on the application which is a slang, rather than an officially recognised term, however, the applicants agent has agreed that this word can be omitted from the description of proposed works, and from the decision notice regardless of the outcome.
- 7.1.2 The site is located on the edge of the village in the open countryside where development is restricted. However, the proposed use would be expected in the open countryside as it is a use that is typically associated with rural areas. In addition, the existing agricultural use would be retained and therefore there would be no loss of an existing rural business. For these reasons, the principle of development is considered to be acceptable.

7.2 Visual Impact

- 7.2.1 The proposal seeks permission for change of use only. No structures of any type are proposed, and the applicant has stabling for their horses in the garden of their associated dwellinghouse at 2 Orchard Lane. As such this proposal would have a negligible visual impact as it would either be horses or livestock on the land, both of which are expected in the open countryside. It is noted that concerns regarding the potential visual impact of a commercial enterprise have been raised, however this application is not for such use or for any structures, and this can be secured via planning condition.

7.3 Impact on Neighbouring Amenity

- 7.3.1 The only impact to neighbouring properties would be that which pertain to horse grazing and riding at the site, as no structures of any sort are proposed. An objection has been received based on the potential for an invasion of privacy, however, there is a significant separation distance

between the application site and any neighbouring residential properties. As such no impact in terms of overlooking overshadowing or overbearing would result from these proposals.

- 7.3.2 The potential for smell and noise at the site has also been raised however, this is currently an agricultural field where livestock would be expected to graze, and as such this proposal would not have any additional impact.

7.4 Highways

- 7.4.1 Concerns have been received in relation to the access and the potential for an increase in traffic. The Highways' team has assessed that given that there is an existing field access and that this proposal would result in a lesser intensification and that the local planning authority should take its own view.

- 7.4.2 The application proposes that any vehicles related to the equestrian use will continue to use the domestic access at the associated dwellinghouse at 2 Orchard Lane, where horses are already kept, and as such the existing historical access to the site would not be required to be upgraded. In addition, the applicant states that the use of the site would be limited to the applicant only, and this can be secured via planning condition. As such there would be no unacceptable impact in terms of highway safety from this proposal.

- 7.4.3 Comments have been raised regarding the legalities of the applicant being able to utilise the shared domestic access onto Orchard Lane for equestrian use. Horses are already kept at No.2 Orchard Lane and there is only one vehicular access to this property, so the types of vehicle using this access would not change. Legal (covenant) issues are not relevant to the determination of a planning application. If planning permission is granted, the applicant will have to resolve this matter with their neighbour(s) separately.

8. Other Matters

- 8.1 Neighbour comments: The comments received have been noted and where concerns have been raised, these have been addressed above.
- 8.2 Equality Act 2010: It is not considered that the proposal raises any concerns in relation to the Equality Act (2010).

9. Conclusion / Planning Balance

- 9.1 The application proposes a change of use of existing agricultural land to a mixed use of agricultural and equine for the applicant's use only. In view of the nature and scale of the proposal and that there are no concerns regarding residential amenity, approval of the scheme, subject to conditions is recommended.

10. Recommendation

10.1 That permission is GRANTED subject to the following conditions:

11. Conditions:

1 The development permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended.

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

Site Identification Plan 1564-EQ-01-Rev A
Proposed "paddock" Plan 1564-EQ-02
Both received by the Local Planning Authority on 08.09.2021

Reason: To ensure that the development is carried out as permitted.

3 The equestrian element of the use hereby permitted shall be for the benefit of those residing at No.2 Orchard Lane, Woodnewton, only and shall not be used for any friends, extended family or commercial purposes.

Reason: In order to clarify the terms of this permission and in the interests of highway safety as the application has been assessed on the basis of being for personal rather than commercial use. Any intensification of use over and above that permitted would require further consideration by the Council.

4. No floodlighting or other means of external illumination shall be provided in connection with the development.

Reason: In the interests of visual amenity.

6. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) (England) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order), planning permission shall be required for any temporary buildings, structures, uses, or moveable structure as set out in Schedule 2, Part 4, Classes A, B, BA and BB.

Reason: To allow the Local Planning Authority to assess any changes to the property and the character and appearance of the development and it on the wider area.