

## Item No. 2

**Application No:** P/09/2418/2

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| <b>Application Type:</b> | Full   | <b>Date Valid:</b> | 15th December 2009   |
| <b>Applicant:</b>        | Ms K Davidson  |                    |                      |
| <b>Proposal:</b>         | Change of use of land for riding school and commercial livery.                                   |                    |                      |
| <b>Location:</b>         | Land adj to North Lodge Farm, 174 Thrussington Road, Ratcliffe on the Wreake, Leicester, LE7 4SQ |                    |                      |
| <b>Parish:</b>           | Ratcliffe on the Wreake  | <b>Ward:</b>       | Wreake Villages Ward |
| <b>Case Officer:</b>     | Mrs A Williamson   | <b>Tel No:</b>     | 01509 634735         |

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The application is to be considered by the Plans Committee at the request of Councillor Bush. He is in agreement with the reasons given by the Parish Council that a delegated decision is inappropriate.

### Description of the Application

The application seeks to authorise the use of the land for the applicant's riding school and livery business, which has been operated on the site for several years.

The field has been sub-divided into a number of paddock areas by post and rail fencing and there are a number of timber field shelters, which can be moved around the land. An area has been sectioned off to the side of the hay and storage buildings as a manege/training area, which is covered in bark.

The scheme indicates that 6 parking spaces are to be provided within the site to the side of the hedgerow close to the tack and hay store.

The applicant has been granted planning permission (ref.no.P/09/2418/2) for her personal equestrian use of the land, including the timber tack and hay store building and secure storage container sited alongside the hedgerow to highway frontage.

The applicant has confirmed the following details on the operation of the business activity:

- She owns 16 horses and currently provides livery for 9 horses, which is unlikely to increase more than a further 5 or 6 horses. The total capacity of her holding is 30/35 depending on the size of the horses.
- The commercial activity involves the applicant as the instructor and two part time employees.
- The riding school operates daily, except Mondays from 9am until dusk in summer, 4.30 in winter
- The school specialises 1 or 2 clients to the instructor, with a maximum 4 clients in a group session.
- A maximum number of cars at anytime for the riding school use would be 4.
- The horses are checked daily, there is no requirement to live onsite.

The applicant has confirmed that she be willing to accept a personal permission.

## **Development Plan Policies and other material considerations**

- **Development Plan Policies**

The following saved policies of the Borough of Charnwood Local Plan (adopted 12<sup>th</sup> January 2004) are relevant to this decision:

Policy CT/1 “General Principles for Areas of Countryside”: states that development within the countryside will only be permitted if it would be essential for agriculture, diversification of the rural economy or for an important mineral/transport/public service need.

Policy CT/2 “Countryside”: states that development acceptable in principle will only be permitted where it would not harm the character and appearance of the countryside and provided it could safeguard its historic, nature conservation, amenity and other local interest.

Policy CT/13 states that loose boxes and stables for recreational purposes which do not require on-site supervision and management will be granted planning permission in locations outside Limits to Development providing any buildings and structures are of a design , siting and materials and suitably landscaped to harmonise with the character and appearance of a locality and the use would not result in traffic generation, noise, smell or other nuisance unacceptable in its effect on residential amenity, highway safety and rural character of locality.

The policy confirms that larger-scale proposals for riding stables, which because of their nature require full-time, on-site supervision will only be accepted in association with and close proximity to a dwelling.

Policy CT/7 relates to Areas of Particularly Attractive Countryside seeks to ensure that development would not detract from the essentially undeveloped rural character of the landscape.

Policy TR/6 relates to traffic generation to ensure that proposals do not have an adverse impact on highway safety or the environment.

- **Other Material Considerations**

The Crime and Disorder Act 1998 places a duty on the local planning authority to do all that it reasonably can to prevent crime and disorder in its area. The potential impact on community safety is therefore a material consideration in the determination of this planning application.

## **Relevant Planning History**

In 2008 an application for formation of car park and outdoor riding school ref.no.P/08/1392/2 was withdrawn by the applicant as insufficient details were provided of the proposed development including a manege, the existing building or information regarding the commercial use of the land.

Subsequently in January 2009 planning permission (P/09/2720/2) was granted for the personal equestrian use of the land and the retention of the timber building, the commercial use of the land remained unauthorised.

### **Responses of Statutory Consultees**

LCC –Highways advises that the access provides good visibility out onto the highway and that the existing vehicular access does not meet current standards, therefore recommends improvements to the access, manoeuvring and parking arrangements.

The Environment Agency has no objections, it is considered to be of low flood risk.

Ratcliffe on the Wreake Parish Council raises the following objections:-

- More than 4 vehicles are parked at the premises, sometimes on the road or grass verge opposite.
- The submitted plans do not show all the shelters, fences or the public footpath.
- Some walkers of the public footpath have been experienced problems and injury as a result of the horses.
- Ratcliffe Road is a hazardous busy road for novice riders.

The Parish requests that the application be decided by Plans Committee and confirm that the Council would wish to speak at the meeting.

### **Other Comments Received**

None

### **Consideration of the Planning Issues**

The keeping of horses is an appropriate use in the countryside, in principle in accordance with Policy CT/I and the accepted use of the land by the Council's grant of planning permission.

The timber field shelters are moveable structures on the land together with the fencing, consequently are not specifically detailed in the planning application. It is the impact of the commercial and more intensive use of the land and buildings that needs to be considered and its impact on the character and appearance of the countryside in this locality.

The scheme includes the provision of parking facilities within the site and the highway authority raises no concerns relation to highway safety subject to improvements to the access and parking facilities.

The public footpath crosses the site across the grazing land, footpaths often cross land where animals graze. The applicant is not aware of any problems being experienced by walkers. The use of land for the keeping of horses is accepted, this has no relevance to the acceptability or otherwise of the retention of the riding school and livery use of the land.

The timber building, storage container, manege and proposed parking area are grouped together alongside the hedgerow and so are partially screened from public

view. The fencing and animal shelters do not specifically require planning permission and so could be present on the land for her own horses.

It is considered that the applicant's commercial equestrian use of the land as detailed in the application is low key and has a satisfactory impact on the character and appearance of the countryside in this location, therefore is in accordance with the above policies.

## **RECOMMENDATION**

Grant Conditionally - Recommendation - subject to the following conditions:

1 - This permission is solely for the benefit of the applicant and shall not run with the land.

REASON: But for the special circumstances of the applicant, who indicates that there is no requirement to live on the site, otherwise the local planning authority would not have been prepared to grant permission for the development, as saved Policy CT/13 confirms that larger-scale proposals for riding stables will only be acceptable in association with and in close proximity to a dwelling.

2 - The hedge located on the Thrussington Road boundary of the application site shall be retained and maintained at a height to screen the buildings. Any part of the hedge removed, dying, being severely damaged or becoming seriously diseased shall be replaced, with hedge plants of such size and species as previously agreed in writing by the local planning authority, within one year of the date of any such loss.

REASON: The hedge is an important feature in the area and its retention is necessary to help screen the buildings and associated works within the landscape.

3 - Within three months of the date of this permission, improvements to the existing access have been completed, in accordance with details which shall have first been submitted to and agreed in writing by the local planning authority.

REASON: In the interests of highway safety.

4 - Within three months of the date of the permission, the parking and manoeuvring facilities shown on the approved plan have been completed in accordance with in accordance with details which shall have first been submitted to and agreed in writing by the local planning authority. Thereafter, the parking and manoeuvring facilities shall not be obstructed in any way that would prevent such use.

REASON: To make sure vehicles can enter and leave the site in a forward direction and to provide off-street parking, in the interests of road safety.

### **Informatives**

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DEVELOPMENT PLAN POLICIES RELEVANT TO THIS DEVELOPMENT - Policies CT/1, CT/2, CT/13, CT/7 and TR/6 of the Borough of Charnwood Local Plan (adopted 12th January 2004) have been taken into account in the determination of this application. The proposed development complies with the requirements of these

saved Local Plan policies and there are no other material considerations which are of significant weight in reaching a decision on this application.

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Planning permission has been granted for this development because the Council has determined that, although representations have been received against the proposal, it is generally in accord with the terms of the above-mentioned policies and, otherwise, no harm would arise such as to warrant the refusal of planning permission.

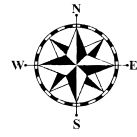
3

All works within the limits of the highway with regard to access shall be carried out to the satisfaction of the County Council's Highway Manager on 0116 3052100



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**Location:** Land adj to North Lodge Farm, 174 Thrusington Road, Ratcliffe on the Wreake, Leicester, LE7 4SQ  
**Scale:** 1:5000

