

**Parish: Rudby**  
Ward: Hutton Rudby  
**6**

Committee date: 30<sup>th</sup> May 2019  
Officer dealing: Miss Charlotte Cornforth  
Target date: 28<sup>th</sup> September 2018

**18/01565/FUL**

**Construction of an all weather non-illuminated equestrian paddock and fence & re-location of existing stock fence  
At Land south of South View, Hutton Rudby  
For Mr R Readman**

**This application is referred to Planning Committee at the request of a Councillor.**

## **1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The site is a field of approximately 2.2 hectares in an area located on the northern side of the River Leven, to the west of Hutton Rudby Bridge and effectively lies within the open space between Rudby and Hutton Rudby, within the Conservation Area. The access is by a track which is also a public right of way, and serves properties beyond the site, to the west. The track is lined with trees that are the subject of a group Tree Preservation Order.
- 1.2 There is vehicular access into the field from the track that also provides access to the stables and equestrian part of the site in the north-west corner. To the north of the site there is a row of two storey houses, on slightly higher land, known as South View. There is a residential property, Leven Valley, on the west side of the site.
- 1.3 The southern-most part of the site falls within Flood Zones 2 and 3. However, the part of the field where the proposed dwelling would be located, along with the garden space and driveway is located within Flood Zone 1, an area least at risk of flooding.
- 1.4 The site is located within the Hutton Rudby Conservation Area, with the closest listed buildings being the Grade I listed All Saints Church to the east of the site and the Grade II Hutton Rudby Bridge to the west of the site. The Leven Valley area is identified within the Hutton Rudby Village Design Statement as being of upmost importance to the village as a landscape feature, a wildlife and recreational resource and for the setting of the historic building of All Saints Church.
- 1.5 The proposal seeks the construction of an all weather non-illuminated equestrian paddock and fence & re-location of existing stock fence. It will measure 40 metres by 25 metres, with the land sloping north to south.
- 1.6 Information was requested to demonstrate how the drainage of the development will not cause detriment to the adjoining property. Particularly a design that shows how the overland flow from the development towards the dwelling 'Leven Valley' is not concentrated or results in a worsening of the existing overland flows.
- 1.7 The agent was advised to consider whether it may be possible to construct a 'French drain' with further attenuation system formed below the all-weather paddock but above any land within Flood Zone 2 and Flood Zone 3, and terminating with an outfall to the River Leven.
- 1.8 This information has been submitted in the form of a letter and shown on an accompanying plan. A summary of this is set out below:
  - The construction of the equestrian paddock will be made permeable so that any rainfall on the it will simply flow though into the strata below

- To provide backup to this permeable construction, a herringbone field drainage system will be installed and use the fall of the land to allow a carrier drain to fall into a soakaway constructed from clean stone fill
- The submitted site layout plan shows a soakaway to the south east corner of the equestrian paddock

## **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 11/02472/FUL – Change of use of land from agricultural to equestrian and construction of a stable block; Granted 3 February 2012.
- 2.2 15/01651/FUL – Manure store and stock fence with gate; Granted 4 November 2015.
- 2.3 18/00576/FUL - Construction of a detached dwelling; Refused June 2018. The reasons for refusal stated:

1. The proposed development would not reflect the form and character of the area, resulting in harm to the character and appearance of the rural surroundings, contrary to Local Development Policies CP16 and DP30. The proposal is also contrary to criteria 2 and 4 of the Interim Policy Guidance Note as the site does not reflect the existing built form and character of the village; the proposed dwelling would be an incongruous feature within the rural surroundings of the area and lead to a coalescence of the two settlements of Hutton Rudby and Rudby.

2. The proposed development by virtue of its scale, form, detailed design and use of materials fails to reinforce the local distinctiveness of the area and as such fails to accord with the requirements of Local Development Policies CP17 and DP32 and the NPPF.

3. The siting of a large detached dwelling and associated amenity space on this open field would be harmful to the openness of this part of the Hutton Rudby Conservation Area by virtue of the scale of the dwelling. The proposal is considered to fail to preserve or enhance the character and appearance of the Rudby Conservation Area as stated within Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is contrary to Local Development Policies CP16 and DP28 and the NPPF and criterion 3 of the Interim Policy Guidance.

## **3.0 RELEVANT PLANNING POLICIES**

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
 Core Strategy Policy CP2 – Access  
 Core Strategy Policy CP3 – Community assets  
 Core Strategy Policy CP4 - Settlement hierarchy  
 Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
 Core Strategy Policy CP17 - Promoting high quality design  
 Core Strategy Policy CP21 - Safe response to natural and other forces  
 Development Policy DP1 - Protecting amenity  
 Development Policy DP3 - Site accessibility  
 Development Policy DP4 - Access for all  
 Development Policy DP6 – Utilities and infrastructure

Development Policy DP8 - Development Limits  
Development Policy DP9 - Development outside Development Limits  
Development Policy DP10 - Form and character of settlements  
Development Policy DP30 - Protecting the character and appearance of the countryside  
Development Policy DP32 - General design  
Development Policy DP33 - Landscaping  
Development Policy DP43 - Flooding and floodplains  
National Planning Policy Framework

#### **4.0 CONSULTATIONS**

- 4.1 Rudby Parish Council – recommends approval subject to a satisfactory drainage solution.
- 4.2 Environment Agency the proposed development of the equestrian paddock and fence and relocation of existing stock fence in Hutton Rudby is an issue of pluvial overland flow from surface water sources rather than fluvial (river) flooding.

As you are aware, as of 2015, following changes to the Planning Practice Guidance (2015), surface water drainage is now the responsibility of local authorities. We are therefore no longer statutorily able to provide detailed comments on drainage proposals. However, our advice is as follows:

Informative

We would, however suggest that a suitable drainage scheme is submitted and approved by the local planning authority prior to any planning approval which would mitigate against the potential effect of increased surface water run off on the adjacent property

- 4.3 Public comments – At the time of writing, there have been 11 objections to the proposal and 1 letter of support.

In summary, the grounds of objection are:

- An all-weather paddock (manège) is not needed because the land drains extremely well due to its sandy nature as a flood plain, so it is already an excellent all-weather terrain
- There is no reason for this arena as the owners of the land and stables already train and ride their horses in the field all year round with no ill effect to the grazing as the field is more than large enough to accommodate these activities
- The proposal should not be for commercial activity
- Considerable landscaping would be required to construct the horizontal terrace leading south from the stable block area and level. To achieve this, up two to three metres of infill on top of the existing valley floor would be required
- The inevitable associated equestrian paraphernalia and urban-type mesh wire fencing would have an unacceptable landscape impact on the character and appearance of this part of Hutton Rudby's Conservation Area. The rural, open aspect of this green field area would neither be conserved nor enhanced by the proposal.

In summary, the grounds of support are:

- As an owner of two horses with paddocks I can quite categorically state that it is simply impossible to ride in a field, as some are suggesting, all year round. Fields clearly become wet in the autumn/winter/spring months and, at risk of stating the obvious, grass does not grow

## **5.0 OBSERVATIONS**

- 5.1 The main issues to consider are (i) the principle of development; (ii) the impact upon the character of the village; (iii) design; (iv) heritage assets; (v) residential amenity; (vi) trees; (vii) highway safety; (viii) drainage issues; and (ix) land contamination.

### Principle

- 5.2 Policy CP4 allows any form of development in principle if the site lies within the Development Limits of settlements that are defined in the Settlement Hierarchy, and which is of a scale and nature appropriate to secure the sustainability of each settlement. The application site lies beyond the Development Limits of any settlement in Hambleton District. Policy CP4 requires justification for development to be permitted in a less sustainable location, in accordance with Policies CP1 and CP2. If it is accepted that this is an exceptional case the proposed scheme must also comply with at least one of the criteria of Policy CP4. The exceptional case in this instance arises from the recreational needs of the users of the land whereby there is currently a stable block and horses graze on the land. The all weather paddock will be used for the enjoyment of the applicant and not for any commercial activity.

- 5.3 Therefore the principle of development can be supported in this instance. However, other LDF policies need to be carefully considered.

### The character of the village

- 5.4 In terms of the built form and character of the village, the site comprises a large field that is currently used to graze horses with a small piece of the site in the north east corner being used for equestrian purposes, including a stable block.
- 5.5 As noted in section 1, the Leven Valley area is identified within the Hutton Rudby Village Design Statement as being of upmost importance to the village as a landscape feature, a wildlife and recreational resource and for the setting of the historic building of All Saints Church.
- 5.6 The site forms part of a significant break between Rudby and Hutton Rudby which does not form part of either settlement, but separates the two. The significance of this break in terms of the character and appearance of the Hutton Rudby Conservation Area is considered later.
- 5.7 The openness of the land forms a natural border between the two settlements of Hutton Rudby and Rudby.
- 5.8 The immediate area to the south is characterised by its undeveloped character, with the exception of the dwelling of Leven Valley to the south west of the site. The land on the opposite side of the river, leading to the rear of properties on North Side, some 200m away, is similarly undeveloped and the two combine to form a significant open break between Hutton Rudby and Rudby.

### Heritage assets

- 5.9 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving any listed building affected by the proposal or its setting or any features of special architectural or historic interest which it possesses.
- 5.10 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to have special regard to the desirability of preserving or enhancing the character or appearance of the Hutton Rudby Conservation Area.
- 5.11 Local Development Framework Core Policy CP1 states that development that would significantly harm the natural or built environment, or that would generate an adverse traffic impact, will not be permitted. Proposals will be supported if they promote and encourage or protect and enhance: (amongst other things) the historic and cultural features of acknowledged importance.
- 5.12 Core Policy CP16 states that development or other initiatives will be supported where they preserve and enhance the District's natural and manmade assets, where appropriate defined in the Development Policies Development Plan Document and identified on the Proposals Map. Particular support will be given to initiatives to improve the natural environment where it is poor and lacking in diversity.
- 5.13 The policy continues by stating that development or activities will not be supported which either (i) has a detrimental impact upon the interests of a natural or man-made asset; or (ii) is inconsistent with the principles of an asset's proper management; or (iii) is contrary to the necessary control of development within nationally or locally designated areas. Any necessary mitigating or compensatory measures must be provided to address potential harmful implications of development.
- 5.14 In assessing the impact of the proposal on the built heritage any harm caused to heritage assets must be given great weight and importance in the determination of the application as set out in paragraph 193 of the NPPF.

*Paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.*

- 5.15 Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
- 5.16 Paragraph 196 states that where a development proposal will lead to "less than substantial harm" to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 5.17 The Village Design Statement states that the Conservation Area covers the historic centre of Hutton Rudby and part of the undeveloped Leven Valley. Furthermore, the Leven Valley area is identified within the Village Design Statement as being of upmost importance to the village as a landscape feature, a wildlife and recreational resource and for the setting of the historic building of All Saints Church.
- 5.18 The current area of land is an open field, with little development, except the stables in the north-west corner. It is considered that the existing site makes a positive contribution towards the Hutton Rudby Conservation Area by virtue of its open, undeveloped nature and forms a natural border between the settlements of Hutton Rudby and Rudby.

- 5.19 A 40 metre by 25 metre all weather non-illuminated equestrian paddock on this open field would change the character and appearance of this part of the Conservation Area by virtue of the use, scale and surfacing materials.
- 5.20 The proposal is considered to fail to preserve or enhance the character and appearance of the Hutton Rudby Conservation Area and as such fails to meet the requirements of Local Development Framework policy and the requirements to protect designated heritage assets, set out in the NPPF. The proposed development is considered to result in less than substantial harm to the Conservation Area.
- 5.21 In order to be acceptable, in terms of the NPPF, the harmful impact of the proposed development would need to be off-set by public benefit resulting from the proposed development. In this case there is considered to be no public benefit accruing from the development.
- 5.22 The site is located approximately 120 metres to the west of the Grade I listed building of All Saints Church and approximately 120 metres to the north west of the Grade II listed building of Hutton Rudby Bridge. Consideration therefore should be given to potential impact on the setting of these heritage assets and therefore the impact on the significance of these assets.
- 5.23 It is considered that the equestrian paddock would encroach into the open break between South View and North Side that contributes to the setting of the Grade I listed church and the Grade II listed bridge. However, whilst the proposed development will be visible in views from Rudby Bank in front of the church, it is considered that the wider field contributes little to the significance of the setting of the listed buildings, which is more associated with their immediate environs. As such the proposed development is considered to have a neutral impact on the significance of the listed buildings.

#### Residential amenity

- 5.24 It is considered that due to the arrangement of the site and design of the proposed development and its relationship to neighbouring properties, that the proposed development would have no detrimental impact on residential amenity, particularly that of Leven Valley and the properties of South View in terms of being overbearing in presence, causing loss of light or loss of privacy.

#### Drainage

- 5.25 Concerns have been raised by the neighbours about water-run off, particularly onto the land of the dwelling Leven Valley. This is during heavy rain from the catchment area of the proposed all weather paddock and surrounding area.
- 5.26 The agent has advised that a herringbone field drainage system will be installed and use the fall of the land to allow a carrier drain to fall into a soakaway constructed from clean stone fill.
- 5.27 The submitted site layout plan shows a soakaway to the south east corner of the equestrian paddock. It is not clear from the submitted details as to how much capacity the soakaway has and whether it is fit for purpose to adequately drain the water so that it does not cause harm to the residential dwelling of Leven Valley.

#### The planning balance

- 5.28 Consideration has been given to the benefits of providing the all weather paddock for the enjoyment of the applicant.

5.29 This is to be weighed against the harm to the environment, particularly the character and appearance of the Conservation Area and the setting of the Grade I listed All Saints Church as set out above

5.30 Accordingly it is considered that the substantial environmental harm outweighs any benefits.

## **6.0 RECOMMENDATION**

6.1 That subject to any outstanding consultations permission is **REFUSED** for the following reasons:

1. The siting of an all-weather paddock on this open field would be harmful to the openness of this part of the Hutton Rudby Conservation Area by virtue of the use, scale and surfacing materials of the development.  
The proposal is considered to fail to preserve or enhance the character and appearance of the Rudby Conservation Area as stated within Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and is contrary to Local Development Policies CP16 and DP28 and the NPPF.
2. The proposed development does not provide an adequate drainage solution to ensure that it will not cause harm to the residential dwelling of Leven Valley. It is considered that the proposed development fails to meet the requirements of Development Policy DP43 of the adopted Hambleton Local Development Framework.