

Parish: Burrill with Cowling

Ward: Tanfield

Committee Date : 26 May 2016

Officer dealing : Mrs H M Laws

5

Target Date: 6 May 2016

16/00318/FUL

Retrospective change of use of agricultural land and buildings to equestrian use in connection with a riding school, livery and training and construction of an equestrian arena as amended by plan received by Hambleton District Council on 29 March 2016. at Cowling Hill Farm Cowling Lane Burrill North Yorkshire for Emma Chapman Training.

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site lies on both the east and west sides of the road through the settlement of Cowling. The buildings associated with Cowling Hill Farm lie centrally within the settlement on the eastern side of the road. To the north of the farmstead lies Cowling Hall, a grade I listed building; to the south lies Low Cowling, a grade II listed building.
- 1.2 Access to the site is from Cowling Lane, which serves the existing dwelling and farm buildings and land beyond to the east.
- 1.3 The buildings comprise a dwelling, a traditional U-shaped group of stone, rubble and pantile stables and farm buildings used for storage. The land covers an area of 4.5 hectares.
- 1.4 The application is retrospective to change the use of the buildings and land from agriculture to equestrian use. The specific equestrian uses proposed include a riding school, full livery facility and training clinics. No physical alterations to the buildings are proposed.
- 1.5 There is existing capacity for 16 horses to be stabled at the site. The provision of additional stables would require additional planning permission.
- 1.6 The training element includes a series of different types of clinic where clients can attend with their horses or can leave their horses at the site.
- 1.7 The application is also retrospective for the construction of an external riding arena to the rear (north east corner) of the existing farmyard. No external illumination is proposed.
- 1.8 It is stated that the land has previously been used as a stud farm although there is no planning history relating to this activity.

2.0 PLANNING & ENFORCEMENT HISTORY

- 2.1 None

3.0 RELEVANT PLANNING POLICIES:

- 3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP15 - Rural Regeneration
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets

Core Strategy Policy CP17 - Promoting high quality design
Development Policies DP1 - Protecting amenity
Core Strategy Policy CP1 - Sustainable development
Development Policies DP4 - Access for all
Development Policies DP9 - Development outside Development Limits
Development Policies DP25 - Rural employment
Development Policies DP26 - Agricultural issues
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 - General design
National Planning Policy Framework - published 27 March 2012

4.0 CONSULTATIONS

4.1 Parish Council - comments as follows:

- aware that residents living near to Cowling Hill have great concerns about the impact the proposed development will have on them
- concerns about the size of the proposed development, the amount of vehicles that could be associated with it and how this will impact upon the local highways around Cowling and Burrill which are narrow in nature
- the issue of noise associated with the proposed development and how this will affect neighbouring properties
- how the excess sewage and waste created by the development will be disposed of
- it was noted by the Parish Council that land outside of the proposed site seems to be used for horses - could this be clarified?
- the Parish Council would like to see the matter referred to the Planning Committee and if possible a site visit should take place
- if possible, the matter be deferred until all the information has been updated and all questions have been answered in full therefore enabling yourselves to make a fully informed decision
- To summarise, the Parish Council does in the main support this proposal but this is subject to the various issues listed above and the concerns of the neighbouring property owners being taken into account and resolved so that the existing residents of Cowling and Burrill do not suffer detrimentally and are not inconvenienced in their daily lives.

4.2 NYCC Highways - no objections (no conditions)

4.3 SABIC - no observations

4.4 Historic England - we have been consulted on the application because of the proximity of the site to Cowling Hall and Wing, a grade I listed building. The application site lies directly to the south east of the Hall and has an agricultural character. Existing stabling on the site provides a degree of screening between the Hall and the development site. There are several existing buildings on the site relating to agricultural use. The proposed change of use of the land does not include any physical changes to the application site. Having considered the heritage values attached to the grade I listed building and the nature of the proposed development we do not consider that the effect on its setting would cause harm to its significance. We defer to the Conservation Officer regarding the assessment of any potential impacts on the grade II listed boundary wall on the south side of the garden at Cowling Hall. It may be possible that some form of protection of the wall on the south facing side to avoid physical impact damage should be introduced, should this be identified as an issue.

4.5 HDC Conservation Officer - the Grade II listed wall runs west to east along the southern boundary of Cowling Hall which is listed Grade I. The first edition OS map

shows the proposed site for the riding arena to have been a former garden. It is my understanding that the present use falls within the farm yard and no traces of the former garden remain.

The wall provides a setting to Cowling Hall, mainly from its sense of enclosure and height. The listing description refers to the wall being 4 metres tall in 1986 therefore I do not believe it has been raised in height at any time in the recent past if at all.

The setting of the wall itself, as a listed structure should be considered, however ultimately the setting must combine it with its relationship to Cowling Hall. If there are long distance views of the wall in front of Cowling Hall this would contribute to setting. However, given that the farmyard has been used as such for many years it is unlikely that this proposed arena would have any adverse impact on the setting of this grade II listed wall. Therefore I can see no harm being caused in this instance.

4.6 HDC Environmental Health - recommends conditions as follows:

1. Details of any external lighting of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the development commencing. The information shall include a layout plan with beam orientation and schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles) and shall detail any measures to be taken for the control of any glare or stray light arising from the operation of artificial lighting. The external flood lighting shall be arranged so as not to shine directly towards any dwelling.

2. Any tannoy or address system shall be installed and operated in a manner and position as agreed in writing with the Local Planning Authority.

To protect the amenity of the locality, especially for people living and/working nearby

4.7 Site notice/local residents - Page, Hall, Johnson
Objections

- Previous owners had horses for their own use and not as an equestrian business; the most recent owners bred horses and operated a stud but had no riding school
- The amount of waste produced by a venture of this size should have organised waste disposal
- The area of parking does not appear to be adequate
- It is clear that activities and visitor attendance will operate not only Monday to Friday but at weekends, bank holidays, evenings and overnight
- Noise and light pollution
- There is no reference in the Planning Application to the bunk-barns referred to on the Emma Chapman website
- states that the applicant wishes to "change the use of some of the land to form full livery for 2 horses and riding school for 2 horses" - this implies that the application is for a total of 4 horses. However, paragraph 3.5 refers to the maximum number of horses being restricted to 16. It is unclear therefore how many horses this application is for and this should be clarified as this has direct impact on traffic volumes, noise etc
- I am of the view that the recent developments (and any future expansion beyond the 4 horses envisaged in this application) do and will impact negatively on both Old Cowling and Cowling Hall (both listed Grade 1).
- I am concerned that the scale of the enterprise in the coming months and years would need to be increased in order to build a viable business, with consequent increases in traffic, increased requirements for on-site vehicle parking, a possible future requirement for a covered arena, floodlighting the external arena at night in order to accommodate clients wanting lessons after dark etc. Any such increase in scale would, in my view, be inappropriate and would impact negatively on the neighbouring properties
- the barn now described as "Vehicle Storage" was used as stabling by the previous tenants and given that this barn is in the direct line of sight from the windows at Old Cowling, any change of use to vehicle storage and/or vehicles parked on the hard standing in front of this barn therefore impacts negatively on the view from Old

Cowling. So too does the recent installation of high intensity external lighting, which whilst not now directly pointing at Old Cowling does cast a bright glow over the surrounding area and which when on does continue to cast light through my windows. Levels of light pollution have therefore increased since the new applicants took over

- safety issue in respect of children on horses meeting vehicles passing through the 'tunnel'. The danger lies in the width of the roadway, which is enclosed by stone walls beside which there are no verges
- the height of the listed walls has not been altered although the ground level on the application site has previously been lowered
- the new arena is visible from the Cowling road when leaving Burrill and from windows in Cowling Hall. Ground floor principal rooms are at a high level and can therefore look over the boundary walls.
- there are several businesses advertised as operating from Cowling Hall and Cowling Hill.

4.8 Eight letters of support have been received, which are summarised as follows:

- Cowling Hill Farm has been used for equestrian and mixed purposes with an equestrian training arena for over seven years prior to this application and before that horses have been kept managed and ridden from this address for a further 19 years.
- Emma Chapman Training appears to operate a small number of people training with horses, traffic generated is almost certainly going to be less if Miss Chapman trains people to ride on her own horses. This is a benefit as farmers' vehicles on the road become larger.
- The application, if approved, will potentially reduce the number of trailer/ horse box movements as riders would not need to bring their own horses each time.
- It is good to encourage diversification in the countryside and to enhance sustainability.
- Emma Chapman Training is a very tidy operation, non-intrusive and the appearance of the property has been enormously improved since her arrival. The training arena is discrete and not even visible from the public highway.
- Since moving into the property the public highway verges and hedges have been improved at her request, improving access and visibility and generally benefitting the area.
- Please to discover that the vehicle size and frequency of movement are less than associated with normal farming.
- Tidying up a neglected property and bringing life back into the village.
- The farm has been used variously for car restoration, Aga repairs and latterly as a stud farm.
- There is considerable heavy traffic using the roads and horse boxes are much smaller.
- Small business with only a few clients at any one time.
- The format is generally a small group of people gathering at the clinic where we ride in groups to train our horses, and ourselves! The maximum amount of people at any time in the arena is usually three, and often less.
- As a voluntary provider of very successful work experience opportunities for our students, Emma Chapman Training is providing a really valuable service, with equestrian training through work placements, to some of our most vulnerable and disadvantaged young people, on a regular weekly basis, at Cowling Hill.
- One of the fields which borders our property was used by previous tenants for growing hay and grazing horses and the farm buildings were used mainly to stable horses. We support the plan to regularise this use.
- This proposal will have no visual or tangible impact in the district, the arena is not visible from the public highway.

- "traffic" generated will range from one "pupil" being taught individually, to a larger gathering or "event" at which there may be four participants. Horse boxes bringing one or two horses tend to be the size of a Tesco delivery van, seldom larger, the frequency will be low.
- The application should be supported as it confirms a viable rural business in this locality. It utilises existing stabling and buildings. The use brings a small amount of employment to the area, important to the Hambleton economy. The business also helps disadvantaged children to experience employment in an equine context. This niche activity will raise awareness of Western style riding, providing a new leisure and employment opportunity in the district.
- The alternative to not granting consent would potentially be to revert the premises to full agricultural use, with increase smell, noise, vehicle and machinery movement and the associated mud on the local roads.

4.9 A letter of support has been received from the Western Equestrian Society and is summarised as follows:

Emma has run a successful business at her previous premises and continues to run well organised clinics for us at various venues. There are few horse riders who ride in the Western style so the numbers are always low and do not cause any disruption on local roads. I would imagine it would be rare if we were noticed at all. Because it is such a niche discipline, we do have riders who come some distance to get the appropriate training. These riders will spend money in the local economy, using B&Bs, pubs etc. Emma herself has always supported local causes and businesses. We do rely heavily on Emma's friendly, professional service as the sole instructor and trainer in the area. I visited Cowling Hill shortly after Emma took over the tenancy and the improvements since are turning an unkempt, run down set of buildings into something very special and an asset to the area. I cannot stress enough how important Emma is to our equestrian discipline and, when you consider a training clinic may be as small as 4 riders, any impact on the local area would be minimal.

4.10 One letter has been received, neither objecting to nor supporting the proposal which states:

Whilst I am pleased to see the premises occupied and being improved and maintained, I am concerned over the increase in horseboxes and trailers travelling through the village on the narrow road. I can also understand that close neighbours would object to the increase in traffic and noise from the business.

5.0 OBSERVATIONS

5.1 The issues to be considered include: i) the principle of a commercial equestrian use in this location; ii) the impact on the amenity of local residents and; iii) the effect on highway safety.

5.2 The site lies outside of any defined Development Limit boundary and therefore an exceptional case must be made for the development in this less sustainable location. Policies CP1 and CP2 relate to sustainable development and minimising the need to travel. The use is a countryside activity and is located within cycling distance of both Bedale (less than 3km), Thornton Watlass (2.5km) and Crakehall (less than 2.5km) and therefore has the potential for several customers to access the use sustainably. The proposed use is not a diversification of an existing agricultural operation but would allow the reuse of redundant buildings that are no longer used for agricultural purposes.

5.3 LDF Policy CP4 requires development in locations such as this to help support a sustainable rural economy. The NPPF requires support to be given to economic growth in rural areas in order to create jobs and prosperity. The proposal is for the creation of a new small scale business and is an employment generator; initially

providing employment for one person, thereby supporting the local economy; and the proposal includes the re-use of the buildings at the site.

- 5.4 Policies CP15 & DP25 set out criteria that must be satisfied by development outside Development Limits that would support the social and economic needs of rural communities. This is relevant where development is not capable of locating within Development Limits by reason of the nature of the operation or the absence of suitable sites.
- 5.5 The NPPF in paragraph 28 requires policies to support the sustainable growth and expansion of all types of business and enterprise in rural areas. This reflects the advice within LDF Policies CP1, CP2 and CP4.
- 5.6 LDF Policy CP15 reflects the advice within the NPPF to support the social and economic needs of rural communities by encouraging the re-use or replacement of suitable buildings for employment generating uses. The development should be designed to be sustainable, consistent with the requirements of CP1 'sustainable development'.
- 5.7 The development is small scale; reuses buildings that are on the site; it is desirable, but not always essential, to locate in a rural setting due to the potential for an adverse impact on neighbouring amenity; will support the local economy by providing employment and will not adversely impact on the economy of the surrounding area. The proposed development is in accordance with these policies.
- 5.8 There is some concern regarding the scale of the use, which could give rise to amenity and highway safety issues. It is anticipated that no more than 5 horses and riders would be at a training event at any one time. The majority of the business operation is one to one training of horse and rider. The scale of such a use is comparable to an agricultural operation that could take place at the site. An agricultural use could operate from the site without restriction, which could involve significantly larger vehicles at any time of the day. It is appreciated that an agricultural use would have fewer visitors to the site and noise could arise from voices of riders in and around the outdoor arena. It is suggested that conditions be imposed restricting the number of visitors at any one time and the hours of operation.
- 5.9 Several objections refer to uses that were listed on the applicant's website. These uses, such as bunk barn accommodation, are not proposed as part of the planning application. Should such a proposal be submitted in the future it will be considered on its merits at that time.
- 5.10 There are no physical alterations proposed at the site other than the creation of the outdoor riding arena. This lies immediately adjacent to the grade II listed wall, which forms the boundary with Cowling Hall, itself a grade I listed building. S66 of the Act requires us to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area. The alterations and use would have no greater impact on the wall than the previous use of the site and there are no long distance views that would be adversely affected as a result of the outdoor arena in this position. It is considered that no impact protection of the wall would be required as the users are horses and riders and it is unlikely that any machinery would be used within the arena. The siting of the arena would have no impact on the listed Cowling Hall as it lies beyond the curtilage and, due to the high walled boundary, would have no impact on its setting. Historic England has no objections to the proposed development.

- 5.11 The site is overlooked from neighbouring properties but just because the activities at the site can be seen from the neighbouring dwellings does not mean that there will be an impact on the amenity of those residents. The use of the site for horse and rider training could give rise to noise and general disturbance as a result of riders and also as a result of vehicle movements associated with the training events. These events do not occur frequently and there are unlikely to be more than one each week. Subject to appropriate conditions limiting the frequency, numbers of participants and hours of use, it is not considered that these events would result in an unacceptable effect on residential amenity.
- 5.12 Planning permission is not required for the grazing of horses and this could take place at the site without restriction.
- 5.13 The Highway Authority has no objections to the proposed use. Compared to the use of the site as a farm the proposed increase in activity is not significant. A condition is recommended to ensure that all vehicles are loaded and unloaded within the farmyard area itself so as not to obstruct the highway during potentially busy periods.
- 5.14 The scale of the business would be restricted by the size of the site and the number of stables. If additional land or buildings are required further planning permission would be needed.
- 5.15 The proposed development is acceptable and approval of the application is recommended.

6.0 RECOMMENDATION: that subject to any outstanding consultations the application be GRANTED planning permission subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The equestrian uses hereby approved shall not be other than as a livery and horse and rider training facility and shall not be used for any competitive events.
3. The equestrian use hereby approved shall not be operated or managed other than by the occupant(s) of Cowling Hill Farm, Cowling.
4. The number of horses stabled on site shall not exceed 16 at any one time.
5. No more than 5 horses and 5 riders shall be at a training event at any one time.
6. No rider training shall take place at the site between the hours of 7.00pm and 08.00am on any day.
7. Prior to the commencement of the development hereby approved, details of the storage and disposal of the animal waste and stable bedding shall be submitted to and approved in writing by the Local Planning Authority. The approved methods shall thereafter be implemented and no animal waste or stable bedding shall be burnt.
8. There shall be no illumination of the development hereby approved without details having first been submitted to and approved in writing by the

Local Planning Authority. Thereafter the approved details shall be implemented and retained.

9. No tannoy or address system shall be installed or used at the site.
10. All loading and unloading of trailers and horseboxes shall be undertaken within the yard area illustrated on the Block Plan (CHA-02) and shall not be loaded or unloaded outside the boundary of the site.
11. The permission hereby granted shall not be undertaken other than in complete accordance with the location plan and drawing numbered CHA-02 received by Hambleton District Council on 12 February and 29 March 2016 unless otherwise approved in writing by the Local Planning Authority.

The reasons for the above conditions are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The Local Planning Authority would wish to retain control over the scale and use of the business to protect the amenity of the surrounding area and for reasons of highway safety in accordance with the Local Development Framework Policies CP1, CP2, DP1 and DP4.
3. To protect the residential amenity of the occupants of Cowling Hill Farm in accordance with LDF Policy DP1.
4. In order to protect the amenities of residential neighbours in accordance with Development Policy DP1.
5. In order to protect the amenities of residential neighbours in accordance with Development Policy DP1.
6. In order to protect the amenities of residential neighbours in accordance with Development Policy DP1.
7. In order to protect the amenities of residential neighbours in accordance with Development Policy DP1.
8. To safeguard the character and appearance of the surrounding rural landscape and the amenity of local residents in accordance with LDF Policies CP16, DP1 and DP30.
9. To safeguard the amenity of local residents in accordance with LDF Policies CP1 and DP1.
10. In order to protect the amenities of residential neighbours and in the interests of highway safety in accordance with Development Policy CP2, DP1 and DP4.
11. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.