

Item B. 2 **07/00178/COU** **Permit Full Planning Permission**

Case Officer **Miss Helen Green**

Ward **Eccleston And Mawdesley**

Proposal **Change of use of an existing building to stables (Retrospective), offices and the storage of horseboxes and carriages.**

Location **Land 20m North East Of 21 Gorsey Lane Mawdesley**

Applicant **Miss J Hughes**

Proposal This application was deferred at the Development Control Committee in April for a site visit.

The application is for the change of use of an existing building to stables (retrospective), offices and the storage of horseboxes and carriages.

The application site is located within the rural settlement of Mawdesley on land to the rear of 21 Gorsey Lane. The applicant currently uses part of the building at the rear as stables accommodating 2 horses. The applicant intends to use part of the building for the storage of carriages associated with a carriage hire business for weddings. In addition to the carriage hire business the applicant also hires out horseboxes when they are not in use.

In addition to the above uses it is also intended that the applicant will use part of the building as an office in connection with a marketing consultancy, which they operate.

Planning Policy **GN4-** Settlement Policy – Other Rural Settlements
GN5- Building Design and Retaining existing landscape Features and Natural Habitats
TR4 – Highway Development Control Criteria
EP21 – Air Pollution
EP8 – Development Involving Horses Supplementary Planning Guidance – Development Involving Horses

Planning History **04/01133/CLEUD** – Application for Certificate of Lawfulness for the use within Class B1 (Business Use) – Refused – 2 December 2004

07/00053/COU – Retrospective application for the change of use of an existing building to storage of horseboxes and carriages, including stables and offices - Withdrawn – 26th February 2007

The building currently subject of this application was subject of a Certificate of Lawfulness Application in 2004. The use of the building for purposes of undertaking of a use within Class B1 was refused on 2 December 2004 for the reason that insufficient evidence had been provided by the applicant in order to support

the continuity of any use from 2002 until the date of submission of the application.

Consultations

Lancashire County Council Highways – On the basis of the layout plan and letter stating that only 3 horseboxes and 3 carriages are to be stored on site, there is no objection subject to the appropriate conditions to restrict these numbers and the following conditions:

That part of the access extending from the highway boundary for a minimum distance of 15 metres into the site shall be appropriately paved in tarmacadam, concrete, block pavements, or other approved materials.

The car park shall be surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan (drawing GA1422-lp-1) before the use of the premises hereby permitted becomes operative.

Director of Streetscene, Neighbourhood and the Environment – No objections to the application.

If a midden is to be provided it should be constructed with a concrete floor and bund walls on three sides and should be sited no less than 30 metres away from residential properties to reduce the likelihood of problems with smells or flies.

Parish Council – The application is an inappropriate use of a semi-detached house in a primarily residential area.

Representations

6 letters have been received objecting to the proposal:

- Large HGV type vehicles are currently kept at the site. If all the vehicles are to be of the same type problems are envisaged in terms of highway safety;
- There have been periods when vehicles have been parked for long periods of time on the lane causing problems with traffic flow;
- Visual impact due to the size of the vehicles;
- Noise created by vehicles coming and going;
- Object to the building being given class B1 or B2 use;
- Operation 7 days a week gives great concern;
- Impact of the horseboxes on the character of the area.
- Concern that the proposal would have a detrimental impact on the amenity of local residents mainly due to noise and disturbance. The large wagons (referred to as horseboxes) are more like HGV'S. The wagons are noisy and intrusive and have a detrimental impact on the character of the area;
- Concern about highway safety and parking. The occupiers of the property have on several occasions parked the vehicles on the highway making it difficult for other vehicles to get past and for other residents to manoeuvre in and out of their driveways;
- Unsure about the use class that the application falls under but strongly object to the property being given permission

to be used for uses within B1 & B2 or any other industrial, storage or business uses;

- The use of the premises for a business that operates HGV type vehicles is therefore not appropriate;
- The noise of the vehicles starting up is particularly intrusive. Even if times for the use of the vehicles were stipulated there is no way of enforcing this;
- Given that there is no grazing land suitable for keeping horses at the premises to use part of the building for stables seems inappropriate and is likely to give rise to an increase in journeys to and from the premises by HGV type vehicles to take the horses somewhere to exercise;
- Potential health implications such as vermin. Concern that the horses will attract rats and mice to an area in close proximity to front and rear gardens where children play;
- The Council have previously rejected applications for the premises to be used for B1/B2 use. If it is not intended to give permission for a B1/B2 use and permission for personal use is granted what is to stop the owner applying for a certificate of lawfulness at a later date?
- Suggest that before a decision is made relevant members of the committee visit the premises in order to get a feel for the residential nature of the premises and how inappropriate the intended use for 21 Gorsey Lane is;
- Suggest that the Council consider the previous planning history;
- Enforcement notices have been placed on the property in the past;
- If permission is granted would like confirmation of what is allowed and within what hours;
- Would maintenance be allowed on the site, there seems to be no mention of this. There has been a large compressor on the site that is likely to be noisy and an indication that work on the vehicles is intended;
- It would appear that the number of trips undertaken by the horse boxes so far this year is close to what has been suggested for the year;
- The property is semi detached with a garden and sheds situated in a residential area with young children living close by. The application is inappropriate for such an area;
- Concern regarding the size of the business for the site and expansion of the site in the future;
- Vehicles will impact on surrounding properties when they enter and leave the small driveway.

Assessment

In assessing this application the main issues to take into account are neighbour amenity and highway safety.

This application relates to an existing building which is located to the north of 21 Gorsey Lane. The existing building is constructed from timber and corrugated metal sheeting. There are no external changes proposed to the building as part of this application.

Part of the building is currently being used as stables accommodating 2 horses; this part of the application is made in retrospect.

The applicant currently operates three small businesses all of which are to be operated from the premises subject of this application should permission be granted. One of the businesses is operated, as 'Prestige Carriage Bookings' the principle activity of this business is to offer carriage rides for weddings. It is estimated based on previous activity from the current business premises that there will be a total of 25 vehicle movements per year associated with this part of the business.

A second part of the business is to hire out horseboxes when they are not in use by the other part of the business. The applicants agent has estimated that there will be a total of 14 vehicle movements per year as a result of this part of the business. These figures are based on previous operating activity from the current business premises.

The third part of the business is operated as 'Marketing Direct'. The applicants agent has confirmed that the marketing business is purely telephone based and does not involve visitors coming to the site. The applicant wishes to utilise part of the building as an ancillary office in association with the marketing business and the carriage/horsebox hire part of the business.

Neighbour Amenity

The part of the building used as stables is located within the northern most part of the building. At the time of the site visit there were 2 horses accommodated within the stables. The stable doors are located in the northeast corner of the building and are shielded from the immediate neighbour at No.23 by a garage and the eastern corner of the main building itself.

Policy EP8 of the Adopted Chorley Borough Local Plan Review states that proposals involving horses should be appropriate to the character of the site and the ability of the local environment, including the amenity of local residents to absorb the development.

In terms of design and size the stables form part of the main building and measure a total of 4.9 metres by 2.85 metres, which is within the Councils guidance. The part of the building used as a stable is constructed from timber with a corrugated sheet roof.

The Councils Environmental Health Officers have been consulted as part of this application in relation to impact on neighbour amenity in terms of noise and smells. The Environmental Health Officer has commented that there is no objection to the application providing that the midden would be sited no less than 30 metres from the closest residential property.

The applicant does not intend to construct a permanent midden and instead intends to locate a trailer on the site. In the winter months the horses will be kept in the stables and waste will be transported from the site on a weekly basis. In summer the horses are kept in a field for grazing and will produce 1 load of waste per month (depending on the weather). The applicant has provided a plan showing the area where the trailer is to be kept which will be approximately 35 metres from the rear elevation of No. 23 Gorsey Lane.

Although the stables are located close to residential property, it is considered that due to the small scale nature of the stables and the fact that there will not be a permanent midden located on site and the disposal of waste material can be controlled by condition that the stables would not be so detrimental to neighbouring property to warrant a refusal of the application.

Highway Safety

The applicant originally stated that there would be parking for 4/5 horseboxes (2 of which are currently for sale) and facilities to store 3 carriages. The applicant currently owns 5 carriages (2 of which are for sale). After discussion with the applicant it has been confirmed that there will be 3 horseboxes and 3 carriages stored within the site/building.

The highways engineer has been consulted as part of the application in relation to highway safety and parking. The highways engineer has expressed some concern regarding the operational requirements for the storage of horseboxes within the site. In relation to this additional information was requested from the applicant in the form of a plan illustrating how the vehicles will be accommodated within the site/building.

On the basis of the additional information received from the applicant on plan No.GA1422-LP-1 the highways engineer raises no objection on the basis that only 3 horse boxes and 3 carriages are to be stored on site and that appropriate conditions are attached in order to restrict these numbers. It is also requested that conditions are attached to any permission relating to the access and suitable paving.

Conclusion

Taking the above points into account, and subject to the imposition of appropriate Conditions, it is considered that the proposed development would not have such a detrimental impact on neighbouring property or highway safety to warrant a refusal of the application. It is therefore recommended that the application should be approved.

Recommendation: Permit Full Planning Permission Conditions

1. The proposed development must be begun not later than three years from the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990

2. This consent relates to the following plans:

Plan Ref.	Received On:
GA1422-1	27 February 2007
GA1422-LP-1	4 April 2007

Reason: To define the consent and to ensure all works are carried out in a satisfactory manner.

3. That part of the access extending from the highway boundary for a minimum distance of 15m into the site shall be appropriately paved in tarmacadam, concrete, black paviments, or other approved materials.

Reason: To prevent loose surface material from being carried onto the public highway thus causing a potential source of danger to other road uses and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

4. The car park shall be surfaced or paved in accordance with a scheme to be approved by the Local Planning Authority and the car parking spaces and manoeuvring areas marked out in accordance with the approved plan (drawing No. GA1422-lp-1) before the use of the premises hereby permitted becomes operative.

Reason: to allow for the effective use of the parking areas and in accordance with Policy TR4 of the Adopted Chorley Borough Local Plan Review.

5. The proposed trailer for the storage of waste materials shall be stored within the site in the position indicated on drawing No. GA1422-LP-1. The trailer shall be emptied off site a minimum of once per week.

Reason: In the interests of neighbour amenity and in accordance with Policy EP8 of the Adopted Chorley Borough Local Plan Review.

6. The development hereby permitted allows for the storage of a maximum of 3 horseboxes and 3 carriages to be stored within the site in accordance with drawing No. GA1422-LP-1.

Reason: In the interests of neighbour amenity and in accordance with Policy TR4 and EP8 of the Adopted Chorley Borough Local Plan Review.

7. The use hereby permitted shall be restricted to the hours between 08.30 to 17.00 Monday to Saturday.

Reason: To safeguard the amenities of local residents.

8. The permission shall enure for the benefit of Joanna Hughes only for the change of use of an existing building to stables (retrospective), ancillary offices and the storage of horseboxes and carriages only and shall not enure for the benefit of the land or any other person.

Reason: Because in granting this permission the Council has regard to the special circumstances of the applicant and wishes to have the opportunity of exercising control over any subsequent development.

9. The stables hereby permitted shall be used for the stabling of a maximum of 2 horses and storage of associated equipment and feed only.

Reason: To define the permission and in accordance with Policy EP8 of the Adopted Chorley Borough Local Plan Review.
