

DECISION DATE 2 March 2009	APPLICATION NO. 08/01385/CU A7	PLANNING COMMITTEE: 9 March 2009
DEVELOPMENT PROPOSED SITING OF CARAVAN ADJACENT TO STABLE		SITE ADDRESS LAND ADJACENT TO MIDDLETON ROAD MIDDLETON LANCASHIRE
APPLICANT: Miss H Diviny-Day Heaton Park House Lancaster Road Overton Morecambe LA3 3EY		AGENT:

REASON FOR DELAY

Awaiting consultation replies.

PARISH NOTIFICATION

Middleton Parish Council - The application should be refused. They consider that a caravan would set a precedent for others and would probably be followed by an application for a house. They are also opposed to the stable block, which they consider to be an eyesore.

Overton Parish Council - No objections.

LAND USE ALLOCATION/DEPARTURE

The site is a part of the Countryside Area designation within the Lancaster District Local Plan.

STATUTORY CONSULTATIONS

County Council Property Services (Land Agent) - The additional information supplied in support of the application is sufficient to allow the application to be supported. A copy of the letter setting out the reasoning behind this appears at the end of this report.

County Council Highways - No highway objections.

Environmental Health - No objections.

Environment Agency - The area is within an area considered to be at risk from flooding, but the Flood Risk Assessment provided is satisfactory. No objections, subject to a condition requiring that details of the arrangements for foul and surface water drainage be agreed beforehand.

OTHER OBSERVATIONS RECEIVED

In total 15 emails have been received from people who support the proposal. One of them is from an eleven year old girl with a pony who lives in Middleton. Of the remainder two are from Overton; the others come from addresses in Gressingham, Heaton-with-Oxcliffe, Heysham, Lancaster, Middleton, Morecambe, and Sunderland Point.

They argue that on-site living accommodation will provide additional security for horses and ensure that they receive a high standard of care. It is pointed out that the adjoining stable facility to the south, trading as "Lanquestrian" has been allowed a caravan to allow on-site living accommodation. One of the emails complains that the City Council and Middleton Parish Council "do very little to support horse riders in this city".

REPORT

This proposal is associated with a stable block with 16 stables in the form of an "American barn" on the south side of Middleton village, close to its boundary with the parish of Overton. It is a resubmission of an earlier application (Ref: 08/00154/CU) which was refused consent in September last year. A copy of the relevant Committee report is attached.

The applicant has provided further information in support of her case, including correspondence from horse owners in the Isle of Man who wish to make use of the stables when bringing horses across to England. In addition a Business Projection Plan forms part of the submission. A letter of support has also been forwarded from a veterinary surgeon based in Settle. This draws attention to medical problems experienced by one of the applicant's own horses when it had laminitis. The animal had to endure a two hour journey to Settle as this was the nearest available place where the 24 hour care needed could be provided.

Ms Diviny-Day argues that the previous decision did not take into account her operational needs. Her business (Diviny Livery) is intended to provide high quality stable facilities both for mares with foals and for horses travelling to and from the Isle of Man. Bad weather conditions can delay the ferry from Douglas, resulting in horses arriving in a distressed condition after a rough crossing. Competition horses can be very valuable and she considers that on-site accommodation is also needed to provide additional security. Experience has shown that the football pavilion on the adjoining site is sometimes damaged by vandals.

As before the proposal has to be considered in relation to the following "saved" policies in the Lancaster District Local Plan:

- **E4**, which deals with development in areas identified as countryside; and
- **H8**, which allows for residential accommodation in the countryside where it is essential for the needs of agriculture, forestry or other uses appropriate to the rural area.

At the same time any proposal for living accommodation in the countryside has to be assessed in relation to the functional and financial criteria set out in PPS 7 (Planning Policy Guidance: Sustainable Development in Rural Areas).

The previously approved stable block (Ref: 07/01551/FUL) is now complete. It is not particularly prominent from the road to Overton, as it is partly concealed by trees and a tennis court. Despite this, Middleton Parish Council has expressed concerns about its impact on views of the area from the north. To this extent there is an argument in favour of the present proposal, in that it would be possible to ask for a condition asking for additional tree planting to screen the site. However the key issue is whether there is an operational justification for somebody living on the site.

The advice of the County Council's Property Service is that the additional information provided in support of the application is sufficient to show that the business is capable of supporting an on-site stable hand. The applicant's business plan envisages a further 13-stable loose box, for which a planning application will be submitted shortly. At the same time Ms Diviny-Day intends to provide two mobile field shelters on part of the site. Taking this and the more detailed figures provided by the applicant's accountant, they recommend that a three year temporary permission should be granted.

The comments of various people supporting the application, most of them if not all horse owners, will be noted. However it is the extent to which the proposal conforms with central government guidance which is important here, rather than the number of letters sent in support. Given the submission of further evidence of justified need, and acceptance from the County Property Service on this matter, it is this which leads the local planning authority to recommend approval of the application.

In line with the advice of the County Council, it is recommended that permission for the caravan should be granted for a three year period. This should be sufficient to allow the business to establish whether it is viable.

HUMAN RIGHTS IMPLICATIONS

This application has to be considered in relation to two sections of the Human Rights Act: Article 8 (privacy/family life), and Article 1 of the First Protocol (protection of property). There are no issues arising from the proposal which appear to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

RECOMMENDATIONS

That **PERMISSION BE GRANTED** subject to conditions as follows:

1. Temporary 3 year consent - caravan to be removed and land reinstated unless consent is granted for a further period.
2. Precise siting of caravan in relation to stable block to be agreed.
3. Foul and surface drainage arrangements to be agreed and implemented.
4. Tree planting to be agreed and implemented.