

**EAST AYRSHIRE COUNCIL**

**NORTHERN AREA LOCAL PLANNING COMMITTEE: 04 AUGUST 2006**

**06/0349/FL: PROPOSED CHANGE OF USE TO FORM EXERCISE AREA FOR HORSES  
AT LAND ASSOCIATED WITH 1 EAST HEADS STEADING, NEWMILNS  
BY MR & MRS HIBBERT**

**EXECUTIVE SUMMARY SHEET**

**1. DEVELOPMENT DESCRIPTION**

1.1 The proposal consists of the formation of a riding area 20m by 30m for the exercising of horses. The surface of the exercise area would consist of between 50 to 100 mm of a sand rubber mix laid on 50mm of scalpings on 50mm of bricks. It is proposed to erect a telegraph pole with two security lights on the eastern boundary of the riding area and enclose the riding area with a two-rail timber fence. Access to the site is via an existing trackway, which requires to be widened at the bell mouth with a re-location of gates to comply with the standards of the Council's Roads and Transportation Division under the earlier planning application for the stables.

**2. RECOMMENDATION**

**2.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet.**

**3. CONCLUSIONS**

3.1 As indicated in the report the application is considered to be in accordance with the terms of the Development Plan. Therefore it should be approved unless material considerations indicate otherwise.

3.2 There are material considerations relevant to the application, however it is not considered that these are of sufficient weight to merit refusal of the application given the use of appropriate planning conditions.

## **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards, the application will not require to be referred to the Development Services Committee as that would not be a significant departure from Council policy.

**Alan Neish**  
**Head of Planning, Development and Building Standards**

**Note: This document combines key sections of the associated report for quick reference and should not in itself be considered as having been the basis for recommendation preparation or decision making by the Planning Authority.**

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**Report by Head of Planning, Development and Building Standards**

### 1. PURPOSE OF REPORT

1.1 The purpose of this report is to present for determination a full planning application which is to be considered by the Local Planning Committee under the scheme of delegation, due to the fact that an objection has been submitted.

### 2. APPLICATION DETAILS

2.1 **Site Description:** The site is located on open ground to the north of the dwellings at East Heads, outwith the settlement boundary of Newmilns. The site is approximately 4 acres in area, is currently open ground with an existing field shelter located on the site and rises from the road to the site in a fairly steep south to north gradient.

2.2 **Proposed Development:** The proposal consists of the formation of a riding area 20m by 30m for the exercising of horses. The surface of the exercise area would consist of between 50 to 100 mm of a sand rubber mix laid on 50mm of scalplings on 50mm of bricks. It is proposed to erect a telegraph pole with two security lights on the eastern boundary of the riding area and enclose the riding area with a two-rail timber fence. Access to the site is via an existing trackway, which requires to be widened at the bell mouth with a re-location of gates to comply with the standards of the Council's Roads and Transportation Division under the earlier planning application for the stables.

### 3. CONSULTATIONS AND ISSUES RAISED

3.1 East Ayrshire Council's Roads and Transportation Division have no objection to the proposal

***Noted.***

3.2 Newmilns and Greenholm Community Council have not responded to the proposal.

***Noted.***

3.3 East Ayrshire Council's Animal Health & Welfare Officer has no objection to the proposals. He indicates that a small sized paddock is adequate when it is only to provide supplementary grazing. If the horses are fed on hay and housed in stables and turned out to the paddock then this would be acceptable. It is likely that they would be keeping the horses in this way and using the field as an exercise paddock.

***While the above information clarifies the animal welfare issues raised by the objector in section 4.4 it should be noted that animal welfare is not a material planning consideration and can be addressed by separate agencies through separate legislation. This consultation was carried out in order to clarify this issue for the Committee.***

#### **4. REPRESENTATIONS**

One letter of objection has been received from two parties, in relation to the proposal. The points of objection raised are summarised below:

4.1 In paragraph 9 of our earlier letter of late 2005 objecting to the proposed building of a new stable block by the Hibberts at land associated with 1 East Heads Steading we wrote that the next project for the Hibberts would be for an outdoor school on this site, which would then be the thin end of the wedge to an application to build either a business or a house on this site.

***The applicants have confirmed that the stable block is for personal use only. Any proposal for a dwellinghouse on the site would require to be the subject of a further planning application. A planning condition is proposed to restrict the use of the riding area to private residential usage associated with the applicants nearby house and not for commercial purposes. The Council cannot refuse proposals on what may happen, but has to address each planning proposal, as it is presented, on the planning merits of the case.***

4.2 If approved this outdoor school would be the fourth school within a few hundred square metres in an area that is overcrowded with houses and people and traffic. We believe the previous schools made no reference to Planning before being built. A fourth school just over crowds an already overcrowded area.

***The above matters of potential breaches of planning legislation have been brought to the attention of the Council's Enforcement Officer to investigate and are on land outwith the control of the applicant.***

4.3 Lighting – if outdoor lighting is proposed then this will cause absolutely unacceptable light pollution.

***It is recognised that to allow the exercising of the horses during the winter months lighting of the riding area will be required. However it is considered that the proposed lighting arrangement for the scheme is excessive and would create light pollution within the localised area. Therefore a planning condition can be attached to any grant of consent requiring that details of any proposed lighting be submitted prior to the commencement of the development. Said lighting shall be appropriate for the rural setting of the riding area.***

4.4 The field in which the applicant currently has five animals is, we believe, about three acres of poor quality grazing. The standard formula by which the correct grazing area required for a horse is calculated at two acres for the first horse and one acre for each subsequent horse. For five horses the grazing required would be six acres. The new riding area and the stables would result in only 1.5 acres being left for grazing, which is totally insufficient for the proper welfare of horses.

***The welfare of the horses is not a material planning consideration, (see 3.3 above).***

4.5 Traffic - creation of a new school will create further traffic and movement of animals with visitors and their vehicles increasing in an area that is not able to take it.

***The proposal is intended for the private use of the applicants and it is unlikely to generate any significant increase in traffic. The Council's Roads Division have no objection to the proposal.***

4.6 Creating the outdoor riding school would stretch further the East Heads development and detract from the proper clustering of the development .

***It is considered that the creation of the riding area for recreational purposes would not detract from the clustering of the East Heads farm steading development. The developments are contained in a visually and topographically defined landscape.***

## 5. ASSESSMENT AGAINST DEVELOPMENT PLAN

5.1 Sections 25 and 37(2) of the Town and Country Planning (Scotland) Act 1997 require that planning applications be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of this application the development plan comprises the Approved Ayrshire Joint Structure Plan and the Adopted East Ayrshire Local Plan (2003).

### Ayrshire Joint Structure Plan

5.2 Policy G5 of the Structure Plan has regard to development in the Rural Protection Area and states that outside settlements, development proposals shall conform to the Structure Plan only where the development:

A has a demonstrated site specific locational need

***A rural location is acceptable in principle for a riding area. The applicant has justified this proposal at the specific site, by stating that the works will be located adjacent to an existing field shelter, and recently applied for stables and the site is in close proximity to the applicants dwellinghouse and the surrounding land at East Heads Steading is used for similar equestrian uses.***

B can be justified in terms of social and economic benefit to the community;

***The proposal will not result in any social or economic benefit to the community.***

C contributes to rural land diversification; or

***Not applicable in this instance.***

D provides for the operational needs of agriculture and forestry

***The proposal does not relate to agriculture or forestry.***

### Adopted East Ayrshire Local Plan

5.3 Policy SD3 states the specific circumstances under which development in the Rural Protection Area will be acceptable. This policy directly relates to Policy G5 of the Ayrshire Structure Plan and is similar to that Policy where the only criteria which would be applicable to this application in terms of justification is criteria (ii), "can be fully justified in terms of site specific locational need".

***As stated previously, the applicants justify the use of this site on the basis of it being located adjacent to an existing field shelter and***

***recently applied for stables and the site is in close proximity to their dwellinghouse and the surrounding land at East Heads Steading is used for similar equestrian uses.***

5.4 Policy ENV 13 seeks to protect the integrity of the Rural Area and to mitigate the effects of insensitive development.

***It is considered that the proposed riding area will have a minimal visual impact on the landscape and thus accords with ENV13.***

5.5 In conclusion it is considered that the proposal is in accordance with the provisions of the Development Plan.

## **6. ASSESSMENT AGAINST MATERIAL CONSIDERATIONS**

6.1 The principal material considerations relevant to the determination of the application are the consultation responses, the representations received, the planning history of the site and the impact on the amenity of the area.

### Consultation Responses

6.2 The consultation responses do not indicate that the application should be refused.

### Representations

6.3 The representations received have been summarised in Section 4 of the Report and are not considered to be of such weight as to merit refusal of the application.

### Impact on the Amenity of the Area

6.4 It is considered that the proposed riding area will have minimal visual intrusion in the rural area in which it is located. It is located adjacent to an existing field shelter, and proposed stables and well away from any adjoining dwellinghouse.

### Planning History

6.5 Planning permission (02/0511/FL) was approved on 19 August 2002 for a wooden field shelter on the site which has been implemented. This shelter was conditioned not to be used for commercial purposes and only for the domestic use of the owner.

6.6 Planning application 05/0887/FL was agreed by the Northern Area Local Planning Committee on 17 February 2006 for the erection of a proposed stable block on the site. The consent was to be withheld until a legal agreement relating to road improvements was concluded. As yet no legal agreement has been concluded for the site therefore no planning consent has been issued.

## **7. FINANCIAL AND LEGAL IMPLICATIONS**

7.1 There are no financial or legal implications for the Council in respect of this proposal.

## **8. CONCLUSIONS**

8.1 As indicated in the report the application is considered to be in accordance with the terms of the Development Plan. Therefore it should be approved unless material considerations indicate otherwise.

8.2 There are material considerations relevant to the application, however it is not considered that these are of sufficient weight to merit refusal of the application given the use of appropriate planning conditions.

## **9. RECOMMENDATION**

**9.1 It is recommended that the application be approved subject to the conditions indicated on the attached sheet.**

## **CONTRARY DECISION NOTE**

Should the Committee agree that the application be refused contrary to the recommendation of the Head of Planning, Development and Building Standards, the application will not require to be referred to the Development Services Committee as that would not be a significant departure from Council policy.

**Alan Neish**  
**Head of Planning, Development and Building Standards**

26 July 2006  
(CSI/MMM)

FV/DVM

## LIST OF BACKGROUND PAPERS

1. Application Form and Plans.
2. Statutory Notices and Certificates.
3. Letters of Representation.
4. Consultation Responses.
5. Adopted East Ayrshire Local Plan (2003).
6. Approved Ayrshire Joint Structure Plan (1999).
7. Planning Permissions 02/0511/FL, 05/0887/FL.

Anyone wishing to inspect the above papers please contact Craig Iles, Senior Planning Officer, on 01563 576772.

***Implementation Officer: Dave Morris***

## EAST AYRSHIRE COUNCIL

## TOWN &amp; COUNTRY PLANNING (SCOTLAND) ACT 1997

06/0349/FL

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Site of Proposal:	Land Associated with 1 East Heads Steading NEWMILNS KA16 9LG
Nature of Proposal:	Change of Use to Form Exercising Area for Horses
Name & Address of Applicant:	Mr & Mrs Hibbert 1 East Heads Steading NEWMILNS KA16 9LG
Name & Address of Agent:	N/A

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DPOs Reference: CSI/MMM

The above FULL application should be granted subject to the following conditions:-

1. The riding area shall be used for purposes incidental to the applicant's enjoyment of their residential property at 1 East Heads Steading and shall not be used for any commercial purposes.

REASON In the interest of residential amenity.

2. Notwithstanding the plans hereby approved, details of the external lighting arrangements shall be submitted to and approved in writing by the Planning Authority prior to any work commencing on site. Thereafter, the external lighting shall be implemented and retained in accordance with the approved details.

REASON To ensure the external lighting is appropriate for the rural setting of the riding area.

**THE MAP IS AVAILABLE FOR VIEWING AT THE COUNCIL'S  
PLANNING OFFICE IN KILMARNOCK. FOR INFORMATION ON  
VIEWING PLEASE CONTACT (01563) 576790.**