

P/14/0778/FP

WARSASH

MS R SNOWDEN

AGENT: MRS A HEWITT

PROVISION OF STORAGE CONTAINER, PORTABLE TOILET FOR EXISTING RIDING ESTABLISHMENT

HOOK PARK ROAD - LAND AT HOOK WARSASH HANTS

Report By

Mark Wyatt - x2412

Introduction

This application is reported to the Planning Committee in accordance with the Scheme of Delegation.

Site Description

The application site is, for the purposes of planning policy, in the countryside. The proposals map of the Local Plan Review also locates the site within the Meon Strategic Gap. The site itself is principally laid to grass with a post and rail fence defining a menage within the field. The field is bounded on three sides by native vegetation and earth bunds, to the east the field shares a fence with the adjacent field. The site is generally flat with no significant change in levels. There are views of the site from Hook Park Cottages situated on higher ground to the south of the site.

Description of Proposal

The Planning Committee granted a temporary planning permission for the ongoing use of the land for a small riding school and associated container and toilet facilities earlier this year under reference P/13/1054/FP.

The previous application was presented to the Committee twice, the second time following a deferral of the application, with the applicant providing further information on the hours of the proposed use and the means of access to the site for customers. A temporary planning permission for three years was granted on 28th April which allowed the riding school to operate as follows:

- January to July in any calendar year;
- Tues & Thurs - 4pm - 6pm (light permitting);
- Saturday - 9am - 3pm; and
- Mon - Friday in school Holidays - 9am - 3pm.

The applicant has since advised the Local Planning Authority that the existing enterprise cannot operate within the terms of this planning permission. The applicant has advised the LPA that the business also offers ad-hoc lessons for which the timings in the planning conditions do not allow. Officers had previously interpreted the applicant's case that the ad-hoc lessons were undertaken within the defined opening hours set out above.

As such this application seeks to provide some flexibility to the existing planning permission to allow for the above hours plus the applicant's ad-hoc lessons as follows:

- no more than seven hours of lessons per week at any time between 1000 - 1600 Monday to Friday outside of the school holidays with a maximum of 7 riders per day between these

times.

Policies

The following policies apply to this application:
National Planning Policy Framework (NPPF)

Approved Fareham Borough Core Strategy

CS4 - Green Infrastructure, Biodiversity and Geological Conservation

CS5 - Transport Strategy and Infrastructure

CS14 - Development Outside Settlements

CS17 - High Quality Design

CS22 - Development in Strategic Gaps

Development Sites and Policies

DPS1 - Sustainable Development

DSP2 - Design

DSP3 - Environmental Impact

DSP4 - Impact on Living Conditions

DSP8 - New Leisure and Recreation Development Outside of the Defined Urban Settlement

DSP9 - Economic Development Outside of the Defined Urban Settlement Boundaries

Fareham Borough Local Plan Review

DG4 - Site Characteristics

Relevant Planning History

The following planning history is relevant:

P/13/1054/FP

**PROVISION OF STORAGE CONTAINER, PORTABLE TOILET AND
SMALL RIDING ESTABLISHMENT**

APPROVE

28/04/2014

Representations

Three letters from 19 Romford Road, 16 Rossan Avenue, 6 Mariners Way:
OBJECTION:

- The access to the site is not suitable or fit for purpose to serve a business of this kind and would impede the use by others
- Recently large vehicles servicing the riding establishment have blocked the access to the neighbouring properties. An ambulance would not get pass and the hedgerow has been damaged.
- the problems of access and nuisance to residents are a major issue.
- I cannot understand why the application says that the business has been operating for 15-20 years from these fields. I know who used to rent these fields until very recently and it was not the applicant.
- The increased hours will cause even more disruption as rights of way will be blocked. surely this is not acceptable or even legal?
- The agent states that the land has not been used since August 2013 - this is not true. I witnessed the land used for riding school activities this June. This caused a nuisance as the

right of way was blocked.

- The last application took a balanced view to trial the use by restricting hours and on a temporary basis. This should be refused and the existing permission stands as it is.

Consultations

DIRECTOR OF PLANNING & DEVELOPMENT:

- Ecology: No objection
- Highways: No objection subject to condition limiting the age of riders for the extended hours to those under 19

DIRECTOR OF COMMUNITY:

- Environmental Health - Pollution: No adverse comments
- Environmental Health - Contamination: No objection

Planning Considerations - Key Issues

The key issues in the consideration of this application are:

- The principle for development
- Character and appearance
- Neighbouring amenity
- Highways
- Period of operation
- Conditions

THE PRINCIPLE FOR DEVELOPMENT:

Policy CS14 of the Fareham Borough Core Strategy seeks to restrict development in the countryside unless it has been demonstrated there is an essential need for the development, such as being essential to agriculture, or if it is a type of development appropriate for a countryside location. The applicant seeks permission to vary the terms of an existing planning permission for a small secure container and a portable toilet to enable local children to continue to receive riding tuition at the site. Paragraph 5.146 of the small text of Policy CS14 supports countryside recreation.

Planning permission P/13/1054/FP accepted the principle for the development in this countryside location. What is being proposed here is essentially an additional seven hours of lessons per week at any time between 1000 - 1600 Monday to Friday outside of the school holidays. The means of getting to the site would remain as previously permitted - park and walk - and the additional hours would not require any further associated equipment.

Given that the principle for the use of the site for a small riding school has been accepted the proposed increase in activity is considered to be acceptable as an appropriate use in a countryside location subject to the consideration of the other relevant matters.

CHARACTER AND APPEARANCE:

As per the commentary above with regard to the principle for development; the landscape impact has also been previously considered. The Committee previously resolved to grant a permission that allowed the container to be retained on site for the period of the planning permission rather than have it removed at the end of each season. However the retention of the container was subject to the applicant providing additional screen planting.

This planting was previously secured by planning condition on permission P/13/1054/FP. However the applicant has indicated as part of this application that a hawthorn hedge is to

be planted to the south side of the container location. This planting proposal is considered to be acceptable such there would be no demonstrable harm to the character and appearance of the area over and above that considered previously.

NEIGHBOURING AMENITY:

The key assessment in this matter is whether the teaching of a further seven hours of lessons per week at any time between 1000 - 1600 Monday to Friday outside of the school holidays would be harmful. The existing planning permission is only temporary such that there is a chance to give the proposal a "trial run". The relatively small increase in hours is considered to be acceptable when couched against the terms of the existing temporary planning permission. The proposal is not considered to result in significant demonstrable harm to the amenity of neighbouring properties.

HIGHWAYS:

The applicant has set out previously that parents are asked not to park or drive and drop off children in the lane. Children are walked to the site with parents, with drop off points located at Church Road, Nook and Cranny Car Park and the junction of Cowes Lane and Hook Park Road. Hook Park Road is an unclassified byway open to all through traffic.

The assessment surely must focus on whether the level of additional traffic from a potential additional seven hours of lessons per week would be harmful to the amenity of and users of the lane.

The Highway Officer has expressed some caution at the extended hours and suggested that it would be right to restrict the proposed extension of use to riders under the age of 19 years, so that the use is specialist, rather than for general public use on weekdays outside of school holidays.

However, the highway impact of the customers being under 19 or over 19 is likely to be the same given the need to park and walk to the site. The guidance on the use of planning conditions is set out the national Planning Practice Guidance (PPG). The tests for planning conditions are reflective of those that used to be in Circular 11/95 such that the imposition of an age restriction is not likely to be necessary to make the development acceptable in planning terms or relevant to the development proposed. Such a restrictive condition could not be justified.

Given that there is no highway objection to the increase in use other than a restriction on customer age, the proposal for the additional seven hours of teaching time during the week day, term time is considered to be acceptable.

Public representation has indicated that there has been a blocking of the right of way as a result of the permitted scheme. Any blocking of the right of way would be outside of the application site and any obstruction would be a matter for the police who, it is understood, dealt with the situation referred to.

PERIOD OF OPERATION:

Third party comments suggest that there is mis-leading information within the application with specific reference to the length of time that the enterprise has been operating from the application site. The application does not seek to demonstrate that the use of the land would be lawful. The application seeks an express planning permission for the proposed use and the most appropriate means of considering this is against the policies of the development plan or any other material considerations that would weigh in favour of the

proposal.

CONDITIONS:

The applicant intends on using this site between January and July only such that the site is only really used for six months in any one year. The temporary permission ceases on 27th April 2017. In this case it is considered reasonable to extend this to the end of the 2017 season.

As set out in describing the proposal above, there was some ambiguity in the applicant's submission previously that led to the existing permission being too restrictive for the applicant's needs. As such, as part of the recommendation, the conditions are set out in full.

CONCLUSION:

The application for a further seven hours of lessons at any time between 1000-1600 Monday to Friday during term time is acceptable as part of the existing temporary planning permission without undue harm to the amenity of the area, neighbours or detriment to highway safety. As such the proposal continues to be acceptable for temporary planning permission.

Recommendation

TEMPORARY PERMISSION Subject to conditions:

01) The use hereby permitted shall cease, the container removed and the land reinstated to its former condition on or before 31st July 2017 unless a further planning permission has been granted before the expiry of such period

REASON: To retain planning control over the development hereby permitted and to enable the circumstances leading to the grant of permission to be reviewed; in accordance with Policies CS17 and CS5 of the Fareham Borough Core Strategy.

02) The use hereby permitted shall only take place on the site between 1st January and 31st July in any one calendar year and shall not be used for the permitted use outside of these times:

- (i) between 1600 - 1800 on Tuesdays and Thursdays
- (ii) between 0900 - 1500 Monday to Friday during school holidays
- (iii) no more than seven hours of lessons per week at any time between 1000 - 1600 Monday to Friday outside of the school holidays and
- (iv) between 0900 - 1500 on Saturdays
- (v) There shall be no classes on Sundays or recognised bank/public holidays

REASON: In order to protect the amenities of the area in accordance with Policies CS17 and CS5 of the Fareham Borough Core Strategy.

03) There shall be:

- (i) A maximum of six riders/customers on a Tuesday and Thursday between 1600-1800
- (ii) A maximum of twenty riders/customers between 0900 - 1500 on a weekday during the school holidays.
- (iii) A maximum of six riders/customers per day between the hours of 1000 - 1600 on a weekday outside of the school holidays at the times permitted in the previous condition of this permission.
- (iv) A maximum of twenty riders/customers on a Saturday at the times permitted in the previous condition of this permission.

REASON: In order to protect the amenities of the area in accordance with Policies CS17 and CS5 of the Fareham Borough Core Strategy.

04) The temporary toilet facilities shall be removed from the site outside of the period 1st January to 31st July.

REASON: In order to protect the amenities of the area in accordance with Policies CS17 and CS5 of the Fareham Borough Core Strategy.

05) Parking space for a maximum of three vehicles shall be provided on site prior to the first use of the land for a riding school following this decision. This area for the parking of vehicles shall thereafter be retained and kept available at all times during the life of the planning permission.

REASON: In the interests of highway safety; in accordance with Policies CS5 and CS17 of the Adopted Fareham Borough Core Strategy.

06) Prior to the installation of the container on the site the planting detailed within the application submission shall be undertaken in accordance with the approved details.

REASON: In order to secure the satisfactory appearance of the development; in the interests of the visual amenities of the locality; in accordance with Policies DG4 of the Fareham Borough Local Plan Review and Policy CS17 of the Adopted Fareham Borough Core Strategy.

07) The development hereby permitted shall be carried out in accordance with the following approved plans:

- Site Location Plan
- Block Plan
- Willbox Container specification
- Landscaping Plan

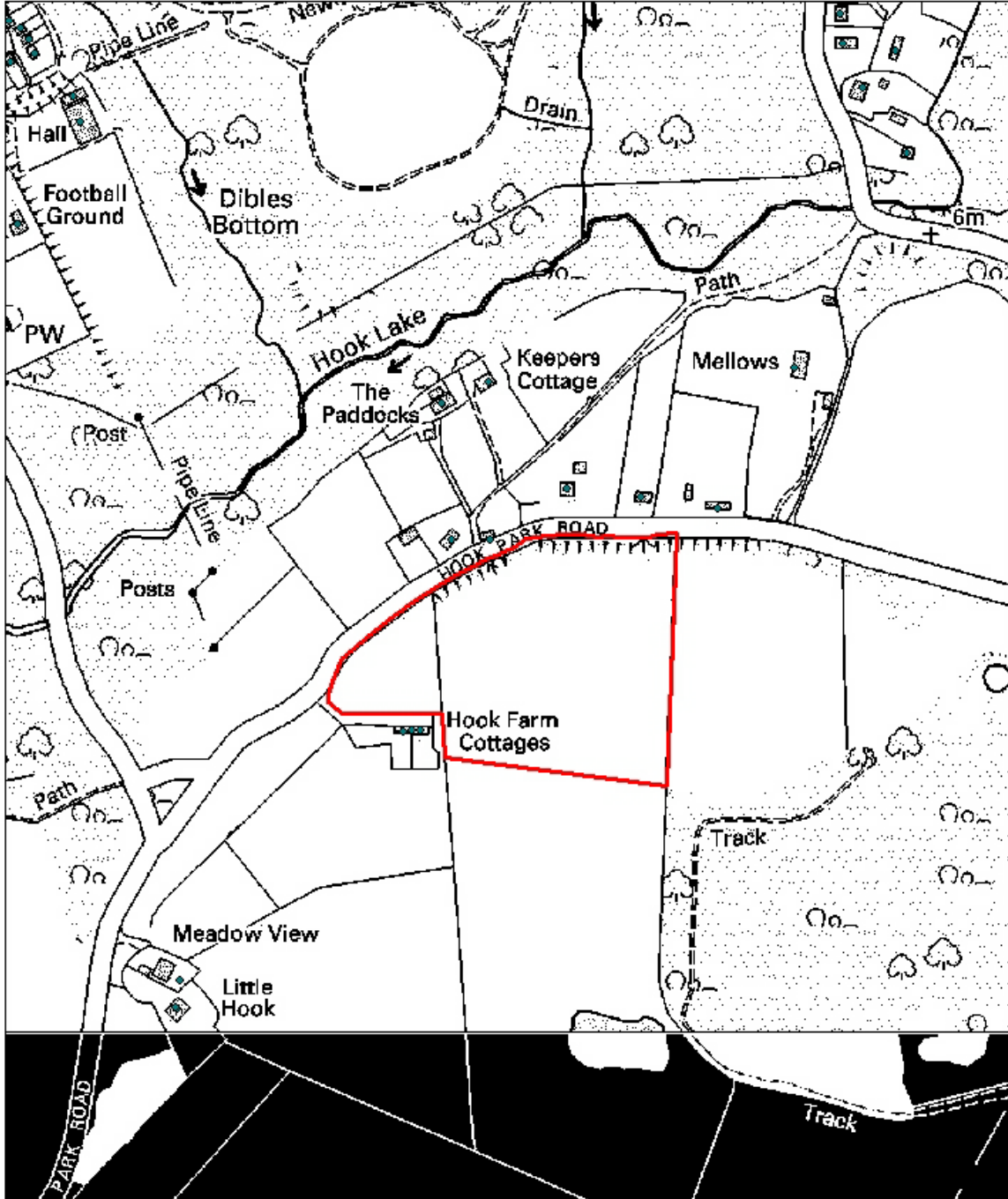
Reason: For the avoidance of doubt and in the interests of proper planning.

Background Papers

P/13/1054/FP

FAREHAM

BOROUGH COUNCIL



HOOK PARK ROAD
SCALE: 1:4,188

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