

ACTON – POTTERS TYE FARM, NEWMANS GREEN

Change of use of agricultural land to an exercising area for horses (for the private use of the landowner).

Applicant: Mr Mr & Mrs May.

Case Officer: Gareth Durrant.

SITE

1. The application site is currently open agricultural land outside the settlement boundary. The site is within the administrative parish of Acton, but is situated close to Sudbury and is adjacent to the Tesco store to the north of the town. The area of land to which the proposal applies is approximately 3.3 hectares in size.

PROPOSAL

2. The application proposes change of use from agriculture to an area for the exercising of horses. The use of the land solely for the grazing of horses would not require planning permission, it is the exercising which constitutes change of use. The application is for change of use only with no ancillary developments proposed (i.e. jumps, fences or lighting).

RELEVANT HISTORY

3. None relevant.

NATIONAL GUIDANCE

4. **PPS7 (2004) Sustainable Development in Rural Areas** – sets out the Government's policies for rural areas.

PLANNING POLICIES

5. The following Development Plan policies are relevant to this application;

Suffolk Structure Plan 2001

- ENV4 (the countryside)

Babergh Local Plan (Alteration No.2)

- CR01 (landscape quality)
- CR07 (landscaping of development in the countryside)

** please note that details or extracts of policies are no longer included in reports - see page 4 of these papers*

OBSERVATIONS

6. PC – have made the following comments;

“The Parish Council’s concern with this application is the fear that once set up, the gallop could be used commercially. The agents comments about cost and inconvenience of taking horses to Newmarket for the gallops must apply to many people in this area and once established the temptation to make money out of the gallop at Potters Tye would be great. As already stated, there is no objection to a gallop for the landowners’ private use but if permission is granted it is very important that conditions are imposed to leave no loopholes which could allow the facility to be exploited for commercial purposes. The road to Potters Tye is tiny and not at all suitable for the transport of horses to and from the facility.

7. HoCAM – No objection in principle but full regard must be given to the possible changes in landscape terms. This could include railings, jumps and associated apparel. Consideration needs to be given to future land management in order to ensure the landscape character is not adversely affected. How to control this is still to be decided?
8. Archaeology – There would be no significant impact on known archaeological sites or areas with archaeological potential. I have no objection to the development and do not believe any archaeological mitigation is required.
9. Third Party Representations: Two letters received from local residents. The issues raised are summarised as follows;
- Foresee problems if the land is developed into a commercial equine establishment.
 - Grazing of more than six horses in the area adjacent to Colts Croft would create unacceptable levels of dung flies and smell, particularly during the summer months.
 - We would request that the paddocks adjacent to our property continue to be used only for grazing and that any exercising of horses is carried on in fields at distance from our house (Rose Cottage) to eliminate any further noise.
 - This should be for private use only. Mills Lane could not cope with any additional traffic.
 - We would ask that a time restriction is given for exercising and galloping.

ASSESSMENT

10. It is the applicant’s intention that the site would be used solely for exercising their own horses which are grazed on adjacent land. Accordingly, the traffic and sustainability issues that could apply to a commercial equine use of the site are not relevant to this application. It is only because the applicants wish to exercise their horses on their land which has evoked the need for this planning application; the private grazing of horses on agricultural land does not require planning permission.

11. The application site is sufficient distance from the curtilages of neighbouring dwellings such that there would not be a loss of amenity arising from horses being exercised. The key issue here is the potential impact upon the landscape. The application proposes change of use only, with no structures or fencing included for consideration. The proposed use in itself does not give rise to concerns about potential landscape impact, but it is the potential for the introduction of ancillary paraphernalia (jumps fencing/rails, lighting and so on) which could have visual impact. Accordingly, carefully worded conditions will need to be imposed upon any planning permission granted to ensure control is retained. With such controls in place additional landscaping will not be required.
12. The application site is close to the site of the Chilton Mixed Use development allocated in the adopted Local Plan. It is, however, outside of that site and would not interfere with, or prejudice that development (including any landscaping required for it).

REASONS FOR APPROVAL

13. The proposed change of use of agricultural land for the exercising of horses accords with the provisions of Development Plan policies ENV4 and CR01 which seek to protect the landscape qualities of the countryside. The use would not have an adverse landscape impact and would not be harmful to the amenities of occupiers of residential properties in the vicinity. Furthermore, as a non-commercial use, the proposal does not give rise to highway safety concerns.

RECOMMENDATION

Grant planning permission, subject to conditions;

- Private use only.
- Withdrawal of GPDO rights for means of enclosure.
- No jumps or rails.
- No external lighting.

DECISION
