

<b>ITEM:</b>		<b>RECOMMENDATION:</b>	APPROVAL
<b>REF NO:</b>	3PL/2018/1052/F	<b>CASE OFFICER</b>	Chris Hobson
<b>LOCATION:</b>	WHINBURGH&WESTFIELD New Barn Place Dereham Road Whinburgh	<b>APPNTYPE:</b>	Full
<b>APPLICANT:</b>	Mr & Mrs Simons C/O Parker Planning Services	<b>POLICY:</b>	Out Settlemnt Bndry
<b>AGENT:</b>	Parker Planning Services Ltd Orchard House Hall Lane	<b>CONS AREA:</b>	N
<b>PROPOSAL:</b>	Construction of a manege (retrospective - altered location and footprint from that approved under 3PL/2015/0948/F)		
		<b>LB GRADE:</b>	Adjacent Grade 2*
		<b>TPO:</b>	N

#### **REASON FOR COMMITTEE CONSIDERATION**

The application is referred to Planning Committee being called in by a Local Ward member.

#### **KEY ISSUES**

The key issues for consideration are:  
Character and Appearance  
Heritage Considerations  
Amenity Implications  
Access and Highway Safety

#### **DESCRIPTION OF DEVELOPMENT**

This application seeks retrospective permission for the provision of a manege within a pre-existing paddock at New Barn Place, Dereham Road, Garvestone. Planning permission (reference 3PL/2015/0948/F) was granted in 2015 for the erection of a 40m by 40m manege in the paddock to the rear of New Barn Place, in Garvestone. However, the manege constructed is sited in a different location (further west) and of a smaller area, and is now 20 metres wide by 40 metres in length. The manege would still be used for the sole use of the owners and leisure purposes only. No lighting, sound amplification equipment or permanent structures other than timber post and rail fencing have been installed.

#### **SITE AND LOCATION**

The site is located in the parish of Whinburgh in open countryside and to the rear of a collection of buildings and mature vegetation on the east/north side of the Dereham Road on the approach into the village of Garvestone. New Barn Place comprising of the farmhouse, converted barn, stables and collection of former agricultural buildings are located to the north west. Old Hall a Grade II\* Listed Building which sits in a moated area is located immediately to the west of the manege. The site is bordered by open fields to the north and

east. A residential dwelling and garden area are located to the south of the site with the village of Garvestone sitting further to the southeast.

**EIA REQUIRED**

No

**RELEVANT SITE HISTORY**

3PL/2015/0948/F	Permission	21-10-15
Manege for personal use		

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**POLICY CONSIDERATIONS**

The following policies of the Breckland Local Plan, including the Proposals Maps, have been taken into consideration in the determination of this application. The provisions of the National Planning Policy Framework and National Planning Policy Guidance have also been taken into account, where appropriate

COM01	Design
COM03	Protection of Amenity
ENV02	Biodiversity protection and enhancement
ENV05	Protection and Enhancement of the Landscape
ENV06	Trees, Hedgerows and Development
ENV07	Designated Heritage Assets
ENV08	Non-Designated Heritage Assets
ENV09	Flood Risk & Surface Water Drainage
GEN01	Sustainable Development in Breckland
GEN02	Promoting High Quality Design
GEN05	Settlement Boundaries
LBC	Planning(Listed Building & Conservation Areas) Act 1990
NPPF	National Planning Policy Framework
NPPG	National Planning Practice Guidance
TR02	Transport Requirements

**CONSULTATIONS**

**GARVESTONE P C**

No objections

**HISTORIC ENGLAND**

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

### **HISTORIC BUILDINGS CONSULTANT**

Section 66 of The Act places a duty on the local planning authority to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

The significance of the Grade II\* listed building is defined as being of more than special architectural or historic interest (Grade I buildings are of exceptional interest and Grade II buildings are of (special interest) In Breckland, there are 1651 listed buildings 97 of which are Grade II\* (this being 5.8% of the total number of listed buildings in Breckland while 4.1% is the national average). The fact that the Grade II\* listed building is one of 5.8% of the districts stock does statistically increase its significance.

The completed works, as assessed in terms of para. 195/96 of the NPPF - the provision of a manege sited nearer to the boundary of the Grade II\* listed building than that previously consented - have not in my opinion resulted in physical harm to the listed building. On that basis, it is my opinion that the completed works have not resulted in either substantial harm or the resultant loss of significance. Any harm that may be caused by impact on setting is therefore likely be less than substantial - less than substantial harm is a wide spectrum between minor harm to considerable harm.

Annex two of the NPPF defines setting as:

'Setting of a heritage asset: The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.' This definition is duplicated in Part 1 of Historic England 'The setting of Heritage Assets' (Historic Environment Good Practice Advice in planning note 3 )

The assessment on setting in this particular instance is in my opinion centred on soft landscaping subdividing the applicants and the objectors properties.

The moat to the objectors property contains / contained established self-set trees, although I understand that the agreed programme of removal has commenced. This element of soft landscape subdivision has therefore been removed allowing visual permeability between the properties. It could be argued therefore that the maintenance works to the moat have increased the visual permeability.

This factor however was understood from an early stage, hence my formal advice to the planning case officer to request that the applicants agent commission a level survey so as to inform a replacement planting / screening scheme that would reintroduce the screening that previously existed to negate this loss and any potential impact on setting.

In my opinion, and notwithstanding any associated archaeological implications, the reprovision of suitable landscape screening between the properties would not result in the current proposal for the retention of the relocated manege causing harm to the special interest of the Grade II\* listed building.

### **NORFOLK COUNTY COUNCIL HIGHWAYS**

Subject to the proposal being for the applicant's personal use and not being let commercially, I would not wish to raise a highway objection.

### **ENVIRONMENTAL HEALTH OFFICERS**

Based on the information provided to me at this time; there are no objections or comments on the grounds of

Environmental Protection, providing the development proceeds in line with the application details.

**WHINBURGH & WESTFIELD P C**

Object on the strongest possible grounds for the following reasons:

- No justification for permission being granted.
- Concerns regarding the actual construction of the manege.
- The applicants have ignored the requirements to carry out archaeological investigations and if necessary any recording and archiving.
- People on horseback would be able to look into neighbouring gardens resulting in loss of privacy.
- Disagree with a number of the claims made in the supporting documents, in relation to size of manege, the level of use and noise;
- Concerns that condition on the original permission have not been adhered to.
- Consideration of the impacts on the Grade II\* Listed Building shall be given great weight.
- No objections to the manege in its originally approved location.
- Distress, loss of privacy and loss of amenity to neighbouring residents.
- If in the undesirable event that permission is granted it should be conditioned to strictly control the storage and management of manure; restricted to exercise of the applicants own horses; no lighting or noise amplification equipment be allowed on site;

**HISTORIC ENVIRONMENT OFFICER**

The developer has effectively destroyed any archaeological remains which may have been present without any record been made, in contravention of their previous planning permission (3PL/2015/0948/F). Because of this we cannot recommend any more archaeological mitigation, but would request, if any further groundworks are planned, that a condition is present, as per paragraph 199 of NPPF 2019,

**TREE AND COUNTRYSIDE CONSULTANT**

No comments.

**REPRESENTATIONS**

- 21 day consultation expired (10.10.18)
- Site notice expired (29.10.18)
- EDP notice expired (15.10.18)
- Weekly list expired (5.10.18)
- Neighbours consulted by letter.

Letters of representation have been received from the occupants/owners of the adjacent Old Hall. They raise objections for the following reasons:

- to loss of amenity;
- noise and disturbance;
- loss of potential saleability of their home;
- drainage issues;
- The applicants were fully aware they were not building the manege in the correct place.
- The reasoning for the change was to save costs and retain larger single block of paddock.
- The applicants chose not to comply with the archaeological condition.
- The applicants have deliberately and wilfully prejudiced our interests as purchasers of Old Hall and our right

to unfettered enjoyment of the house and gardens.

- They have demonstrated utter contempt for the planning process.
- The application contains false and misleading information.
- No evidence that the structure and materials are fit for purpose.
- The manege is closer to our property and has a material affect.
- There is no overwhelming argument in favour of the unauthorised development.
- When in use the noise and vibration pollution generated would be unacceptable.
- Impact on the setting of the listed building, spoils a beautiful and architecturally important heritage asset.
- The applicants have allowed other users and their horses to use the manege.

Representations on behalf of the owners have been made by their solicitors as follows:

- Concerns raised by NCC Historic Environment Service with respect to failure to comply with conditions on the previous permission.
- A material change of use of the land has occurred for turning out of horses and requires permission.
- Title for land restrict property as private dwelling unless permission is obtained for new access.
- Impact on ecological value of the site which comprises important meadow land and habitat.
- The manege constructed is not fit for purpose.
- Lack of evidence that appropriate surface water drainage measures have been provided in the development.
- Noise and vibrations generated by manege, particularly in light of vegetation removal.
- The Topographic Survey lacks important detail and not fit for purpose and should therefore not be relied upon.
- The Planting schedule is not fit for purpose as it will require immediate screening.
- The development severely affects the setting of the listed building, and the planting adversely impacts the setting of the listed building.
- West meadow forms an important aspect of the setting of Old Hall.

Officer Note:

The potential impact on the future saleability of the adjacent dwelling is not a planning consideration.

With respect to the lawful use of the land, the application seeks retrospective permission for the operational development of a manege. It is the Council's understanding that the land (meadows) has been used for exercising of horses for approximately 30 years, and therefore the use has become lawful through the passage of time. Any covenants restrictions on the land registry title for the land are not a material planning consideration.

The development undertaken and for which permission is sought is different to that previously granted so those conditions on permission 3PL/2015/0948/F do not take effect.

## **ASSESSMENT NOTES**

### **1.0 Character and Appearance**

1.1 Planning permission was granted within the paddock for a manege in 2015 (reference 3PL/2015/0948/F). The provision of a manege on the site has previously been established. The manege now provided is within a different location, further southwest and towards the southwest corner of the paddock and is smaller, now being half the size of that previously granted planning permission. The manege at 20 metres by 40 metres in length is of standard size and reflective of its private personal leisure use by the applicants. The manege is used in connection with the existing stables, paddocks at New Barn Place and is accessed through the existing farmhouse and stable complex.

1.2 The physical works are modest, limited to post and rail fencing and base construction works which are common for such riding arenas. The works are rural in appearance and are not be out of keeping with the existing rural setting. The modest scale of the development and its siting, located to the rear of the dwelling, within an existing paddock, ensures the development is not significantly visible in the wider landscape. The structure continues to be screened by the existing field boundaries, mature trees and vegetation and existing buildings. For these reasons the proposal accords with Policy ENV05, GEN02 and COM01 of the Local Plan.

## **2.0 Heritage Considerations**

2.1 Section 66(1) of the Planning (Listed Building and Conservation Areas Act) 1990 (as amended) states that the Local Planning Authority "shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

2.2 Policy ENV07 of the Local Plan states that the significance of designated heritage assets (including their settings) will be conserved and wherever possible enhanced, and that development which affects a designated heritage asset will be subject to comprehensive assessment and should conserve or, wherever possible enhance the setting of such assets.

2.3 Paragraph 193 of the NPPF states that when considering the impact on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.

2.4 Paragraph 194 of the NPPF also states that "any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification".

2.5 Old Hall is a Grade II\* Listed Building and sits to the southwest of the site and manege for which planning permission is sought. This is therefore a nationally important heritage asset of the highest significance. The manege is considered to be within the setting of the listed building, and in light of the requirements within the Planning Listed Building and Conservation Areas Act 1990 (As Amended) there is therefore a high priority to preserving its setting and any harm to it should be given considerable weight.

2.6 The manege is located in an existing paddock, approximately 36m from Old Hall itself. The private rear gardens of Old Hall and moat encircle the hall and sit between the paddock and listed building. The lawful use of the land on which the manege is sited is for the recreation and grazing of horses for equestrian purposes. The use of the manege for the exercising of horses is therefore considered to conserve the setting of the listed building.

2.7 With regards to the physical works themselves, these are limited to 1.2 metre high timber post and rail fencing which are simple in design and materials and reflect the character of the countryside and rural area in which the listed building sits. The change in surface of the manege from grass to a mix of equestrian grade silica sand and fibrelok carpet mix alters the appearance of a relatively small section of the enclosed paddock but does not disrupt views of or alter the open rural character of the area to the east of the listed hall. Overall, given the degree of separation; the presence of the gardens and moat between hall and site, intervening site boundary; the existing lawful use of the site and the limited scale and height of works undertaken, and subject to the retention of the structural planting provided the setting of the asset will be conserved.

2.8 It is noted that Historic England have been consulted and raised no comments on the development. The

Council's Historic Building Officer has not objected to the manege subject to conditions with respect to provision of screening between the manege and Old Hall.

2.9 With regards to the impacts on ground based archaeological features and interests, NCC Historic Environment Services have been consulted and have not objected to the application. They note, based on the information provided including that within the 'Follow Up Report' (Parker Planning Services), and that given the likely levels of archaeological remains on the site and the majority of the works were on the pre-existing surface, that whilst it is regrettable that archaeological monitoring of the groundworks did not take place, any additional archaeological works and enforcement action requiring further archaeological excavations to take place may actually destroy evidence and is not a desirable outcome in this instance and contrary to the objectives of preserving archaeological features of interest.

2.10 Overall, subject to the the retention of the structural planting and screening provided along the western boundary of the site, the setting of Old Hall will be preserved. There would be no impact on the character and appearance the character and appearance of the hall itself. The application therefore accords with Policy ENV07 of the Breckland Local Plan and the requirements of Planning (Listed Building and Conservation Areas) Act 1990 in particular sections 16, 66 and 72 as well as satisfying the relevant policies within the NPPF 2019.

### **3.0 Amenity Implications**

3.1 Policy COM03 of the Breckland Local Plan seeks to prevent development that would have an unacceptable effect on the residential amenity of neighbouring occupants and in particular regard to this application requires consideration be given to potential noise, vibration, odour, light and other forms of nuisance and pollution.

3.2 Potential amenity impacts relating to the use of the manege include additional noise and disturbance, vibrations and odours caused by its use. Objections have been received from a neighbouring resident at Whinburgh Old Hall, raising objections to the development, in terms of significant detrimental impacts on their lawful and peaceful enjoyment of their gardens and property, both as a result of significant noise and ground vibrations when in use and prejudice the future saleability of their home due to the extremely close proximity of the development to it, subsequent drainage issues, and screening.

3.3 The applicants have advised they currently have 3 horses, with 2 being exercised in manege. They have advised that each horse is exercised in the manege for approximately 30 minutes, twice a week in periods of better weather, and they are turned out on to the paddock every other day for 2-3 hours. Following discussions with the Environmental Health Officer, they have confirmed that based on the information submitted with the application, the manege has been constructed to an acceptable level to avoid vibration and noise disturbance issues. In addition, it is noted that no reports of noise issues have been reported to date. With regards to drainage, it has been demonstrated that the flow of any potential water would do so in an easterly direction, away from the neighbouring property to the west. Notwithstanding this, the Environmental Health Officer has advised that any surface water would fall within the existing drainage areas underneath the manege, which would help to improve drainage, above and beyond an existing paddock.

3.4 The applicant's agent has confirmed the use of the manege would continue to be for personal use only. The intensity of the use will continue to be suitably modest and not of an extent that would give rise unacceptable noise and disturbance impacts. A condition has been recommended limiting the use of the manege for private recreational purposes only in the interests of protecting the amenity of neighbouring residents in accordance with policies COM01 and COM03 of the Local Plan.

3.5 The nearest dwellings to the manege are those two located west and south of the application site. The separation distance between the manege and these dwellings is such that noise and disturbance impacts are suitably mitigated. The use of the manege may be audible at times for occupiers of these dwellings however the amenity impact is not unacceptable given the lawful use of the site as paddocks and for the exercise of horses, the separation distance and the rural context within which the dwellings are located. Moreover, the Council's Environmental Health Officer does not raise objection to the proposal on amenity grounds.

3.6 External lighting of the manege has not been installed, is not proposed and given its rural location, and presence of residential properties in the surrounding area is not considered appropriate. A condition has nevertheless been recommended to control and prevent any external lighting of the manege.

3.7 Having regard to the above, given the previous use as a paddock, and the limited use of the manege, as well as the separation distance to the neighbouring dwelling, it is considered further screening would not be necessary. Having regard to the above, the manege is not considered to cause unacceptable impact on the amenity of neighbouring residents and accords with policies COM01 and COM03 of the Breckland Local Plan (Adopted) in respect to amenity impacts.

#### **4.0 Access and Highway Safety Matters**

4.1 The manege utilises the existing farm access that serves the existing dwellings at New Barn Place, the stables, and paddocks. Traffic generation would continue to be very low given the personal use of the facility and the presence of the stables on site. The Highway Authority raises no objection. The manege does not give rise to an unacceptable highway safety outcome, consistent with Policy TR02 of the Local Plan and the policy guidance contained within the NPPF.

#### **5.0 Conclusions**

5.1 The manege does not harm the visual amenity of the area, consistent with Policy GEN02, COM01 and ENV05 of the Local Plan. Subject to the retention of the planting provided towards the western boundary of the site the manege would preserve the setting of the Grade II\* Listed Old Hall, and the application complies with policy ENV07 of the adopted Local Plan, and the requirements set out within the Planning (Listed Building and Conservation Areas Act) 1990 (as amended). The manege, subject to use limitation conditions, does not have an unacceptable impact on the amenity of neighbouring residents, and accords with policies COM01 and COM02 of the Local Plan. The development presents an acceptable highway safety outcome, raising no conflict with Policy TR02 of the Local Plan. For these reasons the application is recommended for approval subject to conditions.

#### **RECOMMENDATION**

Having regard to the foregoing, the application is recommended for approval subject to the conditions set out below.

#### **CONDITIONS**

- 1 In accordance with submitted plans NEW 2017**  
The development must be carried out in strict accordance with the application form, and approved documents and drawings as set out in the table at the end of this notice.  
Reason for condition:-  
To ensure the satisfactory development of the site.

**2 Non-standard condition**

The manege hereby permitted shall only be used for the exercising and riding of horses by the occupiers or owners of New Barn Place, Dereham Road, Garvestone, NR9 4QU, and shall at no time be used for commercial or business purposes, including for the exercise of horse by other persons.

Reason for Condition:-

In the interests of the amenities of adjacent residents in accordance with policy COM01 and COM03 of the Breckland Local Plan (Adopted).

**3 Hedge planting**

Any trees or plants which die, are diseased, are removed or otherwise fail within the first five years following the grant of this permission shall be replaced with the same species and size of plant unless otherwise agreed in writing with the Local Planning Authority.

Reason for condition:-

In the interests of the satisfactory appearance of the development in accordance with policies GEN02 and COM01 of the Breckland Local Plan (Adopted).

**This condition will require to be discharged**

**4 No loudspeaker radio etc. outside building**

No loudspeaker, amplifier, relay or other audio equipment shall be installed or used on or within the manege hereby permitted.

Reason for Condition:-

In the interests of the amenities of adjacent residents in accordance with policy COM01 and COM03 of the Breckland Local Plan (Adopted).

**5 Full details of external lighting**

No external lighting shall be installed either directly or on poles on or within the manege hereby permitted.

Reason for condition:-

In the interests of the character and amenities of the area, dark skies of the surrounding area, the amenity of local residents and to minimise light pollution in the interests of wildlife conservation. In accordance with policies GEN02, COM01, COM03 and ENV02 and ENV05 of the Breckland Local Plan (Adopted).

**This condition will require to be discharged**

**7 Discharge of conditions**

If the formal discharge of any condition is required, it will be necessary for you to submit to the Council all relevant details, together with a completed application for the "Discharge of Conditions" and the fee as appropriate.