

SOUTH PLANNING COMMITTEE**SCHEDULE OF ADDITIONAL LETTERS****Date: 20th November 2018**

NOTE: This schedule reports only additional letters received before 5pm on the day before committee. Any items received on the day of Committee will be reported verbally to the meeting

Item No.	Application No.	Originator:
5	18/01284/FUL	Agent
Confirmation that no material will be removed from the site. The excavated material will be used to re-landscape and improve the undulating areas around the proposed new pool.		
Item No.	Application No.	Originator:
6	18/03215/FUL	Indigo Planning – On behalf of objector

My client is very concerned that officers are recommending that the Penhaligon Stud Farm application be granted planning permission. We note that the application is due to be heard at Planning Committee next week and there is an opportunity for those who wish to sustain their objections, to speak.

We do not agree that this application should be granted. Nonetheless, and without prejudice, we have the following observations:

- At Para 6.2.1-3 of the committee report (<https://shropshire.gov.uk/committee-services/ieListDocuments.aspx?CId=127&MId=3696&Ver=4>) officers confirm that development is to be used as a stud and for equine rehabilitation – i.e. not for any “other commercial or livery purposes”, which does offers some comfort.
- However, we note that there is no proposal either through draft Heads of Terms (to link this application back to the previous application 14/05768/FUL and Condition 11) or via the proposed draft planning conditions to control the nature of this equestrian use.
- A stud and rehabilitation centre is very different to an open equestrian use which could see the yard being used as riding school, training and / or teaching clinics for groups, livery yard, competition venue etc... none of which would be suitable or justifiable in this location.
- Given the very sensitive nature of this application, the operation needs to be clearly defined and the mechanism by which it is secured should be enforceable.
- We consider that the Section 106 would be the most appropriate method of defining the use and linking this application back to the 2014 consent.
- However, a word of caution - Condition 11 itself cannot be relied on for providing a clear definition of the use. This is an equine stud (as originally granted) with rehabilitation centre (the purpose of this new application to secure required facilities and expand the originally intended use). It is not, for example, a suitable location for dressage teaching clinics – like some of the supporters have purported it might be. The supporting documents provided by the Agents don't clearly describe the nature of the use and as such cannot be relied upon for setting an enforceable understanding of what the “applicant's equestrian usage” might be. What if this usage was to morph and change over time - this does not meet the required tests.

- If the proposed use cannot be described and adequately secured as an equine stud farm and rehabilitation centre, then the application should be deferred for further consultation and consideration, so that officer consider the proposals fully (follow due process) and that local people and members have a proper understanding of the development.
- Conditions 7 and 8 should be linked to the operation of this business only, rather than generally equestrian, agricultural or forestry workers.

Item No.	Application No.	Originator:
6	18/03215/FUL	Case Officer

- Condition 11 attached to planning permission 14/05768/FUL does restrict the use of the buildings and equestrian land for use only in connection with the applicant's equestrian usage and not for any other commercial or livery purposes. In considering the additional comments from the third party objector and having reviewed the wording of the condition on the original planning permission, it is judged that because the original condition does not refer to any future buildings it would be reasonable for the avoidance of doubt to add a condition which also restricts the horse walker and isolation boxes to the applicants equestrian business. It is therefore recommended that the following additional condition be added should members determine that planning permission be granted:

“The horsewalker and isolation boxes hereby approved shall be used only in connection with the applicant's equestrian usage and shall not be used for other commercial or livery purposes.

Reason: - To prevent a more intensive use being introduced in the interests of protecting the character and appearance of the countryside and highway safety having regard to the network of country lanes within the locality.”

- The third party objector suggests that in addition to the above condition a S106 should be used to limit the buildings and land to the applicant's equestrian use. However the S106 can only relate to the development proposed now and thus any equestrian restriction via a S106 would only apply to the horse walker and isolation boxes rather than the site usage as a whole. The usage of the site as a whole was a matter dealt with previously under the 2014 planning application and is not part of the development proposed under this application, it therefore cannot be reviewed and likewise the wording of condition 11 on the 2014 cannot be altered at this stage.
- There is request by the third party objector to restrict the usage of the dwelling and bedsit to the applicants business only rather than occupation by equestrian, agricultural or forestry workers in the locality. The conditions recommended are standard rural occupancy conditions to accord with policy CS5 and MD7a. The purpose of restricting the occupation to essential rural workers in the locality rather than just the applicants business is to provide the option to retain the dwelling in the future as part of the available housing stock for essential rural workers rather than the dwelling defaulting straight to an open market dwelling should the business cease and the occupiers move on.

Item No.	Application No.	Originator:
8	18/04281/FUL	Neighbour representation
<p>One additional letter of representation has been received since the committee agenda has been published, objecting to the development. Please note that all comments are available to view in full on the Shropshire Council website. The points raised within this additional letter of representation are listed as follows:</p> <ul style="list-style-type: none"> • The replacement dwelling is larger than the existing dwelling • New development should be kept within the existing garden area/on the same footprint • Appearance/visual impact • The dwelling would be situated on agricultural land • Question that the damage/deterioration to the fabric of the house is not genuine • Works have already commenced on site <p>A majority of these points have been previously raised by objectors and are discussed within the officer report. However, to specifically address the point that the damage/deterioration to the fabric of the house may not be genuine, this is speculation only. Officers consider that sufficient information has been submitted with the application to demonstrate beyond all reasonable doubt that the repair/refurbishment of the dwelling would not be viable or appropriate and, when taking into consideration the Conservation Officer's comments, the dwelling is not of sufficient historic value to be retained. The comments raised whilst acknowledged are therefore not considered to affect the overall recommendation of this application.</p>		
Item No.	Application No.	Originator:
8	18/04281/FUL	Case Officer
<p>Given that the proposed replacement dwelling would be positioned in a different location to the dwellinghouse to be demolished, Officers consider that it would be expedient to impose a condition on any approval notice to ensure that the existing dwellinghouse on site is removed prior to the first occupation/use of the replacement dwelling. The following wording is proposed:</p> <p style="padding-left: 40px;">12. Prior to the first use/occupation of the replacement dwelling hereby approved, the existing dwelling to be demolished on site shall be dismantled, and all resultant materials and debris removed from the site.</p> <p>Reason: To define the permission as a replacement dwelling for the avoidance of doubt, and to avoid the establishment of an additional dwelling unit in the open countryside, which would be contrary to Policies CS1 and CS5 of the Shropshire Local Development Framework Adopted Core Strategy.</p>		