

## Development Management Report

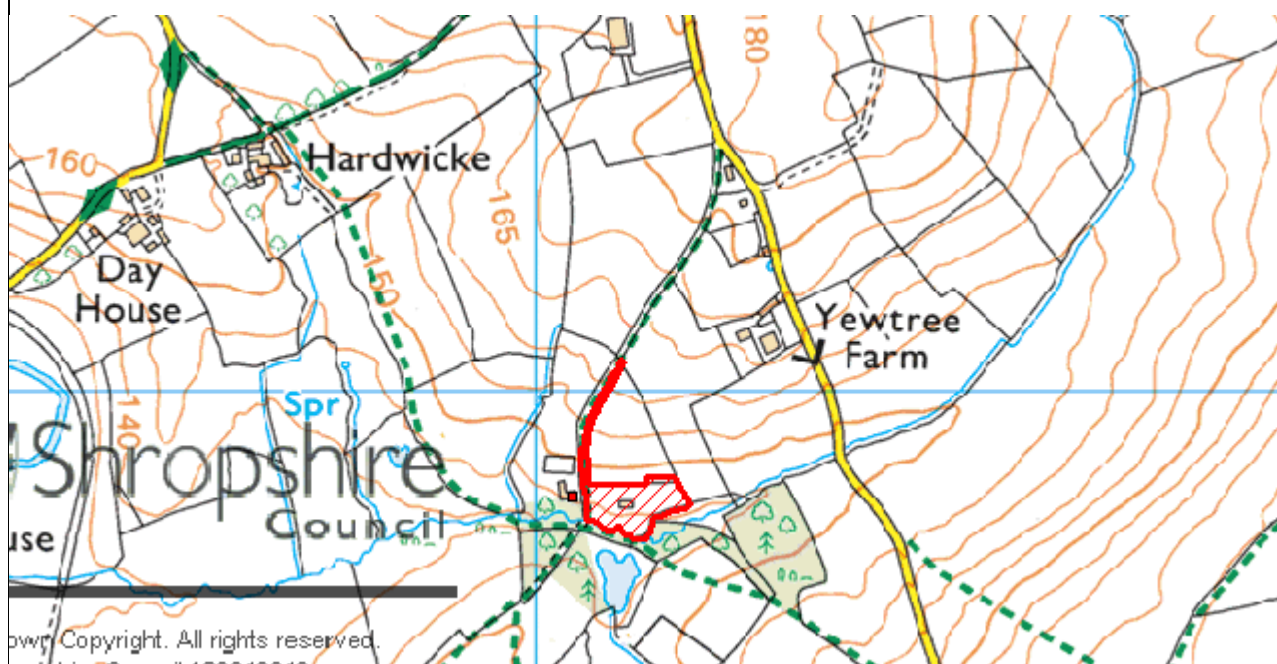
Responsible Officer: Tim Rogers

email: [tim.rogers@shropshire.gov.uk](mailto:tim.rogers@shropshire.gov.uk) Tel: 01743 258773 Fax: 01743 252619

### Summary of Application

<b><u>Application Number:</u></b> 20/04714/FUL	<b><u>Parish:</u></b>	Stottesdon
<b><u>Proposal:</u></b> Erection of a rural workers dwelling		
<b><u>Site Address:</u></b> Ginny Hole Prescott Cleobury Mortimer Kidderminster Shropshire		
<b><u>Applicant:</u></b> Mr and Mrs Anthony Eddies-Davies		
<b><u>Case Officer:</u></b> Sara Jones	<b><u>email :</u></b> planning.southern@shropshire.gov.uk	

**Grid Ref:** 367049 - 281864



© Crown Copyright. All rights reserved. Shropshire Council 100049049. 2019 For reference purposes only. No further copies may be made.

**Recommendation:- Refuse.**

The outdoor activity centre enterprise at this site includes the keeping of horses. It has not been demonstrated that there is a functional need to provide permanent residential accommodation at the site 24/7 in order to provide animal welfare, manage the business and provide security. Therefore, the proposed erection of a new dwelling in the countryside is not justified. Accordingly, the proposed development conflicts with paragraph 79 of the National Planning Policy Framework and adopted Policy CS5 of the Core Strategy and Policy MD7a of the SAMDev Plan, Type and Affordability of Housing SPD.

## REPORT

### 1.0 THE PROPOSAL

- 1.1 This application is a resubmission of planning application 20/01862/FUL which was refused on the 08.09.2020 on the following grounds:

*The outdoor activity centre enterprise at this site includes the keeping of horses. It has not been demonstrated that there is a functional need to provide permanent residential accommodation at the site 24/7 in order to provide animal welfare and for the management of the business. Therefore, the proposed erection of a new rural occupational dwelling is not justified. Accordingly, the proposed development conflicts with paragraph 79 of the National Planning Policy Framework and adopted Policy CS5 of the Core Strategy and Policy MD7a of the SAMDev Plan, Type and Affordability of Housing SPD.*

- 1.2 As previously this current application seeks permission for a rural worker's chalet, to be used in connection with the existing outdoor activity centre enterprise at Ginny Hole. Additional information has been submitted to support the application and as previously stated the applicants are intending to occupy of the property for the foreseeable future.

- 1.3 The additional supporting information includes

A testimonial from the organiser of Wantage Riding for Disabled.

A testimonial from the Head Teacher at Kinlet School stating that the activity centre is an asset to the local area and how the family business contributes to the wider community.

A letter in support from the Proprietor of the Fighting Cocks PH stating that as the new glamping pod guests, along with other customers and Country Treks staff, will be using the pub for meals/drinks it is important that there is adequate overnight supervision for their return to Ginny Hole. And that as the survival of village pubs is always under threat, a thriving local business is valuable to the community.

Testimonials from customers supporting the plans for improvements to the Country Treks experience and how accommodation on site is essential for the successful

running and supervision of groups of visitors staying overnight/camps and for the supervision of the horses.

A letter from Stanton Ralph Chartered Accounts confirming that the applicants run 3 profitable and buoyant businesses from the Ginny Hole and that there has been in excess of £100,000 invested in the Ginny Hole and the businesses over the last 18 months, to improve the infrastructure to benefit all 3 businesses and the public who use their services. They confirm that this has been done without borrowing and understand that, following the sale of the Old Vicarage there are funds available to build the property without borrowing. (Additional financial information submitted - accounts year ending March 2020 for each business).

1.4 Furthermore the applicants have made the following points:

*Despite the heavy restrictions of COVID-19, the businesses have all fought on, retaining as many staff as possible. The development plan for 2021 is to install the accommodation pods and open the cafe so the 3 businesses can continue to grow. This will continue to provide a significant economic bonus to the local area as whole, with direct and indirect employment and to the local services.*

*With COVID-19, the national economy is in a dire situation, with unemployment very likely to be have a disastrous consequence in 2021. The government are keen to support rural businesses and it is up to all of us to keep the economy running. All three business are receiving interest in 2021 courses. There are 120 un-accompanied children already booked in Pony Club camps and our plan is to run 12 months a year offering short breaks / training courses / family weekends. By supporting our application there will be economic security for all our employees. Ginny Hole already is and its future plans look to expand the site as a tourist hub.*

*We believe that this application has clearly demonstrated and provided evidence for the immediate and urgent need of 24 hour site accommodation, to oversee 3 businesses - the equipment, animals and guests. We cannot sleep in an office. The proposal is for a modest cabin to oversee the growth and expansion of these existing 3 strong business. Please bear in mind a refusal will jeopardise the economic security of many lives.*

1.5 The applicant's family business has operated an outdoor pursuits enterprise at The Old Vicarage and Ginny Hole for over 30 years. Since 1968 it was operated from The Old Vicarage in Stottesdon, where the applicant's parents lived. The Old Vicarage site, was used as a family home as well as administration/classrooms and residential use for guests. Planning permission was granted under application 19/05255/FUL for the change of use of the Old Vicarage in May 2020 from a mixed residential, commercial, training and hostel use (Use Class C2, C3 and D1) to a mixed care home and education use (Use Class C2 / D1) and associated works. The Old Vicarage has been recently sold and the business consolidated to the Ginny Hole Site.

<https://search.savills.com/property-detail/gbwmrstes180054>

- 1.6 It is understood that the business has evolved and includes an adventure consultancy arm providing training for emergency teams and expedition/safety advice, as well as packages to schools, corporate, hen/stag groups and families. They also run Country Treks which started 25 years ago as a trekking centre and small riding school serving the village and surrounding areas and providing horse riding for visitors and schools to The Old Vicarage.

<https://www.horsetreks.co.uk/>

- 1.7 Planning permission was granted (19/00815/FUL) for two timber cabins for office, reception, training and accommodation use, a parking area, a septic tank system, six accommodation pods and associated decking areas, and retrospective approval for the extension of an open pole barn, in connection with an existing outdoor activity centre.
- 1.8 There is an extensive planning history on this site which includes planning application 96/0777 which referred to the temporary stationing of a mobile home for staff to supervise the centres activities. This application was refused as it was considered that the applicant had not demonstrated that there was sufficient need for a mobile home on the site and its position would make it visually prominent in the landscape (contrary to the prevailing local plan policy at the time). The applicants contended that the groups using the facilities required supervision, particularly at night and that this could not be met by housing staff in a tent. This was taken to appeal and the Inspector upheld the decision, on the grounds that the tented accommodation would be in use from May through to September only and for the remaining part of the year its use would be minimal and there was no reason why a previously approved caravan (used as an office and storage in connection with the Activity Centre) could not be used for the supervisory requirements. Furthermore, that there was no evidence to support the claim that without the mobile home the use of the land for recreational/educational purposes could not take place.

## 2.0 **SITE LOCATION/DESCRIPTION**

- 2.1 The Ginny Hole Trekking Centre is located in the countryside within relatively close proximity to the village of Stottesdon. The Centre lies within a hollow centred on a small stream which leads to the river Rea. The stream is in a small uncultivated woodland area with pasture land rising up away from the woodland.
- 2.2 Ginny Hole is accessed down an unmade, single width track around 500 metres in length. This access slopes downward towards the site and is bounded in part by trees and hedgerow. The site as a whole is mostly hidden in the landscape by the topography of the land and a dense tree belt to the south.
- 2.3 The access to the enterprise spurs off a rural lane that links Stottesdon to the surrounding rural areas of Prescott and Bagginswood. A small number of dwellings exist closest to the junction that serves the enterprise. While

these dwellings do not appear to share this access, their boundaries back on to it.

### 3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The Parish Council have no objection to the proposed scheme and the Local Members have requested the application is considered by the Planning Regulatory Committee. Following discussion with the Chair and Vice Chair of the South Planning Committee, it was decided that the material planning considerations in this case require consideration by Committee.

### 4.0 Community Representations

- Consultee Comments

**Stottesdon Parish Council** – The application is fully supported by Cllrs as accommodation on site would add to the security of the site and the welfare of the animals.

#### **Additional supporting statement received 17.01.2021**

##### Site security:

- *When the activities were run from The Old Vicarage most of the equipment was stored at The Old Vicarage and transported to Ginny Hole when required.*
- *The Old Vicarage was the 'base' for booking in for events etc and was also where groups were housed in dormitories. This has now changed and all the business now operates from Ginny Hole.*
- *Groups such as the Greenfell Firemen, Search and Rescue, Police and Ambulance have all been trained at The Old Vicarage then moved on to the Ginny Hole for practical training.*
- *Over the years there have been numerous incidents on the site where Police have been involved i.e. criminal damage etc and last year the new advertising signs were stolen.*
- *The site is more vulnerable with no one living on site.*

##### Economy:

- *This is a rural outdoor business which supports the local economy. People attending Ginny Hole often dine/drink at The Fighting Cocks – another local family run business which provides local employment and needs community support.*
- *Local businesses are struggling in the current economic climate and need all the support they can get to bounce back when Covid restrictions are lifted.*

##### Animal welfare:

- *With 'on-site' staff 24/7 any problems with the livestock can be dealt with immediately.*

##### Rural crime:

- *At present there is an increase in animals being stolen locally i.e. dogs, horses, ponies.*
- *Police response times to our rural area is not good – quite often by the time an offence is reported/logged the offenders have long gone before the Police arrive. With the Police stretched to the limits they just cannot get to our rural communities quickly enough and this is a concern.*

*We feel that in order for this rural business to remain viable and safe a rural workers dwelling is essential and would ask that you take in to account the above points when making your decision on this planning application.*

*We would also add that the Eddies-Davies family have lived in Stottesdon for over 50 years.*

**SC Ecology** - No objection, recommend conditions/informatives.

**SC Highways** – The current application appears to be resubmission of the earlier proposal under reference 20/01862/FUL. The proposed dwelling is within the grounds of the established trekking centre and from the highways perspective there are no objections to the proposal.

No objection – subject to the development being constructed in accordance with the approved details. Recommend informatives.

**SC Trees** – 15.12.2020

I have reviewed the plans submitted in association with this application and from analysis of aerial GIS photography it appears that the proposed development could be implemented without loss of existing trees on the site. I therefore have no objection in principle to this application on arboricultural grounds, although I would defer to the expert opinions of the Council's Ecology and Drainage teams regarding the suitability of the sewage treatment plant, given the proposed discharge to the stream to the south of the site.

I note the site is accessed to the north via a track in others ownership. Aerial photography shows this track to be lined with numerous mature trees. Any plans to upgrade the surface or drainage infrastructure associated with this track could cause significant damage to the roots of these mature trees. Equally, damage could also be caused by overly heavy pruning of large limbs overhanging the track, in order to facilitate access for delivery and construction vehicles, machinery and equipment.

I would therefore suggest that an inspection should be carried out along the track to determine whether any access facilitation tree works are needed and, if so, the type and extent of such works. All approved tree work should be specified and carried out by a competent arborist, in accordance with BS3998:2010. If resurfacing or drainage works are planned for the access track, then these should be designed and implemented under a task specific arboricultural method statement, so as to avoid damaging or harming any significant trees along the

track.

Ideally, the proposed foul or surface drainage runs should be planned to avoid passing through the root protection area (RPA - as defined in BS5837:2102) of any retained tree. However, if any drainage infrastructure is required within the RPA, then this should again be subject to a task specific arboricultural method statement, so as to avoid damaging or harming the tree(s) in case.

I would be grateful if my questions regarding any necessary facilitation tree pruning, planned resurfacing or drainage works along the access track, and infringement into the RPA of any retained tree for drainage infrastructure (or any other works) could be answered prior to determination. I would be happy to recommend suitable tree protection conditions to be applied in the event of planning permission being granted, depending on the answers to these questions.

In any event, I would also recommend attaching suitable landscaping conditions to any permission granted, to secure a scheme of tree, shrub and / or hedge planting as appropriate to enhance the proposed development and its integration into the surrounding landscape. A suitable planting scheme would also contribute towards a net gain for biodiversity, as espoused in current national planning policy and guidance.

**SC Affordable Housing** – There are no affordable housing obligations associated with this proposal.

**SC Drainage** – Recommend informative.

**SC Rights of Way** - No comments to make on this application.

**- Public Comments**

Site notice displayed. Five letters sent.

One representation received objecting to the application on grounds which may be summarised as follows:

Application has is identical to that previously refused - 20/10862/FUL.

Cannot see any substantive reasons to have anyone living on the land, nothing has changed apart from having more buildings and vehicles gaining access to the land, following previous approvals.

The supporting statements are in fact only commenting on the facilities they have used and as such are irrelevant to this application.

Have been disturbed by people noise and lights from vehicle in early hours and at night using the access track, when noise travels further. Object to the increased usage of the access track 24/7. The main road leading in to and out of Stottesdon has increased and, combined with the additional usage to the site at times, the triangular area between the access track and the highway is like being on a busy

Island.

Possibly someone staying at the site.

Reiterate comments made previously :-

Applicants have recently sold their property in Stottesdon, consider that they should be able to find an alternative property in the area. There are existing properties with 3 bedrooms for sale or rent in the area.

No evidence submitted to demonstrate that existing alternative accommodation is unaffordable.

Question whether the proposals meet policy MD7a.

The proposed building will require more services and additional access.

Concern that the existing access track has traffic similar to that on the adjacent public highway and that the usage exceeds that previously envisaged.

Over development of the site.

Continuous noise and disturbance from the use of the access drive from visitors. Should permission be granted the noise will extend into the night, at a time when noise travels further.

The access track is a public right of way, a fact which appears to get overlooked in such applications.

## **5.0 THE MAIN ISSUES**

Principle of development  
Visual impact and landscaping  
Access/Highway Safety  
Residential Amenity  
Ecology/Natural Environment  
Drainage  
Rights of Way

## **6.0 OFFICER APPRAISAL**

### **6.1 Principle of development**

6.1.1 Development plan policies CS5 and MD7a cover housing development in the open countryside. CS5 outlines that new development in the countryside will be strictly controlled and that development proposals will only be permitted on appropriate sites which maintain and enhance countryside vitality and character where they improve the sustainability of rural communities by bringing local economic and community benefits and particularly where (amongst other types of proposals) they



relate to dwellings to house agricultural, forestry or other essential countryside workers. CS5 requires applicants to demonstrate the need and benefit for the development proposed which is expected to take place primarily in recognisable named settlements or be linked to other existing development and business activity where this is appropriate.

6.1.2 MD7a expands on CS5 and states the following:

2. Dwellings to house essential rural workers will be permitted if:

*a. there are no other existing suitable and available affordable dwellings or other buildings which could meet the need, including any recently sold or otherwise removed from the ownership of the rural business; and,*

*b. in the case of a primary dwelling to serve a business without existing permanent residential accommodation, relevant financial and functional tests are met, and it is demonstrated that the business is viable in the long term and that the cost of the dwelling can be funded by the business.*

The supporting text outlines that for a new primary dwelling the relevant financial and functional tests are required to assess the need for a rural workers' dwelling at or close to the business and the viability of that business.

6.1.3 The Type and Affordability of Housing Supplementary Planning Document (SPD) is also relevant and provides a comprehensive approach, which is well tested through the former Annex A of PPS7, setting out clear guidelines. The SPD supports the granting of occupational dwellings, on the provision that careful assessment has been afforded to prevent abuse of the planning system. It states that this assessment must be fair and based solely on an accurate assessment of the individual needs of the enterprise. Applicants will be required to demonstrate that a dwelling at the enterprise is essential by a showing a functional need for the occupier to be present on site for the majority of the time ("time" being 24 hours a day, 7 days a week).

6.1.4 National planning guidance is contained within Para 79 of the NPPF. It states that;

Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

- a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
  - b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
  - c) the development would re-use redundant or disused buildings and enhance its immediate setting;
  - d) the development would involve the subdivision of an existing residential dwelling;
- or

e) the design is of exceptional quality, in that it:

- is truly outstanding or innovative, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

6.1.5 As noted above the business has operated from this site for over 30 years without anyone living at the site and has until recently been managed from the Old Vicarage in Stottesdon (some 0.75 km to the northwest). The applicants state that there are no suitable and available affordable dwellings nearby however at the time of writing this report there were five properties (2, 3 & 4 bedrooomed) for sale in Stottesdon.

<https://www.rightmove.co.uk/property-for-sale/Stottesdon.html>

6.1.6 During the Officers site visit (in connection with application 20/01862/FUL) the applicants explained that their former business went into administration which left them with no choice but to sell the Old Vicarage and has left them with limited finances to purchase a property in Stottesdon and that the available houses to rent did not allow dogs, so they were not suitable for their needs. A search of Companies House would appear to corroborate that "Live The Adventure" formerly "The Old Vicarage Adventure Centre Ltd" was dissolved following liquidation in October 2019.

6.1.7 In support of the current application the applicants have submitted a letter from Stanton Ralph Chartered Accounts (dated 02.11.2020) confirming that the applicants run 3 profitable and buoyant businesses from the Ginny Hole and that there has been in excess of £100,000 invested in the Ginny Hole and the businesses over the last 18 months, to improve the infrastructure to benefit all 3 businesses and the public who use their services. They confirm that this has been done without borrowing and understand that, following the sale of the Old Vicarage there are funds available to build the property without borrowing. (Additional financial information submitted - accounts year ending March 2020 for each business).

6.1.8 The previously submitted accounts for Country Treks (year end 2017 & 2018) together with the additional accounts (for year end 2020) appear to show a small net loss for the period 01.08.2016 to 31.03.2017, a modest profit for the year ended 31.03.2018, and then a significant decline in profits year ending 31.03.2020. The accounts for the year end 2020, now submitted for Top Adventure and Adventure Consultancy (which provides training, expeditions and day activity programmes all over the world), appear to show a fairly constant reasonable profit for Top Adventures, but overall it appears that it is the Adventure Consultancy Business which makes the significant profits. However this element of the operations now administered at the Ginny Hole site, is considered not wholly dependant on this location.

6.1.9 With respect to this the applicant acknowledges that a percentage of Adventure Consultancy work (consultation) can be undertaken anywhere but contends that

nearly 70% of its calendar business is running professional training courses, but it is evident by looking at web site calendar that these do not necessarily take place at the Ginny Hole i.e. June - Outdoor Risk Management - Adventure Consultancy - a 2 day course Aberystwyth Marina and the Cumbrian mountain region. The applicant states that :

*To be one of the few Rescue 3 Europe accredited independent training centres, requires a signed provider agreement between the certifying body (Rescue 3 Europe) and the training provider (Adventure Consultancy) confirming that the operational base has facilities that include (not limited to) administration facilities, classroom facilities, changing facilities, suitable equipment storage and drying facilities, to run the majority of its internationally accredited training programs.*

- 6.1.10 Furthermore that *The amount of equipment used to facilitate the wide range of technical rescue training it supplies to Fire, Ambulance, Military, Home office and Police, would easily fill a 20ft shipping container - this is not viable to move around the country regularly for courses.*
- 6.1.11 Additionally the applicant points out that *for the last 15 years we have run technical training from Stottesdon, where participants have travelled from all over the UK (Shetland isles Fire/Rescue to Essex Police) and this has provided residential revenue to the area as well supporting local pubs, shops & restaurants. As you can imagine there is also now a very high value of specialist equipment for these courses now stored at Ginny Hole that was previously kept at The Old Vicarage.*
- 6.1.12 Furthermore the supporting information previously submitted stated that *The business has recently gained grant funding to expand the business further.*
- 6.1.13 In support of the application the applicants state that a dwelling is now required on site to provide animal welfare, manage the business and provide on-site security.
- 6.1.14 In terms of animal welfare, The Animal Welfare Act 2006 and the Welfare Guidelines Compendium for Horses, Ponies and Donkeys which is produced by the National Equine Welfare Council and revised in 2009, have been considered. The Animal Welfare Act 2006 makes owners and keepers responsible for ensuring that the welfare needs of their animals are met. These include the need:
  - For a suitable environment (place to live)
  - For a suitable diet
  - To exhibit normal behaviour patterns
  - To be housed with, or apart from, other animals (if applicable)
  - To protect from pain, injury, suffering and disease.

The Act contains a Duty of Care to Animals – this means that anyone responsible for an animal must take reasonable steps to make sure the animal's needs are met.
- 6.1.15 In reviewing the Welfare Guidelines Compendium for Horses, Ponies and Donkeys, the document in the section on care it states:

“How much time will need to be dedicated looking after the horse. This will not only cover the basic daily essentials of ‘turning out’, feeding, grooming and mucking out at least twice daily, but also the travelling time to the stables twice daily. Additional time will need to be allocated for non-daily tasks such as stable and pasture maintenance, visits by veterinary surgeon and farrier as well as time for riding, driving and competing”.

6.1.16 Having read the requirements of both these documents there is no statutory requirement for the owners/keepers to live on the site. It is understood that 24 horses are kept on site and four staff are employed to look after the horses and no breeding takes place. While some of the horses may escape from the fields or be ill, these would be rare events and no evidence has been provided to demonstrate that this is the justification for what is essentially a new dwelling in the open countryside. Security of the site and surveillance matters could be overcome by the installation of CCTV which can easily be viewed on a mobile phones/monitors.

6.1.17 In support of the application the applicants contend that horse injuries are not irregular and rare events and that it is highly recommended by the British Horse Society, insurers, and council licence department, that there is overnight on-site staff, to provide a prompt response to any injury. To support this they have provided an account of the injuries to horses which have occurred September to mid October. This account states that:

*Whispa - Cut leg while out in field. Swelling and puss. Done overnight. Found on early AM visit 6am treated and washed. Avoided vet visit. Meds and correct care and the cut is now healing.*

*Gwen - a trapped in rug. Found on 6am walk out and resulting injury could have been catastrophic if left unattended.*

*Quaver - Severe cuts and lacerations to leg. Dealt with promptly as applicant on site to stem the extensive bleeding.*

*Cob - cut heal*

*Willow - substantial swelling on hock.*

*The applicants are living temporarily in a touring caravan on the site and have therefore been responsive promptly on discovering of problem or injury. The majority of injuries were dealt with the applicant.*

6.1.18 Additionally the applicants have submitted a letter from their Vets Practice (letter dated Oct 2019) which confirms that the applicant has up to 35 horses on the site and that on site accommodation would allow better monitoring of horses overnight, allowing for better care and husbandry, and that from a veterinary perspective the sooner any problems are picked up, diagnosed and treated the better the outcome for the horse. Furthermore they confirm that rural crime is on the increase and state that having living accommodation on site would reduce the risk including horse

theft. This argument is also corroborated by an article in the British Horse Society Magazine (Sept. 2020) submitted by the applicant which states that rural crime is difficult to combat, and suggests that things to consider would be whether "*the staff or the proprietor live on site*", together with security cameras, good lighting and additional alarm systems. Other tips include freeze marking as well as micro chipping horses, secure perimeter fencing and permanently marking and photographing valuable equipment such as easily moveable items.

- 6.1.19 As noted above policy MD7a 2(a) requires there to be *no other existing suitable and available affordable dwellings or other buildings which could meet the need, including any recently sold or otherwise removed from the ownership of the rural business*, and in this case previously the dwelling from which the site was managed has recently been sold.
- 6.1.20 In support of the previous application the applicants confirm that due to the economic situation in the recent year's of the facility has changed and the reduction of school or corporate events with residential accommodation has diminished and therefore the extensive accommodation was of limited use and requiring resource and maintenance. But the day courses still remain successful. It was therefore considered to be more efficient to run and manage the business from the Ginny Hole site.
- 6.1.21 It is noted however that planning permission has recently been obtained for office accommodation at the site from which the businesses can be managed.
- 6.1.22 Furthermore the applicants contend that now the previously approved visitor accommodation is on site, it is imperative to have overnight staff to ensure the health and safety of the public and that without staff supervision there would be a huge potential for mischievous adventure, high jinks and "*danger from adults and children alike*". In addition the applicants contend that Insurance cover for livestock and for overnight accommodation staying of the public requires an on-site member of staff. To support that contention the applicants have submitted a letter from the Proprietor of the Fighting Cocks PH stating that as it is important that there is adequate overnight supervision for customers return to Ginny Hole; testimonials from customers how accommodation on site is essential for the successful running and supervision of groups of visitors staying overnight/camp; and a statement from an organiser of Wantage Riding for the Disabled - Abington who states that

*With many centres it is often the case that the owners leave the site in the evening, however to me it is of great importance, due to the fact in certain cases these children have very complex conditions, that there is someone on site who knows the local area in case of any emergency. It shows how much the family and staff care about their visitors and enormously reassuring to know they are there.*

However such accommodation is usually self-managed, but should night time security be required this could be provided by staff working overnight on a rota basis utilising the recently approved office accommodation or indeed utilising a camping pod or course accommodation cabin approved under planning permission

18/00815/FUL.

6.1.23 Overall it is considered that, whilst the management of the outdoor pursuits enterprise and the caring for horses may be made more convenient and financially more profitable for the applicants to live on site, 24 hours a day 7 days a week, it is not essential that they do.

## 6.2 **Visual impact and landscaping**

6.2.1 Policy CS6 aims to protect the natural environment taking into account local context and character, and policy CS17 seeks to ensure that all development does not adversely affect Shropshire's visual assets and landscape.

6.2.2 The proposed chalet is modest in scale, being a simple single storey timber structure positioned a slightly rising ground which would overlook the previously approved camping pod area and timber cabins. In landscape impact terms the building would appear in the context of the existing development and would not appear unduly prominent in the wider landscape. An appropriate low-key landscaping scheme would assist in assimilating the buildings into the landscape.

## 6.3 **Access/Highway Safety**

6.3.1 The NPPF is very clear that 'Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe' (Paragraph 109).

6.3.2 Access to the site is via the existing access track, the top section of which is not owned by the applicant. Speeds of vehicles using this track are low by virtue of limited visibility and its condition. Furthermore, the traffic generated by the applicants living on site is likely to be off set, to some extent, by the fact that they would not have to travel to and from the site to manage activities. Overall it is considered that the traffic generated by the proposed dwelling is unlikely to lead to severe impacts on the highway network and likewise the impact the amenity of the area is not considered to be significant in that respect.

## 6.4 **Residential Amenity**

6.4.1 Policy CS6 seeks to safeguard residential amenity. The nearest dwellings are located on rising land some considerable distance away (230-390m away) to the north, northeast. Concern has been expressed regarding the potential for the proposed dwelling and the use of the existing access track to generate noise and disturbance into the night when noise travels further. It is considered however that the noise and disturbance generated by a single dwelling is unlikely to be so significant in the case to justify refusal of the application. the separation distance and topography of the land mean that the proposed dwelling would not result in significant and unacceptably harmful loss of residential amenity.

## 6.5 **Ecology/Natural Environment**

6.5.1 Core Strategy and SAMDev policies CS6, CS17 and MD12 seek to safeguard ecological interests and to conserve, restore, re-create and connect natural assets.

6.5.2 There are considered to be no significant arboricultural or ecological implications resulting from this development. The applicants Agent has confirmed that The chalet module comes in two pieces and can transported adequately down the track without damage to the chalet or trees, that the track surface is to remain as existing (for 30 years), but where and when necessary pot holes will be in filled and that there is no intention to install any drainage/trenches along the track. Indeed, the drainage layout for the accommodation pods has been approved under planning permission 19/00815/FUL. It is understood that the engineer has confirmed that the drainage from the chalet can be safely dispersed through that system as shown on drawing 1031.18 Rev D. However, as discussed above landscaping in the form of additional tree planting along the north and eastern boundaries would assist in assimilating the development into the landscape, particularly when viewed from the public footpath along the drive and from the Stottesdon Road to the east. In addition ecological enhancements could be secured through the imposition of appropriate conditions, should planning permission be granted.

## 6.6 **Drainage**

6.6.1 Policy CS18 concerns suitable water management. In this regard, the Council's Drainage Consultants have no objection in this respect.

## 6.7. **Rights of Way**

6.7.1 There are a number of public rights of way which dissect the existing activity centre. The proposed development would not directly affect the line of the public rights of way and in respect of the amenity value of the public rights of way, the development would be viewed in the connect of the existing activity centre. Furthermore, as discussed above, an appropriate landscaping scheme would help to assimilate the development into the landscape.

## 7.0 **CONCLUSION**

7.1 The outdoor activity centre enterprise at this site includes the keeping of horses. It has not been demonstrated that there is a functional need to provide permanent residential accommodation at the site 24/7 in order to provide animal welfare, manage the business and provide security. Therefore, the proposed erection of a new dwelling in the countryside is not justified. Accordingly, the proposed development conflicts with paragraph 79 of the National Planning Policy Framework and adopted Policy CS5 of the Core Strategy and Policy MD7a of the SAMDev Plan, Type and Affordability of Housing SPD.

## 8.0 Risk Assessment and Opportunities Appraisal

### 8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

- As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded

irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

- The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

## 8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

## 8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

## 9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.



## 10. Background

### Relevant Planning Policies

Central Government Guidance:  
National Planning Policy Framework  
National Planning Practice Guidance

Shropshire Core Strategy policies:  
CS5 Countryside and Green Belt  
CS6 Sustainable Design and Development Principles  
CS17 Environmental Networks  
CS18 Sustainable Water Management

SPD on the Type and Affordability of Housing

SAMDev Plan  
MD2 Sustainable Design  
MD7a Managing Housing Development in the Countryside  
MD12 Natural Environment

### RELEVANT PLANNING HISTORY:

19/00815/FUL Erection (relocation) of two timber cabins for use as offices, reception, training facilities and course accommodation; revised parking area; erection of six accommodation pods on hardstanding with decked terraces; installation of septic tank drainage system; application under Section 73a of the Town and Country Planning Act 1990 for retrospective extension of a pole barn GRANT 22nd May 2019

19/04407/DIS Discharge of conditions 5 (drainage) and 6 (landscaping) on planning permission 19/00815/FUL for erection (relocation) of two timber cabins for use as offices, reception, training facilities and course accommodation; revised parking area; erection of six accommodation pods on hardstanding with decked terraces; installation of septic tank drainage system DISAPP 29th October 2019

20/01862/FUL Erection of rural workers dwelling REFUSE 8th September 2020

BR/97/0769 ERECTION OF CHANGING ROOMS AND INSTALLATION OF A SEPTIC TANK GRANT 21st January 1998

BR/97/0749 ERECTION OF LOOSE BOXES AND TACK ROOM GRANT 14th January 1998

BR/97/0329 RETENTION OF EXISTING CARAVAN FOR STORAGE AND OFFICE USE IN ASSOCIATION WITH COUNTRYSIDE RECREATIONAL ACTIVITIES GRANT 19th June 1997

BR/96/0807 USE OF LAND FOR RECREATIONAL ACTIVITIES INCLUDING CAMPING AND THE ERECTION OF STABLES GRANT 4th February 1997

BR/96/0777 STATIONING OF A MOBILE HOME FOR A TEMPORARY PERIOD AND

INSTALLATION OF SEPTIC TANK REF 4th February 1997  
BR/98/0057 RETENTION OF SHOWERS AND TOILETS FOR A FURTHER TEMPORARY  
PERIOD GRANT 5th March 1998

Appeal

09/01130/UN USE OF LAND FOR RECREATIONAL ACTIVITIES INCLUDING CAMPING AND  
THE ERECTION OF STABLES ALLOW 25th November 1997

Appeal

09/01412/REF STATIONING OF A MOBILE HOME FOR A TEMPORARY PERIOD AND  
INSTALLATION OF SEPTIC TANK DISMIS 25th November 1997

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

List of Background Papers Application documents for 20/04714/FUL.
Cabinet Member (Portfolio Holder) Councillor Gwilym Butler
Local Member  Cllr Gwilym Butler Cllr Madge Shineton

-