

Development Management Report

Responsible Officer: Tracy Darke, Assistant Director of Economy & Place

Summary of Application

Application Number: 20/00822/FUL	Parish:	Sheriffhales
Proposal: Erection of building for the stabling of horses and associated equipment including change of use of land and formation of vehicular access		
Site Address: Proposed Equestrian Building West Of Manor Farm Sheriffhales Shropshire		
Applicant: Mrs Caroline Robinson		
Case Officer: Mike Davies	email : mike.daves.planning@shropshire.gov.uk	

Grid Ref: 375322 - 312034



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Recommendation:- Refuse:

Recommended Reason for refusal

1. The proposal will result in a stand alone building in open countryside which will appear as a prominent intrusion in the landscape. The proposal is considered to be contrary to

Paragraph 85 and 130c) of the NPPF (2021), Policies CS5, CS6 and CS17 of the Shropshire Core Strategy (20011) and Policies MD2, MD7b and MD12 of the Shropshire Site Allocations and Management of Development Plan (2015).

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks planning permission for the erection of a steel framed building measuring 42.6m x 15.2m and surrounding yard to be used for private business use relating to racehorses - stabling of horses and associated fodder and equipment, plus the change of use of land from agriculture to equestrian use. The floor area of the proposed building would be a like for like replacement of the existing facilities available at Manor Farm. The building would be 6m at the roof ridge and 3.65m at the eaves.
- 1.2 An area for the storage of manure will be provided at the front of the site and will be cleared on a regular basis depending upon the number of horses that are stabled at any one time. Manure would be stored in a field on the farm, as is the current situation, there will be no proposed change to the number of horses on site or the management and operation of the facility compared to the current site.
- 1.3 There is an existing equestrian facility consisting of 12 loose boxes, horse walker, lorry storage, tack room, feed room and fodder store within the buildings to the eastern side of the site as you enter the yard area and further fodder store within the dutch bars to the western side of the yard. This application proposes to replace the existing facilities to the west Manor Farm within a field currently used for grazing.
- 1.4 The proposed relocation of these facilities will simply replace those existing at Manor Farm and will not expand the operations. The site will not provide typical livery or riding centre style services, which would generate a higher number of vehicle movements; the use is constrained to keeping and training racehorses. The proposed yard surrounding the building has been sized accordingly to accommodate all vehicles that will required to park and turn at the site associated with the proposed use.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The proposed equestrian site is located approximately 200metres to the west of the existing farmstead and is accessed from the same unclassified road, as the existing farm.
- 2.2 The site would be accessed off an existing adopted road with limited visibility available in both directions. The width and gradient of the access would allow HGVs (horseboxes) and agricultural machinery such as tractors to enter and manoeuvre around the site. Traffic movements to and from the site would be low –

predominantly being a single horsebox and farm machinery bringing fodder to the site and clearing away manure. The applicant would walk to the site and the other employee would drive. Vehicle parking would be available on the site, off the highway – as is the current situation.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 This is the third application of three which relate to Manor Farm. Whilst, this application is a stand-alone proposal, it is linked to the other proposals and should be considered along with them as these raise a series of complex material planning considerations which the Planning Services Manager, in consultation with the Chairman and Vice Chairman, consider should be determined by the South Planning Committee.

4.0 Community Representations

(Please note that the revised National Planning Policy Framework was published on 20th July 2021 which has changed some of the paragraph numbers quoted by Consultees in the full text of comments viewable on-line).

4.1 - Consultee Comments

4.1.1 **Sheriffhales Parish Council** - Object to the proposals on the following grounds

- Highway Safety
- Lack of transparency over enabling development
- Impact on residential amenities
- Contrary to development plan
- Impact on Conservation Area

4.1.2 **Historic Environment** - The proposal affects a site that lies to the west of the Sheriffhales Conservation Area, Lilleshall Registered Park and Garden (grade II), Manor Farm (grade II listed) and St Mary's Church (grade II* listed). In considering the proposal due regard to the following local and national policies and guidance has been taken, when applicable: policies CS5, CS6 and CS17 of the Core Strategy and policies MD2 and MD13 of SAMDev, and with national policies and guidance, National Planning Policy Framework (NPPF) revised and published in February 2019 and the relevant Planning Practice Guidance. Sections 16, 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended).

It is noted that the proposal follows pre-application advice (PREAPP/18/00212). The HIA conclusion is that the proposal would not impact upon the relevant heritage assets in terms of their appreciation would neither increase or decrease, where the proposed landscape impact is not deemed to be 'significant'. It is also noted that the building shall be cut slightly into the ground which should mitigate impact to a degree. Having looked at the relevant photographs and the intervening tree belt and vegetation cover, the site seems somewhat detached from the settlement of Sheriffhales, where it is considered that the proposal would likely to have 'negligible', albeit with potential intermittent long-range views to and from the site.

No objection subject to conditions with regards to facing materials and finishes where it is noted that the building shall consist of grey metal profile sheeting, as well as further landscaping which should include enhancement of existing hedgerows or gaps along field boundaries etc.

- 4.1.3 **Highway Authority** - The submitted application seeks to obtain permission for the relocation of the existing equestrian stabling currently located at Manor farm to facilitate the proposed residential development subject to a separate planning application . Shropshire Council as Highway Authority raises no objection to the granting of consent based on the information submitted.

It is noted that a highways technical note has been submitted in support of the proposed development. Section 3 of the submitted technical note provides a summary of the likely trips to be generated by the proposed development. The assumptions made with regard to the likely number of trips are accepted. Shropshire Council as Highway Authority agree with the conclusion that whilst the carriageway width of the approach to the proposed access is restricted, in view of the likely flow of vehicles along this section and the number of trips the propose development is likely to generate the development will not result in any detrimental safety or traffic management impacts to the local highway network. As suggested by the applicants consultant, it is recommended that details of access are provide prior to commencement.

It is therefore recommended that a planning condition requiring details of the proposed access are submitted for approval prior to commencement of the development.

1. New Access

No development shall take place until details of the means of access, including the layout, construction and sightlines have been submitted to and approved by the Local Planning Authority. The agreed details shall be fully implemented before the use hereby approved is commenced.

Reason: To ensure a satisfactory means of access to the highway.

- 4.1.4 **Local Lead Flood Authority** - The technical details submitted for this Planning Application have been appraised by WSP UK Ltd, on behalf of Shropshire Council as Local Drainage Authority.

Condition:

No development shall take place until a scheme of surface water drainage has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is occupied/brought into use (whichever is the sooner).

Reason: The condition is a pre-commencement condition to ensure satisfactory drainage of the site and to avoid flooding.

Informative Notes:

1. The use of soakaways should be investigated in the first instance for surface water disposal. Percolation tests and the sizing of the soakaways should be designed in accordance with BRE Digest 365. Full details, calculations, dimensions

and location plan of the percolation tests and the proposed soakaways should be submitted for approval.

Surface water should pass through a silt trap or catchpit prior to entering the soakaway to reduce sediment build up within the soakaway.

Should soakaways are not feasible, drainage calculations should limit the discharge rate from the site equivalent to 5.0 l/s runoff rate should be submitted for approval. The attenuation drainage system should be designed so that storm events of up to 1 in 100 year + 25% for climate change will not cause flooding of any property either within the proposed development or any other in the vicinity.

2. If non permeable surfacing is used on the new access and parking area or the new access slopes toward the highway, the applicant should submit for approval a drainage system to ensure that no surface water run-off from the new access run onto the highway.

4.1.5 **Regulatory Services** - does not have adverse comment to make in relation to this stand alone application for equine use. A waste management plan will be required.

4.1.6 **SC Landscape Consultant** - The LVA has not been prepared in a robust, transparent and evidence based manner in compliance with national guidance and we do not consider that its findings are reliable to be used in making a sound planning judgement.

The proposals do not comply with Local Plan policies relating to landscape and visual matters.

No details have been submitted on the proposed mitigation measures in respect of adverse landscape and visual effects.

We have made 3 recommendations relating to the assessment of visual effects and the preparation of a landscape strategy

Conclusions and Recommendations

No methodology has been provided for the assessment of landscape and visual effects and no reference has been made to the best practice set out in GLVIA3 and supporting technical guidance.

The assessment of landscape and visual effects has not been carried out in a clear, robust and evidence based approach in accordance with GLVIA3 and we do not consider that it is reliable to be used to make a sound planning judgement.

The proposals do not comply with Local Plan policies CS5, CS6, CS17, MD2 & MD12 in relation to landscape character and visual amenity.

We therefore recommend that prior to determination of the application;

- The LVA be amended to include a methodology compliant with the best practice

in GLVIA3 and supporting technical guidance

- An assessment of landscape and visual effects be undertaken in accordance with that methodology, including the consideration of cumulative effects
- Details of measures for the mitigation of any identified adverse landscape and visual effects be submitted in the form of a landscape strategy

4.2 - Public Comments: 9 Objections:

- Visual Intrusion
- Noise and Disturbance
- Light Pollution
- Smells and fly nuisance relating to the storage of horse manure
- Increased Traffic
- Roadside parking
- Surface Water Flooding on the roadway
- Highway Safety
- Poorly maintained roadways will be exacerbated further by vehicles with horseboxes and trailers
- Concern about future expansion once established
- No requirement to relocate the existing use
- Lack of sightlines and visibility at entrance to site
- Site is within open countryside and will result in relocation from existing brown field site
- Loss of Outlook

5.0 **THE MAIN ISSUES**

Principle of development
Siting, scale and design of structure
Visual impact and landscaping
Residential Amenity
Highway Safety
Historic Environment

6.0 **OFFICER APPRAISAL**

6.1 **Principle of development**

6.1.1 The relevant Development Plan Policies are provided within the Shropshire Core Strategy (2011); Site Allocations and Management of Development Plan (2015); Sustainable Design SPD (July 2011); and National Planning Policy Framework (NPPF) (2021). Those policies of relevance to the proposal are considered below as part of the appraisal.

6.1.2 A key objective of both national and local planning policy is to concentrate development in locations which promote economic, social and environmental sustainability. Specifically the Council's Core Strategy Policies CS1, CS3, CS4, CS5 development will only be permitted on sites within market towns, other 'key centres' and certain named villages ('Community Hubs and Clusters'), as identified

in the SAMDev Plan Policy MD1 and MD7b. Isolated or sporadic development in open countryside (i.e. on sites outside the named settlements) is generally regarded as unacceptable unless there are exceptional circumstances.

- 6.1.3 Core Strategy Policies CS1 and CS3 set out the settlement hierarchy for the county, with new development focused in Shrewsbury, the main Market Towns, and other identified key centres. Sherriffhales is not included under Policy CS3 as one of the identified Market Towns and Other Key Centres, nor is it identified as a Community Hub or part of a Community Cluster under Policy CS4. Instead it lies within an area identified on the Council's Adopted Policies Map as open countryside. Policy CS5 is therefore the main relevant policy consideration.
- 6.1.4 Policy CS5 of the Core Strategy seeks to protect the openness of the countryside from inappropriate development. Policy CS5 mirrors the NPPF in terms of defining inappropriate development and whilst an agricultural structure maybe considered appropriate in the context of the countryside, a commercial equestrian use of this size is an altogether different matter. The use whilst existing in the locality is seeking to relocate to new building in the open countryside to make way for inappropriate development in the form of open market housing. The applicant is seeking to justify the residential development of the existing farmyard, which includes the existing equine facility on the basis of enabling development to finance the relocation of the problematic pig farm. However, it needs to be made explicitly clear that there is no link between the other two applications and this proposal for the relocation of the equestrian use except to realise a greater return by developing the existing equestrian site for housing. There is no compelling need to relocate the equestrian use unlike the pig farm.
- 6.1.5 Paragraph 85 of the NPPF whilst recognising the need to support the growth of the rural economy is also clear that development should be sensitive to its surroundings and encourages the reuse of previously developed land or sites physically well related to existing settlements. Paragraph 130 c) further goes onto say that planning policies and decisions should ensure that development is *"sympathetic to local character and history, including the surrounding built environment and landscape setting"*.
- 6.1.6 Policy MD7b states that agricultural development will be permitted where it can be demonstrated that the development is of a size/ scale and type which is consistent with its required agricultural purpose and the nature of the agricultural enterprise or business that it is intended to serve; Well designed and located in line with CS6 and MD2 and where possible, sited so that it is functionally and physically closely related to existing farm buildings; and, There will be no unacceptable impacts on environmental quality and existing residential amenity.
- 6.1.7 In this case the development is not required in connection with an agricultural use but is a replacement equestrian facility which does not satisfy the requirements of Policy MD7b. It is also physically separated from existing development in the settlement and its isolation is considered to have a negative impact on the landscape character of the surrounding countryside as a result of visual intrusion it creates.

- 6.1.8 Turning to Policies CS6 and MD2 these relate to sustainable design. Policy MD2 states that development should contribute to and respect local distinctiveness or valued character or existing amenity value. CS6 reinforces the protection of the environment citing development needs to be appropriate in scale and pattern taking into account the local context and character, and those features which contribute to local character, having regard to national and local design guidance, and landscape character assessments.
- 6.1.9 Policy MD12 seeks to resist proposals which will have an adverse impact on visual amenity, landscape character and local distinctiveness. Such proposals will only be permitted where it can be clearly demonstrated a) there is no satisfactory alternative means of avoiding such impacts through re-design or by re-locating on an alternative site and b) the social or economic benefits of the proposal outweigh the harm to the asset. In this case there is no compelling need to relocate from the existing facility to an open countryside site and as such the proposals are considered to conflict with the aims of Policy MD12 of the SAMDev Plan.
- 6.1.10 Policy CS17 of the Core Strategy emphasises the importance of protecting diversity, high quality and local distinctiveness of Shropshire's landscape from damaging development which adversely impacts its visual value. The proposal will result in a stand alone building which will appear as a prominent feature in the landscape detracting from the visual aesthetics of the surrounding open countryside.
- 6.2 Siting, scale and design of structure**
- 6.2.1 The proposed building itself will be on a green field site in open countryside situated around 200 metres east of the current cluster of farm buildings at Manor Farm. There is a single dwelling situated on the opposite side of the lane, but other than this the site is isolated from other development, which means it will appear as a prominent feature in the surrounding landscape.
- 6.2.2 The development will be sited in open countryside away from other structures. As such it will appear as a prominent addition given its height, scale and massing in the context of its open setting. The site is a stand alone development which whilst related to an existing use on a nearby site cannot be justified in terms of its visual impact on the surrounding countryside in planning policy terms.
- 6.3 Visual impact and landscaping**
- 6.3.1 The development will be a stand alone structure which is located away from other buildings and as such its visual impact in the open countryside is considered to be significantly greater than if it were position next to or within a cluster of buildings/structures. Paragraph 85 of the NPPF makes clear that development in rural locations needs to be sensitive to its surroundings and this is reinforced at Para 130 c).
- 6.3.2 Policies CS5, CS6 and CS17 of the Core Strategy, along with Policies MD2, MD7b and MD12 of the SAMDev Plan build on the NPPF providing a local context, but essentially reinforcing the importance of minimising the visual impact of development in the countryside and on the surrounding landscape character.

6.3.3 The fact that development is situated away from existing development in an isolated location results in it being a prominent feature in the landscape. The stand alone nature of the development coupled with its size, scale and massing mean that it will appear as an incongruous and visually intrusive feature in the landscape and as such it is considered that this proposal represents an unacceptable form of development which is contrary to both national and local planning policy.

6.3.4 It is considered that the relocation of the equestrian use from its current site will result in an unnecessary further incursion into the countryside, which the applicant has failed to justify in planning policies terms.

6.4 **Residential Amenity**

6.4.1 The site is situated away from nearby development although there is a single residential dwelling on the opposite side of the lane. It is not considered that given the nature of the use, is unlikely to unduly impact on the residential amenities of residents in the locality.

6.4.2 Objectors have however raised concerns in relation to odour and flies resulting from manure on the site. Regulatory Services have requested that a condition be imposed to agree a waste management plan for the development to ensure it does not impact the amenities of the locality.

6.5 **Highway Safety**

6.5.1 The access to the site is situated on bend in a road with a restrictive carriageway width. The applicant has supplied visibility splays for the proposed access point along with estimated trip generation emanating from the development which are accepted by the Highway Authority who are content that given the level of vehicular movements that highway safety will not be compromised by the proposal subject to a condition requiring the details of the access to be agreed prior to development commencing.

6.6 **Historic Environment**

6.6.1 As pointed out above the site is isolated from the main settlement of Sheriffhales and whilst within the conservation area, its impact on heritage assets and their appreciation is considered to be offset by the distance between the main body of the existing historic village/farmstead and the site. It is therefore considered that any impact can be mitigated by appropriate conditions should consent be forthcoming.

7.0 **CONCLUSION**

7.1 The main area of concern in relation to this application relates to the planning policy position and justifying a departure from both national and local planning policy. The case for justifying the development through other material considerations needs to be robust and be able to stand up to scrutiny. The case for a new equestrian facility to replace the existing set up has been based solely on the current site being required for enabling development to facilitate the relocation of the existing pig farm which is considered a statutory nuisance due smell and odour generated by it and the impact on the amenities of surrounding residential properties.

7.2 The existing equestrian use does not raise any of the issues associated with the pig

farm and as such there is no necessity or requirement to relocate it arising from an amenity point of view. The sole reason for relocating it is to have a larger residential development site to fund the pig farm move.

7.3 The relocation of the equestrian use needs to be considered as a purely business decision by the applicant as this could theoretically continue to operate from the existing site and therefore it's relocation should not be cross-subsidised by enabling residential development as there is no compelling reason for this use to relocate unlike in the case of the pig farm where there are extenuating circumstances. Therefore, the main issue is whether from a planning policy perspective the new equestrian building can be justified and having regard to both the NPPF and the adopted Development Plan the only logical conclusion that can be reached is that the proposal does not constitute appropriate development in the countryside given the size of the facility and as such should be refused.

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

Shropshire Core Strategy and SAMDev Plan Policies:

CS1 - Strategic Approach
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS16 - Tourism, Culture and Leisure
CS17 - Environmental Networks
MD1 - Scale and Distribution of Development
MD2 - Sustainable Design
MD12 - Natural Environment
SPD Sustainable Design Part 1

RELEVANT PLANNING HISTORY:

15/01103/FUL Erection of portal steel framed agricultural livestock building GRANT 23rd July 2015

20/00820/FUL Formation (relocation) of pig farm including erection of two pig rearing buildings, two straw storage buildings, one hospital/lairage building, one workshop/machinery storage building and one bio-security building; with all associated works PDE

20/00821/OUT Outline application (access for consideration) for residential development PDE
BR/98/0095 ADDITIONAL USE OF FARM FOR EQUESTRIAN ACCOMMODATION AND
GRAZING GRANT 20th May 1998
BR/98/0094 ERECTION OF A FARM DWELLING AND INSTALLATION OF SEPTIC TANK
REF 20th May 1998

11. Additional Information

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

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

Planning Statement

Highways Technical note

Heritage Impact Assessment

Landscape Assessment

Cabinet Member (Portfolio Holder)

Councillor Ed Potter

Local Member

Cllr Kevin Turley