



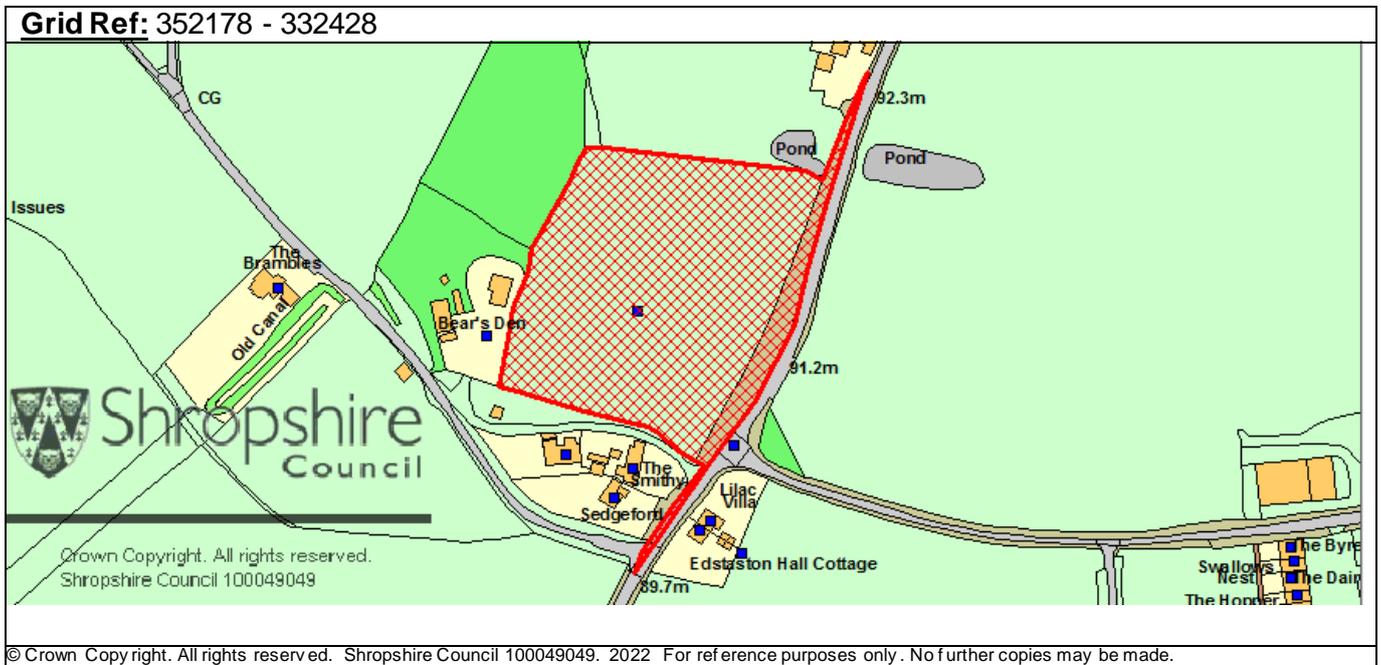
Committee and Date
Northern Planning Committee
16th August 2022

Development Management Report

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

Summary of Application

Application Number: 22/01825/FUL	Parish:	Wem Rural
Proposal: Change of use of field to horse paddock, formation of a new access, erection of stabling for horses and other associated external works		
Site Address: Land North Of Edstaston Wem Shropshire		
Applicant: Mr D Rogerson		
Case Officer: Jane Preece	email	: jane.preece@shropshire.gov.uk



Recommendation:- That planning permission be granted, subject to the conditions as set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

- 1.1 The application seeks consent for the: 'Change of use of a field to horse paddock, formation of a new access, erection of stabling for horses and other associated external works'
- 1.2 The field proposed for change of use is stated as 1.16 hectares (2.87 acres) in area and is roughly square in shape. The proposal is to change the whole field into a horse paddock and for the paddock to be served by a new vehicle access, access track and stabling. The proposed access track is located centrally within the field and leads across it to a reinforced grass turning head and two stable buildings and associated yard. A reinforced grass passing place will also be provided adjacent the new access entrance. The new access apron is intended to be tarmac to the Council's highway standard. The access track is intended to be of hardcore.
- 1.3 Each of the two stable buildings will be of the same size and design; being single storey and 'L' shaped in plan form. The buildings will have pitched roofs, approximately 4.5 m high at the ridge. Each stable building will accommodate three stables (12ft x 14 ft) together with a hay store (24ft x 14 ft) and tack room. The external finishing materials of the buildings are noted as 'To be agreed' and the submitted application forms, although the intention for the buildings to be of brick and tile construction is specified in the submitted Design and Access statement.
- 1.4 A separate composting toilet will also be provided, located behind the proposed stables and contained within a small 'privy' building 2m x 1.5 m in footprint.
- 1.5 Clean water such as surface water from roof run-off is proposed to be disposed of to a sustainable drainage system and soakaways.
- 1.6 Otherwise, no details of how dirty water from cleaning, such as washing down the stable buildings, is provided.
- 1.7 The land the subject of the application was purchased last year and is owned by a sister and brother, both of whom have their own families (with 5 children age between 9-22 in the one household and 4 children in the second age between 10-25). The children all ride, doing dressage and horse jumping and participate in shows throughout Staffordshire, Shropshire, Chester, Wirral, Merseyside, Hereford and Wales along with Europe. The proposed development is for the private use of the two families and not a commercial enterprise. It will provide a facility for 6 horses to be stabled, 3 for each family with tack and hay storage. Whilst neither family live in the immediate vicinity of the site, the location is indicated to be a 10 minute drive or 30 minute cycle from one of the families

home, which is in the parish of Wester Under Redcastle. The other family is understood to live out of the county in Chester.

- 1.8 For the last six years both families have rented stables and land across north Shropshire and elsewhere when available. According to the agent finding and retaining land to keep horses is difficult and travel to most sites is inevitable. Currently the horses are kept on rented land at Shirleywich, Stafford, which is one hour travelling time from the applicant's property. Now with their own land this will stop the uncertainty for the families and offer the potential to reduce access time. The applicant also rents storage areas at Rosehill, Stoke upon Tern, for two horse box wagons and two towable horseboxes and it is stated that these will remain off site.
- 1.9 The families will exercise the horses either on their land or on the local road network and travel to equestrian centres to show/perform/event – a potential list of equestrian centres is provided that includes centres in Cheshire, Tarporley, Penkridge, Rugby and Bangor on Dee.
- 1.10 No pre-application advice has been sought in relation to the proposal. The submission follows on from the refusal of an earlier application, reference 21/05768/FUL. The agent has referred to the previous refusal to inform this current application, which is a revised scheme.

2.0 **SITE LOCATION/DESCRIPTION**

- 2.1 The site occupies a countryside location within the parish of Wem Rural. It was recently offered for sale by public auction in July 2021, when it was described as highly productive, level pasture land. As mentioned above, the field is 1.16 hectares in area (just under 3 acres) and is generally square in shape and bounded by field hedgerows. It is further bounded by B5476 to the east and a wooded belt to the west. Some rural residential properties lie to the south, south east, south west and north east.
- 2.2 The site is currently accessed via a field access gate from a driveway along part of the southern boundary. The driveway connects to the B4756 public highway to the east. The driveway does not form part of the application site.
- 2.3 The agricultural land classification of the field is Grade 3, now confirmed as likely to be grade 3b.
- 2.4 The site lies within a Minerals Safeguarding Area.
- 2.5 The land is served by a mains water supply and an overhead line crosses the site.
- 2.6 There is a section of land to the application frontage, between the road side boundary hedge of the field and the highway, which is freehold land owned by Shropshire Council.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The parish council has submitted a view contrary to officers and the Chair and Vice Chair of the Northern Planning Committee and the Local Members in consultation with the Principal Planning Officer agree that the parish council has raised material planning considerations that warrant referral of the application to the Northern Planning Committee for determination.

4.0 Community Representations

4.1 Consultee Comments

4.1.1 **SUDS** – Informative notes regarding sustainable drainage scheme for disposal of surface water from development.

4.1.2 **SC Ecology** – Standing advice applies.

Recommendation: Conditions and informatives recommended to ensure protection of wildlife and provide ecological enhancements under NPPF, MD12 and CS17.

Preliminary Ecological Appraisal (by Arborist and Ecological Services 16.11.21) found no evidence or suitable habitat for protected or notable species. No further surveys were recommended.

Any external lighting installed should be kept low level to allow wildlife to continue to forage and commute around surrounding area.

SC Ecology require biodiversity net gains at site in accord with NPPF and CS17. Installation of bat box/integrated bat tube and bird boxes will enhance site for wildlife by providing additional roosting and nesting habitats.

Recommend following conditions and informatives are included on decision notice:

Conditions:

- Bat and bird boxes
- Lighting plan

Informatives:

- Nesting birds
- Landscaping

4.1.3 **SC Highways** – Conditional acceptance.

Recommendations: No objection – subject to the development being constructed in accordance with the approved details and the following conditions and informative notes.

Conditions:

- Access, Drive/Track, Visibility Splays
- Parking Loading, Unloading and Turning
- Point of Access
- Access Apron
- Gates

Observations/Comments:

Application is resubmission of earlier proposal reference 21/05768/FUL refused on planning policy grounds.

Use of site and stabling facilities has been stated as private use for 2 family members who currently have to rent grazing land nearby. Proposed scheme has been amended and reduced to provide 2 blocks of stables, each having a hay and storage provision.

Proposed access junction has not been amended from earlier application. Access design continues to be supported by an Access Statement and is considered acceptable for prevailing highway conditions in accommodating likely traffic generation by stabling use.

Above assessment and recommendation have been made from highway authority perspective and based upon submitted documentation. Is considered that, subject to conditions listed above being included on any approval, there are no sustainable Highway safety grounds upon which to base an objection.

Access route however crosses strip of land between site frontage boundary hedge and adopted highway which is registered as freehold to Shropshire Council as private landowner. Is understood that notice has been served on Shropshire Council, but is advised the applicant/agent may wish to address the implications of this further by contacting Shropshire Council's Head of Property and Development, Steve Law.

Informative notes:

- Protection of Visibility Splays on Private Land
- Works on, within or abutting the public highway
- Mud on highway
- No drainage to discharge to highway

Background:

21/05768/FUL

- 4.1.4 **SC Conservation** – Given site is not in conservation area, and proposal would be some distance from The Smithy to south, which would be considered a non-designated heritage asset, would not wish to comment in detail in this case.
- 4.1.5 **SC Regulatory Services** – Re-consultation comments: Revised layout should protect nearby properties from associated noise.

Original comments: Is potential for early morning activity in yard area to impact on nearby property (Bears Den). This could be resolved by changing orientation of stables so stable buildings form screen between yard area and neighbouring property. Alternatively, stables could be moved to north west corner of field.

Would not have any concerns regarding odour.

4.2 Public Comments

4.2.1 Wem Rural Parish Council – Re-consultation comments: Further to the re-consultation, the Parish Council continues to object to the application.

Original comments: This is the second application for this proposal, the previous application (21/05768/FUL) being refused by the Planning Authority. It appears the applicant has now taken advice from planning officers (see pre-application advice section of application form).

The Parish Council would draw the planning officer's attention to the following: The DAS states 'The land has been purchased by a brother and sister'. It is assumed the single applicant is the brother. However, Ownership Certificates and Agricultural Land Declaration only confirms Shropshire Council (although not named) has been given notice. The Parish Council suggests the 'sister' should be given notice as joint owner or be joint applicant.

Sustainable location

Local plan policy and the NPPF all strive towards development that is sustainable socially, economically, and environmentally.

In terms of the environmental sustainability, the NPPF in paragraph 8 states that sustainable development must "protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy".

The DAS states, in response to the Parish Council's concerns raised for the first application: 'Whilst the Parish Council were concerned with riding out on the main road, this is not where they would ride out as they have the transport to move the horses to safe areas where they can be ridden'.

The Parish Council does not consider the site to be environmentally sustainable, i.e. moving to a low carbon economy, if the competition horses have to be transported to obtain their regular exercise to the following safe areas:

Southview Equestrian Centre, Winsford CW7 4DL – approx. 48 miles round journey.

Kelsall Hill Equestrian Centre Tarporley CW6 0SR – approx. 52 miles round journey.

Rodbaston Equestrian Centre, Penkridge ST19 5PH – approx. 70 miles round journey.

Onley Equestrian Complex, Rugby CV23 8AJ – approx. 180 miles round journey.

Springban Arena Show Jumping, Bangor on Dee LL13 0BW – approx. 30 miles round journey.

The DAS goes on to state ‘There are however, miles of lanes in Whixall which the council have erected caution horses slow down signs so there is currently no restriction to horses being ridden locally with many riding centres riding out on those roads’.

The Parish Council would question the justification based on ‘many riding centres’ as the nearest riding school it is aware of is in Cockshutt.

Having stated that the horses would not ride out on the main road, the Parish Council questions how the horses would ride out on Whixall lanes if not by accessing the main road.

The two statements regarding transporting the horses to safe areas to exercise and riding out locally appear to contradict each other.

With regard to the two horsebox wagons and two towable horseboxes, the DAS states they will remain off site. With the stated requirement of transporting the horses to exercise, the practicality to remain off site is questionable. It is common practice for lorries and trailers to be prepared the night before a trip/competition so on the day, only the horses are required to be loaded.

The Parish Council considers these two statements of vehicles remaining off site and used frequently to be contradictory.

The Parish Council’s concerns regarding the number of horses being accommodated, now 6, on the site remain despite the explanation given in the DAS. The Parish Council notes the DAS states the site is 4 acres but 1.16ha on the application form. 1.16ha is 2.8 acres which does not meet the Defra standard.

Residential and local amenity

The positioning of the compostable toilet is near to the southern stable block, closest to the property called Bear’s Den. Consideration should be given to position the toilet adjacent to the northern stable block.

Other considerations

The Parish Council notes that no details of site management or security are included and as competition horses can be highly valued, the Parish Council is concerned how the applicant will become aware of any emergency issues with the site as he does not live within close proximity.

Summary and conclusion

The Parish Council acknowledges this application and DAS satisfies some of the concerns raised in connection with the first application. However, the reasons for

development are substantially outweighed by the unsustainability of the proposal. Accordingly, it is considered that the proposal fails to comply with Shropshire Local Development Framework Core Strategy policies.

The Parish Council submit the following objections:

1. The site does not meet the sustainability requirement.
2. Potential noise and activities on the site, especially at early morning and late at night would harm local amenity.
3. The danger of slow moving vehicles exiting the site onto a national speed limit B road.
4. The additional concerns relating to animal welfare, safety and security

The Parish Council strongly requests Shropshire Council refuse this planning application.

Should the planning officer take a different opinion to the Parish Council, it is requested that a condition should be included on any consent that no commercial activity should take place on the site and its use is restricted to the applicant's family.

The Parish Council reserves the right to add and/or amend its response following receipt of further information.

4.2.2 **Public representations** – None received.

5.0 **THE MAIN ISSUES**

The main issues are considered to relate to the principle of development having regard to the location of the site and the impact of the development on the local environment, including upon the character and appearance of the local rural area, landscape and amenity. Highway concerns have also been raised by the parish council/local members.

6.0 **OFFICER APPRAISAL**

6.1 **Policy and Principal of Development**

6.1.1 The policy and principle of development considerations largely remain as set out in respect of the previous application and as such are repeated below.

6.1.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990 requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The starting point for decision taking is therefore the development plan.

6.1.3 The proposal seeks full planning permission for the change of use of agricultural land to equestrian together with the proposed erection of 2 stable blocks and associated yard, access, parking and turning arrangements and the provision of

a composting toilet. The equestrian use and stabling is for the private use of the two families that own the land the subject of the application.

- 6.1.4 The site lies outside any defined development boundary and occupies a countryside location for planning policy purposes. As such the proposal falls to be assessed, in principle, against a number of adopted development plan policies including Shropshire Core Strategy policies CS5, CS6 and CS17 and adopted Site Allocation and Management of Development (SAMDev) Plan policy MD2.
- 6.1.5 Taken together, it is considered that the above suite of adopted development planning policies indicate that, in principle, there is some policy support for limited equestrian development for private recreational purposes in rural areas. However, such development must be appropriate in terms of location, use, siting, scale and design and satisfy general development management criteria and environmental expectations.
- 6.1.6 Policy CS5 states that new development will be strictly controlled in the countryside. The policy sets out that development proposals must be on appropriate sites which maintain and enhance countryside character and will only be permitted where they improve the sustainability of rural communities by bringing local economic and community benefits. This includes development that relates to sustainable rural tourism and leisure and recreation proposals which require a countryside location and that accord with policies CS16 and CS17.
- 6.1.7 Policies CS6 and CS17 together seek to ensure that all development is designed to a high quality which both respects and enhances local distinctiveness; protects and enhances the natural and built and environment; is appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character, and will not adversely impact upon or affect visual character. Policy CS6 additionally seeks to safeguard natural resources, including high quality agricultural land.
- 6.1.8 Policy MD2 Policy MD2 builds upon the requirements of policies CS6 and CS17, in reiterating the need for development proposals to contribute to and respect local character and amenity value; including the need to respond appropriately to its surroundings, including in relation to location, size, scale, form, design and layout. The policy also seeks for developments to enhance and incorporate natural assets and for landscaping design to respond to and reinforce the character and context within which the development it is set, all further in accordance with policy MD12.
- 6.1.9 Policy MD12 - Policy MD12 is concerned with conserving, enhancing and restoring Shropshire's natural assets. Developments which are likely to have a significant adverse effect on landscape character and local distinctiveness will only be permitted if they can demonstrate there is no satisfactory alternative means of avoiding the impact through re-design or re-location on an alternative site and that the social or economic benefits of the proposal outweigh the harm to the asset.

- 6.1.10 For clarity, the use will be private with no business use and so no economic or employment benefit is foreseen where policies CS13, CS16 and MD11 would also potentially be engaged in this regard.
- 6.1.11 Policy MD7b - Although the proposed development is not for agricultural purposes, policy MD7b also gives some indication as to the consideration of the impacts of new development in the countryside - in the need for such development to be of an acceptable size and scale; to be well designed and located in line with CS6 and MD2; sited where possible so that it is functionally and physically closely related to existing buildings and to not give rise to unacceptable impacts on environmental quality and existing residential amenity.

6.2 Previous reasons for refusal

- 6.2.1 Under reference 21/05768/FUL, a previous application on this site was recently refused in February 2022. Application 21/05768/FUL proposed to change of the use of field to horse paddocks, dividing it into 4 paddocks, together with the formation of a new access, the erection of 4 stable buildings arranged in a quad centrally with the field, with each of the stable buildings containing 2 stables, a hay store, a tack room and a toilet; the installation of a packaged sewage treatment plant to serve the 4 toilets and other associated external works, including visitor parking (5 spaces).

- 6.2.2 Application 21/05768/FUL was refused for the following reasons:

'It is considered by the Local Planning Authority that the development as proposed is both excessive and disproportionate to the land the subject of the application. Further, it is considered that development as proposed is out of context with and fails to respond appropriately to the character of the rural locality by virtue of siting, scale and layout. Therefore, it is considered that the proposal will not only detract from the current open character of the land but also adversely impact upon the visual amenities and character of the surrounding rural area and landscape. Additionally, and in the absence of any substantive evidence to demonstrate otherwise there is some concern that the proposal has the potential to impact upon existing natural assets that has not been justified, including good quality agricultural land and mineral resources. Overall, therefore, it is considered that the proposal will not protect or enhance the local environment, would not constitute good design and would result in a significant and demonstrable harm to the character and appearance of the locality and surrounding rural landscape. It is not considered that any social, economic or environmental benefits have been identified or substantiated in support of the proposal that would outweigh the harm and conflict identified. This harm to the character of the area would make the development environmentally unsustainable and therefore the proposal fails to satisfy the both the environmental objective of sustainability as set out in the National Planning Policy Framework and the sustainable objectives of Shropshire Core Strategy policies CS5, CS6 and CS17; the Site Allocations and Management of Development (SAMDev) Plan policies MD2 and MD12.'

- 6.2.3 An appeal has been lodged by the applicant to the Planning Inspectorate against the above refusal. However, at the time of writing the Council has not yet received notification from the Inspectorate of a formal 'start date' in respect of the appeal.
- 6.2.4 Notwithstanding the above, the applicant has also submitted this current planning application. The application is a revised scheme that seeks to address the previous reasons for refusal set out above.
- 6.2.5 The main revisions are that the scale of the built development and engineering works now proposed has been reduced, the positioning of the stabling has been re-sited, the layout has been adjusted, the enclosure fencing removed, the visitor parking removed and the provision for 4 WCs served by a new foul drainage treatment plant and drainage field removed.
- 6.2.6 To explain further, the number of stable blocks has been reduced from 4 to 2 and the associated number of horses that can be accommodated from 8 to 6. The position of the stable blocks has been moved from mid field westwards to the outer edge, where the buildings will be set against the backdrop of rear boundary and woodland beyond. The access entrance point remains unchanged but the internal engineering works – the passing place, connecting access track and turning head facility - now all appear scaled back and not so overtly engineered for the rural context. The 4 WCs and foul drainage scheme have all been replaced with a single composting toilet. There is now no enclosure fencing denoted, save for that marked across the front and rear of the yard area between the two stable blocks.
- 6.2.7 Taking into account all the above, officers consider the revised scheme to be more respectful of the rural site context and open character.
- 6.2.8 In addition to revised plans showing the reduced scheme, the application is also accompanied by a Land Quality Assessment Report by Halls Holdings Ltd and a Minerals Search Report by Shropshire Council as Mineral Planning Authority.

Agricultural land classification

- 6.2.9 The Land Quality Assessment report confirms the land is grade 3 and advises that the characteristics of it are such that it is far more likely to be Grade 3b than 3a. One of the main characteristics is the soil type. The soil type in this area is described as 'as slowly permeable, seasonally wet, slightly acid, loamy/clayey soil'. This indicates that it is a type of land that '... is only suited for grassland use rather than arable because of the limitation of being wet at times ...' – hence grade 3b rather than 3a. This puts the land in the moderate quality agricultural land class as opposed to the BMV agricultural land class, graded 1 to 3a.

Minerals safeguarding

- 6.2.10 The Minerals Search Report reviewed the site location and the proposed development. The Report is concluded to be sufficient to accompany the application to demonstrate compliance with policy MD16(3). The justification for this is cited in points 1 to 6 of the Report, which general set out that site area is

too small to be economic for mineral working; the constraints surrounding the site (including neighbouring residential properties and the highway) would present significant obstacles in terms amenity protection and carriageway integrity; the mineral is buried beneath boulder clay deposits which would not justify the amount of excavation needed in relation to the size of the mineral recovery; the land drainage is of poor quality which would complicate recovery and may adversely affect future options for the use of the site and that the equestrian use proposed would not sterilise the majority of the site.

6.2.11 A revised Design and Access Statement also accompanies the submission and concludes:

6.2.12 *'This site will provide an upgraded access with no loss of hedging. It is not part of a larger agricultural field/use so does not impact on this use and is naturally separated by existing hedging, and dwellings on three sides as well as a coppice. The land will still be grazed and due to the retained hedging will not be visible from the road as shown from the street scenes.*

The two families need their own base to stable their horses and this site is ideally situated for both families and will not adversely impact on the surrounding rural countryside but utilise a field that currently is not a viable area to farm so is having a negative impact.'

6.2.13 The application has been subjected to consultation and assessed against the relevant planning policies of the adopted development plan .

6.2.14 As given in section 4.2.1 above, the Parish Council (PC) have submitted detailed comments of objection. Whilst the PC acknowledge that this current application satisfies some of the concerns raised with the previous application, they remain strongly opposed to the development. The Local Members support the PCs objections. In summary the main objections of the PC relate to the following grounds:

1. The site does not meet the sustainability requirement.
2. Potential harm to local amenity from noise and activity associated with the development.
3. Highway danger to the adjoining B road from slow moving vehicles exiting the site
4. Animal welfare, safety and security

6.2.15 To add to the above, the Local Members remain concerned that the scale and design of the proposed development is not appropriate, nor the indicated use of brick and tile as construction materials. As such the Local Members consider that the proposal will introduce a permanent form of sporadic development onto the site that will appear out of scale and erode the character of the countryside at this point and to a level of harm that is not outweighed by any social or economic benefit, in conflict with planning policies CS5, CS6 and CS17.

6.2.16 These issues, amongst other matters, are discussed further below.

6.3 Sustainable location issues

- 6.3.1 The PC's sustainability concerns relate to the location and number of horses to be kept at the site and their transportation to and from the site by the owners to the listed equestrian centres to obtain their regular exercise, which are all located out of the local area by some considerable distance. The Parish Council has also questioned the practicality of the transportation vehicles (2 x horseboxes and 2 x towable horse trailers) remaining off site, as indicated in the submission, given the understanding that the horses would frequently be transported off site for regular exercise and events.
- 6.3.2 The site is currently open agricultural land amounting to 1.16 hectares set within a predominantly rural area and is as otherwise described in section 2 above.
- 6.3.3 The lawful use of the land is currently that of agriculture and as such the land may be used for the keeping of farm animals and for the grazing of horses. The keeping of horses is generally considered to be an appropriate activity in the countryside. At 1.16 hectares in area then using the Defra guidelines the land could sustain 2 grazing horses if no supplementary feeding is provided. The guidelines go on to state that '*A smaller area may be adequate where a horse is principally housed and grazing areas are used only for occasional turnout.*'
- 6.3.4 The application proposal includes for the erection of stabling to accommodate up to 6 horses together with the change of use of the land to equestrian use, which would allow for the supplementary feeding and the exercising of horses on the land. As such the agent argues that the site could support 6 horses. The keeping of 6 horses is a reduction compared to the refused scheme - as is the amount of land take due to the lesser amount of operational and engineering works now proposed.
- 6.3.5 In relation to the matter of regular exercise, the agent has responded that it is not the case that the owners would need to transport the horses off site to the listed equestrian centres for regular exercise. The families will exercise the horses either on their land or on the local road network but have the means to transport them if they want to ride in a different place and to travel to equestrian centres to show/perform/event. This, he adds, is a situation common to many horse owners who participate in dressage, horse jumping and showing.
- 6.3.6 Their means of transport comprises two horsebox wagons and two towable horseboxes. It is stated that these are to remain off site. The agent has confirmed that the applicant rents storage areas at Rosehill, Stoke upon Tern. This is where these vehicles are stored and the applicant is unlimited in relation to the hours that vehicles can be collected and returned to this storage area.
- 6.3.7 Otherwise, on the matter of travel, sustainability and location the information set out in paragraph 1.8 above is reiterated, ie For the last six years both families have rented stables and land across north Shropshire and elsewhere when available. According to the agent finding and retaining land to keep horses is

difficult and travel to most sites is inevitable. Currently the horses are kept on rented land at Shirleywich, Stafford, which is one hour travelling time from the applicant's property. Now having acquired their own land at Edstaston, it is said that this will stop the uncertainty for the families and offer the potential to reduce access time.

6.4 Residential and local amenity

- 6.4.1 Policies CS6 and CS17 of the Core Strategy refer to the need safeguard residential and local amenity and recognise the importance of ensuring that developments do not have unacceptable consequences for neighbours.
- 6.4.2 In this submission it has been clarified that the use is for the private use of landowners and not commercial or business use.
- 6.4.3 The PC are concerned that potential noise and activities on the site would harm local amenity, especially at early morning and late at night, and have suggested that the position of the composting toilet should be re-positioned further from the neighbouring property called Bear's Den.
- 6.4.4 Bearing these concerns in mind the Council's Regulatory Services team were consulted. The Public Protection Officer (PPO) commented and raised no concerns regarding odour or in relation to the positioning of the compost toilet. However, the PPO confirmed that there was potential for early morning activity in the yard area to impact on the nearby property (Bears Dean) but that this could be resolved by re-orientating the stable building, to form a screen between the yard area and the neighbouring property. Amended plans were consequently invited and received in this regard. Having re-consulted upon the revised plans, the PPO has consequently confirmed that the revised layout should protect nearby properties from associated noise.
- 6.4.5 Further, on the understanding that the development is for private use and not to be used for any business use or commercial gain and with planning conditions in place to restrict the development accordingly, then as such that it is considered the proposal will not result in any unacceptable impact on the residential amenities of the surrounding properties.
- 6.4.6 In the event that noise, odour and disturbance at unreasonable hours was to occur from the use then the Council's Regulatory Services would have the power to investigate this under separate legislation.
- 6.4.7 Horse manure will also generally need to be managed, stored and disposed of in accord with other legislation so that it does not create a problem.
- 6.4.8 External lighting could also be controlled by way of planning condition to prevent light pollution and as recommended by the Council's Ecologist.

6.5 Highway matters

- 6.5.1 Core Strategy policy CS6 states that proposals likely to generate significant levels of traffic should be located in accessible locations where there are opportunities for walking, cycling and use of public transport can be maximised and the need for car based travel to be reduced. This policy also indicates that development should be designed to be safe and accessible to all.
- 6.5.2 The development of the site for business use or commercial gain could be construed as unsustainable in terms of location, given that it would attract vehicle users in this countryside location. However, the applicant has confirmed that the proposal is for the private use of the landowners and some discussion around the scale of the development, the sustainability of the location and the associated travel has already been given in the preceding sections above in this regard.
- 6.5.3 This section therefore focuses on highway matters from the technical highway perspective.
- 6.5.4 The application is supported by an Access Statement by Sumner Consultancy Ltd (Civil Engineering & Transportation Consultant) and a detailed proposed site layout plan showing the access and turning arrangements, including visibility splays.
- 6.5.6 The application and supporting documentation have been referred to the Council's Highway Officer. As set out in section 4.1.3 above the Highway Officer raises no objections on technical highway grounds and is satisfied that, with the recommended planning conditions of approval in place to secure the access, visibility and turning arrangements as proposed then the development would meet with highway standards.
- 6.5.7 The PC and Local Members are opposed to the development and the formation of the new vehicular access on highway safety grounds.
- 6.5.8 At Paragraph 111 of the NPPF it is stated 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.*'
- 6.5.9 Whilst the concerns of the PC and Local Members are acknowledged, as evidenced by the Council's Highway Officer consultation comments, it is considered that there are '*no sustainable Highway safety grounds upon which to base an objection*' in this case.
- 6.5.10 In respect of highway matters, the Local Members have raised an additional concern that '*... whilst it is not a planning matter, we feel we must draw your attention to the proposed exit from the site, it is noted in Highway comments that the applicant is not in control of access to the highway. This land is a very wide strip of road side verge that was compulsorily purchased by Shropshire Council*

some years ago to help make this dangerous bend that has a lot of speeding traffic along it, safer. This would not help the road safety on this bend at all. The rights to cross this and would have to be purchased from Shropshire Council and this needs clarifying before any consents are given. Would Shropshire Council consider selling this?'

- 6.5.11 As mentioned in section 2.7, there is a section of land to the application frontage, between the road side boundary hedge of the field and the highway, which is freehold land owned by Shropshire Council. The proposed new access would need to cross this land to connect the field to the highway.
- 6.5.12 The planning system entitles anyone to apply for permission to develop land, irrespective of ownership and a freehold interest. An applicant is required to notify owners of the land to which the application relates and provide the relevant certificates with the application, confirming ownership and that the relevant notices have been served. Notice has been served on the Highway Authority and all the relevant land owners in this case. Certificate B has been completed confirming this.
- 6.5.13 There is no requirement for the applicant to demonstrate that any right to cross and/or develop the Council's freehold land has been agreed prior to the granting of planning permission. The granting of planning permission does not affect any civil rights. If the consent of the land owner is not obtained to develop the land affected then this can preclude the development from being implemented. The Highway Officer advises that the applicant/agent may wish to address the implications of this land ownership matter further by contacting Shropshire Council's Head of Property and Development, Steve Law. An informative can be added to any planning permission issued containing this advice.

6.6 Animal welfare, safety and security

- 6.6.1 In response to the PC's concerns relating to animal welfare, safety and security the agent has responded that: *'The welfare of the horses is clear they have stabling, grazing, supplemental feeding when required, able to be exercised on the land and regularly taken to events, so their welfare is paramount to the owners. Safety is no greater than any other site, they will either be stabled or in the paddocks and are not visible from the main road, and behind a hedged and fenced boundary, with a secure gated access.'*
- 6.6.2 In any event horse owners have a duty of care under separate legislation (The Animal Welfare Act 2006) that covers such matters.
- 6.6.3 Security is often raised an issue where there is no on-site dwelling. However, there are numerous ways of providing adequate security for horses without on-site residence, including site layout, mindful design and the use of technology. In this case the location of the stabling on the far side of the field, the enclosure of the field by hedging and boundary treatments and the use secure gated access are all features cited by the agent that provide adequate security.

6.7 **Impact on character, appearance, landscape and local rural environment.**

6.7.1 To add to the objections of the PC, the Local Members remain concerned that the scale and design of the proposed development is not appropriate, nor the use of brick and tile as construction materials and that the design does not show significant emphasis on achieving quality and sustainability. As such the Local Members consider that the proposal will introduce a permanent form of sporadic development onto the site that will appear out of scale and erode the character of the countryside at this point and to a level of harm that is not outweighed by any social or economic benefit, in conflict with planning policies CS5, CS6 and CS17.

Siting, scale, design and landscape

6.7.2 As discussed in paragraphs 6.2.5 and 6.2.6 this scheme has been significantly revised in comparison with the previously refused application.

6.7.3 The scheme seeks full planning permission for a reduced scheme for two stable blocks positioned on the far side of the field and approached by an open hardcore track and serviced by a reinforced grass turning area and passing place at either end of the track. The buildings are single storey, with a ridge height of circa 4.5m. The revised siting places the buildings in the distance view from the public highway, set against a backdrop of woodland. The reduced scale and amount of development lessens the intrusion. In combination the revisions are considered by officers to better retain the open nature and rural feel of the field and so to cause less visual harm to the local rural landscape.

6.7.4 The stable blocks are utilitarian in their design; a design typical of stabling and suited to their function. Solar panels and water butts are included as sustainable resource and energy features. As regards materials, the use of brick and tile as construction materials are considered vernacular to the locale. It is further considered that the choice of external building materials has the potential to lend to aesthetic quality of the completed built and harmonise with other existing buildings of brick and tile in the immediate surroundings. The prior approval of the actual bricks and tiles to be used can be secured by condition.

6.7.5 The field is bounded by existing hedges, to the north, east (roadside) and south and an area woodland to the west. No alteration to the boundaries is denoted, other than the removal of a section of hedge to create the new vehicular access entrance point. However, the proposed plans indicated that this will be mitigated with the planting of replacement hedging on the line of the 45 degree splay. Therefore, the harm caused by any hedgerow loss will be neutral.

Agricultural land and minerals safeguarding

6.7.6 The previous reasons for refusal included reference to '*... some concern that the proposal has the potential to impact upon existing natural assets that has not been justified, including good quality agricultural land and mineral resources*'. As reported in section paragraphs 6.2.9 and 6.2.10 above these concerns have been satisfactorily addressed in this submission with the inclusion of professional reports that confirm there will be no adverse loss of BMV agricultural land or conflict with minerals safeguarding policy MD16(3) arising from the development.

Ecology and biodiversity

- 6.7.7 Otherwise, in terms of the potential impact on the natural environment, ecology and biodiversity the application site is not covered by any features on the Councils environmental network map (SEN) and the application is accompanied by a Preliminary Ecology Appraisal (by Arborist and Ecological Services). The appraisal found no evidence or suitable habitat for protected or notable species.
- 6.7.8 The Council's Ecologist has been consulted on the application and as summarised above in section 4.1.2, is happy that the proposal does not raise any significant ecology and biodiversity issues. She does request that bat and bird box provision and a lighting plan are secured by planning condition and that informatives relating to nesting birds and landscaping are included on any favourable decision notice. The bat and bird box provision will deliver ecological enhancements in line with national and local planning policy.
- 6.7.9 In the circumstances and with the recommended planning conditions and informatives in place, it is considered that there is no barrier to the granting of consent on ecological grounds. The proposal is therefore considered capable of compliance with planning policy in relation to ecology and biodiversity.

Historic Environment

- 6.7.10 The national guidance contained in the NPPF and the requirements set out in Shropshire Core Strategy Policies CS6 and CS17 and SAMDev Plan policies MD2 and MD13 all seek to ensure that all development protects and enhances the historic environment.

The Council's Historic Environment Team have been consulted. The Conservation Officer has consequently responded with the comments summarised in section 4.1.4 above. Given that the site does not lie within a designated conservation area and is located some distance from the nearest non designated heritage asset (Smithy Cottage to the south) then no harm to heritage significance is identified.

Social and Economic Benefits

- 6.7.11 It is acknowledged that there will be some limited social and economic benefits arising from the development. Socially, the development will benefit the two families, in their private recreation and leisure pursuits associated with their horses. Economically, there is the potential for economic activity associated with construction phase and thereafter, for example, with the purchase and supply of straw, hay and other feeds locally.

Summary

- 6.7.12 On balance, whilst acknowledging the concerns of the Local Members, taking all the above factors into consideration and when assessed as a whole, officers are of the view that the revised scheme is acceptable and will not unduly impact upon or adversely harm the character, appearance and amenity value of the local rural environment and landscape.

6.8 **Drainage and waste**

- 6.8.1 The NPPF and Core Strategy Policy CS18 states that development should integrate measures for sustainable water management to reduce flood risk and avoid an adverse impact on water quality.
- 6.8.2 The size of the site exceeds 1 hectare, where the NPPF requests consideration be given in relation to an FRA. No FRA has been identified as being required in this case, given that the nature of the change of use will retain the pasture land as paddock for the keeping of horses and otherwise the stabling and hard surfacing amount to approximately 0.11 of a hectare.
- 6.8.3 The surface water is intended to be disposed of to a sustainable drainage system and soakaways.
- 6.8.4 The Council's drainage advisor has been consulted on the application and has raised no objection on drainage grounds. It is simply recommended that an informative be included on any decision notice which relates to sustainable drainage guidance. However, whilst it was said in the previous submission that the was 'self-draining', the land quality and minerals reports that accompany this current submission identify the land as having drainage issues. Bearing this in mind, it is considered necessary to recommend the imposition of a drainage condition to secure an adequate surface water drainage scheme in the circumstances.
- 6.8.5 Dirty water disposal facilities from activities such as washing down the stables has not been specified but can also be secured by planning condition for later approval.
- 6.8.6 In relation to waste, a waste management planning condition could be applied, although other legislation would need to be adhered to in relation to waste management, storage and disposal.
- 6.8.7 Having regard to the above and with appropriate planning conditions and informatives in place, the proposals are considered capable of satisfying the requirements of national policy and local planning policy in relation to drainage and flood risk.

6.9 **Other matters**

- 6.9.1 In closing their objections the PC state that: *'Should the planning officer take a different opinion to the Parish Council, it is requested that a condition should be included on any consent that no commercial activity should take place on the site and its use is restricted to the applicant's family.'*
- 6.9.2 In response, the agent has confirmed that a condition stipulating that *'... that no commercial activity should take place is accepted as this is not what has been applied for.'* However, he considers that *'... Restricting the use to the applicants family, is to[o] restrictive and the planning is for the change of use and the owner or any future owner should be able to freely use the land for the private use applied for.'*

6.9.3 A suitably worded can be imposed accordingly.

7.0 **CONCLUSION**

7.1 On balance, officers consider that the revised proposal the subject of the application, as supported by additional information and revised plans, is now acceptable, will not give rise to unacceptable impacts on environmental quality, highway safety and existing residential amenity and is capable of compliance with prevailing planning policies as relevant. Where previous issues have been raised then it is acknowledged that these have been satisfactorily resolved within the revised scheme and supporting information and can additionally be adequately addressed through the imposition of appropriate planning conditions of approval.

7.2 Approval is therefore recommended, subject to the imposition of the conditions listed in the appendix below.

7.3 In considering the application due regard has been given to the following planning policies as relevant: Shropshire Core Strategy CS1, CS5, CS6, CS13, CS16, CS17 and CS18; Site Allocations and Management of Development (SAMDev) Plan policies MD1; MD2, MD7b, MD11, MD12, MD13, MD16 and S17 and the National Planning Policy Framework.

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

Core Strategy and Site Allocation and Management of Development Plan Policies:

CS1 - Strategic Approach
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS13 - Economic Development, Enterprise and Employment

CS16 - Tourism, Culture and Leisure
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD1 - Scale and Distribution of Development
MD2 - Sustainable Design
MD7B - General Management of Development in the Countryside
MD11 - Tourism Facilities and Visitor Accommodation
MD12 - Natural Environment
MD13 - Historic Environment
MD16 - Mineral Safeguarding
Settlement: S17 - Wern

RELEVANT PLANNING HISTORY:

21/05768/FUL Change of use of field to horse paddock, formation of a new access, erection of stabling for horses, installation of a packaged sewage treatment plant and other associated external works REFUSED 4th February 2022

11. Additional Information

[View details online:](#)

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Councillor Ed Potter
Local Member Cllr Peter Broomhall Cllr Edward Towers
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT

3. Prior to the above ground works commencing samples and/or details of the roofing materials and the materials to be used in the construction of the external walls and all hard surfacing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in complete accordance with the approved details.

Reason: To ensure that the external appearance of the development is satisfactory.

4. Prior to the stabling and use hereby permitted being first occupied the access, driveway/track and visibility splays shall be satisfactorily completed and laid out in accordance with the approved site plan as proposed. The approved access junction and visibility splays shall thereafter be maintained at all times as such for that purpose.

Reason: To ensure the formation and construction of a satisfactory access in the interests of highway safety.

5. The development hereby permitted shall not be brought into use until the areas shown on the approved site plan as proposed for the parking, loading, unloading, and turning of vehicles has been provided properly laid out, appropriately surfaced and drained. The space shall be maintained thereafter free of any impediment to its designated use.

Reason: To ensure the provision of adequate vehicular facilities, to avoid congestion on adjoining roads and to protect the amenities of the area.

6. Vehicular and pedestrian access to the adjoining highway shall be limited to the approved access onto the Class II road, B5476 as detailed on the approved site plan as proposed.

Reason: In the interests of highway safety.

7. The access apron shall be constructed in accordance with Shropshire Council's specification currently in force for an access and shall be fully implemented prior to the permitted use of the site commencing.

Reason: To ensure the formation and construction of a satisfactory access in the interests of highway safety.

8. Prior to first occupation / use of the buildings, the following boxes shall be erected and/or provided on the site:

- A minimum of 1 external woodcrete bat boxes or integrated bat bricks, suitable for nursery or summer roosting for small crevice dwelling bat species.
- A minimum of 2 artificial nests, of either integrated brick design or external box design, suitable for Starlings (42mm hole, starling specific), Sparrows (32mm hole, terrace design) and/or House Martins (House Martin nesting cups)

The boxes/integrated bricks shall be sited in suitable locations and at suitable heights from the ground, with a clear flight path and where they will be unaffected by artificial lighting.

The boxes/integrated bricks shall therefore be maintained for the lifetime of the development.

Reason: To ensure the provision of roosting opportunities for bats and nesting opportunities for wild birds, in accordance with MD12, CS17 and section 175 of the NPPF.

9. Notwithstanding the provisions of Town and County Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order with or without modification) no external lighting shall be installed at the site without the full details and a lighting plan firstly having been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter retained to the same standard for the lifetime of the development.

Any submitted lighting scheme shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes, trees, and hedgerows and shall be designed to take into account the advice on lighting set out in the Bat Conservation Trust's Guidance Note 08/18 Bats and artificial lighting in the UK.

Reason: To safeguard the amenities of the locality and to minimise disturbance to bats, a European Protected Species.

10. A scheme of surface water drainage shall be submitted to and approved in writing by the Local Planning Authority to serve the development hereby approved. The approved surface water drainage scheme shall be fully implemented before the stable buildings hereby approved are first brought into use.

Reason: To ensure satisfactory drainage of the site and to avoid flooding.

11. A scheme for the disposal of dirty water drainage shall be submitted to and approved in writing by the Local Planning Authority to serve the development hereby approved. The approved dirty water drainage scheme shall be fully implemented before the stable buildings hereby approved are brought into use.

Reason: To ensure satisfactory drainage of the site and to avoid pollution and flooding.

12. Any hedgerow loss incurred to accommodate the new access shall be replaced with the planting of an indigenous hedge along the line of the new 45 degree splay between the proposed gates and the existing hedge as shown on the approved site plan as proposed and shall permanently be retained in situ thereafter. The hedge planting works shall be carried out by the end of the first available planting season upon completion of the proposed development or in accordance with a timetable to be agreed with the Local Planning Authority. Any plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with like indigenous species as originally approved, by the end of the first available planting season.

Reason: To mitigate against the loss of the original hedgerow and to ensure the provision, establishment and maintenance of a reasonable standard of new hedgerow in the interests of safeguarding and enhancing the character, visual amenities and biodiversity value of the locality.

CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT

13. The development hereby approved shall only be for the private equestrian use of the owners of the land and buildings the subject of the application and shall at no time be used for any commercial purposes.

Reason: To control the development to that applied for as development in the locality is strictly controlled and in the interests of highway safety and to protect the general amenities of the area.

14. No storage of vehicles or equestrian equipment of any description shall take place outside of the buildings and yard area on the site hereby approved.

Reason: To safeguard the visual and rural amenities of the locality.

15. Notwithstanding the provisions of the Town and Country (General Permitted Development) Order 2015 or any order revoking and re-enacting that Order with or without modification, no access gates or other means of closure shall be erected within 13.0 metres of the highway boundary.

Reason: To provide for the standing of parked vehicles clear of the highway carriageway in the interests of highway safety.

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