

AGENDA ITEM



Committee and date

Northern Planning Committee

14th May 2024

Development Management Report

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

Summary of Application

<u>Application Number:</u> 23/04624/FUL	<u>Parish:</u>	Prees
<u>Proposal:</u> Erection of a building for private horse riding practice and associated works, to include change of use of land. (Resubmission of Application Ref: 23/00910/FUL)		
<u>Site Address:</u> Land To The South Of Nook Lane Weston Under Redcastle Shropshire SY4 5LR		
<u>Applicant:</u> Mr P Sutton		
<u>Case Officer:</u> Jane Preece	<u>email:</u> jane.preece@shropshire.gov.uk	
<u>Grid Ref:</u> 356252 – 330927		



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Recommendation:- Approve, subject to the conditions set out in Appendix 1.

REPORT

1.0 THE PROPOSAL

1.1 As above.

1.2 The application is a re-submission following on from the refusal of a previous application, under reference 23/00910/FUL, in April 2023. In addition to the proposed plans the application is supported by:

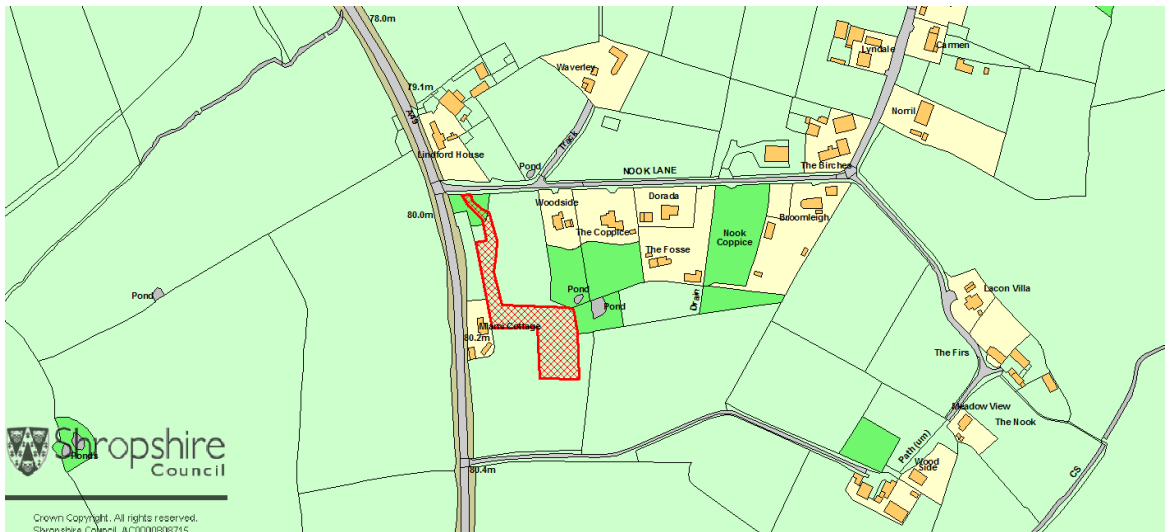
- a revised Design and Access Statement
- a plan identifying 3 acres of supplementary grazing to the south
- a Tree Condition Report, Arboricultural Impact Assessment, Method Statement and Tree Protection Plan
- an Ecological Impact Assessment
- a Landscape and Visual Impact Assessment (updated)

1.3 Pre-application advice was further given under reference PREAPP/23/00397, dated 7th August 2023. A copy of the pre-application letter is available to view publicly in the documents section associated with this current application.

2.0 SITE ADDRESS

2.1 As above.

2.2 Site location map extract:



3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 Committee consideration is required as the Parish Council object and the officer recommendation is for approval. The Development Manager in consultation with the Local Member and Chair of the Northern Planning Committee agree that the Parish Council has raised material considerations that warrant the application being referred to committee for consideration.

4.0 Community Representations Summary

4.1 Consultee Comments

4.1.1 **SC Drainage** – Is Minor Development and site is not located within SuDS Consultation Area. LLFA will only provide standing advice on development proposals to LPA as Informative Notes.

Development is unlikely to significantly increase flood risk. Therefore offer following informative:

Informative: Standard drainage informative

4.1.2 **SC Ecology (re-consultation comments)** – No additional comments to make.

SC Ecology (original comments) – Same conditions and informatives recommended for previous application (23/00910/FUL) should be included on decision notice for this application.

(ie: Conditions: Bat and bird box provision, Lighting plan, Working in accordance with method statement. Informatives: Nesting birds, General site informative for wildlife protection and Landscape)

4.1.3 **SC Highways** – Recommendation: No Objection – Having given due regard to appropriate local and national planning policy guidance (in particular NPPF), Shropshire Council as Highway Authority has concluded proposed development is acceptable and accordingly, does not wish to object subject to development being constructed in accordance with approved Site Plan as Proposed Drawing no. 3058 D 02 E.

Observations/Comments: Development is proposing indoor surfaced riding arena within field to side of earlier approved application for erection of stables. Proposal has advocated use of building will be for private use only by applicant. Application is resubmission of earlier application under reference 23/00910/FUL.

Facility appears quite extensive but does none the less provide applicant with covered all weather surface to ride/exercise their horses. In context is only used by applicant, use is unlikely to result in change of vehicular movements to and from site. Therefore raise no highway objection.

It is considered however that the use of the building should be limited to private use of owner of land on site land holding identified by blue line on supporting documentation and that use shall not extend to any form of commercial equestrian use, commercial riding tuition, public events or gymkhanas.

In the event that more commercial use of indoor riding area is proposed and facilities developed further, proposal will need to be reassessed from highway perspective and considered on its individual merits at that time.

Informative notes:

- Works on, within or abutting the public highway
- Mud on highway
- No drainage to discharge to highway

Background: 23/00910/FUL

4.1.4 **SC Trees (re-consultation comments)** - Read supporting Tree report, Method Statement

and Tree protection Plan Revision A which includes details of protective fencing and ground protection. Note addition of new tree and shrub planting to form screen.

No objection on arboreal grounds if following condition is applied:

- Tree Protection condition

SC Trees – Reviewed Arborist & Ecological Services Ltd Tree Condition Report Arboricultural Impact Assessment Method Statement and Tree Protection Plan Rev A.

As with previous application, have no objection on arboreal grounds if following tree protection condition can be applied to an approval:

- Tree Protection condition

4.1.5 **SC Landscape Consultant (re-consultation comments 2)** - Our review of first LVIA recommended revisions.

Local Plan policies have now been referred to but not considered in impact assessment.

Approach and Methodology section is now more in-line with GLVIA3. Scale of adverse or beneficial effects are described, but significant levels are only defined for visual and not landscape effects.

Baseline assessment now identifies site and immediate setting within correct Landscape Type according to Shropshire Landscape Typology. It describes landscape features of site and 'visual character' of area but does not identify any specific landscape receptors.

Viewpoint photographs now identify extents of proposed building. One additional viewpoint has been assessed from public bridleway that follows southern edge of site. Additional viewpoints could have been chosen along Nook Lane, both where existing hedge is poor and at field gate next to adjacent curtilage of Woodside.

Scale of visual effect on residents of adjacent dwelling Miami of Slight Adverse to Neutral is probably understated due to openness and proximity of views. However, this is a single dwelling and not a public viewpoint, so would normally be given less weight in terms of sensitivity. Visual effects on residents at other adjacent dwelling Woodside are probably negligible because of intervening woodland.

Interestingly, although all viewpoints are assessed as receiving maximum Slight Adverse effect in assessment tables, Section 7.2 declares potential Moderate Adverse visual effects during construction. This scale of effect would probably extend in our view into short/medium term until mitigation planting is well established.

Revised report still fails to assess potential landscape effects in appropriate manner as listed in bullet points of first review; however, would not disagree with assessed scale of Slight Adverse effect by virtue of site being relatively isolated, within settled area and development comprising single agricultural-style building.

Mitigation and enhancement measures are helpful, and should application be approved, would want to see these incorporated into detailed proposals.

Doubt that proposed development would generate significant adverse landscape and visual effects, but reiterate if application is approved, would expect detailed landscape proposals to be conditioned including:

- ' preparation and approval of planting plan, specification and aftercare,

- ' details of proposed planting mound composition, dimensions and treatment to make it suitable growing medium,

- ' pre-commencement requirement for completion of the landscape works previously approved for site include planting of 500 trees and additional hedging.

SC Landscape Consultant (re-consultation comments 1) - Unfortunately, do not consider LVIA findings are sufficient to support making informed planning decision as there are some fundamental shortcomings in methodology and content of report.

In November 2023 advised due to scale and setting of development, concise and focussed Landscape and Visual Appraisal (LVA) be prepared to support application. Report is titled as full LVIA, although it fails to define what are considered significant effects in relation to its methodology, as required by Guidelines for Landscape and Visual Impact Assessment 3rd Edition (GLVIA3) 2013.

Section 1 ' Preamble

Author is Chartered Member of Landscape Institute. Scope of assessment is concisely described. Selection of 2km radius study area is appropriate for scale of development in this setting.

Section 2 ' Context and Planning

Report fails to include any Shropshire Council planning policies but mysteriously lists Derbyshire Dales Adopted Local Plan 2017.

Paragraphs 2.2.1 and 2.2.2 describes statutory and non-statutory ecological and heritage designations within study area, including Hawkstone Park Registered Historic Park and Garden.

Paragraph 2.2.4.1 refers to relevant sections of NPPF but unfortunately not latest version dated December 2023.

Section 3 ' Approach and Methodology

Section 3 helpfully describes key stage of assessment with reference to GLVIA3.

Unfortunately, in sub-section 3.4 Landscape Character where it describes non-designated landscape value report fails to reference The LI Technical Guidance Note TGN 02/21 Assessing landscape value outside national designations.

Report helpfully identifies range of criteria used to judge landscape sensitivity and magnitude of landscape change, but then confusingly includes table of 'Examples of Magnitude of visual impact' which includes further examples of magnitude of landscape change.

Paragraph 3.3.3 unhelpfully uses term 'Significance' when is referring to potential scale of effect. Scales of effect are then defined but assumes all landscape effects are adverse in

nature.

Paragraph 3.5.1 identifies types of visual receptors. Remaining paragraphs identify potential judgements on value and susceptibility to change (although it confuses susceptibility with sensitivity), sensitivity and scales of adverse effects (which it calls Significance).

In paragraph 3.6 report described consultation with neighbour. GLVIA3 encourages consulting LPA about scoping extents of study area and potential landscape and visual receptors. This was not undertaken.

Section 4 ' Baseline Studies

Is detailed description of National Character Area (Shropshire, Cheshire and Staffordshire Plain) which for this scale of development should be scoped-out of assessment. Report identifies site as being located within Sandstone Hills landscape type (LT) according to Shropshire Landscape Typology. This is incorrect. Hawkstone Park, some 2km south of site is within Sandstone Hills LT. Proposed development site is within Enclosed Lowland Heaths LT and is surrounded to east and west by Principal Settled Farmland LT. Remainder of this section describes details of 'visual character' of planning application area and its visual relationship with neighbouring roads and buildings. Geology section describes sandstone ridges, buildings and settlements in relation to National Character Area. Listed buildings, ecological features and Public Rights of Way are also described. This section fails to identify any landscape receptors in terms of character or landscape features relevant to site or its immediate setting.

Section 5 ' Visual Receptors

Google Earth viewshed indicates wide area of potential viewpoints in all directions based on bare-earth digital terrain model analysis. Different types of receptors are rated for local sensitivity. Having scoped-out large range of viewpoints to assess by means of site visit, author then chooses to assess only 3 viewpoints, one of which is heavily obscured by intervening vegetation and one by illustrative viewpoint photograph.

Section 6 - Viewpoints

Viewpoint photographs are not in compliance with Landscape Institute Technical Guidance Note 06/19 (TGN 06/19). Visual proportions of proposed building is not identified on photographs making it difficult to assess their effects on views.

Assessment tables use methodology to identify visual effects from three viewpoints, but then also uses these locations to assess landscape effects without properly identifying landscape receptors and their relationship with proposed development.

Section 7 - Summary

Is generally confusion and lack of separation in assessment stage of landscape and visual effects. Is paucity of viewpoint assessment and no actual landscape receptors are identified.

Section 8 ' Mitigation and Enhancement

Section is quite informative but doesn't relate mitigation and enhancement measures to identified landscape and visual receptors.

Our conclusions

Doubt if proposed development would generate significant adverse landscape and visual effects that would conflict sufficiently with Development Plan policies to affect Planning decision. However, LVIA submitted fails to provide sufficient evidence to prove this.

Recommend LVIA is revised to:

' Include relevant Local Plan policies in Context and Planning section.

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- ' Be more explicit and in-line with GLVIA3 in Approach and Methodology section; particularly by identifying what are potentially significant effects and not confusing significance with scale of effect.
- ' Identify correct Landscape Types within setting from Shropshire Landscape Typology and subsequently identify appropriate landscape receptors (characteristics and features) in Baseline Studies section.
- ' Explore wider range of potential viewpoints from Viewshed analysis, if only to illustrate lack of view in Visual Receptors section.
- ' Prepare viewpoint photographs in compliance with TGN 06/19 including identifying potential dimensions of proposed building where relevant.
- ' Assess landscape effects properly by:
 - o identifying landscape receptors and their interaction with development,
 - combine value judgements of these receptors with judgements of their susceptibility to specific change potentially created by development to give sensitivity rating,
 - combine sensitivity with judgements of magnitude to give scale of effect,
 - identify inherent and potential mitigation measures and reassess residual landscape effects.

If application is subsequently approved, expect detailed landscape proposals to be conditioned including:

- ' preparation and approval of planting plan, specification and aftercare,
- ' details of proposed planting mound composition, dimensions and treatment to make it suitable growing medium,
- ' pre-commencement requirement for completion of landscape works previously approved for site include planting of 500 trees and additional hedging.

SC Landscape Consultant (original comments) – Note revised proposal includes reduced ridge and eaves heights in building, hedgerow reinforcement planting and native scrub planting on low mound around two sides of building.

Whilst positive step, proposal is clearly for large structure in rural setting. Two public roads and public right of way border site. Therefore recommend concise and focussed appraisal of landscape and visual effects be prepared by suitably experience chartered landscape architect in accordance with best practice set out in GLVIA3 and supporting guidance.

Appraisal process should be used to develop landscape mitigation and enhancement plan appropriate to local landscape character and address any predicted adverse effects.

If application is subsequently approved, expect detailed landscape proposals to be conditioned including:

- ' preparation and approval of planting plan, specification and aftercare,
- ' details of proposed planting mound composition, dimensions and treatment to make it suitable growing medium,
- ' pre-commencement requirement for completion of landscape works previously approved for site include planting of 500 trees and additional hedging.

4.1.6 **SC Regulatory Services** – No comment.

4.2 **Public Comments**

4.2.1 **Prees Parish Council (re-consultation comments 2)** – No further comments received.

Prees Parish Council (re-consultation comments 1) - Amendments to 23/04624/FUL: Erection of a building for private horse-riding practice and associated works, to include change of use of land. (Resubmission of Application Ref: 23/00910/FUL) Land To The South Of, Nook Lane, Weston Under Redcastle, Shropshire, Applicant: Mr P Sutton.

Despite the amendments Prees Parish Council continues to object to this Planning Application, on the following grounds:

The proposed building is a large non-agricultural one in open fields: it is not in keeping with its surroundings.

It therefore reduces the amenity of local inhabitants but offers no compensating benefits to the local economy or community.

In addition, it is likely to increase the flood risk of the area.

Prees Parish Council (original comments) - Prees Parish Council wishes its objection to this Application to be registered on the grounds that the proposed building is far too big in scale.

For this reason it does not sit easily in the context of open countryside and it cannot help but have a negative visual impact in the rural locality.

4.2.2 **Public representations** - One representation of objection has been submitted. The main objection points raised include:

- Flood Risk. Miami Cottage, used to be called "The Pits" for good reason. Field is covered in pits which show themselves in periods of wet weather. Has been flooding in past. Water table is high. Don't want large shed and roof water flooding field and then neighbours. Nook Lane ditch outlet pipe by A49 is small and cannot take existing water from all Nook Lane residents, let alone from large building, new stable block and garages and new 3 bed house. Much of winter my water can't get away because of neighbours ditch not being cleared out regularly and outlet pipe is too small.

- Access. A49 is very busy. Have been several accidents in area over years, including fatalities. Already high traffic on Nook Lane entering/exiting is hazard to traffic on A49. Slow moving horse trailers and associated vehicles would further jeopardise safety. Believe access to proposed building should be from south side of field, adjacent to the private track already there and much closer and safer.

- Biodiversity. Are owls in little wood here. Are also buzzards which visit and live on cliff face at Weston.

- Visual Impact. Visual impact will be huge for Nook Lane residents. Don't want our residential area turned into industrial site. Former agricultural field of circa 4+ acres, already has 3 storey house, large stable block, large shipping container and also to come shortly 3 garages. Is wrong site for such development. Proposed building is much too large for location and will have very bad visual impact in this rural location.

5.0 THE MAIN ISSUES

- Relevant planning history
- Principle of development
- Previous reasons for refusal
- Siting, scale, design and visual impact
- Impact on natural environment: ecology and trees
- Access and highway matters
- Drainage and flood risk

6.0 OFFICER APPRAISAL

6.1 Relevant planning history

6.1.1 Application ref: 22/03974/FUL

Proposal: Erection of a stable building with access via Nook Lane

Decision and date: Granted with conditions, 4th November 2022

6.1.2 Application ref: 23/00910/FUL

Proposal: Erection of a building for private horse riding practice and associated works, to include change of use of land

Decision and date: Refused, 17th April 2023

6.1.3 Application ref: PREAPP/23/00397

Proposal: Erection of a building for private horse riding practice and associated works to include change of use of land

Decision and date: Summary: No objection in principle to siting of a private riding arena. Justification required for enclosure within a building. Option 5 most appropriate location from choices available. Landscaping required, plus height reduced to reduce visual impact. If scheme approved will be with restrictions relating to its use. 7th August 2023

6.1.4 Application ref: 23/02615/DIS

Proposal: Discharge of Conditions 3 (External Materials), 4 (External Lighting) and 6 (Bat and Bird Boxes) relating to Planning Permission 22/03974/FUL

Decision and date: Discharge approved, 31st July 2023.

6.1.5 Application ref: 23/05192/DIS

Proposal: Discharge of Condition 5 (Drainage) relating to Planning Permission 22/03974/FUL

Decision and date: Discharge approved, 8th January 2024

6.2 Principle of development

- 6.2.1 The proposal seeks full planning permission for the 'Erection of a building for private horse riding practice and associated works, to include change of use of land'. The building is proposed to be sited on the eastern part of the field within the ownership of the applicant and south of the properties on Nook Lane - see map extract given in section 2.2 above.
- 6.2.2 As per the description of development the equestrian use is for the private use of the applicant, as is the use of the stabling already permitted in the north west corner of the site, under planning permission reference 22/03974/FUL. The stabling supports four horses and the land is utilised as grazing land.
- 6.2.3 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 and MD12.
- 6.2.4 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.

6.3 Previous reason/s for refusal

- 6.3.1 Under reference 23/00910/FUL, a previous application on this site was recently refused for the following reason/s:

'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, design and layout. 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.

Overall, it is considered that the proposal will not protect or enhance the local environment and would result in 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.'

- 6.3.2 This is a revised scheme that seeks to address the previous reasons for refusal set out above.
- 6.4 **Siting, scale, design, visual impact and landscaping**
- 6.4.1 To reiterate, the building is proposed to be sited on the eastern part of the field within the ownership of the applicant and south of the properties on Nook Lane, separated by a small woodland - see map extract given in section 2.2 above.
- 6.4.2 The building will be of steel frame construction and clad externally with agricultural profile sheets, dark green in colour. It will measure 40 m x 20 m in footprint and 5.5m high to the eaves and 6.9 m high to the ridge. This is a reduction in height from 6.7 m and 8.2 m respectively in comparison with the building previously refused.
- 6.4.3 Landscaping proposals have been added to the proposed site plan. This includes the provision of a small earth mound to the south and east sides of the proposed building, planted atop with mixed scrub to the sides with modified grassland. Otherwise the existing field boundary hedgerows to the south (lane side) and east (roadside) are also now shown as to be retained and enhanced by infilling any gaps with native planting. To the west existing trees are also identified as to be retained.
- 6.4.4 Having also sought pre-application advice (under reference PREAPP/23/00397), the main revisions are that the height of the building has been reduced and landscaping proposals included. Constraints to siting options have been identified given that two overhead power lines cross the site. Whilst the siting has not been adjusted in relation to the preferred option 5 expressed by officers (south of Miami Cottage), the agent explains that they have reverted to the original location given that the option 5 siting could not be validated as a 'free go' application and in any event they feel that with the reduction in the size of the building coupled with the addition of the screening proposals then a building in this location will not be as visible in the landscape as option 5.
- 6.4.5 It is said with the submitted Design and Access Statement that '*... 50 new trees and hedging will be planted to minimise any visual impact and improve the hedgerows in and around the site. This was agreed for the stable buildings. We will introduce more to the site ...*'
- 6.4.6 Having consulted with the Council's Landscape Consultant on this current application, the application is also latterly supported by an updated Landscape and Visual Impact Assessment.
- 6.4.7 Having regard to the amended plans and additional information put forward in support of the application and the responses received from consultees (including from the Council's Tree Officer and Landscape Consultant), it is considered that, on balance, the previous reasons for

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refusal have been satisfactorily addressed in that the reduced height (and associated scale) of the building coupled with landscaping and planting proposals (with details to be secured by condition, in addition to existing tree protection) will mitigate the previous harm identified. Whilst the comments of the Council's Landscaping Consultant still identify some shortcomings with the updated LVIA, officers are mindful of their concluding remarks that they doubt that proposed development would generate significant adverse landscape and visual effects, but reiterate if the application is approved, would expect detailed landscape proposals to be conditioned including:

' preparation and approval of planting plan, specification and aftercare,

' details of proposed planting mound composition, dimensions and treatment to make it a suitable growing medium,

' pre-commencement requirement for completion of the landscape works previously approved for site include planting of 500 trees and additional hedging.

6.4.8 The land parcel within which the proposed development will sit is approximately 3.5 acres in area. It is acknowledged that the proposed development (when coupled with the stabling already carried out) will involve the loss of grazing land by around 1 acre to support the four horses at the site and in this connection there is concern. Therefore, to support the application the submitted Design and Access Statement sets out that 'additional grazing is rented close by'. This land is identified on an accompanying map as '3 acres of supplementary grazing land' and lies around 400 m south of the site. Using DEFRA guidelines, as a general rule, each horse requires approximately 1.25 to 2.5 acres of grazing of a suitable quality if no supplementary feeding is being provided. As a minimum 4 horses would need 5 acres and with the supplementary grazing land this minimum would appear to be met. However, 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.*'

6.5 Impact on natural environment: ecology and trees

Ecology

6.5.1 The application is accompanied by an Ecological Impact Assessment (EclA). The Council's Ecologist has been consulted on the application and EclA and is satisfied the proposal does not raise any significant ecology and biodiversity issues. It is simply requested that conditional requirements are put in place to ensure that works are carried out in accordance with the method statement set out in the EclA; that bat and bird boxes are provided to secure wildlife enhancements and that any external lighting requires prior approval - all in line with adopted development plan policies CS17 and MD12 and the NPPF. Further it is recommended that informatives relating to nesting birds, general wildlife and landscaping are included on any favourable decision notice.

6.5.2 Securing an acceptable landscaping scheme will also provide biodiversity enhancements.

6.5.3 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.

Trees

- 6.5.4 The application is accompanied by a Tree Condition Report, Arboricultural Impact Assessment (AIA), Method Statement (MS) and Tree Protection Plan (TPP). The Council's Tree and Woodland Officer has been consulted on the application and associated Tree Condition Report, AIA, MS and TPP and raises no objection on arboreal grounds, if a recommended tree protection condition is applied.
- 6.5.5 In the circumstances and with the recommended tree protection planning condition in place, it is considered that there is no barrier to the granting of consent on arboricultural grounds. The proposal is therefore considered capable of compliance with planning policy in relation to trees.
- 6.6 Residential and local amenity**
- 6.6.1 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.
- 6.6.2 No adverse residential amenity concerns have been raised, for example in relation to potential noise and disturbance. The Council's Environmental Protection Team have been consulted and have made no comments. As 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 it is considered the proposal will not result in any unacceptable impact on the residential amenities of the surrounding properties.
- 6.7 Access and highway matters**
- 6.7.1 At Paragraph 115 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.'*
- 6.7.2 Access and highway matters did not form a previous reason for refusal. In relation to these matters in respect of the previous application it was reported, within section 6.5 of the officers delegated report that:

'The application form and description of development refers to private use only, with no indication of commercial activities or processes to be undertaken in association with the development, therefore the use is unlikely to result in a change of vehicular movements to and from the site and therefore raises no highway objection.'

It is considered however that the use of the building should be limited to the private use of the owner of the land on the site land holding identified by the blue line on the Location Plan and that its use shall not extend to any form of commercial equestrian use, commercial riding tuition, public events or gymkhanas.

If in the event that a more commercial use of the indoor riding area is proposed and facilities developed further, the proposal will need to be reassessed from the highway perspective and considered on its individual merits at that time.

It is considered that the proposal is unlikely to lead to adverse highway conditions on the adjoining county road. Subject to the use of the building being limited to the private use of the applicant, precluding any commercial equestrian use.'

6.7.2 As evidenced in the consultee comments of SC Highways submitted in respect of this current application - see section 4.1.3 above, this stance remains the same. Whilst public objections to the contrary are acknowledged, taking into account the judgment of the Council's Highway Officer and recommended planning conditions of an approval in place it remains to be considered that there are no substantive reasons to refuse the application on highway grounds.

6.8 Drainage and flood risk

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 Drainage and flood risk did not form a previous reason for refusal. On the issue of drainage in respect of the previous application it was reported, within section 6.4 of the officers delegated report that:

'Policy CS18 'Sustainable Water Management' of the Shropshire Core Strategy indicates that development should integrate measures of sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity and provide opportunities to enhance biodiversity.

The site does not appear to fall within an area of flood risk, however many local residents have stated the site experiences flooding issues. The applicant has stated that surface water drainage would run off wholly within the site and would not result in surface water affecting any surrounding roads.

No surface water drainage details have been submitted in support of this application to demonstrate the site can be adequately drained. The introduction of the previously approved stable block, the proposed horse exercise building and several horses on the site may exacerbate the surface water drainages issues, therefore a pre-commencement condition and informative relating to surface water drainage will be applied if approved, to ensure that the site can be adequately drained.

Pre-commencement condition:

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Prior to the commencement of works a soakaway test shall be carried out in accordance with BRE Digest 365, or such other guidance as may be agreed in writing by the Local Planning Authority and the agreed recommendations shall be implemented in full prior to the first occupation/use of the development (which ever is sooner)

Reason: The condition is a pre-commencement condition to ensure that the site can be adequately drained.'

6.8.2 It is indicated on the submitted plans that surface water drainage from the building will be disposed of to soakaways. However, no further drainage details are provided. In recognition of local concerns as previously stated, it is therefore considered appropriate to impose a drainage condition to secure the prior approval of a detailed drainage scheme. With an appropriate drainage condition in place it is therefore considered that policy CS18 in relation to drainage and flood risk can be satisfactorily addressed.

7.0 CONCLUSION

7.1 On balance, officers consider that the revised proposal the subject of this application for private use, as supported by additional information and revised plans, is now acceptable, will not give rise to unacceptable impacts on environmental quality, visual amenity, neighbouring residential amenity, highway safety and local drainage conditions 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 recommended 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, CS17 and CS18; Site Allocations and Management of Development (SAMDev) Plan policies MD2, MD7b, MD12, MD13 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

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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

Core Strategy and SAMDev Plan Policies:

CS1 - Strategic Approach
CS5 - Countryside and Greenbelt
CS6 - Sustainable Design and Development Principles
CS17 - Environmental Networks
CS18 - Sustainable Water Management
MD2 - Sustainable Design
MD7B - General Management of Development in the Countryside
MD12 - Natural Environment
MD13 - Historic Environment
Settlement: S17 – Wem

National Planning Policy Framework

RELEVANT PLANNING HISTORY:

22/03974/FUL Erection of a stable building with access via Nook Lane GRANT 4th November 2022
23/00910/FUL Erection of a building for private horse riding practice and associated works, to include change of use of land REFUSE 17th April 2023
PREAPP/23/00397 Erection of a building for private horse riding practice and associated works to include change of use of land. PREAIP 7th August 2023
23/02615/DIS Discharge of Conditions 3 (External Materials), 4 (External Lighting) and 6 (Bat and Bird Boxes) relating to Planning Permission 22/03974/FUL DISPAR 31st July 2023
23/04027/FUL Erection of a building for private horse riding practice and associated works, to include change of use of land (Resubmission of Application Ref: 23/00910/FUL) NPW 27th October 2023
23/04624/FUL Erection of a building for private horse riding practice and associated works, to include change of use of land. (Resubmission of Application Ref: 23/00910/FUL) PCO
23/05192/DIS Discharge of Condition 5 (Drainage) relating to Planning Permission
22/03974/FUL DISAPP 8th January 2024

11. Additional Information

View details online: <http://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=summary&keyVal=S31OV0TDKYT00>

List of Background Papers (This MUST be completed for all reports, but does not include items

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containing exempt or confidential information)

Cabinet Member (Portfolio Holder) - Councillor Chris Schofield

Local Member

Cllr Paul Wynn

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, drawings and documents as listed in Schedule 1 below.

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

3. All trees which are to be retained in accordance with the approved plan shall be protected in accordance with the submitted Arborist & Ecological Services Ltd Tree Protection Plan and Method Statement and in accordance with BS 5837: 2012 "Trees in relation to Design, Demolition and Construction recommendations for tree protection'. The protective fence and temporary ground protection shall be erected prior to commencing any approved development related activities on site, including ground levelling, site preparation or construction. The fence shall be maintained throughout the duration of the development and be moved or removed only with the prior approval of the LPA.

Reason: To safeguard the amenities of the local area by protecting trees.

4. All works to the site shall occur strictly in accordance with the mitigation and enhancement measures regarding great crested newts and birds as provided in Section 6 of the Ecological Impact Assessment (Susan Worsfold, October 2022).

Reason: To ensure the protection of and enhancements for Great Crested Newts, which are European Protected Species and birds which are protected under Section 1 of the 1981 Wildlife and Countryside Act (as amended).

CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES

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

5. No above ground works shall be commenced until a soakaway test has been carried out in accordance with BRE Digest 365, or such other guidance as may be agreed in writing by the Local Planning Authority, and a detailed scheme of surface water drainage has been submitted to and approved in writing by the Local Planning Authority to serve the development hereby approved.

The agreed recommendations and approved surface water drainage scheme shall be implemented in full prior to the first occupation/use of the development (which ever is sooner).

Reason: The condition is a pre-commencement condition to ensure that the site can be adequately drained and to avoid flooding.

6. The building hereby approved shall be clad with dark green agricultural profile sheets to the external walls and roof and the access track hard surfacing shall be of hardcore - all as specified on the approved plans and within the application documentation.

Reason: To ensure that the works harmonise with the existing development.

7. Notwithstanding the details shown on the approved plans, no above ground works shall be commenced until full details of landscape works have been submitted to and approved in writing by the local planning authority. The details shall include:

- preparation and approval of a planting plan, specification and aftercare,
- details of the proposed planting mound composition, dimensions and treatment to make it a suitable growing medium,
- details of the completed landscape works previously approved for site including the planting of 500 trees and additional hedging

The landscape works shall be carried out in full compliance with the approved plan/s, details, schedule and time scales. Any trees or 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 upon written notification from the local planning authority be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

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8. Prior to first occupation / use of the building, the following boxes shall be erected 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 1 artificial nests, of either integrated brick design or external box design, suitable for sparrows (32mm hole, terrace design), house martins (house martin nesting cups), swallows (swallow nesting cups) and/or small birds (32mm hole, standard design).
- A minimum of 1 artificial nests, of integrated brick design, suitable for swifts (swift bricks).

The boxes shall be sited in suitable locations, with a clear flight path and where they will be unaffected by artificial lighting. The boxes shall thereafter be maintained for the lifetime of the development.

For swift bricks: Bricks should be positioned 1) Out of direct sunlight 2) At the highest possible position in the building's wall 3) In clusters of at least three 4) 50 to 100cm apart 5) Not directly above windows 6) With a clear flightpath to the entrance 7) North or east/west aspects preferred. (See <https://www.swift-conservation.org/Leaflet%20-%20-%20Swift%20Nest%20Bricks%20-%20-%20installation%20&%20suppliers-small.pdf> for more details).

Reason: To ensure the provision of roosting and nesting opportunities, in accordance with adopted development plan policies MD12 and CS17 and section 180 of the National Planning Policy Framework.

9. Prior to the erection of any external lighting on the site, a lighting plan shall be submitted to and approved in writing by the Local Planning Authority. The lighting plan shall demonstrate that the proposed lighting will not impact upon ecological networks and/or sensitive features, e.g. bat and bird boxes (required under a separate planning condition). The submitted scheme 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. The development shall be carried out strictly in accordance with the approved details and thereafter retained for the lifetime of the development.

Reason: To minimise disturbance to bats, which are European Protected Species.

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

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10. The development hereby approved shall not be used for any other purpose other than for the keeping, accommodation, riding, training and instruction of horses for private equestrian purposes only for the benefit of the land owner and shall not at any time be used for any business or commercial activities or public events.

Reason: As development in the locality is carefully controlled and in the interests of highway safety and to protect the amenities of the area.