

8A DCSE2006/1495/F - RETENTION OF FOALING BOXES AND ONE 'INFIL' STABLE (RETROSPECTIVE APPLICATION)

8B DCSE2007/0704/F - RETROSPECTIVE APPLICATION FOR BLOCK WORK SKIN TO EXISTING STABLES.

8C DCSE2007/0705/F - RETENTION OF LEAN-TO BUILDING FOR STORAGE PURPOSES.

THE SINGING STUD YARD, (LAND ADJ. BODENHAM FARM), MUCH MARCLE, LEDBURY, HEREFORDSHIRE, HR8 2NJ.

**For: The Singing Stud Ltd per Wall, James & Davies,
15-23 Hagley Road, Stourbridge, West Midlands
DY8 1QW**

Date Received: 15th May, 2006 Ward: Old Gore Grid Ref: 65131, 31996

Expiry Date: 10th July, 2006

Local Member: Councillor T.M.R. McLean

The Sub-Committee, on 29th May, 2007, decided to defer determination of these applications until the site had been visited. This took place on 7th June, 2006.

1. Site Description and Proposal

1.1 The application site comprises two irregular shaped areas of land to the north-east and south-west of Bodenham Farm, which are on the north-west side of the A449 Ross on Wye-Ledbury Road, and opposite the entrance to Homme House. The two land parcels are bisected by the private drive to Bodenham Farm off the unclassified road (Lyne Down-Old Pike) which is also provides access to the application site. This drive is part of Homme House parkland (a registered garden). The north-east site is bounded by the A449 to the east; the south-western site is bounded by the A449 to the south-west and unclassified road to west. The total area of the land is about 8.3 ha.

1.2 There are two small building complexes, one on each land parcel, which provide stabling and storage for the stud farm which according to the applicant's agent has been in operation for about 9 years. An application (DCSE2005/0795/F) to continue the use of the land and buildings as an equine stud farm was submitted in March 2005, as at that time no permission had been granted for change of use from agriculture and the permission in 1997 for 6 loose boxes and one field shelter was subject to a condition (no. 7) restricting use to private purposes and not for any trade, business or equestrian enterprise whatsoever, in order to preserve the amenities of the locality. That application was for continuation of the use and not for retention of structures that

had been erected without planning permission, as the report to Committee made clear. Foaling boxes had recently been erected, and a 3 metre fence. In addition the lawfulness of one of the main storage buildings (within the north-eastern site) was questioned by a local resident. Subsequently field shelters were erected and other small building operations undertaken, all without planning permission. planning applications to seek to regularise the equine business (SE2006/1486/F and SE2006/1495/F) relating to the field shelters and foaling boxes plus in-fill stables respectively were submitted in 2006.

- 1.3 Further evidence was submitted by local residents, in particular an aerial photograph, which appeared to corroborate that the storage building was not lawful and also called into question a number of other structures. Following discussions with the applicant's agent it was agreed that the 2006 applications would be withdrawn and a comprehensive application(s) submitted covering all unauthorised development. After a delay two further retrospective applications (SE2007/0704/F and SE2007/0705/F) were submitted in March of this year but only for further recent development (block work skin to stables and an open lean-to structure attached to the storage building). It was stated that an application for a certificate of lawful development would be submitted for the remaining structures rather than a retrospective application and the earlier applications have not been withdrawn.
- 1.4 From the evidence available it seems clear that the following buildings and structures have not been authorised:
 - (1) North-eastern section: the storage building and lean-to by the entrance to the complex plus container positioned nearby a section of the main stable block plus the block work onto skin recently erected on portacabin.

A fence of about 1.8 m high which extends along part of the boundary with the A449 but which continues along the northern boundary with Bodenham Farm (a listed building).
 - (2) South-western section: field shelters and additions to the stables
- 1.5 In addition to the stud farm adjoining Bodenham Farm the Singing Stud includes extensive grazing land (about 48 acres) at Hillington Barn, Upton Bishop. There are no facilities at present. Planning permission has been granted for stable, barns, training ring and other facilities.

2. Policies

2.1 Herefordshire Unitary Development Plan 2007

Policy LA2	-	Landscape Character and Areas least Resilient to Change
Policy E6	-	Industrial Development in Rural Areas
Policy E8	-	Development of Redundant Rural Buildings
Policy E11	-	Employment in the Countryside
Policy LA4	-	Protection of Historic Parks and Gardens
Policy LA5	-	protection of Trees, Woodlands and Hedgerows
Policy DR3	-	Movement
Policy DR4	-	Environment

2.2 Much Marcle Parish Design Statement

3. Planning History

3.1	MH97/1112	6 loose boxes and field shelter	-	Approved October 1997
	SE2004/4039/F	Fenced training ring	-	Withdrawn
	SE2004/4086/F	Dwelling for stud farm worker	-	Withdrawn
	SE2005/0325/F	Barn	-	Withdrawn
	SE2005/0795/F	Continuation of use as equine stud farm	-	Approved 15.07.05
	SE2005/3770/F	Fenced training ring	-	Appeal allowed 05.06.06
	SE2006/1486/F	Retention of two field shelters	-	Refused 15.5.07

4. Consultation Summary

Statutory Consultations

- 4.1 Garden History Society does not wish to comment on these applications.

Internal Council Advice

- 4.2 The Traffic Manager notes "that SE2006/1495/F (foaling boxes and infill stable) is a retrospective application and there currently does not appear to be an adverse impact on the adjacent highway arising from it. As discussed, I understand that the foaling boxes were installed prior to the permission granted for the associated application DCSE2005/0795/F."

No objections to the grant of permission for the later applications. It is pointed out that public footpath MM2A passes approximately 14 m to the north of these stables.

In response to the traffic survey carried out by local residents the following comments have been made:

"I note that the site has developed piecemeal over time, giving rise to a concomitant increase in traffic generation. Indeed, a traffic count undertaken by local residents would suggest that in the space of one year traffic generation has risen by some four trips per day. The current proposals are retrospective in nature and would be likely to have contributed to this increase. In considering this application it is necessary to establish whether this level of uplift is material and, if so, what potential means of mitigation may exist to overcome this issue.

The uplift in the volume of traffic generated by the site cannot be considered to be material at only four additional trips per day. However, previous highways comments have identified the potential for conflicts on Lyne Down, which is single track. The verge is raised which would render passing difficult, and few passing places exist. I would consider that an uplift in trips from the site, some of which will inevitably involve horse boxes, cars with horse box trailers, etc, would be likely to exacerbate problems

and conflicts on Lyne Down in its current form. I therefore recommend that the introduction of an appropriate number of passing places is considered between the site access and the commencement of residential frontages south of the site. These should be of a sufficient number to ensure intervisibility.”

4.3 The Conservation Manager advises as follows:

DCSE2007/0704/F

I have no objection to this addition, but I would recommend that a screed or painted finish should be added to match the existing block, as suggested in the design and access statement.

DCSE2007/0705/F

The lean-to building is contained between a stable and the woodland at the rear of the site, so it will not have a particular adverse visual impact on the wider landscape. However, I would not have advocated locating the rear wall of this building so close to the woodland trees for two reasons.

In visual terms, the lean-to building encroaches on the woodland. From a visual perspective, it would be much better if there were a boundary of mixed native species hedgerow between the woodland and the Singing Stud site, to maintain the character of the woodland.

Secondly, I am concerned that at the edge of the woodland, it appears that earth has been excavated and/or the ground level underneath the lean-to building lowered. If this were the case, these works would have damaged the roots of the trees on the edge of the woodland. I would like the agent to provide clarification about this issue.

I conclude that I would not support the retention of the lean-to building, because in my view it has degraded the woodland setting of the site. I recommend accordingly that permission be refused for this element on the grounds that it would be contrary to Policy LA5: Protection of trees, woodlands and hedgerows of the Unitary Development Plan.

I recommend that the lean-to building should be removed and the earth re-instated. If any of the root systems of the woodland trees have been damaged significantly then compensatory woodland tree planting should be undertaken. Planting a hedgerow of mixed native species between the woodland and the Singing Stud site would help to maintain the rural character of the landscape.

5. Representations

5.1 The applicant's agent has submitted Design and Access Statements in relation to SE2007/0704/F and SE2007/0705/F in summary are as follows:

DCSE2007/0704/F

- (1) The site has been used for stabling for some years and has formal planning permission for one stable block and the continuation of use as an equine stud farm (ref DCSE2005/0795/F). Other buildings are the subject of planning applications awaiting determination or will be the subject of applications for

certificates of lawfulness to be submitted in the near future. A training ring has also been granted planning permission.

- (2) This retrospective application provides reinforcement to the existing stables to assist in carrying the load of the roof on the main stable block. A brick foundation carries a new block work skin to the southern gable and rear wall only and by necessity closely follows the existing building.
- (3) No floor space is added to the buildings as a result of this work.
- (4) The natural finish of the materials used has been retained, however a screed or painted finish to match the existing block can be added. Work ceased following notification to the applicant of the need for planning permission.

DCSE2007/0705/F

- (1) This application is to provide a covered area for equipment storage by utilizing the area between the existing end wall of the large open stable building and the fence on the site boundary and to allow a convenient route around the building for access and maintenance.
- (2) The building would be constructed of timber, with timber ply walls and with dark plastic sheeting on the roof and is located adjacent the wooded area so as to not be visually intrusive.

5.2 Parish Council's observations:

DCSE2006/1495/F

No comments received.

DCSE2007/0704/F

Much Marcle Parish Council have no objections to the block work but have concerns with the height, which would when completed increase the height of the stables.

DCSE2007/0705/F

Retrospective planning application is needed on the building the lean-to is attached to, before this application can be considered.

5.3 13 letters of representation have been received and are summarised as follows:

DCSE2006/1495/F

- (1) Two-thirds of buildings on this site are unauthorised creating a false impression of the extent of activities.
- (2) This is compounded by a report by a consultant on the viability of the business and its need for expansion [submitted as part of SE2005/3806/F].
- (3) No traffic figures provided yet Traffic Manager advises that he would not support any expansion.

- (4) "Drip-drip" submission so each case viewed on its own merits not an overview.
- (5) Local residents are suffering a steadily increasing loss of local amenity and increasing access road usage with potential for accidents on a road of historic, cycling and tourism importance.
- (6) Overdevelopment of a small site quite unsuitable for a highly intensive breeding unit where all food shipped in and all waste shipped out.
- (7) Committee misled by the agent who stated that "all the buildings with the exception of the foaling boxes have been there for 4 years. Most were there when the property was purchased nearly 10 years ago." Aerial photograph taken in 2001 shows otherwise.
- (8) Encroaches on Grade II Registered Park and Garden and adjacent to conservation area.
- (9) Concerns raised by Hereford and Worcester Gardens Trust, the Council's former Conservation Architect and Landscape Assistant regarding adverse effect on Bodenham Farm and the landscape in connexion with other proposals are referred to.
- (10) Foaling boxes constitute skyline development seen from A449; within 1 m of Bodenham Farm boundary and so close to top of quarry wall that increases possibility of collapse with obvious dangers.
- (11) Feasibility of increased traffic along access lane is questioned - heavy traffic movements may have contributed to dog being killed.
- (12) Should be separate applications for foaling boxes and infill stable.

SE2007/0704/F

- (13) Points (1) - (7) are reiterated.
- (14) Development carried out without permission prejudices applicants who comply with planning procedures.
- (15) To grant permission would legitimise unauthorised 30% increase in size of stable block.
- (16) Encloses 3 not 2 sides and assuming existing walls removed tantamount to a new building.
- (17) Concerns raised that precursor to further development increasing height - already visible on skyline viewed from A449.
- (18) It will increase traffic flows contrary to Traffic Manager's advice.
- (19) An attempt to steam-roller the Council into granting permission.
- (20) Misleading information submitted regarding parking facilities and route of public footpath MM11 which runs through the stable complex.

DCSE2007/0705/F

- (21) Encroaches on Registered Park and Garden.
- (22) Trees removed and possibly others damaged.
- (23) Further excavations at rear - all of which with soakaway in woodland have caused harm to this parkland.
- (24) Attached to building which itself requires planning permission - evidence was submitted in 2004 that had not been there for 4 years.
- (25) Alterations have and will contribute to an increase in vehicle movements.
- (26) Existing storage building has been converted into stabling.
- (27) Steamroller Council into granting permission.
- (28) PPS7 paragraphs 15 & 31 quoted regarding duty to protect countryside from unacceptable development.
- (29) Users of public footpath through stabling area could be deferred and face dangers from mares.

Traffic Count

Local residents have undertaken a count of traffic along the access drive. The results are reproduced in the Appendix to this report.

The full text of these letters can be inspected at Central Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

- 6.1 Planning permission was granted in July 2005 for continuation of use as a stud farm. In hindsight it is clear that more of the buildings than the foaling boxes, which had only recently been erected, were relatively recent additions (post 2001) and had not been granted planning permission. Further buildings and additions have subsequently been erected. Ideally applications covering all these buildings would be considered together but despite agreeing to this no further planning applications will be submitted. Consequently the planning history of the site outlined in section 1 needs to be borne in mind. Nevertheless whilst concerns about incremental development are appreciated each application must be treated on its merits and in the light of prevailing policies. Retrospective applications cannot be refused and enforcement action authorised solely on the grounds that development has been carried out already.
- 6.2 There are no specific policies in UDP relating to equine enterprises in the countryside but there is generally encouragement in PPS7 (paragraph 32). Development related to equine enterprises would need to meet similar tests to agricultural and forestry businesses rather than require special justification. Notwithstanding the misapprehension regarding the status of the buildings in 2005 there were two sets of stables being used by this new enterprise, which formed the core of the planning unit granted retrospective consent.

- 6.3 The key issues regarding these 3 applications relate to their visual impact with particular regard to the Registered Park and Garden and whether the retention of these buildings would result in a significant increase in traffic. The foaling boxes, in-fill stable and block-work skin all relate to the two existing groups of buildings and whilst not screened from public view, as a public footpath passes through the stud farm, they are not visually prominent in the landscape. Consequently there are no strong landscape grounds for refusing permission, which would also regularise the enlarged stable building. The storage building with lean-to similarly fits within the complex with at the rear a hedge planted on higher ground providing partial screening and further trees filtering views from the A449 direction. As the Conservation Manager points out in relation to the lean-to it would not have a particular adverse visual impact on the wider landscape. Furthermore the encroachment into the woodland which has taken place is of small scale and further damage could be readily prevented. In my opinion the harm is not so serious as to justify refusal of permission.
- 6.4 Most of the structures (the storage building, extended stables and foaling boxes) were in use when permission was granted for the stud farm in 2005 and their retention was assumed by the Traffic Manager. The issue then is whether the in-fill stable and lean-to would significantly increase traffic flows generated by the stud farm. The small increase in floorspace (about 79m² for the lean-to and one stable) have clearly added to facilities and may have allowed more intensive use of other buildings. The submitted traffic counts indicate a rapid rise in movements but this may be primarily due to the development of the enterprise rather than a direct consequence of additional buildings and facilities. The Traffic Manager's analysis is that although they have contributed to the rise in traffic the increase is not material and could be mitigated by provision of passing places. The latter, within the highway verge, could be required by planning condition.
- 6.5 The above discussion relate to the current planning applications. The remaining buildings and structures are currently being considered with regard to the expediency of enforcement action being undertaken.

RECOMMENDATION

In respect of DCSE2005/1495/F:

That planning permission be granted subject to the following conditions:

1 B09 (Colour of cladding (stables))

Reason: To protect the visual amenities of the area.

2 Within 2 months of the date of this decision details of passing places to be formed along the unclassified road 70006 between Bodenham Farm and Lyne Down shall be submitted for approval in writing by the local planning authority. The approved details shall be carried out within 4 months of the date of this decision.

Reason: In the interests of the safe and free flow of traffic on the highway.

INFORMATIVES:

1 N19 - Avoidance of doubt

2 N15 - Reason(s) for the Grant of Planning Permission

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

In respect of DCSE2007/0704/F

That planning permission be granted subject to the following conditions:

1 B10 (Details of cladding (agricultural and industrial buildings))

Reason: To minimise the visual impact of the development.

2 Within 2 months of the date of this decision details of passing places to be formed along the unclassified road 70006 between Bodenham Farm and Lyne Down shall be submitted for approval in writing by the local planning authority. The approved details shall be carried out within 4 months of the date of this decision.

Reason: In the interests of the safe and free flow of traffic on the highway.

INFORMATIVES:

1 N19 - Avoidance of doubt

2 N15 - Reason(s) for the Grant of Planning Permission

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

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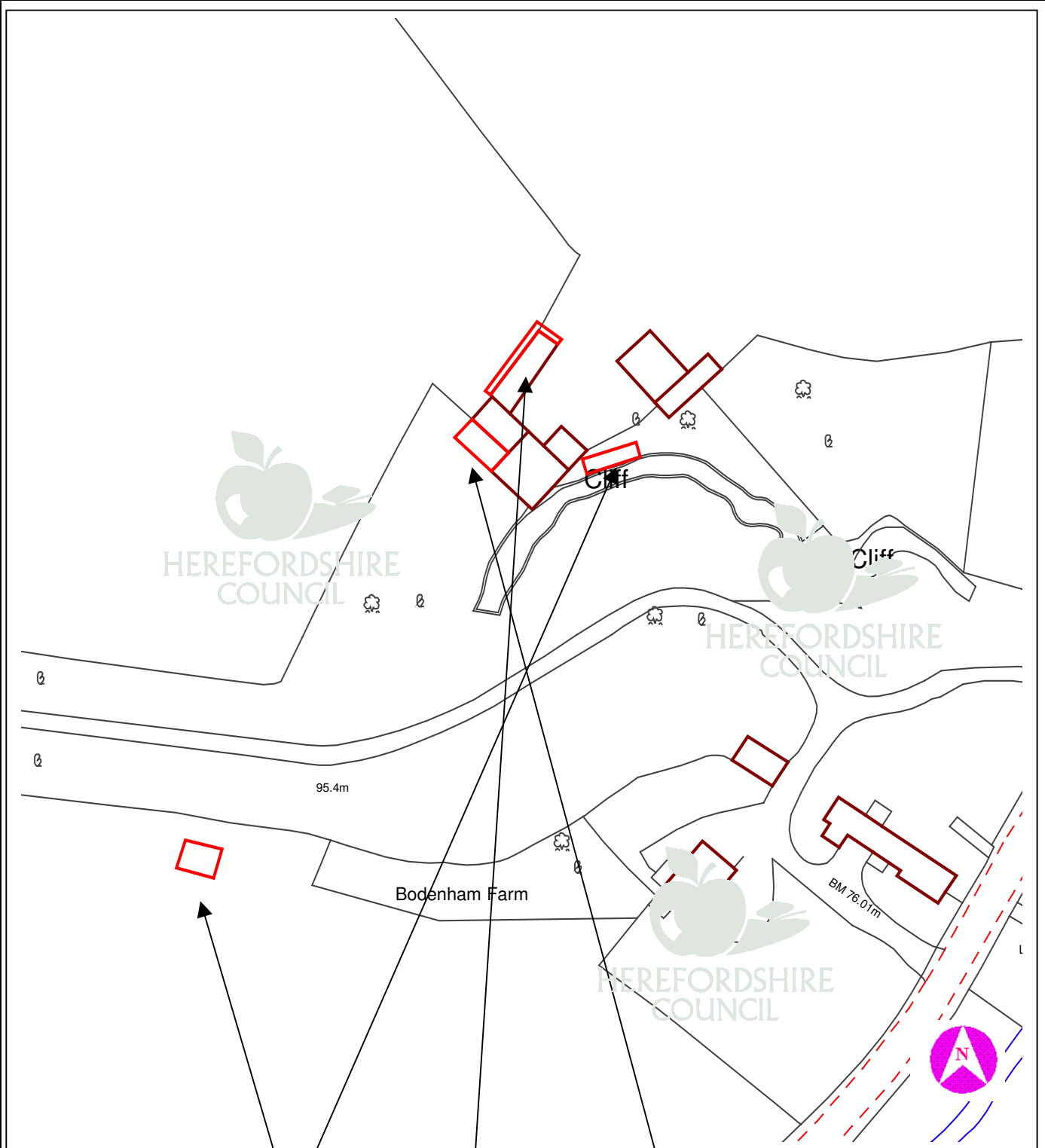
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NOS: DCSE2006/1495/F DCSE2007/0704/F & DCSE2007/0705/F **SCALE :** 1 : 1250

SITE ADDRESS : The Singing Stud Yard, (adj. Bodenham Farm), Much Marcle, Ledbury, Herefordshire, HR8 2NJ

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