

## **9 DCSE2005/3806/O - DWELLING FOR STUD FARM WORKER AT EQUINE CENTRE, SITE NR. BODENHAM FARM, MUCH MARCLE, SO653321.**

**For: The Singing Stud Ltd. per Mr. C. Goldsworthy, 85 St Owens Street, Hereford, HR1 2JW**

**Date Received: 24th November, 2005      Ward: Old Gore      Grid Ref: 65218, 32040**

**Expiry Date: 19th January, 2006**

Local Member: Councillor T.M.R. McLean

This application was reported to the Sub-Committee on 29th May, 2007 and determination was deferred so that Members could visit the site. The site was visited on 7th June, 2007.

### **1. Site Description and Proposal**

1.1 The Singing Stud occupies about 8ha. of land between the A449 and unclassified road between Lyne Down and Old Pike to the north of Bodenham Farm. The rear drive to the latter also provides access to the stud farm. There are two groups of stables to the north and south of the drive. An outline application (DCSE2005/3806/O) for a stud farm worker's dwelling has been submitted. This would be erected on part of the field (about 0.1ha.) adjoining the northern stables, abutting the northern boundary with Bodenham Farm and about 100m from the A449. Bodenham Farm is sited in a semi-natural 'amphitheatre' with the land rising steeply to north, west and south of the farm complex. The dwelling would be sited on this higher land. There is an incomplete line of trees along the boundary. To the north of the application site is open farmland. No details of the dwelling have been submitted, with all matters, except means of access, reserved for subsequent decision. Access would be via the private drive which provides access to the stud farm off the unclassified road.

### **2. Policies**

#### **2.1 Planning Policy Statement**

PPS.7 - Sustainable Development in Rural Areas

#### **2.2 Herefordshire Unitary Development Plan 2007**

Policy H.7 - Housing in the Countryside Outside Settlements  
 Policy H.8 - Agricultural and Forestry Dwellings and Dwellings Associated with Rural Businesses  
 Policy LA.2 - Landscape Character and Areas Least Resilient to Change  
 Policy LA.4 - Protection of Historic Parks and Gardens  
 Policy LA.5 - Protection of Trees, Woodlands and Hedgerows

#### **2.3 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	SE2004/4039/F	Fenced training ring	-	Withdrawn
	SE2004/4086/F	Dwelling for stud farm worker	-	Withdrawn
	SE2005/0325/F	Barn	-	Withdrawn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	-	Not determined
	SE2006/1495/F	Retention of foaling boxes and one infill stable	-	Not determined
	SE2007/0704/F	Retrospective application for blockwork skin to existing stables	-	Not determined
	SE2007/0705/F	Retention of lean-to building for storage purposes	-	Not determined

The last three applications are the subject of a separate report to this Committee meeting.

**4. Consultation Summary**Statutory Consultations

## 4.1 Hereford and Worcester Gardens Trust comment:

“The 'picturesque position' of Bodenham Farm (quoted from the listing details) remains a constant today. The intensification of development around the adjoining stud farm, which has been the subject of at least three planning applications within the last twelve months, suggests that the quality of the picturesque setting is suffering considerably. The area, albeit across the main road, is an integral part of the grade II registered landscape associated with Homme House. Until recently, one of the drives of the mansion ran down through this area accompanied by ornamental planting. Moreover, if reference is made to the Historic Parks and Gardens of Herefordshire (2001), pp. 213-4, it will be noticed that the author suggests that the medieval deer park, referred to in 1281, was probably in this area before the creation of the turnpike road in c.1820. Any development - including a new farm worker's house - which erodes the picturesque character of this special part of Herefordshire, should be refused.”

Internal Council Advice

- 4.2 Traffic Manager has no objection to the grant of planning permission subject to a condition requiring two parking spaces.
- 4.3 Conservation Manager initially expressed concerns regarding the potential impact of a dwelling and its curtilage in this prominent location and that it would have a detrimental impact on the setting of this attractive group of listed buildings. However this has been reconsidered and his recent advice is as follows:

“It is debatable whether the proposed agricultural dwelling will have much impact on the setting of Bodenham Farm as there is a degree of visual separation between them, particularly considering the substantial difference in levels. Indeed it is likely that recent tree felling on the site has exposed their proximity, which would not otherwise have been appreciated. Conversely I consider the close-boarded fence which dominates the top of the scarp to be a highly intrusive feature, as it is most unusual for property boundaries in the open countryside to be of this height and visually-impermeable construction.

With regard to landscape impact, the development would not be supported. I feel that a new dwelling in this prominent position and particularly the creation of a domestic curtilage would be visually intrusive. In my view permission should be refused on the grounds that it would be contrary to Local Plan landscape policies.”

- 4.4 Property Services Manager has assessed the functional and financial viability of the enterprise. He advises:
- The present situation is that foaling takes place at the adjoining buildings. There are some good foaling facilities and foaling boxes. The stables are adequate and the outside shelters by the enclosures of good quality.
  - The facilities for humans are limited to a portacabin, which acts as a restroom, office and accommodation as necessary but is very basic.
  - The land is heavily grazed and some of it is badly poached but due to the limited facilities at Bodenham Farm which is inevitable.
  - The future for the stud looks very promising if the quality of the stock is maintained and the stud continues to build a name for itself.
  - The labour needed to look after mares and foals, young stock and foal mares is very considerable. These mares are of good quality and mares unlike cattle and sheep may hold onto the foal for an extra month and give little warning of when they are going to foal. Consequently they need very regular supervisions by day and night.
  - Time is also needed to teach foals to lead and behave properly in the show/parade ring whether for showing or sale. Yearlings and two year olds will also need regular handling to ensure that they show themselves properly.
  - The number of mares require supervision and mares in foal require visiting regularly for animal welfare reasons as well as financial to prevent losses.
  - The quality of the stock is very high and at present with the nearest employee 10 minutes away the security is very poor, with no properties overlooking the site itself. If there was a fire most of the stock would perish. If a theft occurred no one would know until the next visit, probably the following morning. Security cameras would help.

In my opinion there is a need for some form of accommodation that will be suitable for an experienced stud groom to occupy.

With regard to the financial case, I am happy with the profitability and future soundness of the business and in my opinion the application for a dwelling is sound.”

## 5. Representations

5.1 An Assessment of Need has been carried out by Kernon Countryside Consultants on behalf of the applicants. The summary and conclusion are as follows:

The application relates to a recently established Stud Farm specialising in the breeding and training of top quality Trakenher Horses. There are some 84 horses at the Stud of which 26 are brook mares.

Against the requirements of PPS.7 Annex A, we conclude as follows:

- a) functional need exists - there are a large number of valuable horses at the stables that are highly susceptible to disease and require very careful attention, at the current time there are a large number of mares that foal down each year over a five month period and in the future there will be up to 30 valuable horses that are being trained/broken stabled on site. In our opinion the enterprise gives rise to a functional need to live on site;
- b) the unit is a full-time unit - currently the Stud employs two full-time members of staff and three part time members of staff;
- c) financial viability - the unit and activities concerned have been operating in excess of three years, have been profitable for at least one of the last three years and have clear prospects of remaining financially viable;
- d) no other dwellings could meet the need - it is our opinion that there are no other dwellings either suitable or available to meet the functional requirements of the unit;
- e) siting is acceptable - the siting has been chosen following a site meeting with the local authority.

It is therefore our opinion that the proposals at Much Marcle are in line with planning advice set out in Annex A of Planning Policy Statement 7.

5.2 Much Marcle Parish Council object to this application for the following reasons:

1. Outside the planning area.
2. Would set a precedent for planning applications.
3. Increase in traffic/access.
4. Over-intensification of site.

5.3 5 letters have been received objecting to the proposal on the following grounds:

- applicants have not complied with conditions attached to permission for continuation of use and further development should not be granted for what remains an unauthorised stud farm
- decision should be deferred until the status of all buildings at the stud farm has been resolved - the consultants report assumes that they will all stay and will continue to be used

- estimated that 68% of the buildings at the stabling area adjoining the application site are unauthorised
- Local Development Document have not been prepared, as PPS.7 requires therefore premature to grant permission; Malvern Hills District Local Plan does not allow permanent housing for equine workers
- functional need is questioned, as foaling takes only 3 months and no training ring had been approved (at time of writing)
- it is questioned whether there is a full-time worker (based on hours/pay figures quoted in the report)
- financial viability is also queried as based on submitted figures estimated that running at a loss and that prospects are not sound
- other dwellings have been available for sale in this area - 6 since 1998, including Orchard Cottage (nearest house to stud farm) in 2003, and bed and breakfast accommodation is available locally for occasional overnight stay
- a number of properties have been on the market both stud farms and dwellings with stabling and grounds – if this business is serious then a suitable property for all the needs of the business would be purchased
- this would be skyline development as seen from A449 - reference is made to the views of the Hereford and Worcester Gardens Trust and earlier views of Conservation Manager (reported in paragraph 4.3 above)
- PPS.7 paragraphs 15, 16, 24 and 31 are also quoted with regard to the duty to protect sensitive landscapes and excessive encroachment into the countryside that would harm the amenities of residents and other businesses
- development would detract from setting of listed Bodenham Farm and consequently adversely affect the B & B business at those premises
- concerns expressed regarding increased traffic along the access drive and local roads which are wholly unsuitable for large horse boxes and trailers and would generate noise. Council cannot guarantee that there would be no increase in traffic - in fact 2 parking spaces are required and Property Services Manager reports that business is ready to expand, all of which will lead to extra traffic.

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

## **6. Officer's Appraisal**

- 6.1 The recently adopted Herefordshire Unitary Development Plan 2007 includes policies H.7 and H.8 which, following advice in PPS.7, allow dwellings in association with equine enterprises as an exception to restraints on residential development in the countryside. However, such dwellings must meet the same stringent tests as agricultural workers dwellings viz. there is a functional need for the dwelling and that the business is established, has been profitable in at least one of the previous 3 years and there is the prospect of remaining profitable in the longer term. This proposal has been assessed by the Council's Property Services Manager. There is a need for a worker to be on hand during foaling, rearing and training (a training ring has now been constructed) and for general oversight and welfare reasons. The Property Services Manager is also now satisfied that the business is profitable and with every prospect of remaining so, in view of the quality and value of the stock being raised. Although other dwellings have come on the market (particularly Orchard House) they would have been well above what could be afforded from the profits generated by this enterprise. This assessment, as noted in paragraph 5.3 assumes that the existing building and facilities would remain. These are discussed in a separate report. (See Agenda item 20).

6.2 Nevertheless the site proposed for the house would be on an exposed site and as the Conservation Manager points out would be visually intrusive in this very attractive landscape. It would be visible from the A449 by Bodenham Farm even if single-storeyed and as the land to the north and north-west is fairly level and open, widely visible from that direction. Furthermore, footpaths from the four points of the compass converge just to the north-west of the application site allowing public views of the site from close at hand. However, alternative sites would be more exposed and less well related to the existing stud farm buildings. The key issue therefore, once the need for a dwelling is accepted, is whether the harm to the landscape, setting of the listed buildings and registered parkland is so serious that permission should not be granted. Additional planting along the boundaries of the field would clearly help but not in the short term. Careful siting, excavation of the sloping land and design (probably a bungalow) would minimise the harm. Viewed from the north the dwelling would be seen in relation to the stud farm rather than as an isolated rural dwelling. Weighing these factors, although a dwelling would be far from ideal, the harm would not be so serious as to justify refusal when a need for the dwelling has been substantiated.

## **RECOMMENDATION**

**That planning permission be granted subject to the following conditions:**

**1. A02 (Time limit for submission of reserved matters (outline permission))**

**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**

**2. A03 (Time limit for commencement (outline permission))**

**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**

**3. A04 (Approval of reserved matters)**

**Reason: To enable the local planning authority to exercise proper control over these aspects of the development.**

**4. A05 (Plans and particulars of reserved matters)**

**Reason: Required to be imposed by Section 92 of the Town and Country Planning Act 1990.**

**5. E28 (Agricultural occupancy)**

**Reason: It would be contrary to Development Plan policies to grant planning permission for a dwelling in this location except to meet the expressed case of agricultural need.**

**6. E16 (Removal of permitted development rights)**

**Reason: To protect the visual amenities of the area.**

**7. F32 (Details of floodlighting/external lighting)**

**Reason: To safeguard local amenities.**

**8. H12 (Parking and turning - single house)**

**Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.**

**Informative(s):**

- 1. N19 - Avoidance of doubt**
- 2. N15 - Reason(s) for the Grant of Planning Permission**

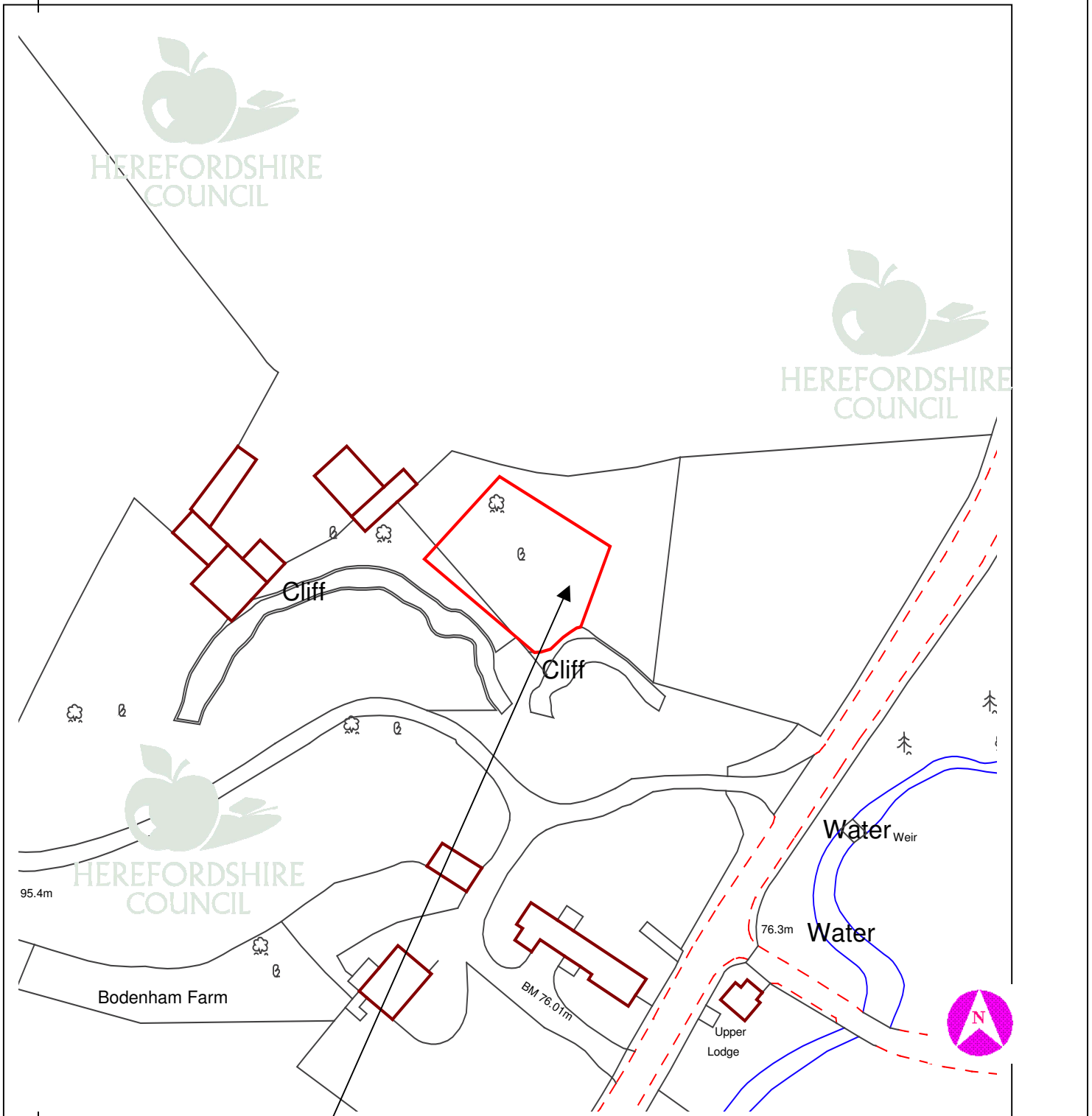
Decision: .....

Notes: .....

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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSE2005/3806/O

**SCALE :** 1 : 1250

**SITE ADDRESS :** Site Nr. Bodenham Farm, Much Marcle. SO653321.

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