

7 DCSE2008/2207/F - SIDE EXTENSION TO EXISTING BARN, FORMATION OF TRAINING MANÉGE, REBUILD OF DILAPIDATED SHED. RENEWAL OF PARKING/TURNING AREAS, BRELSTON COURT, MARSTOW, ROSS-ON-WYE, HEREFORDSHIRE, HR9 6HF.

For: Ms Cole per Butler Silcock Ltd., Suite 109, Eagle Tower, Cheltenham, Gloucestershire, GL50 1TH.

Date Received: 28 August 2008

Ward: Llangarron

Grid Ref: 56204, 19946

Expiry Date: 23 October 2008

Local Member: Councillor Mrs JA Hyde

1. Site Description and Proposal

- 1.1 The application site comprises an area of pasture with a modern portal framed agricultural building to the east of the unclassified highway U71204. The applicant's property, Brelston Court (Grade II listed) is immediately opposite. The road is a narrow country lane linking the A40(T) to the A4137. The site is part of an attractive rural landscape, described as Sandstone Farmlands in the adopted Landscape Character Assessment. The site slopes appreciably from its highest point adjacent to the highway away to the east. Between the highway and the pastureland there is a wide verge and mature roadside hedge, punctuated with trees. During the periods of the year when the trees are in leaf this screens the site from the highway. In recognition of its amenity value the area is designated part of the Wye Valley Area of Outstanding Natural Beauty.
- 1.2 Planning permission is sought for the erection of a lean-to extension against the north-west flank elevation of the barn. This barn would provide the stabling element. It is also proposed to construct a manège measuring 40m x 20m parallel to the highway, opposite the south-east elevation of the barn. On the area of hardstanding in between it is proposed to rebuild an existing dilapidated shed to the same dimensions.
- 1.3 Through negotiation the plans for the manège have been amended. Formerly it was proposed to achieve a level site through the introduction of a stone gabion retaining wall, which would also have necessitated a 2.4m close-boarded fence adjacent to the road. The stone retaining wall was not considered acceptable within the landscape and the revised plans demonstrate a revised cut and fill exercise with spoil excavated from the area above the desired level (adjacent to the highway) used to 'fill' the areas that are currently too low. A standard timber post and rail fence is now proposed in place of the close-boarded fence.
- 1.4 The proposal also involves the provision of a hardstanding around the barn to facilitate hygiene and the parking of the applicant's horsebox.
- 1.5 There has been some conjecture as to whether the proposal is intended to support a commercial interest. To clarify the position the agent has written to confirm that a condition restricting commercial activity at the site would be acceptable to the

applicant. The amended plans referred to above have been subject of a re-consultation exercise involving residents and the local and adjoining Parish Councils.

2. Policies

2.1 Planning Policy Statements

PPS7 - Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan 2007

Policy S1 - Sustainable Development
 Policy DR1 - Design
 Policy DR3 - Movement
 Policy DR7 - Flood Risk
 Policy LA1 - Areas of Outstanding Natural Beauty
 Policy LA5 - Protection of Trees, Woodlands and Hedgerows
 Policy LA6 - Landscaping Schemes

3. Planning History

3.1 SH970823FZ Portal framed building, farm - Prior Approval Not
 workshop/machinery store Required 29.07.97

4. Consultation Summary

Statutory Consultations

4.1 No statutory or non-statutory consultations required.

Internal Council Advice

4.2 Traffic Manager: "On the basis of the information submitted the scale of the proposed use appears acceptable. Nevertheless I do have some concerns about possible intensification in the future, which could lead to increased traffic and turning movements. It is therefore recommended that the permission is made personal to the applicant." It is also recommended that improvements should be undertaken to improve visibility from the access, which would involve cutting back existing tree branches, together with the provision of a bound surface from the gate to the carriageway to prevent gravel or mud being deposited onto the public highway.

4.3 Conservation Manager (Building Conservation): "As the extension is relatively small in relation to the existing shed it is unlikely that it will have any further impact on the Brelston Court complex than the parent building does already."

4.4 Conservation Manager (Landscapes and Biodiversity): "Although the topography of the area is not ideally suited for a manège, I am satisfied that the proposal to set the manège into the slope in such a way as to minimise the cut and fill, and to use a standard timber post and rail fence on the roadside boundary, to be erected behind the roadside trees, will reduce the adverse impact of the manège to an acceptable level. I have also taken into account the fact that the impact of the manège would be very localised - the only view into the site from public vantage points that I identified was from the road adjacent to the site."

5. Representations

- 5.1 Marstow Parish Council: In response to the original submission Marstow Parish Council expressed concern regarding the potential increase in traffic with horseboxes on this very narrow road, the potential for horses to be exercised on the roads and the change of use of agricultural land to a commercial use. Comments are awaited on the amended proposals.
- 5.2 Goodrich and Welsh Bicknor Group Parish Council (adjoining parish): In response to the amended plans - "While they have no objections to the extension, councillors are concerned that the business at Brelston Court might change in the future. As previously stated councillors would be concerned about increased motor and horse and rider traffic on this narrow lane. **Councillors would therefore like restrictions imposed on the applicant to curtail any development of a large livery and horse-riding stables.**"
- 5.3 Four objection letters were received in response to the application as originally submitted. The letters were from:

Mrs S Deniou, Brelston Farmhouse, Marstow, HR9 6HF
NJ Roberts, Brelston Court Barn, Marstow HR9 6HF
Mr & Mrs Watson, Saddle Bridge Farm, Marstow, HR9 6HF
Mr & Mrs Shepherd, Newhouse Farm, Goodrich, HR9 6HF

The content of the letters can be summarised as follows:

- The proposed business would give rise to additional traffic on an extremely narrow, poorly conditioned road, used by local residents and agricultural vehicles. The road is also a well-used recreational route, with few passing places and several sharp bends. Additional traffic, including towing vehicles and horse riders, would increase the likelihood of conflict between vehicles and pedestrians;
 - The road already floods after rainfall and appropriate surface water drainage should be included;
 - Run-off from the extended barn should be catered for appropriately as it already leads to water logging of adjoining land;
 - The proposed close-boarded fence would be completely out of character with the rural character of the area;
 - The issue of potential lighting of the manege should be considered now as it has the potential to be highly intrusive within the landscape.
- 5.4 Following the receipt of amended plans and covering letter clarifying the applicant's intended personal use of the manege and stables, two of the respondents have withdrawn their objection on the proviso that a condition be imposed to ensure that the site is not used as commercial stabling or a livery yard. NJ Roberts and Mr & Mrs Shepherd have reiterated their concerns regarding the potential use as a business, together with the treatment of surface water drainage and waste.
- 5.5 The construction of the manege and substitution of the proposed close-boarded fence for a standard post and rail alternative have been built into the amended plans as suggested by the respondents and the agent has confirmed that the applicant would be willing to see a condition imposed restricting the use of the stables and manege to her own personal use - the applicant has 7 horses.

5.6 The agent's letter received together with the amended plans states as follows:

"I would like to take this opportunity to clear up the misunderstanding that we have had regarding the nature of the business to be run from the premises. I feel that the impact of this has been somewhat misconstrued, with a fear that this will significantly increase traffic in this rural location, accessed by a narrow lane. I think it was feared that the manège was intended to be used to give riding lessons, which would indeed have increase local traffic levels. As will be demonstrated this is not the case.

The property and barn were recently purchased by Ms Cole and her partner in order to move from the Stroud area to a more rural location. They owned 7 horses previous to this purchase, and as such a property with a barn and field was necessary to cut down on travel. Ms Cole is a keen horse rider and her daughter is an accomplished dressage rider. The manège is necessary to carry out the day-to-day training required to achieve a level of competence. The manège will not be used other than for personal use. The other horses they own also need daily exercise, and with the narrow local lanes used by agricultural vehicles it was felt that an off road area would be the best and safest option.

The business aspect of the barn is a very minor part of the usage, merely being that foals born to the private horses are schooled by Ms Cole and her daughter and then sold onto others for whatever purpose they require. We may have given the wrong impression in describing the proposed business use, but technically if the foals are sold there is a business implication."

5.7 The letter goes on to clarify that the applicant owns a horse box, towed by a 4 x 4, which is parked outside Brelston Court, as the personal use of the vehicle is higher than that associated with the movements of horses. There is, therefore, no additional requirement for staff or visitor parking and it is anticipated that there will be no more than several vehicle movements from the yard per week.

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 key issues in the determination of this application are considered to be:

- The impact of the development upon the landscape quality of the area having regard to the Area of Outstanding Natural Beauty designation; and
- The impact of the development upon the safe operation of the local highway network, having regard to the proposed end use and potential imposition of restrictive conditions.

6.2 The scheme has been amended substantially in response to concerns expressed by officers and neighbours alike. Specifically the construction of the manège has been revisited in order that the cut and fill exercise brings the manège below the level of the adjoining carriageway and thus obviates the need for the unacceptable close-boarded fence. The Conservation Manager (Landscapes and Biodiversity) has no objection to the proposal on this basis and has identified that the site is not prominent from public vantage points other than the road. The proposed post and rail fence would be located on the inside of the existing roadside hedge and would not be an inappropriate feature, even during the winter months. In reaching this conclusion the officer has

been mindful of the presence of the site within the Area of Outstanding Natural Beauty. It is concluded, however, that the proposal would not constitute a threat to the special quality of the area and therefore accords with Policy LA1.

- 6.3 The extension to the barn is modest relative to the existing building. However, it is considered that an improvement might be made to the external appearance by cladding the proposed blockwork, likewise the rebuilt shed. This can be dealt with via a condition and as a consequence the operational aspect of the proposal is considered acceptable.

Impact upon the highway network

- 6.4 Throughout the course of the application it has become necessary to clarify the intended use of the facilities proposed. The converted barn would cater for 10 stables, which together with the manège would appear capable of supporting an equine-related enterprise. Naturally, this led to some concern being expressed by local residents regarding the scale of activity and consequent impact upon the narrow lane serving the development and nearby residential development, including Dean Swift Close, an estate of 40 dwellings.
- 6.5 As reported above, the agent has clarified that the stables and manège are not intended to support a commercial enterprise. Several neighbours have referred to equine developments at nearby properties, which have been granted planning permission subject to a condition restricting the use of the stables and manège to that of the applicant.
- 6.6 In imposing any condition the local planning authority has to be satisfied that the condition satisfies the tests laid out in Circular 11/95: The use of conditions in planning permissions. Essentially conditions must be necessary, relevant both to planning and the development to be permitted, enforceable, precise and reasonable in all other respects. Restricting the use of the stabling and manège to the applicant and her privately owned horses is considered to meet the circular tests. Moreover, the agent, on behalf of the applicant, has confirmed in writing a willingness to accept such a condition and insofar as the applicant has been forewarned as to the likelihood of such a condition being imposed, it is considered reasonable.
- 6.7 The commercial/personal use of the development is clearly relevant to highway safety considerations. Whilst there is a case to be made that the site could support an agricultural use, even if the personal use of the site is applied, it is likely that the number of vehicular movements to and from the site will increase over and above a typical agricultural use of the pasture. However, the Traffic Manager has confirmed that subject to a restrictive condition the level of use is likely to fall within acceptable parameters and the situation is capable of further improvement with pruning to assist with visibility upon egress. As such, whilst the outstanding concerns of the local residents are understood, the restrictive condition is considered to provide the necessary assurance regarding the likely level of traffic and would replicate a condition that has been used elsewhere in the vicinity, including The Grange, Brelston Green (DCSE2005/0931/F).
- 6.8 Other issues raised include the treatment of surface water run-off arising from the increased size of the shed and the proposed area of hardstanding around the stables. Letters of representation suggest that localised flooding is an issue following heavy rainfall. In these circumstances it is recommended that conditions be included to cover the adequate drainage of the manège, hardstanding and building. The use of porous

materials (indeed the manège is comprised of sand and rubber) will be pursued and soakaways recommended, provided that ground conditions are suitable. An informative note is recommended to reinforce the point that surface water run-off should not be allowed to discharge onto the highway. No lighting is currently proposed to serve the manège and floodlighting would not be encouraged. A note will be recommended to clarify that any forthcoming planning permission would not convey approval for lighting of the manège.

Conclusion

- 6.9 The issue surrounding the potential for commercial use of the site has been clarified. The applicant is prepared to accept a condition limiting use of the stables and manège to that of her own privately owned horses, which is considered to address the concerns expressed at the level of vehicular traffic generated on what is acknowledged as a narrow, country lane. The landscape impact, in the opinion of your officers, has been adequately addressed and the application is recommended for approval subject to the conditions outlined below.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1. A01 (Time limit for commencement (full permission))**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

- 2. B03 (Amended plans)**

Reason: To ensure the development is carried out in accordance with the amended plans and to comply with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

- 3. C01 (Samples of external materials)**

Reason: To ensure that the materials harmonise with the surroundings so as to ensure that the development complies with the requirements of Policy DR1 of Herefordshire Unitary Development Plan

- 4. H06 (Vehicular access construction)**

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan

- 5. H04 (Visibility over frontage)**

Reason: In the interests of highway safety and to conform with the requirements of Policy DR3 of Herefordshire Unitary Development Plan.

- 6. H13 (Access, turning area and parking)**

Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway and to conform with the requirements of Policy T11 of Herefordshire Unitary Development Plan

7. I20 (Scheme of surface water drainage)

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy DR4 of Herefordshire Unitary Development Plan.

8. F09 (Private use of stables only)

Reason: In order to safeguard the character and amenity of the area and to comply with Policy (specify) of Herefordshire Unitary Development Plan.

Informatives:

- 1. HN01 - Mud on highway**
- 2. HN05 - Works within the highway**
- 3. HN10 - No drainage to discharge to highway**
- 4. HN22 - Works adjoining highway**
- 5. N19 - Avoidance of doubt - Approved Plans**
- 6. N15 - Reason(s) for the Grant of Planning Permission**

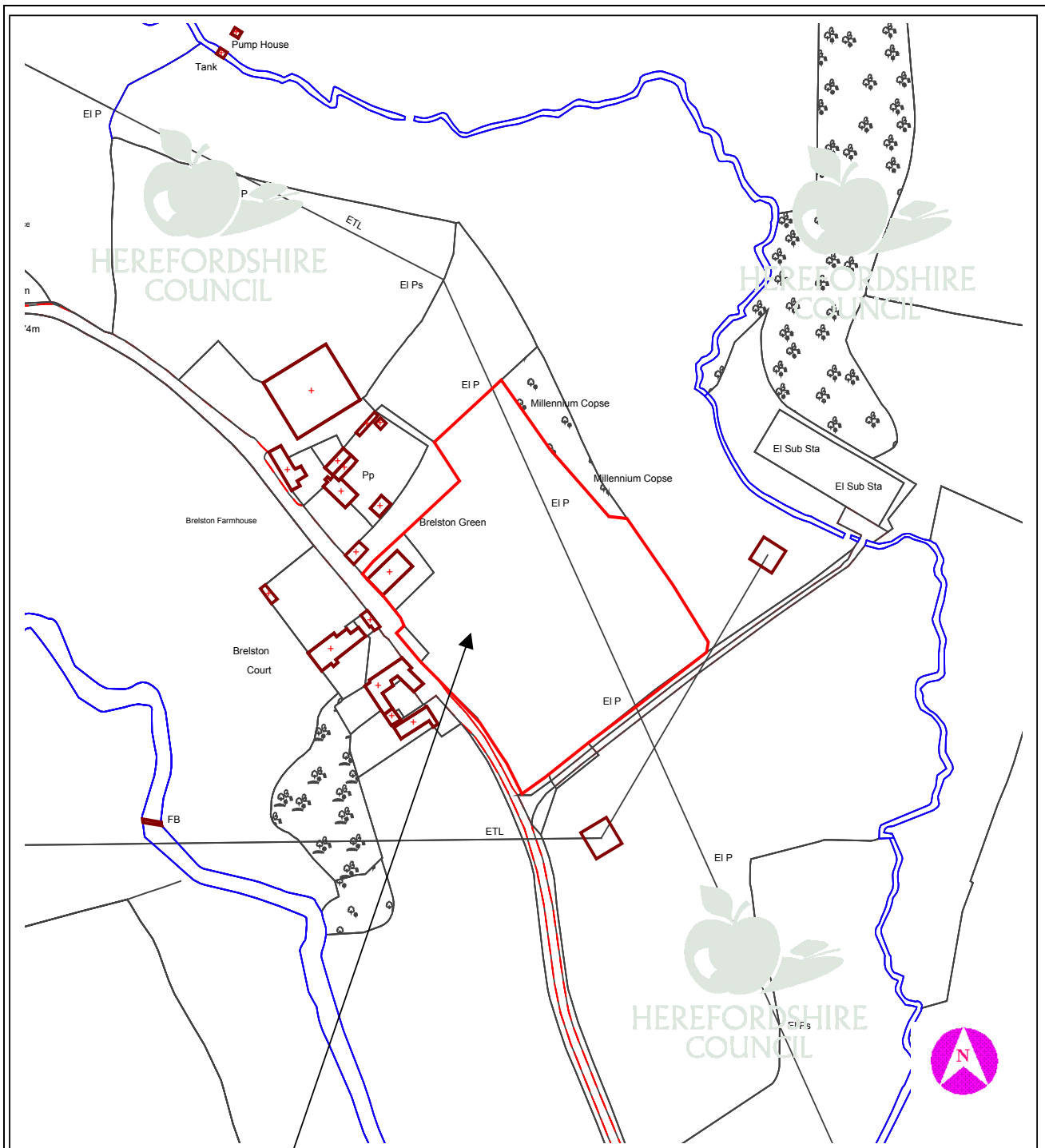
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2008/2207/F

SCALE : 1 : 2500

SITE ADDRESS : Brelston Court, Marstow, Ross-on-Wye, Herefordshire, HR9 6HF

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