

**1 DCNC2003/3755/F - UPGRADE AN ACCESS TRACK TO A STONE SURFACE AT THE TACK FARM, ULLINGSWICK, HEREFORDSHIRE, HR1 3JQ****For: Ms K Kawczynski , at the same address.****Date Received:**  
**15th December 2003****Ward:**  
**Frome****Grid Ref:**  
**59823, 49235****Expiry Date:**  
**9th February 2004**

Local Member: Councillor R Manning

**Introduction**

This application was deferred at the last meeting to enable a site visit to be undertaken. This report has been updated.

**1. Site Description and Proposal**

- 1.1 Tack Farm lies to the south of Ullingswick on the C1118 approximately 6 miles to the south-west of Bromyard. Bridleways MJ1 and UW10 run into and cross the application site.
- 1.2 Tack Farm comprises a farmhouse together with a group of farm buildings of various sizes and designs.
- 1.3 The redundant farm buildings were converted recently to provide stabling in association with a livery business which included the formation of a new schooling area and ancillary activities.
- 1.4 The current proposal only relates to the proposed re-surfacing of existing tracks which cross the farm. The proposal is to excavate to 300mm deep and infill with stone and top with ¾ inch to dust stone.

**2. Policies**Malvern Hills District Local Plan

Landscape Policy 7 agricultural and forestry buildings and roads

Herefordshire Unitary Development Plan (Deposit Draft)

Policy DR1 Design

Policy DR4 Environment

Policy LA2 Landscape Character and areas least resilient to change

### 3. Planning History

NC2001/2391/F Conversion of existing farm buildings to stables, livery yard and saddlery. Formation of 20m x 40m schooling area. Approved 21 November 2001.

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 Environment Agency: No objections to the proposed development but notes if works take place near a watercourse care must be taking to ensure protection against pollution, silting and erosion. Any culverting or damming of a watercourse requires prior written approval. A further letter states that it is not anticipated that the new track will pose a significant risk to the adjacent watercourse.a
- 4.2 Forestry Commission: The proposal will have no effect on the woodland and consequently no comment.

#### Internal Council Advice

- 4.3 Head of Engineering and Transportation: No objection.
- 4.4 Public Rights of Way Manager: The proposed development would appear to affect public bridleways MJ1 and UW10. It is confirmed that prior authorisation has been granted by the Highways Authority to surface the bridleway (PROW/386-10/TDT dated 25 July 2003). It is recommended that the application should be subject to conditions relating to drainage of the new surface, provision of temporary alternative route during development work. Further conditions are recommended regarding safeguarding the safety of users of the bridleway by use of signage and restricting vehicular access.

### 5. Representations

- 5.1 Ocle Pychard Group Parish Council set out a detailed response expressing their concern regarding the proposed development which has been copied in full as appendix 1.
- 5.2 Much Cowarne Parish Council considered much further investigation and consultation is necessary before Northern Planning Services can properly consider this application. Their detailed response has been copied in full as appendix 2
- 5.3 The Ramblers Association: consider that the proposal will materially alter the character of the bridleway, but accept that in practical terms efforts are required to ensure all users of the bridleway can do so in reasonable safety. Suggest that character of the bridleway should be retained as much as possible and that without compelling reasons the section from Tack Farm track to unclassified road should remain unchanged. They also query opening up further footpath links, the likely further use of the bridleway associated with events and likely traffic issues that could result.
- 5.4 Letters of representation have been made by
- G.H Spenser, Dora Cottage, Ullingswick
  - Mr. Mrs M.P.D Daly, Ballgate, Ullingswick
  - Mrs. J. Clainey, Broxash Cottage, Ullingswick
  - Mr. K G Rushgrove, c/o Tidmore Cottage, Ullingswick

- Mrs. H Evans, 110 Ecroyd Park, Credenhill
- Mr. D J Rushgrove, 40 Ter Rue Des, Ursulines, France
- Mr P Perry, Sheeppotts Court, Ullingswick
- Ms R Brown, Woodhill Cottage, Ullingswick
- Mr C & M Wilson, The Old Rectory, Ullingswick
- Mrs C Lewis, The Old Barn, Hillhampton, Burley Gate
- Mrs L E Duthy-James, Thornfield, Ullingswick
- Mrs S J Birch, Burley Gate Farmhouse, Birley Gate
- The Morgan Family, Hathways Bungalow, Burley Gate
- Wg Cdr L F Whittingham OBE & Mrs Whittington, Blue Cedars, Ullingswick
- Mr & Mrs D Bedwell, Greencroft, Ullingswick
- Mrs S Champness, The Oast House, Ullingswick
- Helen Spencer, Goldwell, Ullingswick
- Mr B & Mrs J M Bridges, Townsend House, Ullingswick
- Mr Mrs Bayliss, Bleak House, Ullingswick
- Mr N G & Dr J Stevens, Fairview, Ullingswick
- Mr Mrs Grundy, Old School House, Ullingswick
- Dr A K Barlow, Hillview, Ullingswick
- Mr Mrs Fisher, Tidmore Cottage, Ullingswick
- Mr Henry Howland, The Steppes, Ullingswick
- Mr P Kelly, 24 Rumsay Gardens, Rumsay, Barnstable, Devon

5.5 The main areas of concern are:

Issues relating to existing bridleway:

- Previously impassable in wet weather due to heavy usage by contractors and landrover, associated with Tack Farm.
- Its condition has now recovered together with wild flowers.
- Existing surfacing more than adequate.
- Proposed surface is yet more creeping urbanization in this beautiful part of rural Herefordshire and will be an unnecessary and unwanted intrusion into the rural environment.
- Softer ground, rather than stone is the preferred surface for walker, riders and dogs.
- Will result in destruction of perfectly good bridleway.
- Will adversely and materially affect the character of the bridleway.
- This is a frequently used route, with exceptional views.
- Will affect enjoyment by the public and local amenity.
- Likely to be an increase in use of the route by vehicles.
- Security to nearby properties would be compromised.
- Potential use of track by trade stands, caterers and ambulances, associated with events taking place at Tack Farm.
- Potential danger of horses jumping over bridleway.
- Potential conflict between walkers and riders.
- Request extension of bridleway to link up to other footpaths on the farm.
- Stoning the track will limit local horse riders being able to ride at a faster pace i.e at canter.
- Accuracy of application documents queried regarding use of land, impact on public right of way and disposal of waste material.

Impact on local environment:

- Large amount of waste material generated by development, details of disposal needed.
- Detrimental effect on watercourses of run-off from surface material.
- Large number of lorries bringing aggregates to the site.
- Access track from the farm should have had planning permission.

Countryside/ amenity:

- Will destroy habitat purely for commercial reasons.
- Negative impact on the environment and community as a whole
- Impact on biodiversity value

- 5.6 Other issues were also raised within letters of representation regarding equestrian activities and events, which have been taking place at the site. These concerns have been passed to the Council's enforcement officer for further investigation. They are, however, not directly relevant to the determination of this application, and consequently not listed.
- 5.7 The applicant has submitted a statement, which makes it clear that the justification for the proposed upgrade of the track is to allow safe access from the main farm buildings to the fields around the rest of the property. The work is considered crucial to the operation of the farm, to gain access to the best winter grazing fields, which are the four furthest away from the stables. The track has become heavily waterlogged making passage of people, animals and vehicles dangerous and impossible for the majority of the winter. Eight letters expressing their support for the proposed works accompanied the statement. These refer to the problems of accessing nearby fields in the winter months and potential hazard that this represents to both people and horses.
- 5.8 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford, and prior to the Sub-Committee meeting.

## 6. Officers Appraisal

- 6.1 The principal issues which relate to the determination of this application are:-
- impact on existing bridleway and its usage
  - impact on landscape character of the area
  - impact on surrounding area

Impact upon bridleway:

- 6.2 The proposed re-surfacing of the existing bridleway and farm track will not restrict access or usage of the publicly accessible parts of the route. There is a legal requirement to safeguard the width and route of a bridleway and the Public Rights of Way Manager is satisfied that the proposed works, subject to conditions will not adversely affect the historic route.
- 6.3 It is intended that use of the bridleway will be restricted to farm vehicles and tractors involved in servicing the surrounding land and bringing hay to the fields. Horses will also be brought along the routes, as has been done in the past thus avoiding use of the adjacent highway.

- 6.4 The track will also be a route for use by emergency vehicles in the event of an accident. It is not intended however that any members of the public associated with activities at Tack Farm will use the bridleway to gain vehicular access to the site.
- 6.5 To ensure the safety of both riders and pedestrians, signage is recommended at the access point to Tack Farm, as set out in the recommendation.
- 6.6 The Public Rights of Way Manager has confirmed that the change in surface material should not adversely affect the usage of the track and subject to satisfactory drainage arrangements to prevent waterlogging and damage to the new surface, should ensure full access all year round.
- 6.7 With regard to holding equestrian events in close proximity to the public bridleway, the Public Rights of Way Manager has raised no objection in principle. This is subject to the applicant being informed of the need for additional signage and stewarding and that the bridleway is kept free of obstruction all to ensure the safety of users.

Impact on landscape character of the area:

- 6.8 The finished surface material of stone topped with dust stone incorporates natural materials appropriate to the area.
- 6.9 The upgrading works are to existing tracks and routes, which are bounded in part by native hedgerows which provide a degree of screening for the proposed development. As such it is not considered that the proposed works would be harmful to the character or appearance of the area.

Impact on surrounding area:

- 6.10 Subject to conditions restricting vehicular access along the bridleway the impact on the surrounding area should be minimised. The activities associated with the adjacent equestrian business do not fall for consideration within the current application and can be undertaken without the need for a formal application, on the basis that they take place for no more than 28 days in total in any calendar year. The applicant has, however, confirmed that access to Tack Farm for members of the public is restricted to the main farm entrance and that there is no public right of way to access from the highway along to the bridleway.
- 6.11 As set out above, the proposal relates solely to surfacing of access tracks. The works are justified in terms of the operational needs of the business unit and there are no material planning reasons or policy objections to the proposed development. It is therefore considered that subject to appropriate conditions the proposal is acceptable.

## 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 - Prior to the commencement of any of the development hereby approved details of the land drainage associated with the re-surfaced track shall be submitted to and approved in writing by the local planning authority. Provision should be made to incorporate drainage channels cut at angles across the track at regular intervals**

**Reason: To minimise run-off and control erosion.**

- 3 - Prior to the commencement of the development hereby approved details of the following advisory signage shall be submitted to and approved in writing with the local planning authority:**

**i) warning signs to be placed at either end of the bridleway to advise users that an equestrian event is taking place.**

**ii) warning signs at the point where any horse jump crosses the bridleway to warn bridleway users of the presence of the jump.**

**iii) these signs must be removed upon completion of the event.**

**Reason: In the interest of public safety and to safeguard the use of a public bridleway.**

- 4 - The bridleway must not be obstructed in any way by activities associated with the equestrian event.**

**Reason: In the interest of public safety and to safeguard the use of a public bridleway.**

- 5 - Vehicular access along the bridleway should be restricted to Tack Farm vehicles servicing the land and emergency vehicles only and must not at any time be used for general event traffic.**

**Reason: In the interest of public safety and to safeguard the use of a public bridleway.**

- 6 - Any horsejump with an approach or exit route crossing the line of the public bridleway, must only be used in connection with an organised equestrian event. In such cases, safety stewards must be provided to ensure safe and unhindered passage to users of the public bridleway.**

**Reason: In the interest of public safety and to safeguard the use of a public bridleway.**

- 7 - Prior to the commencement of any of the development hereby approved details of the following shall be submitted to and approved in writing by the Local Planning Authority:**

**i) weight limit of aggregate delivery/collection lorries**

**ii) route for aggregate delivery/collection lorries**

**The details as approved shall thereafter be carried out in their entirety in accordance with the approved details.**

Reason: In the interest of visual amenities, highway safety and amenities of local residents.

- 8 - Notwithstanding any details to the contrary on the application details, the depth of the stone surface shall not exceed 150mm unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and in the interest of highway safety and amenities of the area.

- 9 - None of the waste material associated with the approved works shall be disposed of on the application site or land within the applicant's control unless specific planning permission has been granted.

Reason: To prevent pollution of the environment and to safeguard amenities and character of the area.

Informative(s):

- 1. N15 - Reason(s) for the Grant of PP.  
Landscape Policy 7 - Agricultural and Forestry Buildings and Roads
- 2. A suitable temporary alternative bridleway route should be provided (in consultation with the PROW area warden) during the development works. If development works are perceived to be likely to endanger members of the public then a temporary closure order should be applied for from this department, preferably 6 weeks in advance of work starting.
- 3 - The right of way should remain at its historic width on completion of the works.
- 4 - The applicants should ensure that they hold lawful authority to drive over the registered right of way.
- 5 - Any culverting or damming of a watercourse requires the prior written approval of the local authority under the terms of the Public Health Act 1936, and the prior written consent of the Environment Agency under the terms of the Land Drainage Act 1991/Watercourse Resources Act 1991. The Agency seeks to avoid culverting, and its consent for such works will not normally be granted except for access crossings.

Decision: .....

Notes: .....

.....

**Background Papers**

Internal departmental consultation replies.