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| MEETING: | PLANNING AND REGULATORY COMMITTEE |
| DATE: | 31st August 2022 |
| TITLE OF REPORT: | 202258 - RETROSPECTIVE ERECTION OF NEW STABLES AND TURN OUT PADDOCKS, WITH ASSOCIATED WORKS AT SAPNESS FARM, WOOLHOPE, HEREFORD, HR1 4RJ For: Mr Lacey per Mr Ian Pople, 30 The Causeway, Chippenham, SN15 3DB |
| WEBSITE LINK: | https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=202258 |
| Reason Application submitted to Committee - Redirection | |

Date Received: 15 July 2020
Expiry Date: 17 November 2020
 Local Members: Cllr Barry A Durkin

Ward: Old Gore

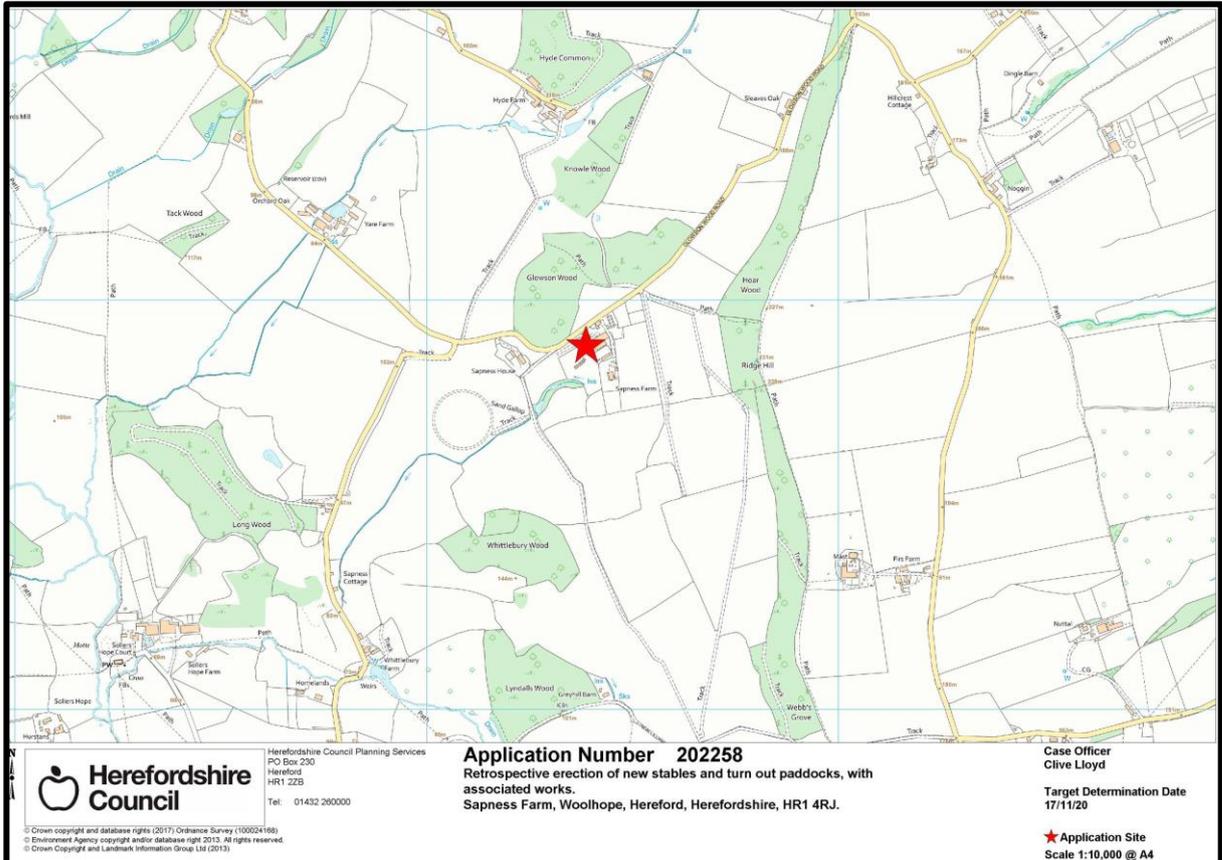
Grid Ref: 362387,233916

1. Site Description and Proposal

The application site Sapness Farm lies some 300m east of the Wye Valley AONB. The farm is situated just over 2km south east of Woolhope and 3.5km north west of Much Marcle, on the Woolhope Dome. It is reached via Glowson Wood Road, a narrow lane which links Woolhope with Rushall, crossing the ridge of Ridge Hill just under 1km to the north east. Both Ridge Hill, and Marcle Hill further north, are highly distinctive in the wider landscape, being visible from the Malvern Hills which are 15km to the north east.

The area is very sparsely settled; apart from Sapness House which lies about 180m west of the farm, the nearest properties include Yare Farm (c. 700m to the north west), Hyde Farm (c. 600m to the north west). Firs Farm (800m to the southeast), Greyhill Barn (c. 800m south of the farm but 250m west of the gallop site), and Foxhalls (c. 250m south of the gallop site). The site has been developed over recent years with buildings and facilities in place to support the business activity of race horse training. The buildings and farmhouse are separated by an area of grass about 50m wide. The buildings are set against sloping fields to the south, dominated by the steep slopes of the ridge to the east, and there is dense woodland to the north; the topography to the south west is deeply incised

Site Plan



The site itself is an established racehorse training facility. Planning permission was granted under application P132546/F in September 2013 to change the use of the site to one of mixed equestrian and agriculture, incorporating the conversion and extension of existing agricultural buildings to stables; the formation of an all-weather gallop; the siting of a horse walker, a lunge and jumping pen and other ancillary works.

The proposal seeks retrospective permission for new stables and turn out paddocks at the site. These are all positioned in close proximity to the other existing equestrian development on the site. The new stables are located to the west of the existing stables that are positioned to the front of the site. They comprise 11 pre-fabricated units that have been formed around a concrete hardstanding. Each unit measuring 7.01m, 3.38m in width and 3.01m to the ridge.

The units are steel framed and are finished in perforated metal cladding. The stables sit on a concrete base with access via the existing yard to the east.

Stables ref: 1



The proposal also includes the provision of six new turn out pens located to the east of the existing entrance to the site. The turnout pens comprise individually fenced enclosures that enable horses to be turned out during winter or times of bad weather.

Turn out pens ref:2



2. Policies

2.1 Herefordshire Local Plan Core Strategy (CS)

The following policies from the CS are considered to be of relevance to the current proposal;

SD1 – Sustainable Design

SS1 – Presumption in favour of sustainable development

LD1 – Landscape and Townscape

LD2 – Biodiversity and Geodiversity

Further information on the subject of this report is available from Mr Clive Lloyd on 01432 383403

SD3 – Sustainable Water Management and Water Resources
SD4 – Waste Water Treatment and River Water Quality
MT1 – Traffic Management, Highway Safety and Supporting Active Travel
RA6 – Rural Economy

- 2.2 It is highlighted to Member's that the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy was confirmed on 9th November 2020. The level of consistency of the policies in the local plan with the NPPF will be taken into account by the Council in deciding any application.

The Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy

2.3 **National Planning Policy Framework 2021 (NPPF)**

Ch 2 : Achieving sustainable development
Ch11: Making effective use of land
Ch15: Conserving and enhancing the natural environment.

The National Planning Policy Framework (NPPF) sets out government's planning policies for England and how these are expected to be applied. The NPPF, as most recently revised in July 2021, can be viewed using the following link:-

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

2.4 **Neighbourhood Development Plan (NDP)**

The site is located within the Woolhope Neighbourhood area. The Woolhope Neighbourhood Plan is at drafting stage and therefore no weight can be added in regard to the application.

3. **Planning History**

P132546/F - Change of use of land to a mixed equestrian/agricultural use, the conversion and extension of existing agricultural buildings to stable, formation of an all-weather gallop, siting of horsewalker, lunge and jumping pen and ancillary works. Provision of staff accommodation, approved 17/3/14.

P180497/F - Retrospective erection of a new barn, isolation stable, new horse walker, Jumping Strip and Sand Gallop. Repositioning of previously approved lunge pen and jump pen and erection of new timber office, approved 31/7/18.

P184482/XA2 –Application for approval reserved by conditions 3 & 4 attached to planning permission 180497, 27/11/2018 - Condition 3 approved, condition 4 not discharged, ongoing.

P213582/U – Certificate of lawfulness for existing construction of a sand gallop and water walk, granted 21/1/22.

4. Consultation Summary

4.1 Statutory Consultations none

4.2 Internal Council Consultations

4.2.1 Team Leader Area Engineer (Highways)

Following a number of submissions, a revised Traffic management plan (TMP) was submitted (December 2021). This is considered to be acceptable subject to the route plan being appended to the document. The LHA has no objection to the proposals subject to the TMP and adherence to it being a condition of any planning consent granted.

4.2.2 Public Rights of Way Officer

No objection.

4.2.3 Principal Natural Environment Officer (Ecology)

Habitat Regs. - River Wye SAC

The site falls within the "any discharge of water or liquid waste..." SSSI Impact Risk Zone for the River Wye SSSI/SAC. However, there is no proposed foul water drainage, and surface water drainage is managed by on site soakaways. There are no anticipated impacts to the River Wye SAC resulting from the proposals, and the requirement for an HRA Appropriate Assessment can be screened out. A Habitat Regulations Screening Assessment would therefore conclude that the development would have No 'likely significant effects' on the River Wye SAC & SSSI.

NB. If the applicant wishes to amend their plans at any time to include foul water management, full details of how foul water will be managed are required: If connected to mains sewer system then confirmation by Welsh Water or other relevant statutory undertaker that this is practicable and acceptable must be provided. If connection to an existing private treatment system is proposed then professional confirmation this system is viable and with sufficient capacity and headroom should be provided. If a new septic tank or package treatment plant is proposed then full details and confirmation that the system will discharge to a soakaway drainage field is requested – NO direct outfall to any local watercourse, stream, ditch or culvert will be acceptable.

Site ecology

Prior to construction, the conditions present on site are not known. As a retrospective application any ecological disturbance or damage caused by the creation of the facilities has already taken place. The applicant is reminded of their 'legal duty of care' towards wildlife protection, see the Wildlife Protection Informative below:

Wildlife Protection Informative

The applicant has a legal obligation/duty of care regarding wildlife protection under the Wildlife and Countryside Act that applies throughout any site clearance or construction process. If at any time protected species are found or suspected on site a suitably experienced ecologist should be consulted. Any breach of this legal Duty of Care would be a criminal offence. Biodiversity Net gain/Enhancement As per NPPF Guidance, NERC Act and Core Strategy LD2 all developments should show how they are going to enhance the local biodiversity potential. To ensure these enhancements a reasonable condition is suggested below.

Condition Eco 06 – Prove Biodiversity Enhancement (Net Gain)

Prior to approval, evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation of a minimum of ONE bat roosting box; ONE bird nesting boxes and ONE pollinating insect habitat homes/ONE hedgehog home built in to, or attached to the stable block, or on buildings or trees under the applicant's control should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006. Dark Skies Guidance Defra/NPPF 2013.

External lighting

The property is located within a rural setting, in close proximity to ancient and semi-natural woodlands. There are numerous records of bat species in the local area. No disturbance of bat flight lines to and from any identified roosting would be acceptable, nor would loss of any foraging or commuting potential. To ensure local bat impacts are mitigated the development should comply with DEFRA/NPPF Dark Skies Guidance and any external lighting should be kept to a minimum. To mitigate this a suggested condition including lighting is included below.

Condition-Eco 09: Protected Species, Dark Skies and Intrinsically dark landscapes (external lighting)

a) At no time shall any external lighting except in relation to safe use of the approved stable block be installed or operated in association with the approved development; and no permanently illuminated external lighting shall be operated at any time, without the written approval of this local planning authority.

b) No external lighting should illuminate any biodiversity enhancement, boundary feature, or adjacent habitats. Planning Services, PO Box 4, Hereford. HR4 0XH Herefordshire Council Main Switchboard (01432) 260000 www.herefordshire.gov.uk PAX.

c) All lighting installed shall demonstrate compliance with latest best practice guidance relating to lighting and protected species-wildlife available from the Institution of Lighting Professionals and Bat Conservation Trust.

Reason: To ensure that all species and Dark Skies are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2019), NERC Act (2006), Herefordshire Local Plan - Core Strategy policies SS6, LD1, LD2 and LD3 and the Dark Skies initiative (DEFRA-NPPF 2013/19).

5. Representations

5.1 Woolhope Parish Council –

At an extraordinary meeting of Woolhope Parish Council held on 6th October council voted to support the application.

5.2 Hereford Branch of the Campaign to Protect Rural England

Points of concern raised:

- Undischarged condition
- Use of roads/traffic
- Drainage and waste
- Use of natural water resources

5.3 Public representations

5.4 15 Representations of objections and two general comments have been received and relate to the following.

Highways:

- Increased traffic,
- Unsuitable roads

Visual impact & amenity

- Increased water use, impacting on immediate residents in vicinity
- Loss of views when viewed from public rights of way.

Procedural

- Undischarged conditions on previous planning permission

5.5 The consultation responses can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=202258&search-term=202258

Internet access is available at the Council's Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

Policy context and Principle of Development

6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy 2011-2031(CS). The National Planning Policy Framework (NPPF) is also a significant material consideration. It is also noted that the site falls within the Woolhope Neighbourhood Area. The Woolhope Neighbourhood Development Plan is currently at drafting stage and therefore carries no weight at this time.

6.3 The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) (the 2012 Regulations) and paragraph 33 of the National Planning Policy Framework requires a review of local plans be undertaken at least every five years in order to determine whether the plan policies and spatial development strategy are in need of updating, and should then be updated as necessary. The Herefordshire Local Plan Core Strategy was adopted on 15 October 2015 and a review was required to be completed before 15 October 2020. The decision to review the Core Strategy has been made on 9th November 2020. The level of consistency of the policies in the

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local plan with the NPPF will be taken into account by the Council in deciding any application. In this case, the policies relevant to the determination of this application have been reviewed and are considered to remain entirely consistent with the NPPF and as such can be afforded significant weight.

- 6.4 The NPPF states that (p158) that LPA should approve applications if its impact are (or can be made) acceptable.

In addition, CS policy SS1 requires that in consideration of development proposals Herefordshire Council will take a positive approach that reflects the presumption in favour of sustainable development contained within national policy. It will always work proactively to find solutions, which mean that proposals can be approved wherever possible, and to secure development that improves the social, economic and environmental conditions in Herefordshire.

- 6.5.1 The site itself was subject to a change of use application for use of land to a mixed equestrian/agricultural use, determined and approved in March 2014. Therefore the use of the site to one of equestrian has been established, given this fact, the application submitted is not for the consideration of ongoing equestrian use but for further facilities to facilitate the existing equestrian operations. The proposal is primarily considered under Policies SD1 and LD1 of the CS.
- 6.5.2 Policy SD1 of the CS states that proposals should be designed to maintain local distinctiveness through materials, respecting scale, height, and proportions and massing of surrounding development. The proposal should also safeguard the amenity of existing and proposed residents in terms of overlooking, overshadowing, and overbearing.
- 6.5.3 The new stables (photo ref 1)) are relatively small in scale and are subservient when viewed in the context of the overall site. The design has taken into account existing buildings and incorporates materials already utilised on site. There are no residential properties within the immediate vicinity and therefore, given that the proposal is additional facilities to the existing use of the site no impact in respect noise is anticipated.

Given the above, it is considered that the proposal accords with policy SD1 of the CS.

- 6.5.4 The principle use of the site for the training of racehorses has been established and the proposed turn out pens (photo ref 2) are considered to be of a reasonable scale to support the requirements of the business. The materials utilised and other features are considered sympathetic with the site as a whole.
- 6.5.5 In this regard, the proposals are considered to satisfy policies SD1 and LD1 of the CS.
- 6.6.1 It is noted that the majority of public objections concern perceived increase in traffic to and from the facility and the unsuitability of the roads in the immediate vicinity to support increased traffic.
- 6.6.2 The Team Leader Area Engineer (Highways) following a number of submissions from the applicant offered no objection to the proposals subject to the submitted Traffic Management Plan - (December 2021), being a condition of any planning permission granted.
- 6.6.3 It is also of note that the NPPF p109 – Highways Safety state “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.”
- 6.6.4 Given highways officers considered opinion, it is considered that, subject to conditions, the proposal satisfies CS policy MT1.

- 6.7 In respect of CS policies SD3 and SD4, the Principal Natural Environment Officer (Ecology) has no objection subject to suitable conditions as recommended. It is also noted that the surface water generated from the proposal is disposed via soakaways.

Given the above, it is the considered opinion that the proposal satisfies CS policies SD3 and SD4.

- 6.8 In consideration of CS policy RA6, it is noted that planning applications promoting diversification of rural economy will be permitted where they:

- Ensure that the development is of a scale which would be commensurate with its location and setting
- Do not generate traffic movements that cannot safely be accommodated within the local road network.
- Do not cause unacceptable adverse impacts to amenity of nearby residents in respect of noise, dust, lighting and smell.

Given the commentary above and the consultation responses, it is the considered opinion that the proposal complies with CS policy RA6.

Other matters

- 6.9 It is noted that a discharge of condition remains outstanding from a previous planning permission granted for the site. The outstanding condition (4) relates to ref 180497 and required details of foul and surface water drainage from a new office building and other ancillary buildings. This matter is being actively pursued by the enforcement team and does not prevent the determination of this application. In respect of the current proposal it is noted that surface water generated from the proposal is disposed via soakaways.

- 6.10 Concerns in respect of possible water consumption on site have been raised with the view that additional loose boxes on site would result in additional horses. The site owner has confirmed that the additional facilities are not as a result of additional horse on site and that no additional horses are anticipated.

The volume of water consumption from a borehole is monitored and licenced by the Environment Agency. 20,000 litres per day of ground water can be extracted for domestic or commercial usage without any permission or abstraction licence. Amounts above 20000ltrs per day would require a permit from the Environment Agency.

7. Conclusion

- 7.1 The concerns raised by local residents are fully noted however having regard to the site history and responses received from consultees, together with the addition of the traffic management plan, the proposal is considered to accord with the development plan when read as a whole and therefore the application is recommended for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions and any other further conditions considered necessary by officers named in the scheme of delegation to officers:

- 1. The development shall be operated in accordance with the Traffic Management Plan received 14/12/2021**

Reason: In order to ensure that the development is carried out without adversely affecting the safe and efficient flow of traffic and that traffic impacts are managed and shared spaces encouraged to mitigate any adverse impacts from the development. Thereby conforming with the requirements of Policies SD1 and MT1 of Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

2. **Within 3 months of the date of this permission evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation of a minimum of ONE bat roosting box; ONE bird nesting boxes and ONE pollinating insect habitat homes/ONE hedgehog home built in to, or attached to the stable block, or on buildings or trees under the applicant’s control should be supplied to and acknowledged by the local authority; and shall be maintained hereafter as approved unless otherwise agreed in writing by the Local Planning Authority.**

Reason: To ensure that all species are protected and habitats enhanced having regard to the Wildlife and Countryside Act 1981 (as amended), the Conservation (Natural Habitats, &c) Regulations 1994 (as amended) and Policy LD2 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework, NERC 2006. Dark Skies Guidance Defra/NPPF 2013.

3. **Condition-Eco 09: Protected Species, Dark Skies and Intrinsically dark landscapes (external lighting)**
 - a) **At no time shall any external lighting except in relation to safe use of the approved stable block be installed or operated in association with the approved development; and no permanently illuminated external lighting shall be operated at any time, without the written approval of this local planning authority.**
 - b) **No external lighting should illuminate any biodiversity enhancement, boundary feature, or adjacent habitats**
 - c) **All lighting installed shall demonstrate compliance with latest best practice guidance relating to lighting and protected species-wildlife available from the Institution of Lighting Professionals and Bat Conservation Trust.**

Reason: To ensure that all species and Dark Skies are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework (2019), NERC Act (2006), Herefordshire Local Plan - Core Strategy policies SS6, LD1, LD2 and LD3 and the Dark Skies initiative (DEFRA-NPPF 2013/19).

INFORMATIVES:

1. **The Local Planning Authority has acted positively and proactively in demining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

2. Wildlife Protection Informative

The applicant has a legal obligation/duty of care regarding wildlife protection under the Wildlife and Countryside Act that applies throughout any site clearance or construction process. If at any time protected species are found or suspected on site a suitably experienced ecologist should be consulted. Any breach of this legal Duty of Care would be a criminal offence.

3. If the applicant wishes to amend their plans at any time to include foul water management, full details of how foul water will be managed are required: If connected to mains sewer system then confirmation by Welsh Water or other relevant statutory undertaker that this is practicable and acceptable must be provided. If connection to an existing private treatment system is proposed then professional confirmation this system is viable and with sufficient capacity and headroom should be provided. If a new septic tank or package treatment plant is proposed then full details and confirmation that the system will discharge to a soakaway drainage field is requested – NO direct outfall to any local watercourse, stream, ditch or culvert will be acceptable.

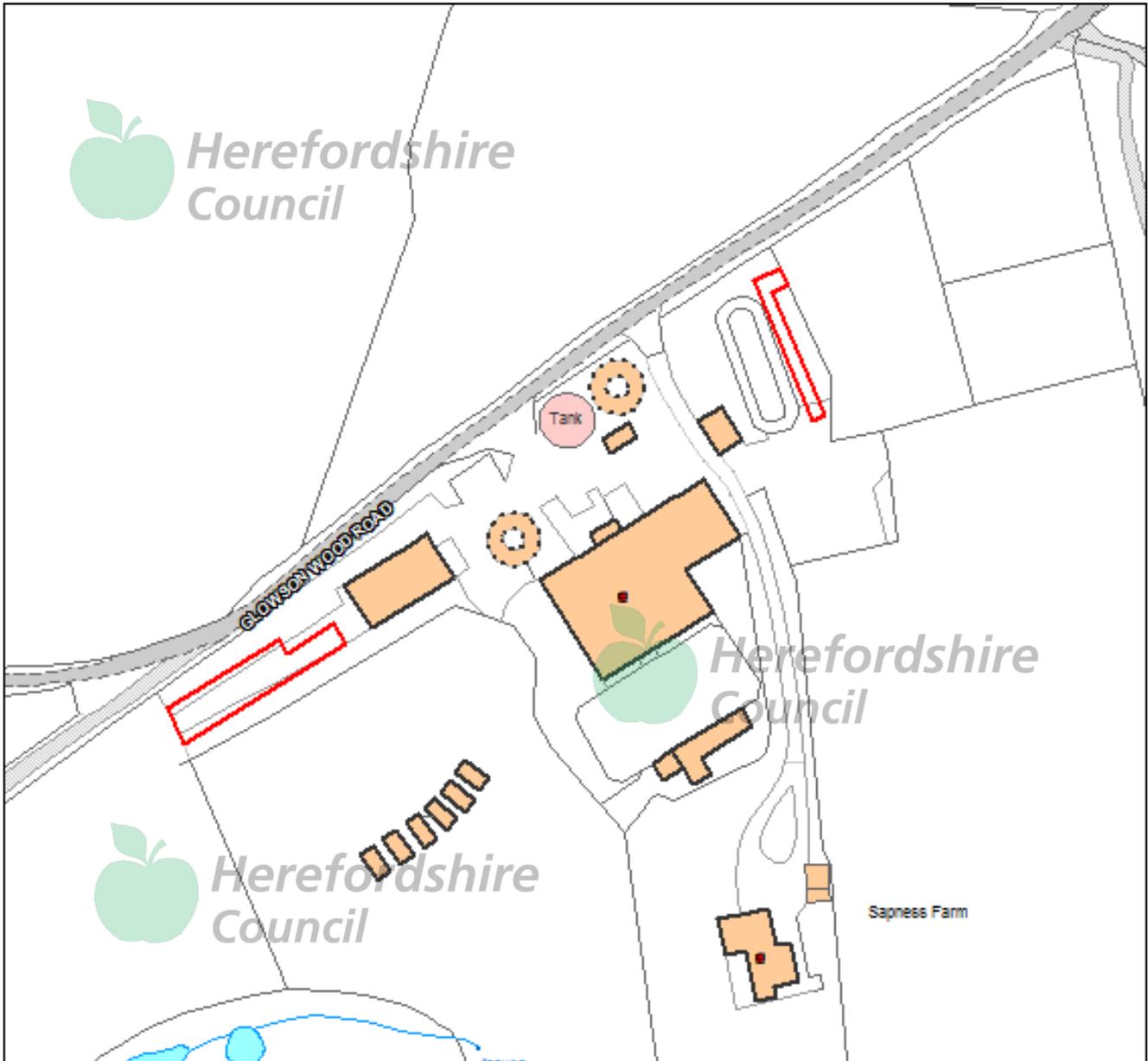
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 202258

SITE ADDRESS : SAPNESS FARM, WOOLHOPE, HEREFORD, HEREFORDSHIRE, HR1 4RJ

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