

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	26 OCTOBER 2022
TITLE OF REPORT:	214251 - PROPOSED 35X18M MANEGE AND ASSOCIATED GROUNDWORKS AT JUNIPER COTTAGE, PIPE ASTON, LUDLOW, SY8 2HG For: Ms. Toye per Mr Marc Worrall, Woodcote, Tanwood Close, Callow Hill Village, B97 5YU
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=214251&search-term=214251
Reason Application submitted to Committee - Re-direction	

Date Received: 18 November 2021 Ward: Mortimer Grid Ref: 346912,272776

Expiry Date: 13 January 2022
Local Members: Cllr Carole Gandy

1. Site Description and Proposal

- 1.1 The application site relates to a plot of land to the south-west of Juniper Cottage, in an open countryside location approximately 1.3km north-east of the hamlet of Pipe Aston. The site is designated as a Local Wildlife Site.
- 1.2 The application seeks planning permission for the construction of a manege for private use and associated groundworks. The application is made in part retrospectively with the majority of groundworks being completed. The proposed manege will measure 35 metres by 18 metres, with timber post and rail fencing around the edge.

2. Policies

2.1 The Herefordshire Local Plan – Core Strategy (CS)

SS1	–	Presumption in favour of sustainable development
SS6	–	Environmental quality and local distinctiveness
RA6	–	Rural economy
MT1	–	Traffic management, highway safety and promoting active travel
LD1	–	Landscape and townscape
LD2	–	Biodiversity and geodiversity
LD3	–	Green Infrastructure
SD1	–	Sustainable design and energy efficiency
SD3	–	Sustainable water management and water resources
SD4	–	Waste water treatment and river water quality

The Herefordshire Local Plan 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

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 made 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.

2.2 Wigmore Group Neighbourhood Development Plan (NDP) made 12th September 2019

WG1 – Conserving and enhancing the natural environment and local landscape character
WG2 – Dark skies

The Wigmore Group Neighbourhood Development Plan 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/downloads/file/18334/neighbourhood_development_plan_june_2019.pdf

2.3 National Planning Policy Framework (NPPF)

The revised NPPF sets out the UK government's planning policies and how these are expected to be applied. Officers view the following sections are applicable to this application:

Chapter 2 – Achieving sustainable development
Chapter 11 – Making effective use of land
Chapter 12 – Achieving well-designed places
Chapter 15 – Conserving and enhancing the natural environment

The NPPF, together with all relevant documents and revision, are viewable at the following link:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

2.4 Planning Practice Guidance (PPG)

PPG categories have been revised and updated to make it accessible and should be read in conjunction with the NPPF. PPG can be accessed at the following link:

<https://www.gov.uk/government/collections/planning-practice-guidance>

3. **Planning History**

3.1 P204119/F – Proposed 40 x 20m manege with retaining walls formed using stone – Withdrawn

3.2 P200369/F – Proposed ground works to build a base and then the erection of 3 stables – Approved with conditions

4. **Consultation Summary**

Statutory Consultations

4.1 None

Internal Council Consultations

4.2 Area Engineer

There are no highways objections to the proposed manege.

4.3 Landscape

Original comments

The ménage and associated works impact on the landscape character, contrary to Local Plan LD1. Achieving required finished levels on a sloping topography has an adverse impact on the physical landscape. Providing infrastructure (i.e. retaining systems) to make the levels work, and white railing will have adverse visual impacts.

The Preliminary Ecological Appraisal & Biodiversity Enhancement Management Plan, dated July 2021, has recommended mitigation and enhancement (4.2 Habitat Creation, and 4.3 Enhancement), such as wildflowers, trees and enhancement of what appears to be a historical hedgerow (Refer to figure 1). However, these have not been reflected on a landscape plan, and suggest that the recommendations may have not be implemented, and not in support of Local Plan, LD2 and LD3.



Figure 1 Historic map, circa 1904-1943

Comments following additional information

I am satisfied that the amended information has addressed my previous concerns. Levels are such, that retaining systems are not required; the fencing will be a natural finish (not white); and a more substantial landscape approach is proposed to assist in visual mitigation, and green infrastructure. I have no objection.

In terms of compliance to ensure that the recommendations of the PEA & BEMP (paragraphs 4.1, 4.2, 4.3 and diagram on p24) are adhered to and implemented, in this instance I will refer this to the planning officer to determine if a condition is required.

4.4 Ecology

It is noted that this is now principally a retrospective planning application as all/majority of construction works have now been completed.

Having spoken with Worcestershire Wildlife Consultancy in September 2021 and with previous local knowledge of the locality and utilising available biodiversity records I am satisfied that the supplied ecological report dated September 2021 is valid and relevant and represents the development site as it was prior to any works being commenced.

As is the case with many of the non-statutory nature conservation sites designated as 'Local Wildlife Sites' in the county the local authorities (pre-unitary authority) had little actual involvement and no significant powers in respect of the designation process. No legal charge on the land was made at the time of designation and in majority of sites the landowner was never even contacted during the designation process (circa 1985-1990), many sites were not even subject to a basic ecological survey prior to designation; and thus the owner at the time and subsequent owners were (and often still are) unaware they own a LWS. This has led to many sites being 'naturally' degraded by lack of specific ecological management or the designated area included into 'garden' areas or residential land holdings. A review of the county's LWS is currently being progressed to ensure only surveyed and relevant sites are 're-designated' as LWS and the owners fully involved in the process.

The supplied ecology report confirms that this residential and development site is one of those areas that perhaps should not have been included in the designation process, or in the subsequent 30+ years has become more formally managed and utilised as part of the residential dwelling on the site. Undertaking works prior to a planning permission can never be condoned or supported but each 'breach' must be considered on its own specific considerations.

To try and restore the site to its previously 'managed' state would in all reasonable consideration cause more ecological harm than benefit in both short term and long-term. A detailed scheme to generate what would be at worst an ecological/habitat neutrality and in all likelihood secure a long-term biodiversity net gain has been proposed. Drawing ref 7665-33 dated 30-03-2022 provides a specification for proposed reinstatement and creation of ecological and habitat features. Secured by condition on any planning permission granted these works and their appropriate management can be secured for implementation. A monitoring requirement is relevant and appropriate in this specific case to ensure the proposed compensation and enhancement is delivered, managed and maintained to reach maturity in the long-term.

To ensure no lighting is installed or used in the future that could impact local nocturnal species including bats, owls and dormice in adjacent hedgerows and woodland that benefit from the local intrinsically dark landscape a relevant condition is requested on any planning permission granted.

Subject to relevant conditions being secured there is no overall ecology objection to this development

Nature Conservation – Biodiversity and Habitat Compensation and Enhancement

Unless otherwise agreed in writing by the planning authority by 28th February 2023 a report by a licensed ecologist confirming as a minimum that all habitat and biodiversity enhancements as detailed on Drawing ref 7665-33 dated 30-03-2022 have been fully implemented and all works completed shall be supplied to the local authority.

The completed scheme shall be hereafter monitored every three years for the next 30 years; with an ecology report to demonstrate all features have been managed and maintained accompanied by a record of species present, shall be supplied to the local planning authority and the Herefordshire Biological Records Centre. The first monitoring report should be supplied by 1st April 2026.

Reason: To ensure that all protected species are considered and habitats enhanced having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy (2015) policies SS1, SS6 LD1, LD2 and LD3.

Protected Species and Lighting (Dark Skies)

At no time shall any external lighting features, such as floodlights, luminaires or fixings be installed or operated in association with the approved development without the written approval of this local planning authority.

Reason: To ensure that all species and local intrinsically dark landscape are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3.

4.5 Minerals and Waste

Thank you for consulting me on the above application. I can confirm that the application site is within an area safeguarded for minerals due to a hard rock deposits which runs underneath and through the site. However, given the nature of the development proposed and the existing permitted reserves within the County, I would raise no objection to the proposal in connection with the saved policy M5 of the Herefordshire Unitary Development Plan.

5. Representations

5.1 Wigmore Group Parish Council

Original comments

Objection to application P214251/F. Juniper Cottage. Proposed 35x18m manege and associated groundworks.

Wigmore Group Parish Council (WGPC) wishes to lodge an initial OBJECTION to planning application P214251/F.

There appears to be insufficient/missing information in this application in relation to any aspects requiring retrospective planning and responses to it. This includes inter alia responses to objections raised by Herefordshire Council's expert Ecologist and Landscape Officer to application P204119/F (withdrawn).

WGPC asks if it may submit a fuller objection once the Ecologist's and Landscape Officer's responses to this application are available.

15th February 2022 PC Comments

Further to its meeting last night, Wigmore Group Parish Council wishes to reiterate its objection submitted on 11 January and request the site be restored and enhanced in line with the Worcestershire Wildlife Consultancy's Preliminary Ecological Appraisal & Biodiversity Enhancement Management Plan.

14th April 2022 PC Comments

Wigmore Group Parish Council reserves the right to amend comments or comment further once the Herefordshire Council's Ecology Report is available on the website. Clarification is sought on whether the Landscape Officer's objection is sustained.

5th August 2022 Pc Comments following additional information and publication of internal consultations

Wigmore Group Parish Council wishes to sustain its objection to application P214251/F. It is opposed to a manege being permitted on this sensitive site and asks that the application be refused. The Parish Council agrees with the points highlighted by Herefordshire Wildlife Trust in its objection, that as the 'preliminary ecological appraisal and biodiversity enhancement plan' appears to have been done only after major illegal works had been undertaken, it does not provide a baseline assessment of the wildlife importance of this site - rather only what was left after damaging works had been undertaken. Also, that the ecological importance of the ephemeral pond, downslope from the proposed manege, and its discharge stream being part of the river Teme catchment, appears to have been downplayed in relation to potential pollution from surface run-off from the proposed manege. The Parish Council notes that the Wildlife Trust concludes that the application may be in conflict with Herefordshire Council Core Strategy Policy LD2 (Biodiversity and Geodiversity).

Whether the manege application is granted or refused, the Parish Council expects that ecological restoration and enhancement work must be required so as to mitigate, as far as practicable, ecological and landscape damage done through illegal works. The Parish Council supports the condition recommended by the County Ecologist, namely that as a minimum all habitat and biodiversity enhancements as detailed on Drawing ref 7665-33 dated 30 March 2022 are fully implemented; that a report by a licensed ecologist confirming this is supplied to the local authority; and that a monitoring regime is put in place to assess the success or otherwise of the ecological restoration of the site.

Councillors commented that penalties should be imposed for contravening planning regulations. The Parish Council is disappointed that a retrospective application can be submitted and that damage to this important landscape, caused after an application had been withdrawn, can take place without permission and without its being prevented. The Parish Council wishes to record its disapproval of this practice.

5.2 Hereford Wildlife Trust

Objection. The site for the above proposal is a Local Wildlife Site (LWS) and we refer you back to the comments from the Council Ecologist in the original planning application (dated 16th December 2020, P204119/F, since withdrawn),

'No loss of any LWS habitat would be acceptable as this indicates the potential presence of an 'irreplaceable habitat' when considered under NPPF (174[c]) and any loss or detrimental effect would be contrary to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'); NPPF; Core Strategy policies SS1, SS6, LD1-3; and NERC Act considerations.'

We understand that since the above application was withdrawn work has commenced on the site including the laying of a new track, removal of a hedge row and the terracing of the fields which previously sloped. We are concerned that this work has been carried out prior to the planning application approval and that the work already carried out along with the current proposal will result in a loss of the LWS habitat. We have not been able to verify the above but we understand that this has already been brought to the council's attention.

Preliminary Ecological Appraisal

We note that no ecological assessment accompanied the original application and whilst the current application does contain a document 'preliminary ecological appraisal and biodiversity enhancement management plan' we are concerned that this was completed after the work mentioned above was carried out. In particular we note the discrepancies between the ecological appraisal and the details provided by the Council Ecologist:

'The site is an ecologically interesting location with multiple 'Priority Habitats' such as ancient woodland, SSSI woodland, other woodland. There are records of Protected Species in the immediate locality including Wood White and Pearl-bordered Fritillary butterflies and known populations of multiple bat species. The wider connected woodland is also known to support Dormice populations. The pond on the site could support Great Crested Newts and the watercourse Crayfish.'

In contrast the ecological appraisal states that:

'Apart from the issues listed above, there appear to be no other obvious and immediate issues for this development with regard to any other protected species...'

If the work had already commenced prior to the ecological appraisal then the appraisal may not accurately represent the value of the land from a biodiversity perspective as some of this habitat may already have been lost.

Hedgerow removal

Whilst the site itself may be unsuitable for nesting dormice the surrounding woodlands have had records of dormice in the past and the connecting hedgerows are vital for the movement of this species across areas. Whilst we have been unable to verify whether the hedgerow on the site has been removed we would note that the removal of any hedgerow should be a last resort as it is a vital habitat for many species and provides a corridor for movement between larger habitats.

Pond

Whilst the pond on the site does not form part of the proposed site plans and we note that the ecological appraisal flagged that the pond lay dry during newt breeding season we note that the original application identified this as the site for surface water runoff. The current application makes no reference to surface water runoff and we can only assume, given the grounds topography that the stream and pond will be the receptors of the surface water. We note that the increased silt flowing into the pond from any runoff is likely to damage the habitat further and we would be concerned that the pond would ultimately be lost. Ephemeral ponds (which lie dry for part of the year) provide important habitats for a range of semi-aquatic species and given the number of ponds that have been lost over the last fifty to one hundred years it is important that these habitats are preserved where they do exist.

Allowing the development on an LWS could set a precedent for future planning applications which could negatively impact the LWS designations.

We believe that the above application may conflict with LD2 – Biodiversity and Geodiversity and would recommend that site visit is carried out to review the extent of the work already completed and the impact on the LWS.

5.3 Third Party comments in objection (as summarised by the case officer)

- Part retrospective application
- Groundworks to a Local Wildlife Site without permission
- Stated start date is inaccurate and therefore the ecological survey was not commissioned before starting groundworks

- Removal of vegetation (hedgerow/ treeline) during bird nesting season
- Proposed white post and rail fencing is uncharacteristic of surroundings
- Views that the site is not suitable for equestrian use
- Concerns regarding the likelihood of remedial works being carried out
- Previously Council's Landscape and Ecology departments objected to similar now withdrawn proposal

5.4 **Third Party comments in support (as summarised by the case officer)**

- Design of scheme simple and unobtrusive
- Re-design has eliminated the need for gabions
- Stone path has been seeded
- No loss of privacy as located away from any neighbouring dwellings

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=214251&search-term=214251

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 (CS). The National Planning Policy Framework (NPPF) is also a significant material consideration. It is also noted that the site falls within the Wigmore Group Neighbourhood Area, which published a made Neighbourhood Development Plan (NDP) on 12th September 2019.
- 6.3 Policies LD1 and SD1 of the Herefordshire Core Strategy seek to see proposals that will conserve and enhance the landscape, townscape; respond positively to local distinctiveness and ensure proposals create safe, sustainable environments for all of the community. Safeguarding residential amenity for existing and proposed residents.
- 6.4 There is no Core Strategy policy that specifically deals with equestrian activities and use, therefore the main areas of consideration are residential amenity, highways, landscape and ecological impact.
- 6.5 The use of land has been used for grazing land of horses, the horses are already of the land and utilise the stables to the north-east of the site which are part of the same land ownership.
- 6.6 The proposal would allow an existing area of agricultural land to be used as a manege to measure 35 metres in length and 18 metres in width. It will compromise a retained manege fibre material and will have a treated softwood post and rail fencing approximately 1.2 metres above the surface. The arena will not be available for hire or public use and the level of use is considered to be limited and at an acceptable scale in light of this rural setting.

Residential amenity

- 6.7 There are no nearby residential neighbours to the south and west where the use is proposed, and the nearest neighbours to the north east are in excess of 200 metres. Privately exercising small numbers of horses should not cause significant noise or overlooking given the proposed siting of the manege. Furthermore, the proposed location of the manege would be largely screened from the roadside by existing vegetation.

Highways

- 6.8 Policy MT1 of the Core Strategy and NPPF policies require development proposals to give genuine choice as regards movement. NPPF paragraph 110 refers to the need to ensure developments generating significant amounts of movement should take account of whether safe and suitable access to the site can be achieved for all people and whether improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where 'the residual cumulative impacts of development are severe.' (NPPF para.111).
- 6.9 The proposal is to utilise the existing access, and is for domestic use only. Therefore there will be no additional traffic to the site than what currently exists. The Highways Engineer has no objections to the proposal, and this proposal complies with policy MT1.

Landscape and ecology impact

- 6.10 Paragraph 174 of the NPPF advises that planning decisions should contribute to and enhance the natural and local environment by, inter alia, protecting and enhancing sites of biodiversity or geological value and soils in a manner commensurate with their statutory status or identified quality in the local plan. Decisions should also recognise the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services, including the benefits of trees and woodland. Paragraph 185 states that decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on the natural environment, as well as the potential sensitivity of the site or wider area to impacts that could arise. Notably, decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 6.11 CS Policy LD2 is wholly consistent with the above NPPF requirements. Within the policies supporting texts at paragraph 5.3.13 it states development within close proximity to internationally, nationally and locally designated sites will need to incorporate sympathetic design components to enhance their nature conservation interests and to avoid or mitigate any adverse impacts. Policy LD3 relates to green infrastructure and requires developments to identify, protect and where possible enhance existing green infrastructure.
- 6.12 The proposed development is located within a locally designated area, a Local Wildlife Site (LWS) ref SWS_SO47/036 "Land adjacent to pitch coppice", and there are records of protected species in the immediate locality. The quality of the LWS and whether or not this site would be 're-designated' has been discussed within a number of representations and consultations, however nonetheless as it stands today the site is classed a LWS.
- 6.13 This application is made part retrospectively and whilst undertaking any works prior to a planning permission can never be condoned or supported, each breach must be considered on its own specific considerations.
- 6.14 To support the application, a Preliminary Ecological Appraisal and Biodiversity Enhancement Management Plan was commissioned and carried out by Worcestershire Wildlife Consultancy. This concludes that the proposed works are considered to have little impact on existing ecological integrity of the site. A Construction Environmental Method Statement was also submitted.

- 6.15 The validity of the above document has been questioned within numerous representations stating works started before the ecological appraisal was carried out. The proposal has been subject to scrutiny by the Council's Ecology Team who have spoken to the Worcestershire Wildlife Consultancy and this combined with available biodiversity records and previous local knowledge of the locality is considered sufficient for the report to be considered valid and relevant.
- 6.16 The application was also supported by a Drawing labelled Proposed landscaping, reinstated hedgerow and recommended ecological improvements, from this point on referred to as the landscape plan. The contents of which can be secured via condition.
- 6.17 The amended scheme (no retaining infrastructure; no gabion walls and no white painted railings instead a natural timber finish) and landscape plan addressed all concerns of the Councils Landscape Officer and as such they offered no objection.
- 6.18 The Council's Ecology Team also offered no objection subject to two conditions. These relate to prohibiting external lighting on the site; to ensure the local dark landscape continues to benefit local amenity and nature conservation and the implementation and monitoring of all habitat and biodiversity enhancements as detailed on the landscape plan listed in full below:

Unless otherwise agreed in writing by the planning authority by 28th February 2023 a report by a licensed ecologist confirming as a minimum that all habitat and biodiversity enhancements as detailed on Drawing ref 7665-33 dated 30-03-2022 have been fully implemented and all works completed shall be supplied to the local authority.

The completed scheme shall be hereafter monitored every three years for the next 30 years; with an ecology report to demonstrate all features have been managed and maintained accompanied by a record of species present, shall be supplied to the local planning authority and the Herefordshire Biological Records Centre. The first monitoring report should be supplied by 1st April 2026.

Reason: To ensure that all protected species are considered and habitats enhanced having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy (2015) policies SS1, SS6 LD1, LD2 and LD3.

- 6.19 Paragraph 55 of the National Planning Policy Framework makes clear that planning conditions should be kept to a minimum, and only used where they satisfy the following tests:
1. necessary;
 2. relevant to planning;
 3. relevant to the development to be permitted;
 4. enforceable;
 5. precise; and
 6. reasonable in all other respects.
- 6.20 Whilst the first half of this condition is considered to meet these tests, it is not considered reasonable or enforceable to monitor the scheme every three years for the next thirty years. Instead it is suggested that a landscape maintenance plan is conditioned for a period of ten years to allow the proposed planting within the landscape plan to become mature.

Drainage

- 6.21 The site is not located in an area that is at risk from flooding; and the agent has confirmed surface water arising from the manège is to be managed by use of a soakaway. Given the limited use proposed, would not result in any tangible increase in discharges or additional risks to water quality in the wider River catchment.

Conclusion

- 6.22 Drawing together the above, the proposal is considered to accord with the development plan when read as a whole, which is not outweighed by any other material considerations. The nature of the development is appropriate to the rural location on the understanding that it would be solely for private use in connection with Juniper Cottage. The proposal has no technical objections. Importantly, the forgoing appraisal demonstrates that with the proposed compensation and enhancements there would be a long term biodiversity net gain on the site. Subject to conditions, it is considered that there would be no significant impacts on landscape character, residential amenity, ecology, and drainage or highway safety. The application therefore accords with the principal determining criteria of the relevant development plan policies and approval is recommended, subject to conditions to reinforce the critical aspects.

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:

That planning permission be granted subject to the following conditions:

1. **The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**

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

2. **The development shall be carried out strictly in accordance with the approved plans (drawing numbers 7665-30A, 7665-31A, 7665-32A and 7665-33), except where otherwise stipulated by conditions attached to this permission.**

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

3. **All planting, seeding or turf laying in the approved landscaping scheme (drawing number 7665-33) shall be carried out in the first planting season following the occupation of the building or the completion of the development, whichever is the sooner.**

Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the approved plans.

Reason: To ensure implementation of the landscape scheme approved by local planning authority in order to conform with policy WG1 of Wigmore Group Neighbourhood Development Plan, policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework

4. **Before the development is first brought into use a schedule of landscape management and maintenance for a period of 10 years shall be submitted to and approved in writing by the local planning authority. Maintenance shall be carried out in accordance with the approved schedule.**

Reason: To ensure the successful establishment of the approved scheme, local planning authority and in order to conform with policy WG1 of Wigmore Group Neighbourhood Development Plan, policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework.

5. **Unless otherwise agreed in writing by the planning authority by 28th February 2023 a report by a licensed ecologist confirming as a minimum that all habitat and biodiversity enhancements as detailed on Drawing ref 7665-33 dated 30-03-2022 have been fully implemented and all works completed shall be supplied to the local authority.**

Reason: To ensure that all protected species are considered and habitats enhanced having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife and Countryside Act 1981, National Planning Policy Framework, NERC Act (2006) , Wigmore Group Neighbourhood Development Plan policy WG1 and Herefordshire Local Plan - Core Strategy (2015) policies SS1, SS6 LD1, LD2 and LD3.

6. **At no time shall any external lighting features, such as floodlights, luminaires or fixings be installed or operated in association with the approved development without the written approval of this local planning authority.**

Reason: To ensure that all species and local intrinsically dark landscape are protected having regard to The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), Wildlife & Countryside Act (1981 amended); National Planning Policy Framework, NERC Act (2006), Wigmore Group Neighbourhood Development Plan policy WG2 and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD1-3.

7. **The manege shall be used to exercise the applicants own horses and shall not be used for any commercial riding, breeding, training or other equestrian enterprise.**

Reason: In order to safeguard the character and amenity of the area and to comply with Policy SD1 and MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

8. **All additional surface water created through the approved development shall discharge to appropriate soakaway-infiltration features on land under the applicant's control unless otherwise agreed in writing by the Local Planning Authority.**

Reason: In order to comply with The Conservation of Habitats and Species Regulations 2017, as amended by the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019' (the 'Habitats Regulations'), National Planning Policy Framework, NERC Act (2006) and Herefordshire Local Plan - Core Strategy policies SS1, SS6, LD2 and SD3.

INFORMATIVES:

- 1. **The Local Planning Authority has acted positively and proactively in determining 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.**

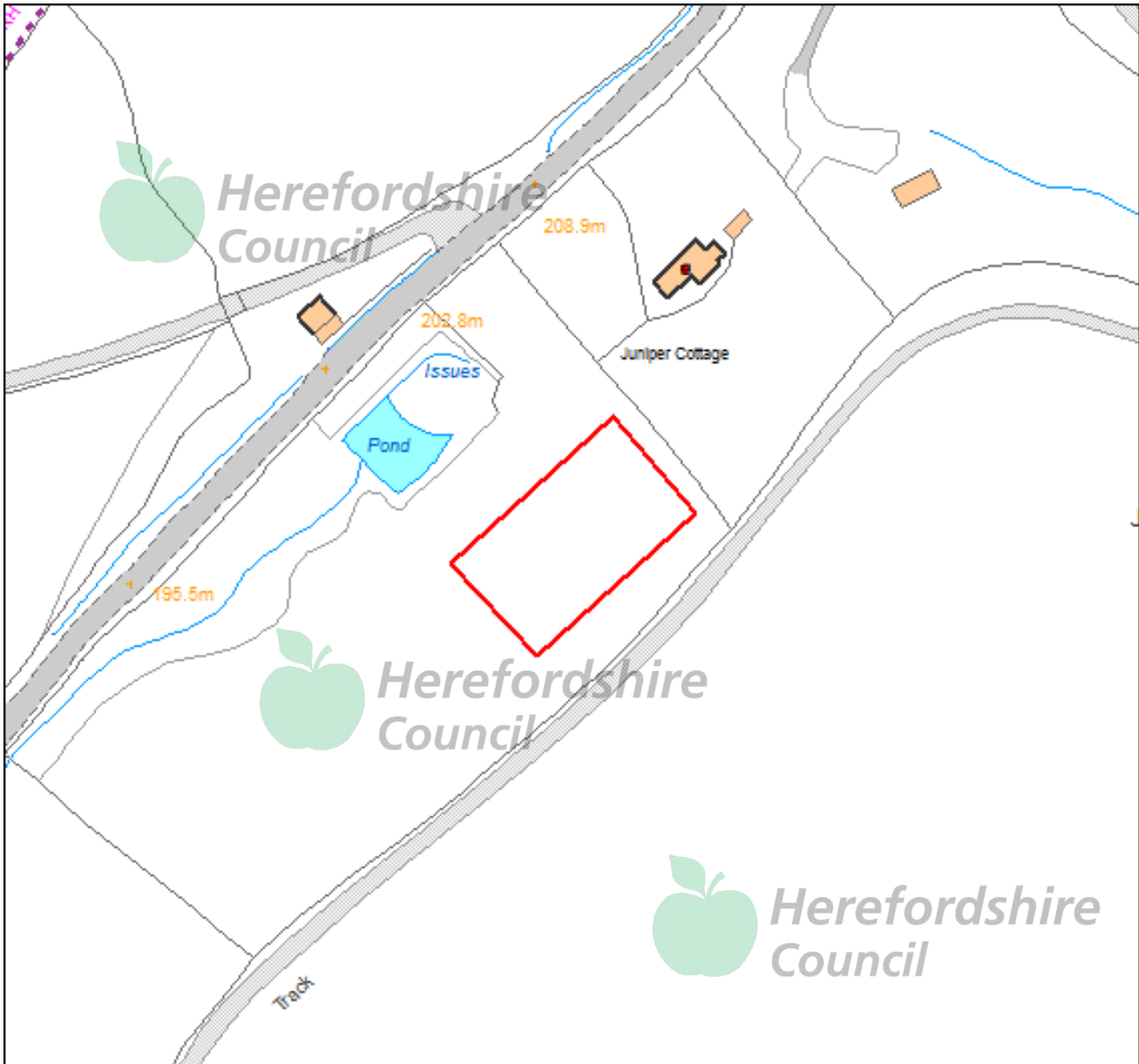
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 214251

SITE ADDRESS : JUNIPER COTTAGE, PIPE ASTON, LUDLOW, HEREFORDSHIRE, SY8 2HG

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Further information on the subject of this report is available from Miss Amber Morris on 01432 260855