

<b>MEETING:</b>	<b>PLANNING AND REGULATORY COMMITTEE</b>
<b>DATE:</b>	<b>18 January 2023</b>
<b>TITLE OF REPORT:</b>	<b>204230 - PROPOSED ALTERATIONS AND DEVELOPMENT OF EXISTING EQUINE FACILITIES TO FORM A NEW INDOOR ARENA, STABLING AND AN ESSENTIAL WORKER'S DWELLING AT PRIORY FARM, STOKE PRIOR, LEOMINSTER, HR6 0ND</b>  <b>For: Mr &amp; Mrs Pearson per Mr Garry Thomas, Ring House Farm, Fownhope, Hereford, Herefordshire HR1 4PJ</b>
<b>WEBSITE LINK:</b>	<a href="https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=204230">https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=204230</a>
<b>Reason Application submitted to Committee – Re-direction.</b>	

**Date Received: 2 December 2020**

**Ward: Hampton**

**Grid Ref: 352268,256775**

**Expiry Date: 23 April 2021**

Local Members: Cllr J Harrington

#### **UPDATE**

This application was considered by the Planning and Regulatory Committee on 9 February 2022. The committee resolved to approve the application, subject to a satisfactory drainage strategy and the imposition of conditions.

A Foul Drainage Strategy was submitted in February 2022, outlining that the proposal would deal with foul water generated by the development through a connection to an existing private system which comprises a septic tank that discharges to a drainage field. The system is gravity-fed and therefore, does not require the assistance of pumps to operate effectively.

Noting that the proposed caravan would be removed, which is understood to connect to the existing system, the septic tank is confirmed to have sufficient capacity for the provision of the one-bed dwelling proposed. Noting that BBLP do not object to the details of the proposed foul drainage strategy, the Planning Ecology Team have reviewed the additional information with respect to determining the potential impact on river water quality, specifically the SAC designated site. They are now in a position to confirm that the existing arrangement and ground discharge is compliant with the current neutrality criteria and therefore, subject to safeguarding conditions securing the foul water drainage arrangements, no adverse impact on the SAC is identified.

Notwithstanding the above, the proposed development would support an intensification of the equine holding and the number of horses on the site which would, in turn result in an increase amount of horse manure.

The supplied Foul Drainage Strategy makes reference to the site occupying 100 horses. No evidence of this has been supplied and officers would strongly contest this claim when having regard to the scale of the holding and the land owned/rented by the application. As set out within the report below

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Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504

at Paragraph 6.11, it has been estimated that the enterprise has capacity for 24 horses, although it is noted that the Planning Ecology Team use a more conservative estimate of the capacity of the site. Regardless, the extent of the holding does not have sufficient capacity to accommodate 28 horses to be housed permanently on the site.

As explained by the updated Planning Ecology comments, there is no certainty that the additional horses would be coming to the site from within the hydrological catchment of the River Lugg as to be able to demonstrate that the generated manure is already accounted for within the catchment and therefore, nutrient neutral catchment wide.

With the above in mind, officers have not been able to screen the application through the Habitat Regulations positively and therefore, the application is returned to the Committee for consideration given that the previous resolution cannot be fulfilled.

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

- 1.1 The application site relates to a parcel of land comprising an equestrian yard to the north of the village of Stoke Prior and is associated with Priory Farm, which lies 350 metres to the south and within the village. The site, together with land and buildings at Priory Farm itself, is used in connection with the operation of the Priory Farm Equine Centre; a rural enterprise which offers livery and a range of training and tuition to a broad range of clientele requirements. There are 8.47ha of owned land with a further 4.05ha rented, the latter situated to the immediate northeast of the yard.
- 1.2 The yard comprises a large steel portal framed building which is used as stabling facility. It is set within an extensive area of hardstanding which serves as an equine yard and clamp yard. There is a static caravan stationed on the site although this does not benefit from a residential use and is instead use for office, storage and support for the general operation of the yard. The applicant confirms that this is connected to an existing private foul drainage system. There are a number of other transient lock-up type containers positioned on the site.
- 1.3 The yard is situated upon a shelf which overlooks the village of Stoke Prior. It is bound by post fencing and is generally well screened by hedgerow and deciduous tree species. The land to the south is characteristic of equine pasture, laid to grass and slopes notably towards Priory Farm. Within this land holding, a stoned access road provides access to the yard through Priory Farm and is taken from the C1112.
- 1.4 This application is made in full and seeks planning permission for the re-development and enhancement of the existing yard. The proposal includes erecting a portal framed lean-to building to the front (northern elevation) of the existing stable building, the provision of an indoor riding arena measuring 24 metres by 12 metres, sitting under a pitched roof with a ridge height of 6.3 metres. A stable is also proposed to the western side of the site, occupying the area currently laid to hardstanding and used as a clamp yard.
- 1.5 The second element of the proposal includes the erection of a seminar room, together with a one bedroom equine workers dwelling which would attach to the eastern elevation of the existing stable building. It would be a single-storey building essentially providing 'studio' accommodation which along with the neighbouring seminar room, would provide w/c and shower facilities.

## **2. Policies**

### **2.1 Herefordshire Local Plan – Core Strategy**

The following policies are considered to be relevant to the application; -

SS1 - Presumption in favour of sustainable development

- SS2 - Delivering new homes
- SS3 - Releasing land for residential development
- SS4 - Movement and transportation
- SS6 - Environmental quality and local distinctiveness
- RA1 - Rural housing strategy
- RA2 - Housing in settlements outside Hereford and the market towns
- RA3 - Herefordshire's countryside
- RA4 - Agricultural, forestry and rural enterprise dwellings
- RA6 - Rural economy
- MT1 - Traffic management, highway safety and promoting active travel
- LD1 - Landscape and townscape
- LD2 - Biodiversity and geodiversity
- LD3 - Green infrastructure
- LD4 - Historic environment and heritage assets
- SD1 - Sustainable design and energy efficiency
- SD3 - Sustainable water management and water resources
- SD4 - Wastewater treatment and river water quality

## 2.2 National Planning Policy Framework (NPPF)

1. Introduction
2. Achieving sustainable development
4. Decision-making
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
9. Promoting sustainable transport
12. Achieving well-designed places
15. Conserving and enhancing the natural environment
16. Conserving and enhancing the historic environment

## 2.3 Humber, Ford and Stoke Prior Neighbourhood Development Plan (HFSPNDP)

The plan was 'adopted' on 18 August 2016 and therefore, it now forms part of the development plan. The following policies are considered to be relevant to the application; -

- HFSP1 - Promoting a sustainable and thriving community
- HFSP2 - Development strategy
- HFSP3 - Meeting housing needs
- HFSP4 - New homes in Stoke Prior
- HFSP8 - Design criteria for housing and sites
- HFSP11 - Highways and transport infrastructure
- HFSP12 - Developing and supporting local business
- HFSP16 - The natural environment
- HFSP17 - Protecting local heritage

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. In this case, the relevant policies have been reviewed and are considered entirely consistent with the NPPF and therefore can be attributed significant weight.

### **3. Planning History**

- 3.1 183431/F - Proposed change of use of land for the siting of a mobile home (for an equestrian worker) (Retrospective) and the erection of two new stable buildings. Appeal – Split Decision (the erection of two new stable buildings allowed; mobile home dismissed).

### **4. Consultation Summary**

#### Statutory Consultations

#### **4.1 Welsh Water – no objection**

As the applicant intends utilising a septic tank facility, we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal. However, should circumstances change and a connection to the public sewerage system/public sewerage treatment works is preferred we must be re-consulted on this application.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

#### **4.2 Forestry Commission England – standing advice**

#### **4.3 Natural England**

Internationally and nationally designated sites

The application site is within the catchment of the River Lugg which is part of the River Wye Special Area of Conservation (SAC) which is a European designated site (also commonly referred to a Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2017, as amended (the 'Habitats Regulations'). The SAC is notified at a national level as the River Lugg Site of Scientific Interest (SSSI).

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have<sup>1</sup>. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

#### European Site – River Wye SAC

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal, in accordance with Regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process, and a competent authority should have regard to Natural England's advice.

Your appropriate assessment concludes that the proposal will result in adverse effects on the integrity of the sites in question. Natural England agrees with the assessment conclusions.

Following the recent Coöperatie Mobilisation judgement (AKA the Dutch Case) (Joined Cases C-293/17 and C-294/17 ), proposals that would increase phosphate levels in the River Lugg part of the River Lugg SAC are deemed to be having an adverse effect on integrity.

Regulation 63 states that a competent authority may agree to a plan or project only after having ascertained that it will not adversely affect the integrity of the European site, subject to the exceptional tests set out in Regulation 64 of the Conservation of Habitats and Species Regulations 2017 (as amended). As the conclusion of your Habitats Regulations Assessment states that it cannot be ascertained that the proposal will not adversely affect the integrity of the European site, your authority cannot permit the proposal unless it passes the tests of Regulation 64; that is that there are no alternatives and the proposal must be carried out for imperative reasons of overriding public interest.

Your authority may now wish to consider the exceptional tests set out within Regulation 64. Specific guidance about these tests can be found at: <https://www.gov.uk/government/publications/habitatsand-wild-birds-directives-guidance-on-the-application-of-article-6-4>

#### Internal Council Consultations

#### 4.4 **Transportation Manager**

##### **10 February 2021 – further information required**

It is noted that the proposal is to provide a redevelopment of the site to include a new indoor arena, stabling and a dwelling associated to the workforce of the site. In highways terms the movements associated to the proposals are a key consideration and movement numbers have not been supplied. This is an important factor in developments such as this so the cumulative impact on the highway network can be appropriately assessed in accordance with the NPPF.

In terms of the workers facilities it is beneficial if cycle parking is provided for both the dwelling and for staff and visitors making journeys to the facility, to ensure this is provided condition CB2 is recommended in the event that permission is granted.

The Design and access statement makes mention of an alternative access for larger vehicles. Clarification on the need for this is required to ensure that that additional access point is either considered as part of this application or set out as not required.

Following provision of traffic movement forecasts against current levels as a result of the site redevelopment and clarification on the alternative access, the LHA will finalise a comment on this application.

All applicants are reminded that attaining planning consent does not constitute permission to work in the highway. Any applicant wishing to carry out works in the highway should see the various guidance on Herefordshire Council's website.

##### **22 April 2021 – no objection**

The provided information is considered appropriate to address the previous highways query and the data is considered acceptable to indicate the proposed usage of the facility. There are no highways objections to the proposal.

Condition CB2 should be applied to deliver the required secure cycle parking to allow active travel trips to and from the facility for users as required.

#### 4.5 **Conservation Manager (Ecology)**

##### **30 May 2022 – Objection**

The application site lies within the catchment of the Wellington Brook a main tributary of the River Lugg SAC and lies within the hydrological catchment of the River Lugg SAC, which comprises part of the River Wye Special Area of Conservation (SAC); a habitat recognised under the Habitats Regulations, (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')) as being of international importance for its aquatic flora and fauna.

At present the levels of phosphates in the River Lugg exceed the water quality objectives and it is therefore in unfavourable condition. Where a European designated site is considered to be 'failing' its conservation objectives there is limited scope for the approval of development which may have additional damaging effects. The competent authority (in this case the Local Planning Authority) is required to consider all potential effects (either alone or in combination with other development) of the proposal upon the European site through the Habitat Regulations Assessment process.

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The HRA process must be based on a demonstration of legal and scientific and be undertaken with a 'precautionary' approach.

Notes and comments in respect of HRA appropriate assessment

Intensification of use

The applicant provides in their supporting statements that the existing 16 stables were fully occupied – so the existing baseline maximum occupation is 16 'permanent' horses.

The supplied foul drainage strategy by Garry Thomas ref FG004 dated February 2022 makes reference to 100 horses currently occupying the site although no actual data to support this has been supplied and the current stable accommodation and land area can support significantly less than this stated 100.

The stated area of land available to the equestrian use is a total of 12.2 Hectares (owned or agricultural tenancy agreement) the British Horse Society guidance is 0.4-0.6 Ha of land per horse. This would accommodate the 16 horses and potentially a small increase (subject to Nutrient Neutrality being achieved) but not the 100 horses referred to in the drainage strategy as the current baseline to try and demonstrate a reduction in horses on site as part of Nutrient Neutrality.

HRA must be based on certainty and the current certainty is provided by the available stabling capacity – 16 'permanent' horses.

The current application proposes an increase in stabling to allow a maximum total of 28 horses to be 'permanently' held on the site. This is an intensification/increase of 12 'permanent' (regular overnight accommodation) horses over existing levels and a proportionate increase in manure created across the holding/enterprise will be created. This additional manure has a phosphate content that will have pathways into the River Lugg SAC hydrological catchment.

There is no certainty that the additional 12 horses will come from existing facilities in the Lugg Catchment where their manure created could be demonstrated to be neutral catchment wide. There is no certainty that can be legally secured or monitored through planning that even if the additional 12 horses moved within catchment that additional horses would not be brought into the catchment to fill the 12 vacant stable units created elsewhere in catchment.

It is unlikely that the shipping of additional manure created out of catchment as is currently stated can be demonstrated for the lifetime of the development with required certainty, monitoring and enforcement; and certainty that the moved manure will not have effects on designated nature conservation sites at the receptor site/locality has not been demonstrated. (eg River Teme SSSI is currently failing its conservation status and water quality assessments due to excess nutrient levels)

No scientifically and legally certain evidence of Nutrient Neutrality has been demonstrated for the proposed development and associated expansion of existing equine activity at the site, or its use over the lifetime of the development.

Until such time as nutrient neutrality for the additional/intensification of 'permanent' can be demonstrated with certainty for the lifetime of the proposed development there is an identified Adverse Effect on the Integrity of the River Lugg SAC due to nutrient pathways.

The council's – now superseded by Natural England's, Phosphate Calculator, has only been designed and modelled to calculate P loading based on additional domestic foul water flows created by new residential developments and not for use to demonstrate farming nutrient neutrality.

At this time due to legal and scientific uncertainty and phosphate neutrality not secured there is an identified Adverse Effect on the Integrity of the River Lugg (Wye) Special Area of Conservation (a European Site, 'National Network Site' or 'Higher Status' nature conservation site). There is an Ecology OBJECTION raised as the application does not demonstrate compliance with Core Strategy SD4 and SD3 (SS1, SS6 and LD2 also apply); 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; and NERC Act obligations.

Foul Water (from additional residential accommodation proposed)

It is noted that the current stated intention is to drain additional domestic/residential foul water from the proposed development into an existing Septic Tank that discharges (as required) to a soakaway drainage field on the applicant's land.

Other than existing surface water flows that are misdirected to this septic tank there is no indication of any other foul water flows that may be connected to it.

The supplied additional drainage information by H+H Drainage confirms the capacity of the existing tank and that the outfall is currently compliant with nutrient neutrality criteria.

Once the issues around nutrient neutrality from increased equestrian usage have been demonstrated the final HRA appropriate assessment can be completed.

To ensure the residential/domestic foul water and stated foul water scheme are secured relevant conditions are suggested:

Habitat Regulations (River Lugg (Wye) SAC) – Foul Water Water

Unless otherwise approved in writing by the planning authority, only foul water created by the residential dwelling permitted under this permission shall discharge through connection to the existing private foul water systems (Septic Tank) discharging to a soakaway drainage field on land under the applicant's ownership. ;

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, SD4.

## Habitat Regulations (River Lugg (Wye) SAC) – Surface Water

Unless otherwise approved in writing by the planning authority, all surface water created by the existing impermeable surfaces on the site and all new surface water flows created by the equine development and operations permitted under this permission, shall discharge through connections to a Sustainable Drainage System located on land under the applicant's ownership, as detailed in the surface water report by H+H Drainage dated 1st February 2022. ;

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, SD4.

## General Ecology Comments

The previous general ecology comments made 25/05/2021 still appear relevant and appropriate and remain valid.

## 25 May 2021 - Objection

The application site lies within the catchment of the River Lugg SAC (Lugg- Lower Lugg), which comprises part of the River Wye Special Area of Conservation (SAC); a habitat recognised under 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') as being of international importance for its aquatic flora and fauna.

At present the levels of phosphates in the River Lugg exceed the water quality objectives and it is therefore in unfavourable condition. Where a European designated site is considered to be 'failing' its conservation objectives there is limited scope for the approval of development which may have additional damaging effects. The competent authority (in this case the Local Planning Authority) is required to consider all potential effects (either alone or in combination with other development) of the proposal upon the European site through the Habitat Regulations Assessment process.

Permission can only be granted if there is scientific certainty that no unmitigated phosphate pathways exist and that the HRA process can confirm 'no adverse effect on the integrity of the River Lugg (Wye) SAC'. Natural England; the statutory nature conservation body, advise that recent case law requires effective mitigation to be demonstrated on a case by case basis whilst the River Lugg Nutrient Management Plan is reviewed to ensure greater certainty that this can provide large scale mitigation development in the area.

The proposal here is for ONE new permanent dwelling with associated creation of additional foul water flows. The application also includes development to support the intensification of horse stabling and horse numbers held on the site.

The following notes refer:

- A connection to an existing septic tank is proposed in the supplied D&A – but no further details have been supplied in support of the application.
- The LPA does not have any detail or supporting evidence to provide the legal and scientific certainty required by the HRA process.
- The applicant has not supplied a professional drainage report to confirm the existing system has capacity with relevant BS6297 percolation and ground water testing – and associated

detailed plan of foul water proposal and location of testing sites in relation to soakaway drainage field.

- The drainage report should also clearly demonstrate the proposed system is fully compliant with the '6 criteria' in respect of drainage systems in the Lugg SAC as detailed in the council's guidance on their website:  
[https://www.herefordshire.gov.uk/downloads/download/2039/development\\_in\\_the\\_river\\_lugg\\_catchment](https://www.herefordshire.gov.uk/downloads/download/2039/development_in_the_river_lugg_catchment)
- The proposed development would appear to support a significant intensification of the equine holding and number of horses potentially present on site. This intensification would generate additional manure which is a source of nutrients, including phosphates that could enter the Lugg SAC hydrological catchment.
- A fully detailed manure management plan should be supplied – including details of how the manure will be stored and managed such that there is no additional leaching or run-off into the Lugg catchment at any time.
- A detailed, legally securable scheme for disposal of the manure such that it is clearly demonstrated there are no pathways for any additional phosphates to enter the River Lugg SAC hydrological catchment under any circumstances (nutrient/phosphate neutrality).

Once the additional information on foul water management and how additional manure will be managed such as to demonstrate complete nutrient neutrality within the Lugg SAC catchment the LPA can look to progress the required HRA process. The required 'full' appropriate assessment will require a formal 'no objection' consultation response from Natural England PRIOR to any grant of planning consent.

The LPA as the competent authority is at this time and based on supplied information only able to conclude that there would be an adverse effect of the integrity of the River Lugg (Wye) SAC.

Therefore at this point in time on the basis of the information provided I find that the proposed development would harm - have an adverse effect on the integrity – of a designated 'higher status' nature conservation site and would therefore conflict with policy SD4 of the Core Strategy which seeks to ensure that development does not undermine the achievement of water quality targets for rivers within the county and policy LD2 which states that development should conserve, restore and enhance biodiversity and geodiversity.

At this time there is an Ecology OBJECTION raised as the application does not demonstrate compliance with Core Strategy SD4 (SS1, SS6 and LD2 also apply); 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; Wildlife & Countryside Act (1981 amended) and NERC Act considerations.

Further ecology comments subject to satisfactory outcome of required HRA.

The proposed works and changes to the access are not identified as likely to have any significant ecological effects and the LPA has no reason to consider that there are likely to be any effects on 'protected species from the proposed development. The applicant and their contractors in respect of both the building works and changes to the existing farm access have their own legal duty of care to wildlife protection as afforded by the Wildlife & Countryside Act that lies above any conditions the LPA could include; with any breach being investigated by the local Wildlife Crime Officer from West Mercia police. A relevant informative is suggested for inclusion on any planning consent granted.

#### Wildlife Protection Informative

The Authority would advise the applicant (and their contractors) that they have a legal Duty of Care as regards wildlife protection. The majority of UK wildlife is subject to some level of legal

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Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504

protection through the Wildlife & Countryside Act (1981 as amended), with enhanced protection for special “protected species” such as all Bat species, Great Crested Newts, Badgers and other wildlife that are present and widespread across the County. All nesting birds are legally protected from disturbance at any time of the year. Care should be taken to plan work and at all times of the year undertake the necessary precautionary checks and develop relevant working methods prior to work commencing. If in any doubt it is advised that further advice from a local professional ecology consultant is obtained.

As identified in supporting information and as identified in the NPPF, council's core strategy polices and ethos of the soon to be enacted Environment Bill all development should clearly demonstrate how it will deliver a secured, net gain in local biodiversity potential. A detailed plan showing locations and detailing the specification of all biodiversity net gain features including but not limited to enhancing Bird nesting and Insect populations should be secured through condition.

CNS based on Std condition CKR (modified to Brexit) is relevant  
To obtain Biodiversity Net Gain

Prior to first use of any part of the development works approved under this planning decision notice, evidence of the suitably placed installation within the site boundary or on other land under the applicant's control of 'permanent' Bat roosting, bird nesting, hedgehog home and pollinating insect breeding enhancements and full specifications, maintenance and management arrangements of all proposed planting and soft landscaping, 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. All tree and shrub planting associated with the development must only consist of locally characteristic, native species and demonstrate climate change and pest-pathogen resilience.

Reason: To ensure Biodiversity Net Gain as well as species and habitats enhancement having regard to 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 policies LD1, LD2 and LD3.

#### 4.6 **Conservation Manager (Landscapes)**

##### **No objection subject to conditions**

This is a desk based response. The site falls within the landscape character type timbered plateau farmlands. The area of woodland to the west is known as Croft Gate Coppice, an ancient and semi-natural woodland. This, together with a smaller woodland block to the south, is also a deciduous woodland priority habitat. A public right of way runs from the south west to the north east of the site. The landform rises noticeably from the village, including part of the main Priory Farm, up to the proposed site and continues to rise slightly to the north east.

Landscape character – Comparing the existing and proposed site plan, the area of hard standing will not be increased. The amount of built form will increase, but this is balanced with the removal of 'cluttered' small scale elements that are not of rural character. The fencing required to define paddocks will alter the character of the field. The new indoor arena building is considered to be large scale and will certainly extend the built form into open countryside. The location, however, benefits from the existing access and infrastructure and will not be isolated. The increase in built form should be offset by other landscape character enhancements, such as the tree and hedgerow planting that is briefly mentioned in the Design and Access Statement (DAS). It is a shame that the existing site plan does not show any of the existing hedgerows or trees or confirm that they will be retained. The Council's aerial photograph from 2015 shows a small woodland block to the northwest corner of the site, however the proposals plan show this area as a paddock. Overall, with suitable retention and management of existing trees and hedgerows, together with

mitigation planting, it is not considered that this increase of built form or introduction of paddocks is extensive enough to adversely affect the overall landscape character.

Visual impact – The surrounding woodland and sloping topography means that the site is fairly well screened from public viewpoints, other than the nearest public footpath. It is not clear how the public footpath will be accommodated across the proposed paddocks, for example whether gates or styles would be required within any fencing. It is agreed that the proposed buildings are of a suitable agricultural appearance and therefore will not have a significant negative visual impact, however consideration of planting to the west of the large arena may help to soften views of it.

Mitigation / conditions – Section 8 of the DAS confirms that adjacent trees and hedgerows will not be lost and that new trees will be planted. It is a shame that none of these details have been included in the plans or given any further details. The proposals should be linked to the biodiversity enhancement scheme. The whole landholding should be considered, such as reinforcing the orchard or woodland character along the south end of the access track, as well as new native hedgerows with oak tree planting as recommended for the landscape character type. If the application is to be approved then conditions are requested to address this (CK3, CK4 and CK5), such as:

- Protection for trees and hedgerows during construction, in accordance with BS5837:2012.
- A soft landscape scheme, showing the location of all planting on plan and a written specification of details.
- A hard landscape scheme, detailing all proposed hard surfaces, boundary treatments, gates and other infrastructure including lighting (which should be minimal to respect local dark skies).
- Implementation to be carried out in the first planting season.
- A maintenance plan for 10 years to ensure establishment and overall objectives are met.

Conclusion – I agree with the inspector's decision about the site in September 2019 (appeal ref: APP/W1850/W/19/3226137) that the proposed stables courtyard, with the now suitably designed accommodation building, would not have an unacceptable effect on the character and appearance of the area. I find that the new indoor arena does considerably extend built form in the immediate area, but with mitigation planting this would be seen as an extension of the existing infrastructure. These comments are provided with reference to Core Strategy Policies LD1 on landscape character and LD3 on green infrastructure.

#### 4.7 **Building Conservation Manager**

##### **No objection**

I made a visit to this site to consider the application for a new equestrian, arena stables and workers dwelling.

The site is remote from the village and the nearest listed building and is well screened by tree planting so there will be no adverse impact on any heritage assets and therefore no reason for me to object to the proposed development on heritage grounds.

#### 4.8 **Public Right of Way Manager**

##### **No objection**

Providing public footpaths SP1 and SP2 are not affected/obstructed, PROW will not object to the application.

#### 4.9 Land Drainage Engineer

##### **28 February - No objection subject to conditions**

The Applicant proposes the construction of a new indoor equine arena, improved stabling and a new single storey, 1-bedroomed workers dwelling to replace a caravan. The site covers an area of approx. 12.26ha and is currently an equine livery and training facility. An ordinary watercourse flows beneath part of the southern section of access road. The topography of the site slopes down from approx. 118.5m AOD to 115.5m AOD within the main part of the proposed site, and the surrounding land falls to the south, with a height of 77.2m AOD at the beginning of the sites access road.

##### Flood Risk

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the area of the site proposed for development is located within the low probability Flood Zone 1. The Planning Application has been supported with a Flood Risk Assessment.

The small watercourse crossing the access road at the south of the site has not been included in the EA Flood Map for Planning, which does not consider the potential risk associated with watercourses with small catchments. The FRA has made use of the Surface Water Flood Map as a proxy to identify the potential risk posed by this small watercourse. The risk is currently associated with the small watercourse passing through an existing culvert beneath the access road. When the capacity of this culvert is exceeded, water could back up and spill over the access road. In the 1 in 100 year surface water scenario, the access road could flood to depths of 300mm – 900mm, which could affect access and egress to the site. The effect of larger flood events on access and egress should be considered.

It may be necessary to consult Herefordshire Emergency Planners where safe access cannot be achieved or where the development may place an additional burden on the emergency services. The FRA promotes a maintenance approach to mitigate flood risk to the access road through regular checks of the culvert to ensure the free flow of water under the access road and for blockages to be removed when identified, however it is recognised that this will not remove the risk of flooding in this location.

The development itself is to be carried out on land that sits within FZ1, and significantly upslope (30m+) of the area of flooding, therefore there is no need for enhanced flood mitigation measures, such as raising finished floor levels.

##### Surface Water Flood Risk

Review of the EA's Risk of Flooding from Surface Water map indicates that the site of the proposed development is not at risk of surface water flooding, however, see previous section for details of surface water risk identified to the access road.

##### Other Considerations and Sources of Flood Risk

The FRA prepared to support the planning application has included an assessment of risk associated with all sources of flooding, in accordance with the NPPF. The risk of flooding to the identified development is low.

Review of the EA's Groundwater map indicates that the site is not located within a designated Source Protection Zone or Principal Aquifer.

### Surface Water Drainage

We understand that the surface water currently enters the foul drainage system, which has a discharge to ground. Proposals for the new development incorporate separate SuDS techniques. No infiltration testing has been undertaken at the site, despite previous requests. The hierarchy of discharge states that a discharge to ground must be sought in the first instance. As a drainage field is used to discharge foul water to ground, the ground conditions are likely to be viable for discharge of surface water to ground. On-site testing undertaken in accordance with BRE365 should be undertaken to determine whether the use of infiltration techniques is a viable option.

The current surface water proposals comprise an attenuation system with a discharge to an existing ditch which leads to a local watercourse, the location of which is unclear. The total impermeable area is 1332m<sup>2</sup>. The attenuation has been sized for a 1 in 100yr + 40% CC event. Assuming no infiltration, the required storage volume is 57.71m<sup>3</sup>. Wrapped attenuation crates are proposed with an inspection chamber located immediately upstream. It is stated that this attenuation method allows infiltration to ground when possible. A controlled discharge will be limited to 5l/s, however the greenfield runoff rate has not been calculated. A drainage layout plan should be submitted to clarify these arrangements. The Applicant must own the land where the proposed ditch outfall is proposed.

It should be noted that soakaways should be located a minimum of 5m from building foundations, that the base of soakaways and unlined storage/conveyance features should be a minimum of 1m above groundwater levels and must have a half drain time of no greater than 24 hours.

If soakage is not viable for the use of infiltration techniques, only then can the current proposals to discharge to a ditch/watercourse, be accommodated as part of the surface water drainage strategy.

The hardstanding equine areas are proposed to drain separately to the roof water, to a catch pit. This is proposed to be emptied regularly. We assume the water from these areas will enter the attenuation system. We are unsure whether these areas have been included in the impermeable area used to size the attenuation features. This should be clarified.

### Foul Water Drainage

The existing foul drainage arrangements include a septic tank which discharges to a drainage field. We note that the surface water from the existing development also drains to this system. The septic tank holds 26,000 litres, which equates to a 5.5m x 2.5m horizontal circular tank. The drainage field is laid as a 17m long linear single perforated drain and has been confirmed to be in good working order. The system is a gravity-fed and the septic tank is located to the southwest of the building and hardstanding. We understand that the septic tank and drainage field have a consent from the Environment Agency.

We understand that foul water only from the proposed 1 bed residential development will connect into the existing foul water system. The proposals involve the removal of an existing caravan, which we assume connects into the foul drainage system anyway. The drainage report has confirmed that the septic tank has the capacity to accommodate any additional capacity from the proposed single 1 bed dwelling. An overestimated potential population of 5 (should be 3 persons for a 1 bed) has been used to estimate the flows and loads. Building Regulations state a capacity of at least 2,700 litres with 15 litres per additional person is required. We estimate that a minimum capacity of 3,450 litres is required despite the document stating 2,850 litres is required- this is incorrect as it only allows for 1 additional person. However, the capacity of the existing septic tank is more than sufficient.

It was noted that no dip pipes are currently fitted in the septic tank and these are required.

Overall Comment; -

In principle we do not object to the proposals, however we recommend that the following information is provided within suitably worded planning conditions:

- Results of infiltration testing undertaken in accordance with BRE365 and confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels in accordance with Standing Advice;
- Provision of a revised detailed drainage strategy (if required) that demonstrates that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features.

## **16 February 2021 - No objection subject to conditions**

### Flood Risk

Review of the Environment Agency's Flood Map for Planning (Figure 1) indicates that the site is located within the low probability Flood Zone 1.

In accordance with Environment Agency standing advice, the planning application should be supported by a Flood Risk Assessment (FRA) undertaken in accordance with National Planning Policy Framework (NPPF) and its supporting Planning Practice Guidance.

The FRA should clarify the extent and depth of fluvial flood risk within the site boundary and consider the potential effects of climate change. The FRA should also identify how flood risk to the proposed development has been minimised, how the development has been made safe, and how the impacts of the development on people and property elsewhere have been avoided. The Applicant should also give consideration to any minor watercourses that could pose flood risk to the development as well as anecdotal evidence.

The provided FRA has considered all sources of flood risk and has demonstrated that the risk of flooding to the proposed site is low. There has been some risk of flooding to the access road identified.

The small watercourse crossing the access road at the south of the site has not been included in the EA Flood Map for Planning, which does not consider the potential risk associated with watercourses with small catchments. The FRA has made use of the Surface Water Flood Map as a proxy to identify the potential risk posed by this small watercourse. The risk is currently associated with the small watercourse passing through an existing culvert beneath the access road. When the capacity of this culvert is exceeded water could back up and spill over the access road. In the 1 in 100 year surface water scenario, the access road could flood to depths of 300mm – 900mm. Will affect access and egress to the site. The effect of larger flood events on access and egress should be considered. It may be necessary to consult Herefordshire Emergency Planners where safe access cannot be achieved or where the development may place an additional burden on the emergency services.

The FRA promotes a maintenance approach to mitigate flood risk to the access road through regular checks of the culvert to ensure the free flow of water under the access road and for blockages to be removed when identified, however it is recognised that this will not remove the risk of flooding in this location.

This guidance is in accordance with requirements of the NPPF and Policy SD3 of the Core Strategy. Guidance on the required scope of the FRA is available on the GOV-UK website at <https://www.gov.uk/planning-applications-assessing-flood-risk>.

### Surface water flood risk

Review of the EA's Risk of Flooding from Surface Water map indicates that the site of the proposed development is not at risk of surface water flooding, however see previous section for details of surface water risk identified to the access road.

### Other considerations and sources of flood risk

The FRA prepared to support the planning application has included an assessment of risk associated with all sources of flooding, in accordance with the NPPF. The risk of flooding to the identified development is low.

Local residents may have identified other local sources of flood risk within the vicinity of the site, commonly associated with culvert blockages, sewer blockages or unmapped drainage ditches.

If topography within the area of the proposed development is steeply sloping, we would require the Applicant to demonstrate consideration of the management of overland flow and any necessary protection to the proposed dwellings and surface water drainage systems.

Review of the EA's Groundwater map indicates that the site is not located within a designated Source Protection Zone or Principal Aquifer.

### Surface water drainage

The Applicant should provide a surface water drainage strategy showing how surface water from the proposed development will be managed. The strategy must demonstrate that there is no increased risk of flooding to the site or downstream of the site as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change. Note that in February 2016 the EA updated their advice on the potential effects of climate change and that a range of allowances should be considered to understand the implications: <https://www.gov.uk/guidance/flood-risk-assessments-climate-change-allowances>.

All new drainage systems for new and redeveloped sites must, as far as practicable, meet the Non-Statutory Technical Standards for Sustainable Drainage Systems and will require approval from the Lead Local Flood Authority (Herefordshire Council).

In accordance with the NPPF, Non-Statutory Technical Standards for Sustainable Drainage Systems and Policy SD3 of the Core Strategy, the drainage strategy should incorporate the use of Sustainable Drainage (SUDS) where possible. The approach promotes the use of infiltration features in the first instance. If drainage cannot be achieved solely through infiltration due to site conditions or contamination risks, the preferred options are (in order of preference): (i) a controlled discharge to a local watercourse, or (ii) a controlled discharge into the public sewer network (depending on availability and capacity). The rate and volume of discharge should strive to provide betterment be restricted to the pre-development Greenfield values as far as practicable. For brownfield developments, a betterment of at least 20% is considered appropriate. Reference should be made to The SUDS Manual (CIRIA C753, 2015) for guidance on calculating runoff rates and volumes.

The Cranfield University Soils Map identifies the soils within the proposed development area to be 'freely draining, slightly acid loamy soil' thus the use of infiltration techniques may be a viable option for managing surface water. On-site testing undertaken in accordance with BRE365 should be undertaken to determine whether the use of infiltration techniques are a viable

option. Where site conditions and groundwater levels permit, the use of combined attenuation and infiltration features are promoted to provide treatment and reduce runoff during smaller rainfall events.

It should be noted that soakaways should be located a minimum of 5m from building foundations, that the base of soakaways and unlined storage/conveyance features should be a minimum of 1m above groundwater levels and must have a half drain time of no greater than 24 hours.

For any proposed outfall to an adjacent watercourse, the Applicant must consider the risk of water backing up and/or not being able to discharge during periods of high river levels in the receiving watercourses. Discharge of surface water to an ordinary watercourse may require Ordinary Watercourse Consent from Herefordshire Council prior to construction.

The drainage system should be designed to ensure no flooding from the drainage system (which can include on-the-ground conveyance features) in all events up to the 1 in 30 year event.

The Applicant must confirm the proposed adoption and maintenance arrangements for the surface water drainage system. The Drainage Layout plan should reflect the ownership of the respective drainage components.

### Foul water drainage

The applicant proposes the removal of an existing caravan and for the new workers accommodation and seminar room toilets to be connected to the existing septic tank. The expected flows to the new septic tank will need to be calculated using British Flows and Loads and confirmation that the septic tank has the capacity to manage those flows will need to be provided.

As there is not a foul public sewer in this area, the Applicant will be required to complete a Foul Drainage Assessment (FDA) form and submit this as part of any forthcoming planning application. The FDA form can be found on the GOV.UK website at this link: <https://www.gov.uk/government/publications/foul-drainage-assessment-form-fda1>

The Applicant should demonstrate that proposals are compliant with the general Binding Rules and are in accordance with the Building Regulations Part H Drainage and Waste Disposal.

The Applicant should undertake percolation tests in accordance with BS6297 to determine whether infiltration techniques are a viable option for managing treated effluent (see Section 1.32 of Building Regulations Part H Drainage and Waste Disposal).

If infiltration testing results prove soakage is viable, the following must be adhered to for Package Treatment Plants:

- The drainage field should be located a minimum of 10m from any watercourse, 15m from any building, 50m from an abstraction point of any groundwater supply and not in any Zone 1 groundwater protection zone. The drainage field should be sufficiently far from any other drainage field, to ensure that overall soakage capacity of the ground is not exceeded.
- Drainage fields should be constructed using perforated pipe, laid in trenches of uniform gradient which should not be steeper than 1:200. The distribution pipes should have a minimum 2m separation.
- Drainage fields should be set out in a continuous loop, i.e. the spreaders should be connected. If this feature is missed, it will gradually clog with debris and the field will become increasingly ineffective.

- If infiltration testing results prove soakage is not viable, outfall to a watercourse or ditch with a non-seasonal constant flow may be permitted following approval from an ecology representative in relation to phosphate levels.

In accordance with Policy SD4 of the Core Strategy, the Applicant should provide a foul water drainage strategy showing how it will be managed. Foul water drainage must be separated from the surface water drainage. The Applicant should provide evidence that contaminated water will not get into the surface water drainage system or any nearby surface watercourses/features.

### Overall comment

In principle we do not object to the proposals, however we recommend that the following information is provided within suitably worded planning conditions:

- Provision of a detailed drainage strategy that demonstrates that opportunities for the use of SUDS features have been maximised, where possible, including use of infiltration techniques and on-ground conveyance and storage features;
- A detailed surface water drainage strategy with supporting calculations that demonstrates there will be no surface water flooding up to the 1 in 30 year event, and no increased risk of flooding as a result of development between the 1 in 1 year event and up to the 1 in 100 year event and allowing for the potential effects of climate change;
- Evidence that the Applicant is providing sufficient on-site attenuation storage to ensure that site-generated surface water runoff is controlled and limited to agreed discharge rates for all storm events up to and including the 1 in 100 year rainfall event, with an appropriate increase in rainfall intensity to allow for the effects of future climate change;
- Results of infiltration testing undertaken in accordance with BRE365 and confirmation of groundwater levels to demonstrate that the invert level of any soakaways or unlined attenuation features can be located a minimum of 1m above groundwater levels in accordance with standing advice.
- A detailed foul water drainage strategy showing how foul water from the development will be disposed of.

## **5. Representations**

### **5.1 Humber, Ford and Stoke Prior Parish Council**

Strongly support the application. Council noted that the proposals would improve the appearance of the site beyond its current state and that the buildings would be finished in typical agricultural style but with good quality materials. In particular past concerns regarding mobile home would be resolved as the mobile home would be removed as part of these proposals.

Concerns about flooding are paramount in Stoke Prior. The flood risk assessment submitted as part of the application contains a number of recommendations which Council expects will be made conditions should Herefordshire decide to grant consent.

Council sought re-assurance that the traffic load and timing would not be significantly increased by these proposals. The applicant was able to confirm that the scale of equine operations would be much lower than in the recent past so deliveries of hay, fodder etc. would not increase much beyond current levels and would be lower than in former operations. Council is also aware that the nearby school has a daily, rather intense, traffic pattern which it would be ideal if deliveries to the site could avoid these school pick-up/drop off times.

In previous applications Council had strongly supported the growth of this important rural business and, given the improvements in this application, would again strongly support the application. Such development is encouraged under Policy HFSP12 in the Neighbourhood Development Plan.

5.2 To date, a total of 22 letters of support have been received. The comments can be summarised as follows; -

- Important to support local enterprise and new jobs
- Improving equine safety by 24 hour surveillance
- Appearance of the yard would be improved
- Demand for new stables
- Would not impact upon the residents of Stoke Prior
- Need for extra housing for younger people
- Lack of facilities and one is needed which is equidistant from Ledbury, Ludlow and Hereford

5.3 In addition, 1 letter of objection has been received. The comment can be summarised as follows; -

- Proposal would be intrusive within the surrounding landscape
- Not in accordance with policies as stated within the refusal of previous application and appeal
- Impact on the local highway network
- Application if approved would be used to justify a new, larger dwelling at a later date

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=204230](https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=204230)

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**

### **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 and the adopted Humber, Ford and Stoke Prior Neighbourhood Development Plan (HFSPNDP). The National Planning Policy Framework (NPPF) is also a significant material consideration.

6.3 Excluding a very small amount of the application site (the access via Priory Farm off the C1112), the application site lies outside of the settlement boundary for Stoke Prior as prescribed by policy HFSP4 of the HFSPNDP. Indeed, the area for where development is proposed, including the new equine workers dwelling, is situated approximately 320m north of the main, built-up part of the village. Therefore, in planning terms, the site is considered to be open-countryside whereby new,

market housing is not supported in accordance with the requirements of Core Strategy policy RA2 and policies HFSP2 and HFSP4 of the HFSPNDP.

- 6.4 Of particular relevance is Paragraph 80 of the NPPF which states that planning decisions should avoid the development of isolated homes in the countryside unless one or more of the listed circumstances apply, as set out within the Council's Core Strategy at policy RA3. In order for the Local Planning Authority (LPA) to assess whether or not there is an 'essential need', evidence must be provided to demonstrate a need in order to qualify for a rural worker's dwelling. This echoes the tenets of Policy RA3 which lists exceptions to new residential development in an open-countryside, including dwellings for rural workers, where they would support an established rural enterprise and would accord with Policy RA4.
- 6.5 The rural enterprise in question relates to the Priory Farm Equine Centre which is understandably very different in nature and character to more common rural workers dwellings that are predicated on an often larger, agricultural enterprise. As such, the enterprise here is somewhat unique and therefore, comparisons cannot easily be made with other similar rural enterprises.
- 6.6 However, it is understood that the enterprise is well-established and following the retirement of the applicant, the day-to-day responsibility of the running of the business falls to the groom manager, who presently lives in rented accommodation elsewhere within the village of Stoke Prior.
- 6.7 The enterprise operates as one, using facilities at Priory Farm and at the yard. According to the submitted details, the business currently has provision for the stabling of 16 horses. The proposal looks to increase the provision of stabling at the yard by up to 12 horses that would come forward instead of the stabling for 8 horses as approved following the Inspector's decision in respect of P183431/F. On this basis, there would be provision for 21 horses at the yard along with the provision that stands in and around Priory Farm itself.
- 6.8 It is accepted that the applicant is now retired from the business and therefore is no longer actively involved in the day-to-day operation of the business and, that they reside at Priory Farmhouse, away from the yard where an increase in stabling provision is proposed. The position of the applicant which are corroborated by the received letters of support is that an on-site dwelling is required in order to attend to sick and injured horses, foaling and other emergencies as exemplified in some of the received comments.
- 6.9 Great regard is given the Inspector's decision for 183431/F where the provision of a temporary dwelling for the groom manager was dismissed. It was concluded that given the groom manager would be on site during the day, checks on animals prior to departure in the evening would be sufficient to limited medical issues. The Inspector was also unconvinced that systems could not be put in place to monitor the site out of hours, allowing the responsible worker to respond in an expedient manner during the night.
- 6.10 The nature of the enterprise is somewhat changed from the time of previous consideration. In the first instance, reduced weight can be attributed to the reliance of supervision afforded through Priory Farmhouse since the applicant is now retired from the day-to-day operation of the enterprise. Additionally, the land holding has increased since the consideration and determination of the previous application and notwithstanding the increased stabling provision proposed for the yard, the enterprise will have increased capacity in respect of animal numbers.
- 6.11 To this end, agricultural advice previously provided to officer's set out that that 1.5 acres of land is required for the first horse and then an acre per horse thereafter, plus an acre or two enable reseeded and resting/rotation for good pasture management. On the basis that the holding has increased by 13 acres since the previous application was considered (from 17 – 30 acres), the enterprise benefits from capacity for around 8 additional horses (in line with the increased stabling

provision allowed at the previous appeal). Therefore, it can roughly be estimated that the enterprise has capacity for 24 horses.

- 6.12 Noting this rather limited expansion in the enterprise, officers remain unconvinced that the essential need of the business cannot continue be met by the groom manager who lives in accommodation, albeit temporary but within Stoke Prior itself meaning they are always within 5 minutes of the site. Furthermore, the aid of security/monitoring systems have not been properly discounted or proven to be insufficient by the applicant.
- 6.13 Notwithstanding the above however, policy RA4 of the Core Strategy requires consideration be given to any other accommodation that could meet any identified essential need to be close to the operating business. It is acknowledged that the applicant is retired and that case law concludes it unreasonable to expect the applicants to move out of their matrimonial home to give way for the required rural worker. However, Priory Farmhouse is subdivided (NC2005/0839/F refers). At the time of considering the previous application, the unit of accommodation was subject to a short-term occupancy agreement and the Inspector corroborated the view of the Council insofar that it could not be easily discounted as being unsuitable to meet the essential need. Since the decision of the Inspector and the submission of this application, the applicant confirms that their son has moved into the dwelling as to live separately to them. On the basis that the Inspector found that a presence at Priory Farm to be suitable to meet the needs of the enterprise and aware of the applicant's obvious dissatisfaction of the current housing arrangements of the groom manager (static caravan within village), it must be questioned as to why consideration was not given to placing them here or if it was, what concluded it as not being suitable. Also of note is that as the groom manager would be responsible for both sites, wherever the dwelling is situated would mean that they are not 'on-site' out of hours in the other location.
- 6.14 As such, on the basis of the existing provision of stabling at both locations (taking account of extant permission), having regard to the existing size of the land holding and noting the availability of suitable accommodation within the existing holding which has been found to be situated as such that it can meet the needs of the rural enterprise, the case for a new dwelling within the open-countryside is wholly unsubstantiated. The principle of the new dwelling is therefore contrary to Core Strategy policy RA3 and RA4 and policies HFSP2 and HFSP4 of the HFSPNDP.
- 6.15 In respect of the wider redevelopment of the yard which includes further stabling and arena facilities, policy RA6 lends its support to land based enterprises, recognising that they may be located outside settlements and within open-countryside, as per this case. At the local level, policy HFSP12 states that the development of rural businesses will be supported. The economic benefits of the existing enterprise are appreciated although given the extent of the land holding, the existing stabling facilities and the view that the needs of the business can be met in existing accommodation, the proposal is unlikely to accrue any notable further benefits in the social and economic sphere. Indeed, whilst the provision of the enhanced training facilities at the yard would enhance the overall quality of the offering provided by the training centre, there is not considered to be any convincing justification for a further four stables (over the already allowed 8) when taking into account the availability of land to support such horse numbers.

### **Impact on residential amenity**

- 6.16 The yard area where development is proposed is situated circa 130 metres to the north of the nearest residential property (Grovefields) and given the existing development and operations on the site, it is not considered that the relatively modest intensification and small residential use would result in any alterations to the amenity of the property. Therefore, no conflict with policy SD1 of the Core Strategy or policy HFSP8 of the HFSPNDP is identified.

### **Siting, scale and design**

- 6.17 Policy HFSP8 of the HFSPNDP builds on the requirements of Core Strategy policy SD1 insofar that proposals should incorporate locally distinctive features and traditional materials. Proposals should be appropriately scaled to respond positively to surrounding development.
- 6.18 In this case, the proposed new buildings would be consolidated within the existing parcel of land and the area of hardstanding would not increase in size. The scale of the proposed buildings is, in general terms, considered to be appropriate and the design, whilst functional, would be befitting of its intended function and not particularly uncommon for equine establishments in rural settings. For instance, the stables would be low in height and constructed from timber boarding, clearly reading as a building purposes for the housing of horses. The proposed studio and dwelling would be attached to the existing stable building/proposed portal framed lean-to and would appear subservient in scale. Therefore whilst not possessing a domestic character per se, it would not be visually offensive within this specific context of an operational equine yard.
- 6.19 Therefore, the proposed buildings whilst rather uninspiring in respect of their design, would not be out of character when having regard to the existing development on the site and they would be situated as to visually relate to one another. Therefore, no conflict with policies HFSP8 and SD1 of the development plan is identified in this respect.

### **Impact on landscape**

- 6.20 Together with the requirements of Core Strategy policy SD1, policy HFSP12 of the HFSPNDP sets out that proposals for new business development should be in scale with the character of the area and settlement and should not adversely affect landscape character. It also specifies amongst other things that proposals should avoid obtrusive external storage and paraphernalia. Policy HFSP16 of the HFSPNDP requires proposals to not adversely affect landscape character through where appropriate, including measures to conserve, restore or enhance sites.
- 6.21 As set out in the comments made by the Council's Landscape Officer, the proposal would increase the built form of the site notably; this largely being as a result of the proposed sizeable indoor riding arena to the north of the existing buildings. However, despite the site's elevated position which sits above Stoke Prior, it does benefit from established tree and hedgerow infrastructure which helps to reduce the overall prominence of the site. The submission makes reference to the retention of all trees and hedgerows on and bounding the site together with further planting and although limited details of this have been supplied, it is considered that this could be appropriately secured through appropriately worded planning conditions appended to any approval.
- 6.22 Officers also recognise that the existing site suffers from a number of temporary containers/lock-ups (including static caravan) which adds clutter to the site and sits rather negatively within the surroundings. The removal of this paraphernalia through the provision of purpose built buildings should negate the need for the presence of these articles, enhancing the appearance of the site.
- 6.23 Furthermore, given the suitably designed nature of the proposed buildings which would be distinctly agrarian/equestrian in character, the increase in built form, even in the absence of enhanced screening, would not appear out of character in the rural surroundings.
- 6.24 With the above in mind, the proposals are not considered to be such which would result in any undue impact on the otherwise open and attractive landscape character, according with the requirements of Core Strategy policy LD1 and policy HFSP12 and HFSP16 of the HFSPNDP.

### **Impact on heritage assets**

- 6.25 Along with the expectations of policy LD4 of the Core Strategy, policy HFSP12 of the HFSPNDP sets out that proposals for new business development should affect heritage assets. The site in

this case is notably distant from the nearest heritage assets; Grade II listed Pear Tree Cottage which lies circa 250 metres to the southwest and Grade II listed 'The Priory' (Priory Farmhouse) which lies circa 330 metres to the south of the site. Noting the comments of the Council's Conservation Officer, it is not considered that the proposals would result in any harm to these or the wider historic environment.

### **Access and highway safety**

- 6.26 Policy MT1 of the Core Strategy and NPPF policies require development proposals to give genuine choice as regards movement. NPPF paragraph 105 requires local planning authorities to facilitate the use of sustainable modes of transport and 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.
- 6.27 Policy RA6 of the Core Strategy sets out that proposals which relate to the diversification of the rural economy should ensure that traffic movements can be safely accommodated within the local highway network, re-iterated at the local level through policy HFSP12 of the HFSPNDP. Indeed, the principle is well established within the NPPF where it sets out that development should only be prevented or refused on transport grounds where there would be an unacceptable impact on highway safety or where 'the residual cumulative impacts of development are severe'(NPPF para. 111).
- 6.28 Given the proposal includes increased and enhanced facilities at the site together with the provision of a new dwelling, the Transportation Manager requested further details in respect of vehicular movements to and from the site, as to be able to ascertain the cumulative impacts of the proposal. The details submitted by the applicant also provided clarity to a second point of access off the C1112 which is suitable for larger vehicles, rather than negotiating the track via the Priory Farm point of entrance. Having reviewed the submitted details, taking account of the relatively modest increase in the scale of the enterprise and noting the comments from the Transportation Manager, it is not considered that proposal would result in any unacceptable impact on the local highway network in accordance with the above mentioned policies and the principles as found within the NPPF.

### **Ecology and drainage**

- 6.29 Policy HFSP16 of the HFSPNDP states that proposals should contribute towards the ecological network and green infrastructure of the area with measures to support the biodiversity value of designated and local sites and also to add to the extent of local natural and wildlife assets where possible, generally echoing the requirements of Core Strategy policy LD2.
- 6.30 The Planning Ecologist has reviewed the submission and considers that the proposed development would not result in any significant ecological effect on general wildlife within the locality and protected species. The applicant would be reminded of their legal duty of care to wildlife protection. Furthermore, as required by Core Strategy policy LD2 and the NPPF, biodiversity net gain can be secured through appropriately worded planning conditions appended to any approval.
- 6.31 The site in this instance also lies within the catchment of the River Lugg which, in turn, is a sub-catchment of the River Wye Special Area of Conservation (SAC). The River Wye SAC is an internationally important conservation site which has been designated for its special features of ecological and biodiversity value. Under the Conservation of Habitats and Species Regulations 2017, Herefordshire Council has a legal duty to assess the potential impact of new developments in this area by undertaking an 'Appropriate Assessment' (AA) which must be able to determine with scientific certainty that there would be no 'likely significant effects' upon the designated site.

The obligations are embodied with Core Strategy policies LD2 and SD4 along with policy HFSP14 of the HFSPNDP, as well as the guidance established within the NPPF.

- 6.32 The River Lugg, which is a tributary of the River Wye and forms part of the SAC designated site, is currently failing its conservation targets on phosphate levels. This as a result of water pollution from 'point' source, particularly sewage outlets, and 'diffuse' source, particularly from agricultural run-off. As such, with limited exceptions, it is not currently possible to allow further development which results in the increased generation of phosphates.
- 6.33 In this case, the proposal would look to deal with foul water generated by the development through a connection to an existing private system which is believed to involve a septic tank. However, no professional drainage report has been supplied which confirms that the existing system has capacity and that the soakaway drainage field conforms with the criteria as set out within the latest Herefordshire Council position statement in respect to development within the River Lugg catchment.
- 6.34 Furthermore, the proposed development would support an intensification of the equine holding and the number of horses on the site which would, in turn result in an increase amount of horse manure. No details have been supplied with respect as to how this would be managed and therefore, together with the absence of details about foul drainage, it is not possible to conclude that there would be no likely significant effects on the River Lugg/Wye SAC.
- 6.35 Technical matters relating to foul and surface water drainage have not been supplied at this stage. However, in line with the comments made by the Council's Land Drainage Engineer, it is considered that these matters could be secured through safeguarding conditions appended to any planning approval to ensure accordance with Core Strategy policy SD3 and SD4

### **Flood Risk**

- 6.36 The applicant has submitted a Flood Risk Assessment (FRA) and although it is noted that the site proposed for development is located within Flood Zone 1, part of the access through Priory Farm is within Zones 2 & 3. The FRA sets out maintenance to ensure regular checks of the culvert to prevent any blockages which may impeded the free flow of water under the road, especially during periods of heavy rainfall. On the basis that access can also be achieved from the C1112 close to The Woodhouse, it is not considered that the proposal is unacceptable in flood risk terms.

### **Conclusion**

- 6.37 The proposal is for a new dwelling and enhanced equine facilities and stabling at land associated with Priory Farm, Stoke Prior. There are no overriding identified issues in respect of the expansion of the site since it would support a rural land based enterprise with there being no adverse impacts on the surrounding landscape.
- 6.38 However, noting the site includes the provision of housing, the site is divorced from the nearest settlement (Stoke Prior) which has been identified as an appropriate location for new housing growth within the Core Strategy and a settlement boundary prescribed by the HFSPNDP. The site is therefore considered as being unsustainable in a locational sense for open market housing, and the application consequently falls to be considered against the exceptional circumstances set out by Core Strategy Policies RA3 and RA4 and at Paragraph 80 of the NPPF.
- 6.39 The application has been made on the premise that the new dwelling is required to satisfy sustained essential functional need to have a rural worker live permanently on the site to manage the existing and proposed enlarged equestrian centre. However, since it has been found that the site can be managed from Priory Farm, no substantive evidence has been supplied to demonstrate why the groom manager has not or could not be placed within the separate dwelling formed through the subdivision of the house. Further, as the applicant is retired from the day-to-

day running of the business, the groom manager would be responsible for both sites and therefore notwithstanding the view that the enterprise can indeed be managed during the day with checks last thing in the evening aided by security systems, it is considered that the proposal fails to address the very reasons for which the application is predicated on i.e – having an out of hours presence close to the animals. The application therefore fails to accord with Core Strategy policy RA3 and RA4 and policy HFSP2 and HFSP4 of the HFSPNDP.

6.40 It has not been possible to demonstrate that the proposal would not have an adverse impact upon the integrity of the River Lugg / River Wye SAC through the generation of additional phosphates through an intensification of the equine enterprise. This adverse impact would be contrary to the requirements of the Conservation and Habitats and Species Regulations 2017 and policies LD2 and SD4 of the Core Strategy and policy HFSP14 of the HFSPNDP.

## RECOMMENDATION

That planning permission be refused for the following reasons:

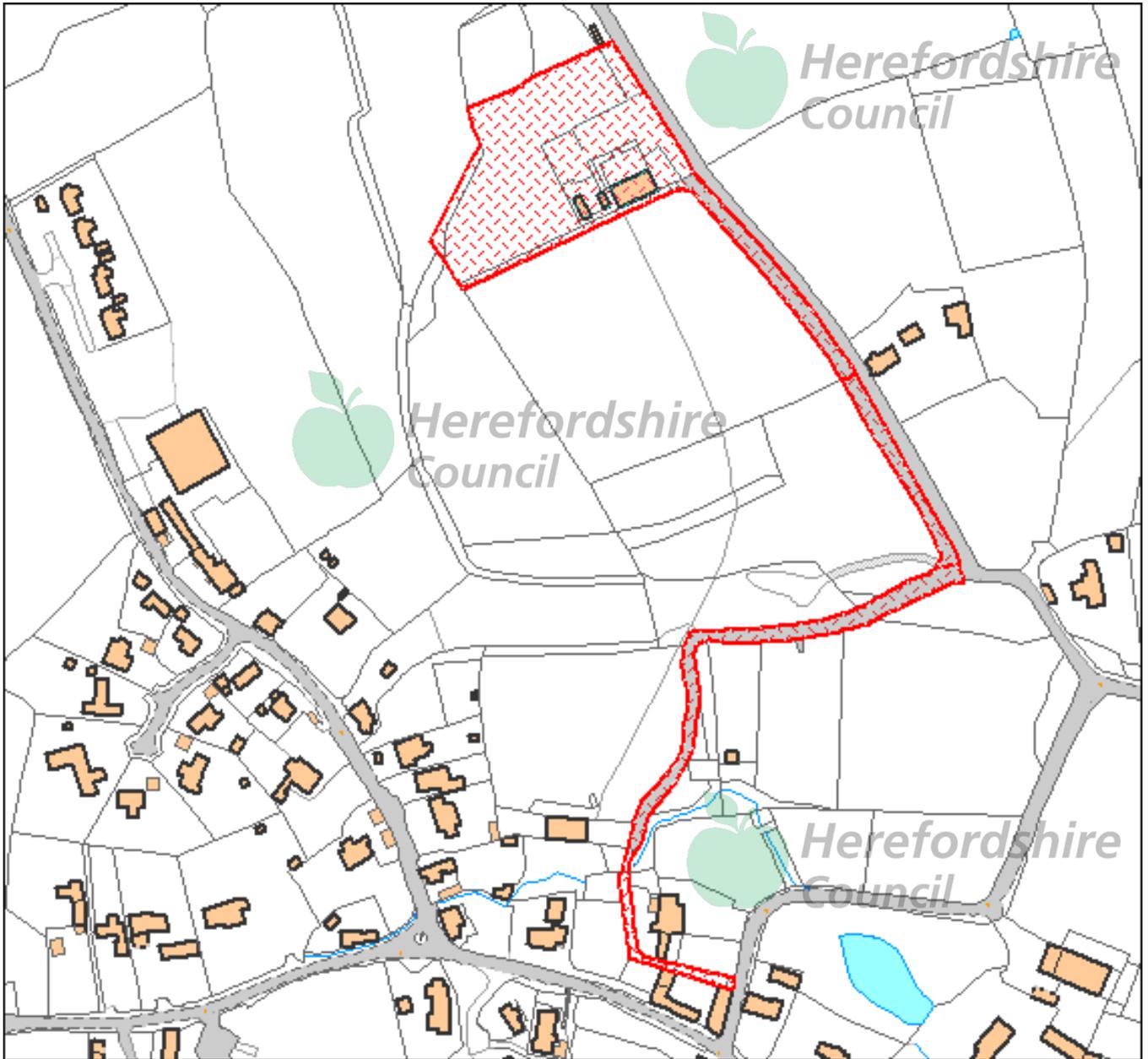
- 1. The application site lies within the River Lugg sub-catchment of the River Wye Special Area of Conservation (SAC) and the nature of the proposal triggers the requirement for a Habitat Regulations Assessment to be undertaken. Under the Regulations there is a requirement to establish with certainty, and beyond all reasonable scientific doubt, that there will not be any adverse effect on the integrity of the River Wye SAC. The River Lugg sub-catchment however suffers from the effects of point source and diffuse water pollution and phosphate levels in the river have already exceeded conservation objectives. The proposal in this case would add to this through the generation of additional phosphates through an intensification of the equine enterprise (increased amounts of manure) and it is not possible to demonstrate, for the lifetime of the development, how and where generated manure would be managed and, that it would not have any detrimental effects on other designated sites outside of the River Lugg hydrological catchment. As such, the Local Planning Authority is unable to conclude that the development would not have an adverse effect on the integrity of the River Lugg / River Wye SAC. As a result, the proposal cannot be positively progressed through the Habitat Regulations Assessment process as required by The Conservation of Species and Habitats Regulations 2017 and is hence contrary to policies LD2 and SD4 of the Herefordshire Local Plan Core Strategy, policy HFSP14 of the Humber, Ford and Stoke Prior Neighbourhood Development Plan and the Natural Environment and Rural Communities (NERC) Act 2006 and the guidance set out within the National Planning Policy Framework.**

Decision: .....

Notes: .....

## Background Papers

None identified.



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**APPLICATION NO:** 204230

**SITE ADDRESS :** PRIORY FARM, STOKE PRIOR, LEOMINSTER, HEREFORDSHIRE, HR6 0ND

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Further information on the subject of this report is available from Mr Ollie Jones on 01432 260504