

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	11 DECEMBER 2024
TITLE OF REPORT:	202258 - RETROSPECTIVE ERECTION OF TWO PAIRS OF STABLES AND WOODCHIP TURNOUT PADDOCKS AT SAPNESS FARM, WOOLHOPE, HEREFORD, HR1 4RJ For: Mr Lacey per Mr Marc Willis, 30 The Causeway, Chippenham, Wiltshire, SN15 3DB
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=202258
Reason Application submitted to Committee - Redirected and Deffered (31 August 2022)	

Date Received: 15 July 2020

Ward: Old Gore

Grid Ref: 362387,233916

Expiry Date: 17 November 2020

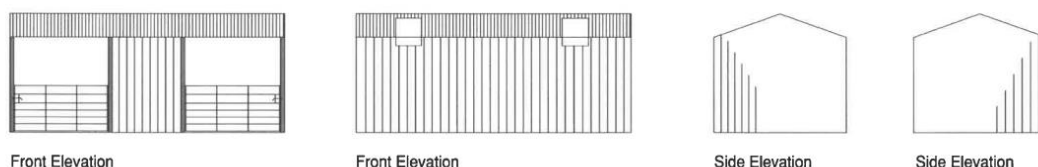
Local Members: Cllr Barry Durkin

1. Site Description and Proposal

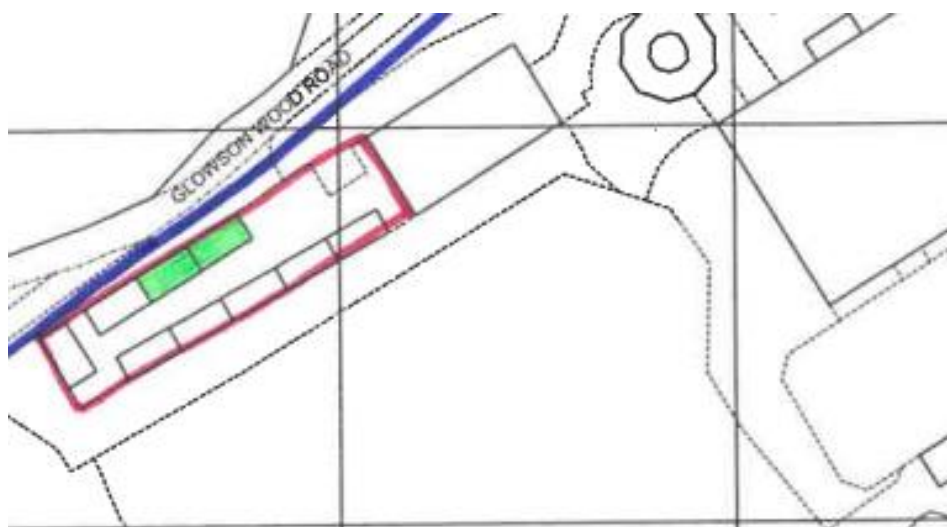
- 1.1 The application relates to Sapness Farm which is located to the North East of Sollars Hope, the farmstead which is located in isolation to the South of Glowson Woods and is accessed from the U67416 connecting onto the C1298. The site is abutted by two Public Rights of way one to the North and West (WO1) and to the east lay the second Public Right of Way (W04A). The site was granted a change of use under P132546/F for use as a mixed equestrian/agricultural use, this included several elements which fell within the description of development as described by Section 55 of the Town and Country Planning Act 1990 these were conversion and extension of existing agricultural buildings to stables; formation of all-weather gallop; siting of horse walker, lunge & jumping pen and the provision of staff accommodation.
- 1.2 The application site lies around 257 metres to the East of the Wye Valley National Landscape (AONB). The site is within Flood Zone 1 and is within the How Caple Brook catchment, which forms part of the River Wye Catchment, a Special Area of Conservation (SAC) confirmed as being in an unfavourable/declining condition.
- 1.3 The application was submitted in response to an Enforcement investigation and was submitted on 20 September 2020. It seeks retrospective permission for the retention of 9 stable buildings and turn out paddocks at the site. The application was referred to Planning Committee on the 31 August 2022, and was subsequently deferred pending the submission of additional reports on ecology, manure/waste management and hydrology.
- 1.4 The site now benefits from a Certificate of Lawful Development which was granted under P231322/U for the retention of 7 stable blocks and the existing concrete yard.

Further information on the subject of this report is available from Mr Joshua Evans on 01432 260327

- 1.5 The application has therefore been amended to remove elements granted under P231322/U which results in the present application being for the retrospective permission for two stable blocks and the turnout paddocks.
- 1.6 The stable block has a floor area of 45 square metres, with each unit measuring 7.01m by 3.38m in width and 3.01m to the ridge. The units are steel framed and are finished in perforated metal cladding. The stables sit on a concrete base with access via the existing yard to the east. Each stable building houses two stables as such the application is for four stables housed within two stable buildings.



Elevational Drawings, Sapness Farm (P202258/F)



Stables for consideration within this application are highlighted green.

2. Policies

2.1 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 & Active Travel
 LD1 - Landscape and Townscape
 LD2 - Biodiversity and Geodiversity
 SD1 - Sustainable Design and Energy Efficiency
 SD3 - Sustainable Water Management and Water Resources
 SD4 - Wastewater Treatment and River Water Quality

2.2 Woolhope Neighbourhood Development (WNDP)

Policy WNDP1: Landscape and biodiversity

2.3 National Planning Policy Framework (NPPF)

Chapter 2 – Achieving sustainable development
Chapter 6 – Building a strong and competitive economy
Chapter 11 – Making effective use of land
Chapter 12 – Achieving well-designed places
Chapter 15 – Conserving and enhancing the natural environment

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

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

<https://www.herefordshire.gov.uk/downloads/file/25426/draft-neighbourhood-development-plan-may-2023>

2.5 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 and the review process is currently underway. 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 most relevant policies of the CS – which are considered to be those relating to highways safety and safeguarding features of environmental value (amongst others) – have been reviewed and are considered to be consistent with the NPPF. As such, it is considered that they can still be attributed significant weight.

3. Planning History

P132546/F	Change of use of land to a mixed equestrian/agricultural use, the conversion and extension of existing agricultural buildings to stables; formation of all-weather gallop; siting of horse walker, lunge and jumping pen and ancillary works. Provision of staff accommodation.	Approved
P180497/F	Retrospective erection of a new barn, isolation stable, new horse walker, Jumping Strip and Sand Gallop. Repositioning of previously approved lunge pen and jump pen and erection of new timber office	Approved
P213582/U	Certificate of lawfulness for existing construction of a sand gallop and water walk,	Approved
P231322/U	Certificate of lawful development for existing use of formation of concrete yard and erection of 7 pairs of stables.	Approved

4. Consultation Summary

4.1 Internal Council Consultations

Area Highway Team Leader

4.1.1 19 November 2020- Further Information Required

The local highway authority (LHA) requires further information and clarification on a number of items:

Further information on the subject of this report is available from Mr Joshua Evans on 01432 260327

- The routing that vehicles take to access the facility. This should include deliveries, horseboxes, visitors and staff. This should be an informed document as it may potentially form part of a condition should planning consent be granted.
- Whether there is opportunity for an access closer to the B4224.
- The number and type of trips generated by site. This should also be compared to previous uses and levels under previous permissions. The clearest way to present these figures would be in a table similar to the example set out below.

Type of Vehicle	Weekly Number of Vehicle Trips for Whole Site			
	Original Agricultural Use as a Fruit Farm	Under Permission Ref: 132546 (inc. Agricultural Use)	Under Permission Ref: 180497 (inc. Agricultural Use)	Under Current Application Ref: 202258. (inc. Agricultural Use)
Car				
LGV				
Horsebox				
HGVs				

The number of trips generated should include all trips from supermarket/other deliveries for staff residing at the site to client visits and feed deliveries. Where there are seasonal variations this should be noted. An explanation of the figures should also be provided e.g. number of visits by clients and number of horsebox trips going to races/events per week. The figures should include the existing agricultural use of the farm which, from the information supplied, still represents a significant portion of the site, it may be easiest to work out the trip generation based on area used for agriculture. It should note that one trip is equal to one vehicle leaving the site, the return journey is a separate trip, i.e. a delivery to the site represents two trips because it arrives and leaves thereby creating two trips along Glowson Wood Road.

- Clarification is also sort with regards to the number of horses based at the site with each permission.

Once the LHA has received the above information it will be able to comment in full.

4.1.2 9 March 2021- Further Information Required

Having been through the submitted statement of vehicle movements I note that usually, with the exception of May, June and July, there can be up to 61 horses stabled at the site, however, what is not clear is how the horses get to the site? Are they picked up from the owner and driven to the site? Are these movements accounted for elsewhere within the statement provided? If not, further clarity is requested about how the horses get to the site, how long they stay on average and how they get back to their owners. Presumably these movements are in addition to the movements generated by the 'runners'?

Once the above information is received the local highway authority will be in a position to make a recommendation.

4.1.3 20 July 2021- Further Information Requested

The local highway authority (LHA) has reviewed the information submitted by the applicant regarding traffic movements to and from the site. It is recognised that there is a level of consented use associated with the site and this application is to assess the increase only. The consented use is for 35 horses so this application looks at the increase to the current level of 61 horses (an increase of 26 horses).

From examination of the information submitted it is clear that there is a baseline of activity associated with the residential dwelling on-site, however, this is no different to any other dwelling and is generally car based trips. Other traffic, again which is primarily car based, is in relation to both on-site (residential) and off-site staff. The staff resources required to undertake the activities associated with the equestrian operation are probably more than the average farm but could not be considered to be excessive for many types of agriculture, such as fruit picking or other labour intensive farming or indeed other rural enterprises.

With regards to HGV (including 3.5t or 7.5t vehicles) movements it is evident that there are peaks and troughs, with the peak times being winter and spring and the off-peak time primarily being the summer months. Whilst it is appreciated that movements will be greater during some months, when averaged over 12 months the HGV (including 3.5t/7.5t vehicles) trips to and from the facility could not be considered to be greater than a lot of agricultural uses which could have lawfully taken place at the site, particularly given that land no longer wholly surrounds the farm, as was the tradition, but can spread over some distance from the main farm resulting in tractors having to travel extensively, often a couple of times a day, to tend to animals etc. located some distance away.

Having said the above it is clear that the current movements are having an effect on local residents and so in order to try and mitigate the effect it is requested that a Traffic Management Plan (TMP) is produced which details the routes that HGVs (inc 3.5t/7.5t vehicles) take, with the route avoiding the lanes to the north-east and east of the site. Whilst it is understood that it will be impossible to control companies that deliver ad-hoc via national couriers, main, regular suppliers, particularly if they are local, should be adhering to the TMP. The TMP should form one of the conditions of planning, should it be granted and will need to be strictly adhered to in order to comply with any planning permission granted. The TMP should include the following:

- The routes that all large vehicles associated with the equestrian facility will take, this must not include the lanes approaching the site from the east and north-east. Routes should be via the highest classification of road possible.
- A commitment to encourage staff to car share (Covid restrictions allowing) and to discourage staff from going home during the day for lunch etc. It may be necessary to provide a seating/kitchen space whereby staff can prepare a simple lunch and eat away from the horses and in warmth and undercover or for lunch to be provided as an incentive to keep staff on-site.
- If possible movements to and from the farm, both in terms of staff arriving and departing for work and for horses arriving and departing the site, should be avoided prior to 7am and after 7pm.
- Any other measures that would reduce the impact that the facility has on local residents.

4.1.4 27 October 2021- Further Information Requested

The Traffic Management Plan (TMP) does not go far enough to stipulate that all manoeuvres by larger vehicles under the applicant's control use the south-western route prescribed in the document. All larger vehicles such as horseboxes etc being driven by a member of staff at the Sapness Farm must use the prescribed route. All larger vehicles whereby the establishment has some degree of control, for example, clients dropping off their horses, must be advised that they should use the prescribed route. The TMP needs to have stronger wording to convey a commitment to adhere to the Plan.

4.1.5 11 January 2022- No Objection

The local highway authority (LHA) considers the revised Traffic Management Plan (TMP) to be acceptable subject to the route plan being appended to the document. The LHA has no objection to the proposals subject to the TMP and adherence to it being a condition of any planning consent granted.

4.1.6 16 November 2022-Further Information Requested

16/11/22 - No Manure Management Plan available to comment on. Email Clive to query 15/11/22.

4.1.7 4 October 2023- Qualified Comment

The manure plan of twice yearly removal is acceptable subject to adherence with the Traffic Management Plan.

4.1.8 19 March 2024- No Objection

The local highway authority (LHA) has no objection to the revised/updated Traffic Management Plan (TMP), although the route plan originally included in the first TMP should also be appended to the revised TMP. Subject to this inclusion the LHA has no objection.

4.1.9 4 September 2024- No Objection

The LHA has no updated comments to make on the application and the original comments made in March 2024 are still pertinent.

Natural Environment Officer (Ecology)

4.1.10 30 October 2020- No Objection

Habitat Regs. - River Wye SAC

The site falls within the "any discharge of water or liquid waste..." SSSI Impact Risk Zone for the River Wye SSSI/SAC. However there is no proposed foul water drainage, and surface water drainage is managed by on site soakaways. There are no anticipated impacts to the River Wye SAC resulting from the proposals, and the requirement for an HRA Appropriate Assessment can be screened out.

A Habitat Regulations Screening Assessment would therefore conclude that the development will have No 'likely significant effects' on the River Wye SAC & SSSI.

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

Site ecology

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

Wildlife Protection Informative

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

Biodiversity Net gain/Enhancement

As per NPPF Guidance, NERC Act and Core Strategy LD2 all developments should show how they are going to enhance the local biodiversity potential. To ensure these enhancements a reasonable condition is suggested below.

Condition Eco 06 – Prove Biodiversity Enhancement (Net Gain)

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

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

External lighting

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

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

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

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

4.1.11 21 October 2022- No Objection

Ecology comments provided 30/10/2020 remain valid – there are no further ecology comments and decision would be approve with conditions as noted in previous comments.

4.1.12 30 September 2024- No Objection

We have no further comments to make, please see previous recommended conditions.

Natural Environment Officer (Landscape)

4.1.13 14 December 2022- Further Information Requested

This is a desk based response. The original application for a change of use on this site (ref 132546) was thoroughly assessed through an appropriate Landscape and Visual Assessment provided by the applicant and a detailed response from Herefordshire Councils Landscape Consultant. This confirmed that while the development for a mixed equestrian / agricultural use would have some negative impacts on the landscape character and the visual amenity of the area this could be overcome by appropriate mitigation planting and management of the site as a whole. This discharge of conditions did provide a suitable Landscape and Ecology Management Plan (LEMP, dated March 2015).

It appears, however, that since then there have been numerous additions to the site in terms of infrastructure, extent of use and new buildings, none of which have been assessed again in landscape terms or have had the benefit of an updated LEMP. The site is within the setting of the Wye Valley Area of Outstanding Natural Beauty, where it is often the incremental or 'creeping' effect of developments collectively that encroaches on and erodes the landscape features. It is not accepted from the Design and Access Statement that these stables and turnout paddocks are a minor addition, as it is the cumulative impact of the overall development that must be considered. This lack of overall assessment, lack of site wide environmental enhancements or management and increased development is contrary to Core Strategy Policy LD1 and LD3.

As the site is now established in equine use, it is likely that through the provision of the above landscape assessment and enhancement / management proposals that the development could be suitably mitigated. Therefore as part of this application, or if approved then by condition within three months, a site wide landscape and biodiversity proposals plan and specification should be provided, together with an updated LEMP. These were both provided with the original application and therefore it should be a reasonable expectation for them to be updated. This should take account of issues such as:

- Reinforcing hedgerows, allowing them to thicken, infilling gaps and planting hedgerow trees.
- Providing field margin buffer zones along hedgerows.
- The stables are particularly utilitarian looking and could have considered using brick and timber as local materials.
- The turnout paddocks appear to have been built very close to the roadside boundary hedgerow where I would have asked for at least a 1m buffer zone to protect roots and allow for a ground flora margin as a biodiversity corridor.
- The roadside hedgerow corridor should be reinstated.
- Management intentions for hedgerows, such as heights and timing of trimming.
- Seek opportunities to create areas of species rich permanent pasture and broadleaved woodland.
- Implementation of planting works, many of which for hedgerows should be carried out as soon as possible.
- The LEMP should cover a minimum of 10 years.

All of these measures would help to enhance the landscape character, filter views of the site from the numerous public rights of way nearby and contribute to green infrastructure. This is required to safeguard and enhance the character and amenity of the area in order to conform with policies SS6, LD1 and LD3 of the Core Strategy.

4.1.14 2 October 2024- Further Information Requested

No landscape character or visual assessment has been carried out and no landscape proposals for planting or management have been provided. Therefore my comments from 14/12/2022 still stand.

Natural Environment Officer (Tree Officer)

4.1.15 22 October 2024- Object

No information has been submitted in regards to the existing trees and hedgerow on site. The photographs within the DAS 2020 shows numerous ground works in close proximity of existing trees and it is assumed that no tree protection measures were utilised during the construction phase.

As the works have already been carried out, in theory, the damage has already been done to retained trees roots and ground conditions, and it is unclear to whether existing trees have declined in health following the development works and whether mitigation is required.

Usually, I would request additional information if this was a proposal, in the way of a BS5837:2012 survey and arboricultural impact assessment (AIA) but this may not be relevant now.

I do concur with the landscapes officers 2022 comments on the site in regards to vegetation re-instatement where it has been removed.

Overall I do object to the application due to the lack of information regarding the trees within the site.

Public Right of Way Officer

4.1.16 24 September 2020- No Objection

5. Representations

5.1 Woolhope Parish Council

9 October 2020- No Objection

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

24 September 2024- Objection

Woolhope Parish Council met on Tuesday 24th September and voted to oppose this application.

Woolhope Parish Council considers that the application is deficient without a hydrology report.

Parish council also wishes that planners ensure that waste management and traffic management plans are adhered to.

5.2 Public Representations

At the time of writing a total of 27 representations from 17 different persons including Herefordshire CPRE and Ramblers have been received in response to both the original submission and the revisions. Many of the representations are lengthy and what follows comprises a summary of these:

- Breach of Planning Control
- Capacity on Site
- Stock Levels on Site
- Impact upon the Highway
- Impact on the Landscape
- Increased demand on Potable Water
- Damage to Green Infrastructure
- Impact on Biodiversity
- Impact of commercial traffic
- Impact upon the Public Right of way
- Concern on time of traffic

- 5.3 The consultation responses can be viewed on the Council's website by using the following link:-
https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=202258

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 Policy RA6 states that employment generating proposals which help diversify the rural economy such as knowledge based creative industries, environmental technologies, business diversification projects and home working will be supported. A range of economic activities will be supported including proposals which... support the retention and/ or diversification of existing agricultural businesses. Planning applications which are submitted in order to diversify the rural economy will be permitted where they:
- ensure that the development is of a scale which would be commensurate with its location and setting;
 - do not cause unacceptable adverse impacts to the amenity of nearby residents by virtue of design and mass, noise, dust, lighting and smell;
 - do not generate traffic movements that cannot safely be accommodated within the local road network; and
 - do not undermine the achievement of water quality targets in accordance with Policies SD3 and SD4.
- 6.2 Paragraph 85 of the NPPF states that planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. Paragraph 88 (b) states that planning policies and decisions should enable the development and diversification of agricultural and other land-based rural businesses
- 6.3 It is noted that there is strong local and national support within the NPPF and the CS for the expansion of commercial enterprises within rural Herefordshire and as such the broad principle of the proposal is considered to be acceptable.

- 6.4 Furthermore this application is not in relation to the principle of an equestrian business within the locality, but is merely in relation to the acceptability of additional built form to support the venture. It has been accepted that a material start has been conducted in respect of the permission granted under P132546/F which contains no restrictions on the levels of stocking agreed on the site and as such this is not within the scope of control of the Local Planning Authority

Landscape/Visual Impact

- 6.5 CS policy LD1 requires that proposals demonstrate that the character of the landscape and townscape has positively influenced the design scale, nature and site selection of the development.
- 6.6 WNDP policy WNP1 states that proposals for development should seek to protect and enhance the landscape character and biodiversity of the Parish. To protect the landscape character of the area new proposals should positively enhance the existing landscape and minimise their impacts on the tranquil rural character of the area and valued scenic views
- 6.7 The officer acknowledges that the cumulative effect of the stable blocks proposed originally represented a significant addition to the wider site character and was clearly a source of concern which led to the deferral of the application by a previous Committee. Nevertheless, given the passage of time several of these blocks have become lawful and as such no longer fall within the scope of the application. The scale of the lawful development is a material consideration which does change the starting point for the assessment of the visual impact of the development. In essence this must now be limited to the additional structures which have not been deemed to be lawful. In this regard, it is not considered that the original objection from the Senior Landscape Officer can be sustained on the basis that the proposed retention of two stable blocks would not materially alter the impact upon the character or wider setting of the Wye Valley National Landscape. Furthermore, given that 7 of the 9 constructed stable buildings are considered lawful it is difficult to argue that the retention of two represents a significant over development when assessed against the existing agricultural buildings and stables adjacent to those subject to this amended application. On balance therefore it is not considered that the development as now proposed would result in sufficient additional harm to warrant the refusal of permission.
- 6.8 The proposed turnout areas represent a fairly modest addition to the wider landscape and would not adversely impact the character of the area. Notwithstanding, it is considered that the enhancement of the screening and retention of conditioned screening would be preferable to further mitigate the impact upon the wider landscape. As such a condition is recommended that would secure soft landscaping enhancements within 12 months with a 10 year retention and maintenance requirement.
- 6.9 With regard to landscape effects, it is concluded that given the significant built form already approved and subsequently demonstrated to be lawful on the site; the close relationship with existing built form; the existing screening of the stable blocks and the relatively limited scale of the proposed development that the proposal complies with policy LD1 of the Herefordshire Local Plan- Core Strategy, the Woolhope Neighbourhood Development Plan and the National Planning Policy Framework.

Design, and Scale

- 6.10 CS policy SD1 requires that development proposals should create safe, sustainable, well integrated environments for all members of the community. In so doing, all proposals should take into account the local context and site characteristics. Moreover, new buildings should be designed to maintain local distinctiveness through incorporating local architectural detailing

and materials and respecting scale, height, proportions and massing of surrounding development. Where appropriate, proposals should also make a positive contribution to the architectural diversity and character of the area, including through innovative design. They should also safeguard the residential amenity of existing and proposed residents in terms of overlooking, overshadowing and overbearing.

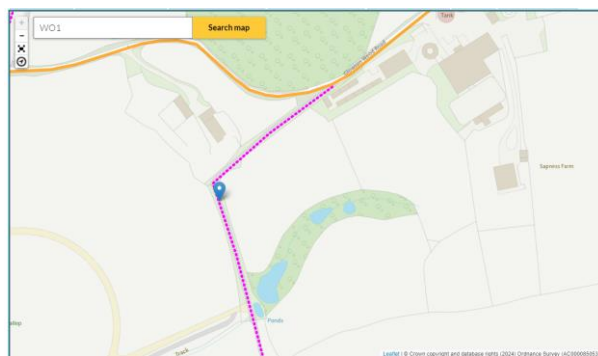
- 6.11 Paragraph 135 (c) of the NPPF states that planning policies and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change
- 6.12 The proposed stables are of scale compatible with the surrounding built form, replicating those approved under P231322/U. The scale of the stables are considered to be limited in scale and subservient to the existing built form present on the site. The materials integrate with the surrounding built form and would not appear overly dominant within the site.
- 6.13 The proposed turnout area is considered to be of an acceptable scale and would not detract from the wider landscape and the proposed woodchip finish would not result in unacceptable harm to the wider landscape with the post and rail boundary treatment being considered acceptable within the locality.
- 6.14 With regard to scale and design it is concluded that given the existing built form present on the site, the proposal complies with CS policy SD1 and the NPPF.

Residential Amenity

- 6.15 Policy SD1 also state that development proposals should create safe, sustainable, well integrated environments for all members of the community. In conjunction with this, all development proposals should safeguard residential amenity for existing and proposed residents; ensure new development does not contribute to, or suffer from, adverse impacts arising from noise.
- 6.16 Sapness House lies about 180m west of the farm, Yare Farm, Hyde Farm, Firs Farm, Greyhill Barn, and Foxhalls.
- 6.17 It is noted that the proposal would represent a slight intensification of the site with regard to noise given the associated activity with the site, however weight must be afforded to the lawful status of the majority of the buildings and consideration should be restricted to the limited addition of two stable blocks. Given the significant distances between the proposed stables and the turn out area and other properties on the locality, it is concluded that that there would be no harm to residential amenity.
- 6.18 The proposal therefore complies with CS policy SD1 and the NPPF. It should be noted that it is not within the scope of this application to alter the permission granted under P132546/F which did not restrict the hours of operation.

Public Right of Way

- 6.19 Policy MT1 states that development proposals should protect existing local and long distance footways, cycle ways and bridleways unless an alternative route of at least equal utility value can be used.
- 6.20 Public Right of Way WO1 runs adjacent to the site but the proposed development would not obstruct any identified public rights of way.



Map WO1, Herefordshire Public Rights of Way

- 6.21 In this regard it is concluded that there would be no adverse impact upon the public right of way as a consequence of the proposal.

Access and local highway network

- 6.22 Policy MT1 requires development proposals to demonstrate that the strategic and local highway networks can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce or mitigate any adverse impact from the development. Developments should also be designed and laid to achieve safe entrance and exit, have appropriate operational and manoeuvring space
- 6.23 Paragraph 115 of the National Planning Policy Framework states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.24 It is noted that the application for the retention of two stable blocks would not represent a significant intensification in isolation. However the cumulative impacts of the whole site have been identified to have potential effects. These impacts have been assessed by the Local Highways Authority who have offered no objection subject to adherence to the Transport Management Plan submitted in support of this application.
- 6.25 In line with the recommendation made by the Local Highways Authority the applicant has provided a strategy to reduce traffic movements to and from the site which has been accepted by the Area Engineer.
- 6.26 In light of this it is concluded that the impact of the intensification of the highway would not result in adverse highway safety impacts and the proposal therefore complies with CS policy MT1.

Ecology and Green Infrastructure

- 6.27 CS policies LD2 and LD3 are applicable in relation to ecology and the impact on trees. These state that development proposals should conserve, restore and enhance the biodiversity and geodiversity asset of the County and protect, manage and plan for the preservation of existing and delivery of new green infrastructure.
- 6.28 Acknowledging the decision made by the planning committee on the 31 August 2022, it is noted that no subsequent Ecological Appraisal was received by the Local Planning Authority.
- 6.29 As the works are retrospective it is not possible to identify any environmental harm as a consequence of the proposal. Notwithstanding this, the Ecologist has reviewed the scheme and recommended compensatory measures to address any harm to biodiversity assets. This specifies the inclusion of three bat roosting features, three bird nesting boxes, two pollinating

insect homes and two hedgehog homes within the blue line identified on DWG01. These shall be submitted and approved by the local planning authority and shall remain in perpetuity.

- 6.30 Acknowledging the comments from the Tree Officer, it is acknowledged that appropriate supporting documents ought to have been submitted. However, there is no apparent evidence of harm. Nevertheless, the addition of a condition for a soft landscaping scheme to include additional compensatory measures is recommended. The details should be submitted and approved by the local planning authority and shall include a mix of native species which shall be retained for a period of 10 years to allow establishment.
- 6.31 In addition to this, given the potential impact of any proposed light spill a condition for the restriction of any external lighting is recommended.

Water Resources

- 6.32 CS policy SD3 states that measures for sustainable water management will be required to be an integral element of new development in order to reduce flood risk; to avoid an adverse impact on water quantity; to protect and enhance groundwater resources and to provide opportunities to enhance biodiversity, health and recreation. Where flooding is identified as an issue, new development should reduce flood risk through the inclusion of flood storage compensation measures, or provide similar to enhance the local flood risk regime. Policy SD4 states that development should not undermine the achievement of water quality targets for rivers within the county, in particular through the treatment of wastewater.
- 6.33 The site is within the hydrological catchment of the River Wye, with the most direct pathway from the site being via the How Caple Brook, with the nearest tributary to the How Caple Brook being over 500 metres to the west of the proposed site.
- 6.34 Given the site is within the hydrological catchment of the River Wye this triggers the requirement for an appropriate assessment. It is noted that the application was screened out for the purposes of a Habitat Regulations Assessment 30 October 2020, with subsequent consultations undertaken on the 21 October 2022, and the 4 September 2024 concluding the same. It has been concluded that there are no nutrient pathways presented by this application which would further compromise the River Wye and How Caple Brook
- 6.35 The proposal includes measures to deal with equestrian waste, with permission required from the Department for Environment, Food and Rural Affairs to spread the manure.
- 6.36 It is advised that no horse manure store should be located within 50 metres of a spring, well or borehole that supplies water for people to drink the storage. However, this is covered under separate legislation and could require a permit from the Department for Environment, Food and Rural Affairs.
- 6.37 The applicant has highlighted that surface water would be dealt with through the provision of a soakaway system. Given that no infiltration testing nor scheme has been presented these details are secured through condition.
- 6.38 With regard to this matter whilst acknowledging the concerns raised locally, there are no adverse impacts upon the River Wye SAC or the local water environment identified through consultation with the Ecologist. The proposal therefore complies with CS policies SD3 and SD4.

Further Comments

- 6.39 The proposed development does not have access to mains water and is reliant on a private water supply. The extraction of water from Private Water Supplies is controlled by separate

legalisation notably the Private Water Supplies (England) Regulations 2016 (as amended) and the Water Supply (Water Quality) Regulation 2016 and may require separate permission from the Environment Agency. This does not fall within the planning regime.

Conclusion

- 6.40 It is accepted that there is a policy tension with the proposed development and its impact upon the highway given its isolated location and reliance on private modes of transport and it is clear that the retrospective nature of the application is not well received. It is also accepted that there has been little material change in the supporting evidence provided with the application since it was deferred by the previous Committee on the 31 August 2022. Of particular note however is the subsequent granting of a Certificate of Lawful Development for 7 of the units under P231322/U which represent a significant material change on the site since it was previously considered.
- 6.41 In light of the particular circumstances set out above, it is concluded that the proposal is compliant with the Development Plan and as such it is recommended that the application is approved subject to conditions.

RECOMMENDATION

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

- 1. The development shall be carried out strictly in accordance with the approved plans [Drawing 001; Drawing 002; and Drawing 003], 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, Woolhope Neighbourhood Development Plan, and the National Planning Policy Framework.

- 2. The development shall be operated in accordance with the Traffic Management Plan dated February 2024.**

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

- 3. Within 6 months of the date of this permission a landscape scheme shall be submitted to and approved in writing by the local planning authority. The scheme shall include scaled plan identifying all proposed planting, accompanied by a written specification setting out; species, size, quantity, density with cultivation details.**

Reason: To safeguard and enhance the character and amenity of the area in order to conform with policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy, Policy WNDP1 of the Woolhope Neighbourhood Development, and the National Planning Policy Framework.

- 4. All planting, seeding or turf laying in the approved landscaping scheme shall be carried out in the first planting season following its approval.**

Any trees or plants which die, are removed or become severely damaged or diseased within 10 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 policies SS6, LD1 and LD3 of the Herefordshire Local Plan - Core Strategy and the National Planning Policy Framework

- 5. At no time shall any external lighting be installed on the site without the written approval of this local planning authority.**

Reason: To ensure that all species and Dark Skies are protected having regard to the Wildlife and Countryside Act 1981, Conservation of Habitats and Species Regulations (2017), National Planning Policy Framework, NERC Act (2006), Herefordshire Local Plan - Core Strategy policies SS6, LD1, LD2 and LD3 and the Dark Skies initiative (DEFRA-NPPF 2013/18)

- 6. Within 3 months of the date of this permission evidence (such as photos/signed Ecological Clerk of Works completion statement) of the suitably placed installation of a minimum of three bat roosting box; three bird nesting boxes; two pollinating insect habitat homes and two hedgehog home on land, buildings or trees under the applicant's control should be supplied to and acknowledged by the local authority. These features and shall be maintained as approved thereafter.**

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

- 7. Within 6 months of the permission being issued, a scheme for the provision of surface water drainage works shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented within 12 months of agreeing the details.**

Reason: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal and to comply with Policy SD3 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

INFORMATIVES:

- 1. The Local Planning Authority has acted positively and proactively in demining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework**
- 2. 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 protection through the Wildlife & Countryside Act (1981 as amended) and the Habitats and Species Regulations (2019 as amended), with enhanced protection for special “protected species” such as all Bat species,**

Great Crested Newts, Otters, Dormice, Crayfish and reptile species 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 advised that advice from a local professional ecology consultant is obtained. If any protected species or other wildlife is found or disturbed during works then all works should stop and the site made safe until professional ecology advice and any required 'licences' have been obtained. Any additional lighting should fully respect locally dark landscapes and associated public amenity and nature conservation interests.

3. The permission does not authorise the stopping up or diversion of a public right of way. A right of way may be stopped up or diverted by Order under Section 257 of the Town and Country Planning Act 1990 provided that the Order is made before the development is carried out. If the right of way is obstructed before the Order is made, the Order cannot proceed until the obstruction is removed.
4. The proposed development does not have access to mains water and is reliant on a private water supply. The officer notes that the extraction of Private Water Supplies is controlled by separate legislation notably the Private Water Supplies (England) Regulations 2016 (as amended) and the Water Supply (Water Quality) Regulation 2016 and may require separate permission from the Environment Agency for extraction.

Decision:

Notes:

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Background Papers

None identified.



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APPLICATION NO: 202258

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