

**20 DCNW2005/0079/O - SITE FOR DWELLING AS PART OF EQUESTRIAN BUSINESS AT RIDGEWAY PADDOCKS, LUCTON, LEOMINSTER, HEREFORDSHIRE**

**For: Mr R. Mathias & Miss C.J. Thomas McCartneys  
Corvedale Road Craven Arms Shropshire SY7 9NE**

**Date Received:**  
**12th January 2005**

**Ward:**  
**Bircher**

**Grid Ref:**  
**43680, 64632**

**Expiry Date:**  
**9th March 2005**

Local Member: Councillor S. Bowen

**1. Site Description and Proposal**

- 1.1 The site is in open rural countryside and forms part of an agricultural field/paddock to the south of an existing stable block that is located on 5.66 hectares of agricultural grassland in the ownership of the applicants. The site is located on an elevated site and accessed via a stone track from the B4362 opposite to the entrance to Lucton School, a grade II\* listed building, which is located on ground that is lower than the proposed application site. To the rear of the site is mature woodland. A public footpath passes within close proximity to the proposed development site.
- 1.2 This is an outline application with all matter other than access reserved for the erection of a dwelling for the equestrian business presently being operated from the site. An appraisal of the business accompanies the application.

**2. Policies**

**2.1 Leominster and District Local Plan**

A1 – Managing the District's Assets and Resources  
A2(D) – Settlement Hierarchy  
A9 – Safeguarding the Rural Landscape  
A12 – New Development and Landscape Schemes  
A24 – Scale and Character of Development  
A41 – Protection of Agricultural Land  
A43 – Agricultural Dwellings.

**2.2 Herefordshire Unitary Development Plan (Revised Deposit Draft)**

S1 – Sustainable Development  
S2 – Development Requirements.  
S3 – Housing.  
DR1 – Design  
DR2 – Land Use and Activity.  
H7 – Housing in the Countryside outside Settlements.

H8 – Agricultural and Forestry Dwellings and Dwellings associated with Rural Businesses  
LA5 – Protection of Trees, Woodland and Hedgerows.

2.3 Planning Policy Statement 7: Sustainable Development in Rural Areas.

### 3. Planning History

900619 – Erection of dwelling house for management of thoroughbred horse business. Refused Planning Permission on December 17<sup>th</sup> 1990.

90618 – Erection of steel framed agricultural building to house horse looseboxes. Refused Planning permission 17<sup>th</sup> December 1990.

90C617 – Use of land for temporary mobile home pending construction of permanent dwelling in three years time. Refused Planning Permission 17<sup>th</sup> December 1990.

79/1532 – Siting of one residential caravan for use in connection with a racehorse-breeding establishment. Refused Planning Permission 4<sup>th</sup> February 1980.

790882 – One dwelling to support a racehorse breeding establishment. Refused Planning Permission 29<sup>th</sup> October 1979. Later dismissed at appeal on 17<sup>th</sup> June 1980.

### 4 Consultation Summary

#### Statutory Consultations

4.1 Environment Agency has no objections subject to attachment of a condition in relationship to foul drainage works.

4.2 Forestry Commission raises no objection to the proposed development.

#### Internal Council Advice

4.4 Public Rights of Way Manager raises no objections, and comments that the right of way should remain at its historic width and suffer no encroachment or obstruction during the works or at anytime after completion.

4.5 Traffic Manager raises no objections to the proposed development.

### 5. Representations

5.1 Lucton Parish Council object to the proposal as there is insufficient information given on the application form.

5.2 No responses have been received from members of the public to this application.

5.3 Ramblers Association raises no objections however they comment about the close proximity of the development site to a public footpath (12 metres), wishing to see warning notices erected advising users of the access track of the presence of the footpath.

- 5.4 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

## 6. Officers Appraisal

- 6.1 Planning Policy Statement 7 (PPS7): Sustainable Development in Rural Areas Annex A: Agricultural, Forestry and other Occupational Dwellings states that isolated new houses in the countryside require special justification for planning permission to be granted. It will often be as convenient and more sustainable for such workers to live in nearby houses or villages, or suitable existing dwellings, so avoiding new and potentially intrusive development in the countryside.

The annex further states that if a new dwelling is essential to support a new farming activity, whether on a newly created agricultural unit or an established one, it should normally, for the first three years, be provided by a caravan, or a wooden structure that can easily be dismantled to allow time in order to satisfy criteria on the establishment of the business as listed below.

The PPS7 states five clear tests to establish whether the dwelling is needed at the specific location these tests are:

- Existing functional need
- Requirement for full-time worker – Functional Test
- Establishment and profitability of the unit – Financial Test
- Availability of alternative accommodation
- Satisfaction of the proposal in relationship to other planning requirements.

### Existing Functional Need

- 6.2 In their appraisal the applicants have stated that the business has been in operation since Mr Mathias purchased the land, 5.66 hectares in 1986 and breeds thoroughbred horses for National Hunt Racing and that a large amount of money has been invested in both the buying of well bred National Hunt Broodmares and the provision of a safe environment. As well as this, the business also transports thoroughbred horses to and from Ireland. The breeding season lasts from January to June (inclusive).

### Requirement for Full-time Worker – Functional Test

- 6.3 The applicants have stated in their appraisal that workers need to be on hand 24 hours a day to watch their horses particularly when mares are giving birth. The report states that there are currently 8 broodmares on site and that this provides full employment for both the applicants as well as one permanent casual worker, along with the section of the business transporting horses to and from Ireland.

### Establishment and Profitability of the Unit - Financial Test

- 6.4 The land the business is being operated from was purchased by Mr Mathias in 1986, no indication or evidence is given when the business actually commenced trading and no financial accounts have been submitted in support of the application. The only financial information provided is an anticipated profit and loss account with no dates.

**Availability of Alternative Accommodation**

6.5 The applicant currently resides at Glencoe, Lucton, this dwelling is located ½ mile from the proposed development site.

**Satisfaction of the proposal in relationship to other planning requirements.**

6.6 PPS7 and Policy A43 on Agricultural or Forestry Dwellings in the Leominster District Local Plan (which refers to new dwellings in the countryside) both state that if a new dwelling is essential to support a new farming activity, whether on a newly-created agricultural unit or an established one, it should normally, for the first three years, be provided by a caravan or wooden structure that can be easily dismantled or other temporary accommodation, (this itself is also dependant on the previous mentioned criteria requirements as mentioned above).

The proposed development is within close proximity to a grade II\* listed building and would be likely to have a detrimental effect upon its setting.

**Conclusion**

6.7 The application does not meet with criteria of PPS7 on sustainable development in rural areas or Policy A43 on agricultural or forestry dwellings in the open countryside in the Leominster District Local Plan.

6.8 The concerns about security (as mentioned in the appraisal) are not a sufficient reason on it's own for allowing development at this site. The business supports 8 broodmares and therefore supervision of these during birth outside working hours can be arranged through the provision of temporary accommodation on site. No detailed accounts have been submitted in support of the application to prove the business existence, the only financial information submitted in support of the application being an 'anticipated' profit and loss account. The applicants already live within close proximity to the application site, in the settlement of Lucton, half a mile from the site. The proposed development site is within close proximity and prominent to Lucton School, a grade II\* listed building to which the development would have a harmful effect on it's setting.

**RECOMMENDATION**

**That planning permission be refused for the following reasons:**

- 1. It is considered that the proposal is contrary to Policy Statement 7 Sustainable Development in Rural Areas and Policies A2D and A43 of the Leominster District Local Plan.**
- 2. The proposed development would be likely to be detrimental to the setting of Lucton School, a grade II\* listed building.**

Decision: .....

Notes: .....

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**Background Papers** Internal departmental consultation replies.