

TWC/2020/0356

Land opposite Woodside Farm, Kynnersley Drive, Lilleshall, Newport, Shropshire
Creation of manege, parking, associated boundary treatments and the erection of
stables/equestrian buildings *****amended plans and supporting information
recieved*****

APPLICANT

M Haddock

RECEIVED

23/04/2020

PARISH

Lilleshall

WARD

Church Aston and Lilleshall

**THIS APPLICATION HAS BEEN CALLED IN TO BE DETERMINED BY
PLANNING COMMITTEE AT THE REQUEST OF CLLR. ANDREW EADE**

On-line Application File:

<https://secure.telford.gov.uk/planning/pa-applicationsummary.aspx?applicationnumber=TWC/2020/0356>

1. SUMMARY RECOMMENDATION

- 1.1 It is recommended that **DELEGATED AUTHORITY** be granted to the Development Management Service Delivery Manager to **GRANT FULL PLANNING PERMISSION** subject to Condition(s) and Informative(s).

2. SITE AND SURROUNDINGS

- 2.1 The site is located on Kynnersley Drive, which falls within the Parish of Lilleshall, however located outside of the village boundary. The site is 3.3 miles from the Market Town of Newport and 5 miles from Telford's Town Centre District and falls within the Weald Moors Strategic Landscape Area.
- 2.2 The application site is currently a field opposite Woodside Farm. The field has an existing access in the form of a field gate, and there is a Public Right of Way (PRoW) which runs diagonally through the site. A residential property lies directly to the west of the site, 'Cwmbran' and three further residential properties opposite the site, Woodside Farm, Wychwood Kennels and Cattery, and Hinckswood House. The property Doonguile is located further along Kynnersley drive, in the next field to the application site.

3. PROPOSAL

- 3.1 Full Planning Permission is sought for the creation of a ménage and erection of stables to run a livery yard, with associated access, limited hardstanding, gravelled track and boundary enclosures. A temporary mobile home has been proposed on the site and has been submitted as a separate application, ref.: TWC/2020/0358. This report considers the merits of the livery business, ménage and stables only and the mobile home will be subject to separate consideration by the Planning Committee.

- 3.2 The livery yard would provide accommodation for horses, with care provided by the Applicants on a full or part time basis. If customers choose to only have livery services part time, they are required to visit their horse twice a week to attend. The Applicant has confirmed there would be a maximum of 10 horses on-site at one time, including those owned by the owners/directors of the site. Due to the low number of horses present on site, the Applicants anticipate a maximum of eight cars visiting the site over the course of the day however it is likely to be significantly less.
- 3.3 There are currently three staff members proposed to operate the site. Visitor hours would be between 0800-2000 on weekdays and 0900-2000 on weekends. The ménage could be used at any time during the opening hours. The ménage is no-proposed to be used for any events or large gatherings, and only for the use of the horses on site to be exercised.
- 3.4 It is noted that a lighting strategy will be required for the site as part of the development – whilst the accompanying Business Case references flood lighting, it is clear this would not be appropriate within this location and an alternative solution, more respectful of its surroundings would need to be considered.
- 3.5 No deliveries to the site are anticipated, with the exception of horses being occasionally transport to and from the site.
- 3.6 Additional information regarding the operation of the site has been submitted throughout the course of the application and a re-consultation has taken place.

4. RELEVANT PLANNING HISTORY

- 4.1 None

5. PLANNING POLICY CONTEXT

- 5.1 National Planning Policy Framework (NPPF)
- 5.2 Telford & Wrekin Local Plan 2011-2031 (TWLP):

SP3: Rural Area
SP4: Presumption in Favour of Sustainable Development
EC3: Employment in the Rural Area
NE1: Biodiversity and Geodiversity
NE2: Trees, Hedgerows and Woodlands
C3: Impact of Development on Highways
BE1: Design Criteria
ER11: Sewerage Systems and Water Quality
ER12: Flood Risk Management

- 5.3 Lilleshall Neighbourhood Plan:

LE2: Ecology and Landscape
TA1: Linkages and Connections
EC1: Rural Diversification and Small-Scale Employment Development

6. CONSULTATION RESPONSES SUMMARY

As a result of the submission of additional information, the comments below have been summarised from across three consultation periods.

6.1 Standard Consultation Responses

6.2 Lilleshall Parish Council: Object:

- Considers the application would result in an intensification of the use and additional use of the highway would have a negative impact upon the current road network;
- Considers the scheme is contrary to the Lilleshall Neighbourhood Plan, and to the Telford & Wrekin Local Plan as the scheme is proposed within the Weald Moors strategic landscape area.

6.3 Cllr. Andrew Eade: Object:

- Requested the application be determined by the Council's Planning Committee should it be recommended for approval;
- Objects on the basis of access and egress onto and off the site using the single track Kynnersley Drive and the intensification of traffic movements on Kynnersley Lane being unsuitable to cope with additional traffic movements of large vehicles.

6.4 Highways: Support subject to Condition(s) and Informative(s):

- Based on the Business Statement submitted, namely: the maximum number of cars visiting in one day not exceeding 8, the number of horses on site not exceeding 10 and horse transportation being limited to non-HGV only, it is considered the traffic movements for the business would not result in a significant intensification of the use, and would not justify a highways refusal;
- The traffic movements would be further reduced if the staff members are granted consent to live on the site;
- Recommends inclusion of conditions requesting visibility splays to be put in place prior to development commencing, and car parking to be laid out prior to occupation. Also requests the inclusion of a highways informative.

6.5 Drainage: Support subject to Condition(s):

- Initially objected to the application as there is no drainage infrastructure within the vicinity of the site, and the developer needed to demonstrate that soakaways would be a viable option;

- Following the submission of further information, it has been demonstrated that soakaway drainage is appropriate for the site and an extensive scheme has been put forward;
- A Condition is recommended to request that the drainage scheme is implemented prior to the development being brought into use.

6.6 Ecology: **Support subject to Condition(s) and Informative(s)**:

- Recommend inclusion of Conditions requesting the erection of artificial nesting boxes and a lighting plan prior to the development being brought into use;
- Recommends the inclusion of a condition requesting works on site be carried out in accordance with the Ecology Survey.

6.7 Shropshire Fire Service: **Comment**:

- Consideration should be given to information contained with Shropshire Fire & Rescue Service's Fire Safety Guidance document.

6.8 Neighbour Consultation Responses

6.9 The application has been advertised through neighbour notification letters. 22 letters of objection have been received from neighbouring properties raising the following concerns:

- Increase in traffic;
- Damage to the existing road which is in a poor condition;
- The road is unsafe for horse riders;
- Business plan is not sufficient and the business would not be viable;
- The proposal goes against the aims of the Strategic Landscape area;
- Impacts of noise, smell and vermin from the development;
- There is no need for the business as there are other livery yards within the area;
- Lighting would impact upon neighbour amenity and biodiversity;
- Incompatibility with dog kennels opposite;
- Impact on Neighbour Amenity

7. **PLANNING CONSIDERATIONS**

7.1 Having regard to the Development Plan Policy and other material considerations including comments received during the consultation process, the planning application raises the following main issues:

- Principle of Development
- Scale and Design of the Proposal
- Impact on Neighbour Amenity
- Response to Consultation Comments

7.2 Principle of Development

Section 38(6) of the Planning and Compulsory Act (2004) states that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

- 7.3 The site is located in the rural area, where the principle of running a livery yard and erecting a ménage and stables is considered to be acceptable as it would facilitate activities typically expected to take place within the rural area. The yard would result in the introduction of a new business within this area, being relocated from outside the borough and as a result would see investment in the rural economy. The Applicant has provided evidence to support their application in the form of a business case and financial statements to show how the business would operate and to demonstrate that the business would be viable.
- 7.4 With regard to the operation of the site, the Applicant has provided a letter detailing the proposed use. The site would accommodate a maximum of 10 horses on either a full or part time basis for the livery services, and visitor hours would be between 0800-2000 on weekdays, and from 0900-2000 on weekends. The hours of operation are considered to be reasonable and necessary for the operation of the business, and having longer opening times would ensure that the maximum of 8 cars visiting the site would be spread out throughout the day. The Applicant has advised no deliveries will be required, other than the occasional transportation of horses to and from the site, however this would not be a regular occurrence. The Council's Highways Officer has assessed the scheme and based on the information submitted within the Business Case, they have raised no objection subject to appropriate conditions. As a result of the maximum amount of visitors throughout the day resulting in a maximum of 8 trips to and from the site, spread over a 12-hour period, it is considered the increased vehicular trips would not significantly impact upon the highway network or adjacent properties.
- 7.5 The Applicant has confirmed that the use of the ménage would be anytime during the visitor hours outlined above. This is considered to be acceptable in principle, however the LPA propose a condition to restrict the use of the ménage to ensure it is only used within the visitor hours outlined. The ménage would be used by up to the maximum of 10 horses during one day for exercise purposes, however this would be spread out over the course of the day, and the hours of operation are considered to be reasonable, and would not cause harm to the amenity of adjoining neighbours. As the ménage would be used for the purposes of exercising the horses only, and not for any larger

events, the principle of creating a ménage in this area is considered to be acceptable.

7.6 The Applicant has confirmed that a lighting strategy will be required, as the horses will require care later into the evening, and during the winter months when the nights are darker. The LPA consider this to be acceptable in principle as a degree of lighting would be reasonable to allow for the business to successfully operate. The LPA propose a Condition requesting details of lighting to be submitted prior to development taking place in order to ensure that no adverse impact would occur upon neighbouring residents, or biodiversity. Notwithstanding reference within the Business Case to 'flood lighting,' it is considered that this would not be appropriate form of lighting and would need to be avoided in favour of a more discreet system which operates for limited hours, to coincide with the operational hours of the business.

7.7 A Public Right of Way (PRoW) runs across the centre of the site diagonally, and following consultation with the Council's Rights of Way Officer, it has been confirmed that the PRoW will remain in place, with the Applicants providing appropriate gates and access for the public to cross the site. No obstruction would be caused to the PRoW as a result of the proposal.

7.8 Overall, the principle of the Change of Use of the land to a livery, and erection of stables and a ménage to facilitate this Use is therefore considered to be acceptable, would diversify the rural economy and would be suitable for its location in the rural area. The proposal is considered to accord with Policy SP3, SP4 and EC3 of the TWLP.

7.9 Scale and Design of the Proposal

The proposal would result in the development of a small section of an existing field to form a new ménage area, stables, access track and hard surfacing to facilitate the use. The works proposed would be consistent with other farm buildings within the immediate vicinity and would be consistent with works which would typically be expected within the rural area.

7.10 The ménage itself would be a flat area of land in order to allow the horses to be exercised. The materials for the proposed surfacing of the ménage have not been confirmed, but typical examples of materials consist of sand or fine gravel. Whilst it is acknowledged that the ménage would result in a change to the landscape through the removal of the grass currently in place, it would still be in-keeping with the rural environment and would principally require the installation of a small area of hardstanding in the form of a concrete path which is required for practicality reasons. It is considered overall that the ménage would be sympathetic to the wider site context and would not fundamentally impact upon the character of the wider area.

- 7.11 In terms of the stable buildings proposed, these would also be typical of what would be expected within the rural area, constructed from simple blockwork with external timber cladding and corrugated roof sheeting. Whilst the Application Form makes reference to 'white' painted blockwork, the LPA considered that timber external cladding would be more appropriate so that the buildings appear less dominant within the field and more sympathetic to the rural landscape. The materials proposed will be required to be submitted by means of a Condition should Consent be granted. The buildings would be of a minor scale and, subject to appropriate materials, would not cause any significant detrimental impact upon the character of the area.
- 7.12 In terms of boundary treatments, the scheme proposes a 1.5 metre high timber ranch fencing around the ménage and around the remainder of the site in order to secure it. The fencing around the site will also include the planting of a native hedgerow which will over time, soften the appearance of the fence. The type of fencing proposed is considered to be appropriate for the site's rural setting and would not cause any significant detrimental harm to the character of the area.
- 7.13 The site is part of the Weald Moors Strategic Landscape designation which requires the LPA to assess if development would cause harm to the landscape quality of the area under Policy NE7. Lilleshall Neighbourhood Plan Policy EC1 also requires the same protection for such areas. It is worth noting that neither of these policies restricts development, provided that no harm is caused to the visual and landscape quality of the area. Some development within the rural area and within strategic landscape areas is necessary to allow diversification of the rural economy, provided that development does not conflict with the aims of the policy to adequately protect these areas.
- 7.14 Given the modest scale of the development, it is not considered the development would cause any significant detrimental impacts upon the wider visual appearance or landscape quality of the area as the works proposed are consistent with expected activities of a rural area. With the use of appropriate materials, it is considered any potential harm which would occur from developing the site could be mitigated. The LPA are confident that the works proposed would not conflict with the aims of Policy NE7 and the Lilleshall Neighbourhood Plan to protect Strategic Landscape Areas.
- 7.15 Overall, the scale, form, layout and design of the development is considered to be appropriate for its rural setting and would cause no significant harm upon the Strategic Landscape Area designation. The scale would be modest and appropriate materials can be used to ensure the development is in keeping with its context. The proposal complies with Policies BE1 and NE7 of the TWLP and Lilleshall Neighbourhood Plan.
- 7.16 Impact on Neighbour Amenity

Policy BE1 of the TWLP states that development should not prejudice existing properties or uses. It is acknowledged that the occupants of the adjacent

properties will experience a change in outlook with regards to the activities in the field.

- 7.17 The ménage and stables would be sited at the rear of the site, at the furthest point away from neighbouring properties possible, without affecting the public right of way. It is considered the scheme would have no significant detrimental impacts upon Woodside Farm, Wychwood Kennels and Cattery, and Hinckswood House due to the significant separation distances in place.
- 7.18 The closest property to the site is Cwmbran which shares a boundary with the development site. There would be a separation distance of approximately 70 metres between the rear of Cwmbran and the closest stables which is considered to be an acceptable distance to ensure residential amenity is retained. There is also a substantial area of established trees on the boundary of Cwmbran which would retain a sense separation from the adjoining site and provide a sound buffer. Given the separation distance in place and the proposed conditions to control levels of lighting and control the operation of the site, it is considered that whilst Cwmbran may experience a change of outlook through increased activity in the field, it would not be subject to any significant detrimental harm as a result of the proposal.
- 7.19 Concerns were raised during the consultation period regarding impacts of smell, vermin and noise as a result of the proposal. The Local Planning Authority have assessed these elements in relation to the proximity to neighbouring properties, and consider that as the nearest residential property would be located approximately 70 metres away from the site, the distance would protect the residents from any smell, noise or vermin that may come from the site. The site also has a dense tree buffer on the boundary which would mitigate and soften any impacts of noise. In this respect, the LPA consider the scheme would not cause significant harm to neighbouring properties.
- 7.20 As a result, it is considered the proposal would not result in any significant detrimental impacts upon neighbouring properties nearby to the site. The scheme is considered to be compliant with Policy BE1 in this respect.

7.21 Response to Consultation Comments

A number of comments were raised during the consultation period by the Parish Council, Cllr. Andrew Eade and Local Residents. The largest concern highlighted by all parties was the impact upon the highway network in terms of increases in traffic as a result of the proposal, the potential for the scheme to cause further damage to a road in an existing poor condition, and the safety and suitability of the road itself to accommodate the new Use.

- 7.22 The Council's Highways Officer has provided detailed comments during the consultation period, advising on the specific elements of the Business Case that would impact upon parking. In conclusion, the Highways Officer confirms that due to the low number of vehicle movements to and from the site each day and the type of vehicles to be used, for example, no use of HGVs as

advised in the business statement, they have concluded they consider the scheme would not result in an intensification of the use and overall it can be supported. With regard to the road infrastructure itself, it should be noted that the road is used frequently for much larger farm vehicles and HGVs to support the neighbouring businesses, and the proposal put forward would not significantly worsen the situation along Kynnersley Drive and would not be sufficient grounds to justify a highways reason for refusal. Residents also raised concerns that the road would not be safe for horse riders, however horse riding is an activity typically associated with the rural area, and the road could be used for horse riders at the present time without any controls in place.

- 7.23 In terms of other comments put forward, concern has been raised that the business would not be viable and the Business Case is not sufficient to restrict the Use. Officers have reviewed confidential financial documents submitted by the Applicant which provide an insight into the current financial situation of the business; these documents have also been viewed by the Rural Specialist who carried out the essential need report for the mobile home under the associated application ref.: TWC/2020/0358. The documents demonstrate that the business was viable where it was previously operated outside of the borough, and that the Applicant's have the existing business plan as a basis. On that basis, the LPA has no reason to object to the scheme based on the financial status of the business. With regards to the business plan, the business operations have been outlined clearly and in detail, and Officers consider a Condition to restrict operations to be solely in accordance with the Business Case would be sufficient to restrict the Use.
- 7.24 Concerns were raised regarding external lighting and the impact this may have on neighbouring amenity and biodiversity. The Council's Ecology Officer has requested a Condition to review a scheme for any external lighting proposed prior to the site being brought into use, and as part of this Officers will also ensure the lighting proposed would not cause significant harm to neighbouring amenity. Lighting has been referenced earlier in the application and the LPA have confirmed that flood lighting as originally proposed would not be acceptable, and that the Applicant will be required to put forward an alternative solution.
- 7.25 Comments have been raised in respect of incompatibility with neighbouring sites, specifically referencing the dog kennels opposite and that the relationship between the existing Use and the new Use proposed would not be compatible in terms of safety of the animals. However it should be noted that the field as existing could be used at any time by horse riders and the LPA could not set controls on this. As both uses are common within the rural area, it is considered the siting of the business would be appropriate in this respect.
- 7.26 In relation to the comments raised regarding drainage, the LPA acknowledges that the Council's Drainage Officer previously objected to the scheme due to the lack of drainage infrastructure in the vicinity of the site. However the Applicant has put forward a detailed drainage scheme to justify how the site

will be drained, and the Drainage Officer has now confirmed they can support the scheme subject to conditions. The Applicant will need to carry out the works in accordance with the approved drainage scheme.

- 7.27 With regard to the scale and design of the scheme, the impact upon the Strategic Landscape Area, and impact upon residential amenity, these points have been addressed in the main body of the report. Overall it is considered that all of the comments raised during the consultation period have been satisfactorily addressed.

8. CONCLUSIONS

- 8.1 The principle of the Change of Use of the field to accommodate a livery business with ménage and stables is considered to be acceptable given its location within the rural area. It would diversify the local economy and result in investment within the rural area. The scheme would be appropriate for its setting and would cause no significant harm upon the Weald Moors Strategic Landscape area. The proposal would not result in significant detrimental harm to neighbouring properties and would accord with Telford & Wrekin Local Plan Policies, the Lilleshall Neighbourhood Plan and National Guidance contained within the NPPF.

9. RECOMMENDATION

- 9.1 Based on the Conclusions above, the recommendation to the Planning Committee on this application is that **DELEGATED AUTHORITY** be granted to the Development Management Service Delivery Manager to **GRANT PLANNING PERMISSION** subject to the following Condition(s):

A04	Time Limit
B010	Notwithstanding the details on the plans, details of materials to be submitted
B145	Details of External Lighting to be submitted
C12	Car Parking
C14	Visibility Splays
C030	Drainage to be implemented prior to occupation
C073	Tree & Hedge Protection
C091	Works in Accordance with the Ecology Survey
C38	Works in Accordance with the Approved Plans Erection of artificial nesting/roosting boxes Works in Accordance with the Business Statement

Informative(s):

I11	Highways
I25m	Nesting Wild birds
I30	Fire Authority
I40	Conditions
I41	Reasons for Grant of Planning Permission