

TWC/2022/0179

Rushmoor Stud, Rushmoor Lane, Bratton, Telford, Shropshire, TF5 0DA
Creation of an earth bund to eastern boundary, erection of fencing, creation of a new access road, siting of 2no. shipping containers and temporary siting of 1no. static caravan and 1no. touring caravan, erection of decking adjacent to static caravan and installation of a sewage treatment plant (Retrospective)

APPLICANT

Rushmoor Stud Limited

RECEIVED

28/02/2022

PARISH

Wrockwardine

WARD

Wrockwardine

THIS APPLICATION HAS BEEN REFERRED TO PLANNING COMMITTEE AT THE REQUEST OF CLLR JACQUELINE SEYMOUR

Online planning file: <https://secure.telford.gov.uk/planning/pa-applicationssummary.aspx?applicationnumber=TWC/2022/0179>

1.0 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 conditions and informatives.

2.0 SITE AND SURROUNDINGS

2.1 The application site comprises of an established equestrian business, operating under the name of 'Rushmoor Stud'. The site is located within Rushmoor, a hamlet which is located approximately 4.3 miles North-West of the Market Town of Wellington.

2.2 The site is bordered by fields which are largely used for agricultural and equestrian purposes. The landscaping on the site comprises of a mixture of hard and soft boundary treatments, however; the predominant form is hedging and trees. There are a number of existing buildings on the site, both of a temporary residential and permanent equestrian nature.

3.0 APPLICATION DETAILS

3.1 This application seeks full planning permission for the creation of an earth bund to the eastern boundary of the site, erection of fencing, creation of a new access road, siting of 2no. shipping containers, temporary siting of 1no. static caravan and 1no. touring caravan, erection of decking adjacent to static caravan and the installation of a sewage treatment plant. As the works have already been carried out, this application is retrospective.

3.2 The application is accompanied by the following supporting documents: -

- Application Form
- Location Plan
- Proposed Site Plan
- Proposed Earth Bund Plan and Section
- Proposed Decking Plan and Elevation Plan

- Proposed Fence and Shipping Container Plan
- BioFicient 1 Treatment Plant Drawing
- Planning Statement
- Sewage Treatment Plan Commissioning Details, specification details and copies of emails from the Environment Agency
- Full details and photographs of the touring caravan, static caravan, decking, shipping containers and fencing

4.0 RELEVANT HISTORY

- 4.1 TWC/2017/0253 - Change of Use of Agricultural Land to Equestrian, erection of replacement stable block with associated storage facilities, formation of new vehicular access, formation of pond and the installation of a septic tank – Full Granted on 28/09/2018.
- 4.2 TWC/2018/0538 - Temporary siting (3 years) of a static caravan – Full Granted on 26/10/2018.
- 4.3 TWC/2022/0103 – Change of use from office/storage into a holiday let – Full Granted on 05/05/2022

5.0 RELEVANT POLICY DOCUMENTS

5.1 National Guidance:

National Planning Policy Framework (NPPF)

5.2 Local Development Plan:

Telford & Wrekin Local Plan

6.0 SUMMARY OF CONSULTATION RESPONSES

6.1 Local Member & Town/Parish Council Responses:

Comments received from statutory consultees can be viewed in full on the planning file, but key points have been summarised as follows:

6.1.1 Wrockwardine Parish Council: Object

- The Parish Council finds the provision of two shipping containers is inappropriate in this rural locality. Furthermore, the bund does not appear to be necessary as the horses are grazing on an adjacent field. The Parish Council is very concerned that the applicant's intent is to change the use of the whole site and that these additional planning applications are deviating from the original proposed designated use of the land.

6.1.2 Cllr Jacqueline Seymour – Object:

- The provision of a temporary caravan on site was originally established to meet the need for a member of staff to be present when the racing mares were foaling. This only takes place between January and February each year. The siting of a large luxurious touring caravan plus a construction that meets the description of a large Park Home with elaborate decking is excessive in the extreme and is attempting to establish the principle of residence on this site which was refused back in 2017.
- Without the 'Park Home' type construction, most of the miscellaneous items in this application would be unnecessary.
- The 2 shipping containers would be unnecessary if the applicant was not attempting to turn the office and storage unit into a Holiday Let which is again against the principle of residence on this site as per Application No. TWC/2022/0103.

6.2 Standard Consultation Responses

6.2.1 Ecology: Support subject to conditions

6.2.2 Highways: No objection

6.2.3 Drainage: No objection

6.2.4 Shropshire Fire Service: Comment

Consideration should be given to advice provided in Shropshire Fire and Rescue Service's "Fire Safety Guidance for Commercial and Domestic Planning Applications" document.

7.0 SUMMARY OF PUBLIC RESPONSE

7.1 Two letters of objection and one comment has been received from local residents, which are available in full on the planning file, but key points have been summarised as follows:

- The principle of residential development on the site
- The business no longer represents an equestrian business
- There are inconsistencies within the application form and supporting documentation

8.0 PLANNING CONSIDERATIONS

8.1 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 residential amenity
- Other matters

8.2 Principle of Development

- 8.2.1 The site subject to this application is occupied by an established equestrian and race horse breeding business, which operates under the name of 'Rushmoor Stud'. The business has successfully operated from the site since the approval of two previous planning applications – TWC/2017/0253 and TWC/2018/0538.
- 8.2.2 Previously approved application TWC/2018/0538 permitted the siting the static home for a temporary period of three years. This permission was granted on 26th October 2018 and the temporary permission expired on the 26th October 2021. Upon the expiry of this date, the LPA received complaints that the static home remained on site and as such, the Council's Enforcement Officers requested that that the static home was either removed or an application(s) submitted to the LPA to regularise the situation. The applicant therefore submitted this application to gain a temporary permission to allow the static caravan to be positioned on the site for a further period of 3 years. This is in line with the advice contained within the Planning Practice Guidance paragraph 010 (ID: 67-010-20190722) which outlines that permission can be granted for a temporary dwelling in the case of new enterprises in order for the enterprise to evidence that it is viable.
- 8.2.3 When visiting the site, Officers also noted that a number of works had been carried out on the site without the benefit of planning permission and the Applicant was instructed to include these on this application.
- 8.2.4 In regards to the temporary siting of a static caravan and a touring caravan on the site, Policy HO10 of the Local Plan outlines that residential development will be permitted within the rural area where it would meet the essential need for rural worker dwelling. An appropriate condition or legal agreement restricting occupancy will be required to ensure it remains for the purpose of which it was granted. Where there is insufficient evidence provided of need at the planning application stage, the Council will consider granting permission for temporary accommodation such as mobile homes for a period of up to three years. The Council will not support applications for dwellings where applications are primarily made on the ground of providing security.
- 8.2.5 Policy HO10 further outlines that rural workers are defined as workers engaged primarily in farming, forestry or other rural based industries. In instances where a rural worker cannot find sustainable or suitable accommodation the Council will support applications for new permanent accommodation subject to sufficient evidence of local housing need being provided. In assessing the need, the Council will take into account whether there is a clear functional need for the person to be readily available on the site or nearby at most times; the worker is fully or primarily employed on the site; the business is financially sound and has a clear prospect of remaining so; the dwelling sought is of an appropriate size commensurate with the established functional requirement; and the need cannot be met by an existing dwelling on the unit or by other existing accommodation in the area.
- 8.2.6 After undertaking an unscheduled visit to the site, Officers are satisfied that an equestrian business is being operated from the site, which is considered to be

a rural based industry. The static caravan will continue to be occupied by the business owner, who is considered to be a rural worker in line with the above planning policy. The applicant has reiterated the need which was demonstrated when the first temporary consent for the static home was granted and confirmed that a 24 hour presence on the site is still required. Justification for the static home is not limited to security, but that due to the nature of the business it is important that worker is present on site 24 hours a day, in order to be able to assess whether there are any changes with the horse's health and behaviour as this will require urgent attention.

- 8.2.7 Whilst the applicant has acknowledged that whilst foaling takes place predominately in the first five months of the year (January-May), the LPA are satisfied that sufficient evidence has been provided regarding the necessity for a rural worker to permanently live at the enterprise to ensure the effective operation of the business. In addition, the applicant has confirmed that when foaling does take place, it is vital to have a worker on site in order to provide the adequate care through the foaling and to provide satisfactory after-care. The LPA are therefore satisfied that this need is still relevant.
- 8.2.8 Officers are satisfied that due to the nature of the business, the owner has to remain on site and would not be able to reside in a permanent dwelling within the parish, away from the site. It is considered that a clear functional need for the owner to be readily available on the site has been demonstrated and that the owner is primarily employed on the site. The business is considered to be financially sound and has a clear prospect of remaining so. The principle of siting the static caravan on the site for a further 3 years is therefore considered to be acceptable and in accordance with Policy HO10.
- 8.2.9 In relation to the touring caravan which also forms part of this application, the applicant is also seeking a temporary 3 year consent for its retention. It has been confirmed on site that the structure is used by employees of the business on an ad-hoc basis as a welfare unit to prepare hot drinks and meals. The applicant has sited the caravan well within the site boundaries and on the basis that it is not used as living accommodation, Officers consider it to form an ancillary part of the site. The applicant has been made aware that the tourer should not be slept in by members of staff and that welfare facilities for staff should be addressed within any future applications on the site and that this structure will only be given a 3 year temporary consent, after which time it shall be removed.
- 8.2.9 The applicant has confirmed his intentions to submit a further application for a permanent dwelling on the site. Officers have confirmed that due to the temporary nature of static caravans, this will be the last temporary consent granted for the structure and have requested that a full application for a new dwelling is submitted as soon as possible, to allow for a full consideration to be undertaken. This application will be determined on its own merits and do not consider that the granting of a temporary consent for a static home and touring caravan would set a precedent for permanent accommodation on the site.

8.3 Scale and design of the proposal

8.3.1 Officers have visited the site and have been able to see the various elements proposed within this application, constructed on site. It is considered that the earth bund, fencing and decking are acceptable in scale and design and would not have a detrimental impact upon the rural character and appearance of the area. The static and touring caravans are considered to be positioned well into the site and will only be present for a period of 3 years. Officers are therefore satisfied that these elements do not have a detrimental impact upon the streetscene.

8.3.2 In respect of shipping containers, Officers acknowledge that these would not usually be supported as a permanent feature within the streetscene. However, after visiting the site, it is clear to see that they are well screened from the mature, boundary treatments around the periphery of the site and can only be viewed from limited vantage points. Officers have requested that the containers are painted green within 3 months of this permission being granted, in order to further allow them to blend in against the boundary treatments. It is therefore considered that the proposal is compliant with Policy BE1.

8.4 Impact on residential amenity

8.4.1 Given the nature and location of the works included within this application and the location of neighbouring properties, Officers are satisfied that the proposal will not have a detrimental impact upon the amenity of neighbouring occupiers.

8.5 Other Matters

8.5.1 Drainage: The Council's Drainage Team have been formally consulted on the application and raised have no objections to the retention of the package treatment plant with discharge into the surface water drainage ditch. The Local Planning Authority are aware of a land ownership dispute with a neighbouring land owner, in regards to the drainage of the site. However, this is a civil matter between both parties and is not a material planning consideration. The proposal is therefore deemed to be compliant with Policy ER11.

8.5.2 Ecology: The Council's Ecologist has reviewed the application and has supported the scheme subject to conditions. As the site is located within a rural area, bats are likely to be active commuting and foraging in the surrounding areas. A condition to provide a lighting plan and lighting specifications has been included to protect these European Protected Species. The proposal is therefore deemed to be compliant with Policy NE1.

8.5.3 Highways: The Local Highways Authority have been formally consulted on the proposal and have raised no objections to the scheme. Given that the new access road is located within the site and that there is sufficient parking on site for both the static and touring caravans, the proposal is therefore deemed to be compliant with policies C3 and C5.

9.0 CONCLUSIONS

- 9.1 The temporary siting of the static home and touring caravan have been adequately justified by the applicant and are considered to be in accordance with Policy HO10. The permanent structures are acceptable in regards to scale and design and would not have a detrimental impact upon the character and appearance of the streetscene, due to their location within the site and the boundary treatments present. There are no technical objections to the proposal and as such, the proposal is considered to be compliant with the Local Plan and the national guidance contained within the NPPF.
- 9.2 There are no technical issues that would warrant the refusal of the application. Accordingly it is considered that the proposal represents a sustainable form of development which complies with the National Planning Policy Framework, together with relevant policies within the Telford & Wrekin Local Plan.

10.0 RECOMMENDATION

- 10.1 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:

- A) The following conditions (with authority to finalise conditions and reasons for approval to be delegated to Development Management Service Delivery Manager):-

1. A06 Temporary three year consent (caravans)
2. B009 Custom Painting of Shipping Containers
3. B145 Lighting Plan
4. C002 Materials as approved
5. C38 Development in accordance with approved plans
6. D20 Equestrian Occupancy
7. I32 Fire Authority
8. I40 Conditions
9. I41 Reasons for grant of approval
10. RANPPF1