

TWC/2020/0116

Land Adjacent to Yew Tree Manor, Pave Lane, Chetwynd Aston, Newport, Shropshire
Change of use and creation of a Ménage including the erection of a fence *****additional
information and amended plans received*****

APPLICANT

Will Askin

RECEIVED

06/02/2020

PARISH

Chetwynd Aston and Woodcote

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/2020/0116>

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 Chetwynd Aston is a Parish that sits in close proximity to the Market Town of Newport. The application site is located on Pave Lane, within the rural area of the borough.
- 2.2 The application site is currently a field to the rear of Yew Tree Manor and Yew Tree Barn. It has trees bordering the site to the north and west, with open fields to the east. Whilst it is noted that both buildings previously were within the same curtilage, Yew Tree Barn is now a separate property to Yew Tree Manor after obtaining Planning Permission in 2017. The Yew Tree Barn site has a Stable Block where the Applicant keeps their horses adjacent to the application site field.

3. PROPOSAL

- 3.1 Full Planning Permission is sought for the creation of a ménage on an existing field adjacent to Yew Tree Barns and Yew Tree Manor. The ménage would measure 20 metres in width by 40 metres in length, and be constructed from a non-woven membrane with a riding surface on top. The ménage would have a 1.3 metre high timber fence around the border to keep the horses contained. The ménage would be accessed from the south, from the entrance to Yew Tree Barn.
- 3.2 Along with a duly completed Application Form, the applicant has supplied the Local Planning Authority with Location Plan, Block Plan, Section Plan and a Statement of Use.
- 3.3 During the course of the current submission, a series Amended Plans have been submitted to provide further details, and a Statement of Use has been provided. As a result, two further rounds of re-consultation have taken place during the application process.

4. RELEVANT PLANNING HISTORY

- 4.1 Pending Associated Applications: TWC/2020/0304 - Erection of a timber structure to be used as a glamping pod utilising existing access off Pave Lane; and TWC/2020/0306 - Erection of a timber structured outdoor classroom including a toilet for purposes of alternative provision schooling.
- 4.2 TWC/2017/0047 - Part conversion and extension of existing coach house into 1No. 3-bed dwelling, erection of detached double garage and the erection of a stable block utilising existing access *** AMENDED DESCRIPTION, PLANS AND SITE BOUNDARY *** Full Granted: 14 February 2017
- 4.3 TWC/2018/0678 - Variation of Condition 11 of planning permission TWC/2017/0047 (Part conversion and extension of existing coach house into 1No. 3-bed dwelling, erection of detached double garage and the erection of a stable block utilising existing access) to increase the height of the proposed garage and minor alterations to design of stables *** Amended description *** Full Granted: 30 November 2018

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
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

6. CONSULTATION RESPONSES SUMMARY

As a result of the submission of a series of Amended Plans and Additional Information, the comments below have been summarised from across three consultation periods.

6.1 Standard Consultation Responses

6.1.1 Chetwynd Aston & Woodcote Parish Council: Object:

- Concern regarding neighbour amenity due to the location of the ménage;
- Insufficient information having been provided and landscape plans require further details;
- Concern regarding the character of the area;
- The Applicant's reference to the use of lighting is open-ended and may result in lighting being installed in the future;
- Suitable boundary screening being necessary.

6.1.2 Cllr Andrew Eade: Object:

- Requested the application be determined by the Council's Planning Committee should it be recommended for approval;

- Considers the scheme will impact upon neighbouring properties and the landscape and is contrary to Policy BE1.

6.1.3 Highways: **No objection** subject to the site only being used ancillary to the Applicant's property and no business use on the site.

6.1.4 Drainage: **Support subject to Condition(s)**:

- Recommend inclusion of standard Foul and Surface Water Drainage Condition, with details to be submitted prior to the commencement of development.

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

6.1.6 Shropshire Fire Service: **Comment**:

- Consideration should be given to information contained with Shropshire Fire & Rescue Service's 'Fire Safety Guidance for Commercial and Domestic Planning Applications' document.

6.2 Neighbour Consultation Responses

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

- The siting and location of the ménage close to properties where there is an alternative location available;
- Negative impact upon the natural environment by changing the topography. The scheme would not comply with Policy BE1 and respect the landscape character;
- Concerns for additional traffic accessing the site using a hazardous access and general concerns for highway safety;
- Reference to previous planning permission TWC/2017/0047 where the Conservation Officer made comments in support of the conversion of the barn – neighbours consider the scheme would impact on the heritage of the site;
- Using the ménage commercially would lead to problems with neighbour amenity. Concerns the riding/jumping of horses would impact on neighbour amenity in terms of noise and loss of privacy;
- Close proximity to the property 'Yew Tree Manor' and would cause impacts as the built up part of the ménage would be adjacent to their rear amenity space and windows;
- Inaccuracies in the plans submitted with regards to the site levels;
- Reference to other applications submitted recently by the Applicant on an adjacent parcel of land which have not yet been determined;
- Lack of justification for the need for the ménage – the needs of one individual who would use the ménage would not outweigh the harm.

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

Principle of Development

- 7.2.1 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.
- 7.2.2 The site is located in the rural area, where the principle of erecting a ménage is considered to be acceptable as it would facilitate activities typically expected to take place within the rural area.
- 7.2.3 With regards to the operation of the ménage, the Applicant has confirmed the ménage would only be for the ancillary use of the occupiers of Yew Tree Barn and would not at any time be used for business purposes. The Local Planning Authority would secure this by including a Condition to restrict the land from being used for business purposes. The LPA does not consider the site would be suitable for business use as this would increase the intensity of the access arrangements, and therefore the Condition imposed would secure the site for the ancillary use of the occupiers only.
- 7.2.4 The Applicant has confirmed that no lighting will be installed on site, and the LPA also proposes a Condition to restrict this.
- 7.2.5 The principle of erecting a ménage in this area is therefore considered to be acceptable and would be suitable for its location in the rural area. The proposal is considered to accord with Policy SP3 of the TWLP.

Scale and Design of the Proposal

- 7.3.1 The site is a large field located at the rear of the Applicant's property, Yew Tree Barn and neighbouring property Yew Tree Manor. The land is relatively flat with a gentle slope from east to west. To the north of the site, the land slopes down quite significantly, away from the location of the proposed ménage. The site is enclosed to the north and west by woodland owned by the Applicant. It is open to the east, sitting adjacent to other fields outside of the Applicant's ownership. The Applicant's property and Yew Tree Manor sit to the south of the application site.
- 7.3.2 It is acknowledged the ménage would be a large addition to the site however it is considered this scale is necessary for the ménage to fulfil its purpose. The ménage would be in-keeping with its rural context as it is a location where you would typically expect these types of activities, and as a result it is considered the creation of the ménage would have no significant detrimental impact upon the character of the area.
- 7.3.3 The scheme would introduce a hard surface to an existing field with some levelling work to be done to the land in order to make the land flat. This is highlighted on the proposed section plans; as the site is on a steady slope, some cutting away of the land will be required where the land is at its highest point, and some building up of the land on the lower level will be required to make the ground flat enough to accommodate the ménage; the plans indicate the land would need to be raised, or lowered by less than 1 metre in order to flatten it.

- 7.3.4 It is acknowledged that the changing of levels would result in a change in the landscape character of the immediate site, however as the site is secluded and does not contribute to the wider area in terms of visual amenity, it is considered the changing of the levels would not result in any significant harm to the wider rural context or the character of the wider area and on balance, the alterations to the landscape are considered to be acceptable.
- 7.3.5 The cutting in of 0.9 metre will remove earth from the east of the site, and then this earth will be used to infill the 0.7 metre at the western end of the ménage. This cutting and infilling method will ensure natural material is used from within the site. The built up section of earth will be retained with a timber fence which will surround the ménage. This will result in some earth on either side of the ménage being retained at a higher height than the ménage itself which will soften its visual appearance.
- 7.3.6 In addition, the proposal originally showed a 1.8 metre high fence to surround the ménage. In order to soften the visual appearance, Officers requested this to be reduced in height. The fence shown on the plans now would be 1.3 metres in height which is considered to be a suitable compromise and would be more in-keeping with the site's rural setting. Overall, the proposal is therefore considered to be compliant with TWLP Policy BE1.

Impact on Neighbour Amenity

- 7.4.1 Policy BE1 of the TWLP states that development should not prejudice existing properties or uses. The ménage proposed would be sited on the land adjacent to the property Yew Tree Manor. No other residential properties are in the immediate vicinity of the site. From the plans submitted, the ménage would be situated approximately 27.5 metres from the rear wall of Yew Tree Manor, and 13 metres from the rear boundary of this property.
- 7.4.2 It is acknowledged that the occupants of Yew Tree Manor will experience a change in outlook with regards to overlooking a ménage opposed to the current field, however the development is proposed to be a suitable distance from this property to ensure no immediate impacts would occur in terms of loss of privacy or overlooking. Whilst Officers acknowledge some works will be undertaken to the land to alter the gradient to facilitate the ménage, the raising and lowering of the land in the areas shown on the plans is considered to be minor, and the ménage would not significantly increase the height of the land level where it would create impacts of overlooking. Given the significant separation distance of 27 metres, Officers are confident the proposal would not result in loss of privacy to this property. The Applicant has also stated that no lighting will be erected on the site and a Condition will be included to prevent lighting being installed, which would also remove any adverse impacts that could arise by lighting on the site.
- 7.4.3 A concern was also raised regarding the usage of the ménage and that the jumping and riding of horses would impact Yew Tree Manor in terms of noise. As the field is already used by the Applicants for riding horses, the usage would not significantly increase as a result of the application, other than the land would be suitable for use more often during the winter months and in bad weather. Therefore, whilst the amount of time spent on the land may increase throughout the year, Officers consider that the usage would not harm neighbouring amenity as it would not be significantly different to how the site is used at present.
- 7.4.4 Furthermore, in order to alleviate concerns the Applicant has amended the plans to show a hedge to be planted along the border of Yew Tree Manor. Although this may

take some time to grow, once established it would create a boundary treatment which would assist in softening the outlook from ground floor windows of Yew Tree Manor. A Condition is proposed to be included to ensure that the proposed hedge be planted during the first planting season following the grant of permission to ensure it is planted in good time in order to become established.

- 7.4.5 As a result, it is considered the proposal would not result in any significant detrimental impacts upon the property Yew Tree Manor or any other neighbouring properties nearby to the site. The scheme is considered to be compliant with Policy BE1 in this respect.

Response to Consultation Comments

- 7.5.1 With regards to the comments raised regarding the impact on the character of the area, these concerns have been addressed above. The Lilleshall Hall Park has been raised which is within close proximity to the site, however there is a field, woodland and Pave Lane separating the site from the Lilleshall Hall Park and as a result there would be no impact on this designated area as a result of the proposal. With regards to the comments regarding residential amenity, these have also been addressed.
- 7.5.2 With regard to the concerns raised regarding additional traffic entering and exiting the site and highway safety, the Council's Highways Officer has been consulted on the scheme and concluded they have no objection subject to the site only being used for the ancillary use of the Applicant's and not for commercial purposes. As the Applicant has confirmed the site will only be used by those in their household and will not be used for business purposes, Officers have no object to the scheme on highways grounds as there would be no increase pressure on the existing access. A Condition will be placed upon the consent to restrict the use of the ménage.
- 7.5.3 A comment was raised regarding the heritage of the group of buildings including Yew Tree Barns and Yew Tree Manor and how the proposal would impact upon the heritage of these buildings. Officers consider that the site is located outside of the curtilage of both properties, and due to the nature of the proposal it would have no significant detrimental impact upon the character of either property.
- 7.5.4 Concern has been raised regarding the accuracy of the plans and whether these truly reflect land levels. Officers have assessed the plans and consider the plans submitted are accurate to represent the level of development taking place, and Officers have visited the site to check the accuracy of the plans.
- 7.5.5 A pair of further pending planning applications have been submitted by the Applicant to the LPA for consideration. The first relates to a glamping pod, and the latter for an outdoor classroom. Both applications are proposed to be located on the adjacent field to the east on the other side of the woodland which is also owned by the Applicant. Whilst Officers are aware of these application, as these applications have not yet been determined and are in the early stages of the application stage, it is considered the two new applications are not relevant to this scheme and Officers must assess each scheme on its own merits at the time of determination.
- 7.5.6 It has been suggested that the justification put forward in the Statement of Use is not sufficient to justify the need for a ménage in this location. The ménage would allow the Applicant's daughter and family to ride on the field during all weathers and during the winter months, and given the Applicant has stated the site will only be used for ancillary use, Officers have no objection to the scheme on this basis.

7.5.7 Finally, comments have been raised regarding the installation of lighting on the site and how this would have the potential to impact wildlife and nearby properties. The Applicant has confirmed in writing that no lighting will be installed on the site and no details of lighting have been included as part of this application. Officers will include a Condition on any consent granted that no lighting should be erected on the site and the Applicant would need to apply for formal permission should they wish to erect lighting in the future.

8. CONCLUSIONS

8.1 The principle of erecting a ménage is considered to be acceptable given its location within the rural area. The ménage would be for the ancillary use of the Applicants and the works proposed are considered to be acceptable. The proposal would not result in significant detrimental harm to neighbouring properties and would accord with Telford & Wrekin Local Plan Policies SP3, SP4 and BE1 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
B061	Foul and Surface Water Drainage
C00	Materials as Submitted
B12	Hedgerow Planting
C073	Tree & Hedge Protection
C38	Works in Accordance with the Approved Plans
Custom	No Lighting to be Erected
Custom	No Business Use