

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

Committee:	Planning
Date:	21 July 2020
Site Location:	Part Parcel 3000 Stanway Road Stanton Broadway
Application No:	20/00049/FUL
Ward:	Isbourne
Parish:	Stanton
Proposal:	Variation or removal of condition 1 of planning permission ref: 08/00827/FUL to allow the existing equestrian yard to be used in association with a horse training and stud enterprise.
Report by:	Lisa Dixon
Appendices:	Site location plan Visibility splay
Recommendation:	Permit

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 The application site relates to Part Parcel 3000, an existing private equestrian complex, situated off Stanway Road, on the western outskirts of the village of Stanton.
- 1.2 The existing complex includes a building used for stabling, a menage and other areas of paddock. The proposal site covers approximately 2.3 hectares.
- 1.3 The site is screened by existing mature boundary hedges and trees, with the Severn Trent Water Treatment Works situated along its western boundary. The existing gated site access is to the south of the site, fronting Stanway Road. To the west/north-west lies Liberty Farm.
- 1.4 The site is located within the Cotswold Area of Outstanding Natural Beauty (AONB), but outside of the Stanton Conservation Area and Article 4 Boundary. The site is located within Flood Zone 1 (lowest risk) as shown on the Environment Agency's most up-to-date Flood Maps.
- 1.5 A PROW runs to the north of the site, on the opposite side of Stanway Road.
- 1.6 The current proposal seeks to vary or remove Condition 1 of permission reference: 08/00827/FUL, to allow the existing equestrian yard to be used in association with a horse training and stud enterprise. Condition 1 of 08/00827/FUL states 'the equestrian use of the site shall be for private equestrian use unless otherwise approved in writing by the Local Planning Authority'. The accompanying reason states, 'to prevent commercial vehicle usage of the access in the interests of highway safety'.

- 1.7 The applicant currently runs a horse training and stud business from Gretton Grange, which is located approximately 6.5 miles away from this site. However, that site is only leased and the lease is due to come to an end shortly. The applicant is therefore in need of a new equestrian site from which to carry on the business and seeks to vary the above referenced condition in order to re-locate to the site at Stanton.
- 1.8 It should be noted that the applicant and the site owner are not one and the same. As such, the applicant seeks to re-locate their existing business, in its entirety, to the Stanton site and this would effectively replace the private equestrian use of the site, presently enjoyed by the owner. Therefore, permission is not currently sought for the two equestrian uses (business and private) to co-exist within the same site and should the application be permitted and the site subsequently sold to the applicant, its use would be in connection with their horse training and stud enterprise only. The requisite notice in respect of the application, has been formally served upon the current site owner.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
07/01529/FUL	Alteration to part of existing grass paddock to form 60m x 20m menage for exercising horses	PER	07.01.2008
08/00014/FUL	Change of use of barn from agricultural to mixed agriculture and equestrian, including retention of internal stabling. Erection of lean-to structure for associated storage and installation of gates/cladding on the open bays of the barn.	PER	29.04.2008
08/00827/FUL	To amend condition 6 to read "The equestrian use of the site shall be for private purposes only" 08/00014/FUL	PER	29.07.2008
19/01216/FUL	Variation or removal of Condition 1 of planning permission reference: 08/00827/FUL to allow the existing equestrian yard to be used for in association with a horse training and stud enterprise.	WDN	20.12.2019
20/00049/FUL	Variation or removal of Condition 1 of planning permission reference: 08/00827/FUL to allow the existing equestrian yard to be used for in association with a horse training and stud enterprise.		

3.0 RELEVANT POLICY

- 3.1 The following planning guidance and policies are relevant to the consideration of this application:

National guidance

- 3.2 National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG).

Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) - Adopted 11 December 2017

- 3.3 Policies: SD1 (Employment – except retail development), SD7 (Cotswolds Area of Outstanding Natural Beauty), INF1 (Transport Network)

Tewkesbury Borough Local Plan to 2011 - March 2006 (TBLP)

- 3.4 Policies: RCN6 (Horse Riding Facilities), AGR4 (Agricultural Diversification).

Tewkesbury Borough Plan 2011-2031 Submission Version (May 2020)

- 3.5 Policies: EMP4 (Rural Employment Development), Policy RCN4 (Equine Facilities), Policy EVT2 (Flood Risk and Water Management), Policy TRAC9 (Parking Provision).

Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)

The First Protocol, Article 1 (Protection of Property)

4.0 CONSULTATIONS

- 4.1 Stanton Parish Council - The Parish strongly objects to the removal of the restriction on the equestrian use of the site for private purposes only and considers the site to be unsuitable for commercial equestrian use for the following reasons; The entrance to the site is onto a bend on the unclassified road between Stanton and Stanway and at a point where increased traffic going in and out of the site would present a danger to road users, including walkers and riders who frequently use this road. Furthermore, the Parish state that the applicant's existing commercial equestrian business is much larger than could be accommodated at this site and would, if moved to this site, likely require further planning applications to extend the operational facilities at the site. Stanton Parish also state that commercial use of the site would blight the Cotswolds AONB and would result in heavier commercial traffic going to the site through the Stanway Estate park. Commercial use, the Parish maintain, would also be likely to result in signage on the road, to the further detriment to the Cotswold landscape.
- 4.2 County Highways Officer – The CHO has been consulted in respect of the proposed lifting of the restrictive condition and has raised no objections, subject to the imposition of planning conditions relating to maintenance of adequate visibility at the entrance to the site.
- 4.3 The Environmental Health Officer has been consulted in respect of the proposal and has raised no objections on nuisance grounds.
- 4.4 Conservation Officer – No objections have been raised by the CO since the proposal does not propose any physical changes or involve any heritage assets.

5.0 PUBLICITY AND REPRESENTATIONS

- 5.1 The application has been publicised through the posting of a site notice for a period of 21 days. Furthermore, formal notice has been served upon the current owner of the site, by the applicant.
- 5.2 1 letter of objection has been received from a neighbouring resident in respect of the application.
- 5.3 Toddington Parish Council, in their capacity as the neighbouring parish have raised objection to the proposed removal/variation of the condition, on the grounds that, due to the size of the village, a change of use to a commercial purpose would be inappropriate and potentially dangerous.

6.0 POLICY CONTEXT

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 6.2 The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans.
- 6.3 The Pre-Submission Tewkesbury Borough plan was submitted to the Secretary of State for Housing, Communities and Local Government on 18 May 2020 for examination. On the basis of the stage of preparation it has reached it is considered that the plan can be afforded at least moderate weight. However, the weight to be attributed to individual policies will be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and their degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).
- 6.4 The relevant policies are set out in the appropriate sections of this report.

7.0 ANALYSIS

Principle of development

- 7.1 Policy SD1 – relates to employment development and at criteria (vi) specifically supports employment in the wider countryside when it is:
- “Employment-generating farm diversification projects, which are of an appropriate scale and use, particularly where they involve the re-use of appropriate redundant and non-residential buildings”
- 7.2 Saved Policy RCN6 of the TBLP supports the provision of equestrian development providing that there are no adverse impacts on the landscape (particularly within the AONB), residential amenity and the local highways network. Furthermore, Saved Policy AGR4 supports diversification in supporting the rural economy, including recreational uses such as horsiculture. The policy seeks to encourage the reuse of existing buildings and facilities in order to minimise countryside intrusion.
- 7.3 The National Planning Policy Framework (NPPF) Paragraph 83 provides that planning decisions should, allow for sustainable growth and expansion of all types of business in rural areas and enable the development and diversification of agricultural and other land-based rural businesses.
- 7.4 Paragraph 84 of the NPPF recognises that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements.
- 7.5 The proposed development is to diversify an established, existing rural activity, albeit, in private occupation at the current time. This would allow the site to be utilised for rural business/enterprise, rather than solely private purposes.

- 7.6 The supporting Planning Statement notes that the applicant's stud enterprise has an established reputation in the west Cotswolds and around Cheltenham. The Statement further advises that the Stanton site therefore, represents an appropriate location for the existing client base. The existing equestrian facilities that already exist on site, include covered stabling, storage, outdoor arena and forecourt and there would be no operational development associated with this application and the existing point of access would be retained. As such, the current application seeks the use of the site, as currently set out, but for equestrian business use, via variation/removal the current restrictive condition.
- 7.7 The principle of the lifting of this restriction is considered justified on the basis of the significant change in planning policy that has occurred since the original restriction was imposed. The publication of the National Planning Policy Framework (NPPF), provides much greater flexibility and support for rural based industries (paragraph 83) and re-defines 'sustainable development'.
- 7.8 It is considered that the proposal would support the rural economy and would maximise the use of existing rural buildings and associated facilities within the site. The proposal does not introduce any new built development, utilising all the existing buildings and facilities already onsite. As a result, the use of the existing site as a horse training and stud would enable the diversification of an existing rural activity, without increasing the built development onsite.
- 7.9 In light of the above, it is considered that the principle of removal/variation of the restrictive condition, currently imposed on the site, would be in accordance with the NPPF, Policy SD1 of the JCS and Policy AGR4 of the Local Plan.

Impact upon the AONB and the Registered Historic Park and Garden

- 7.10 The proposal site is located wholly within the Cotswolds AONB. Paragraph 172 of the NPPF places great weight on the importance of conserving and enhancing landscape and scenic beauty within the AONB. This requirement is echoed within JCS Policy SD8.
- 7.11 Stanton Parish Council have raised objections to the proposal, noting that the site is located on a road which is used by both residents and visitors to this area of the Cotswolds and passes through the Stanway Estate park which is registered under the Historic Buildings and Ancient Monuments Act 1953 by Historic England as Grade 1 on the Register of Historic Parks and Gardens. The Parish consider that commercial use of the site would blight the Cotswolds AONB and would result in heavier commercial traffic going to the site through the Stanway Estate park as a result of the road's connection to the B4077 at Stanway. Commercial use would also be likely to result in signage on the road to the further detriment of this beautiful part of the Cotswold landscape.
- 7.12 As mentioned above, the site lies within the Cotswolds AONB but lies outside of the Stanway Estate Historic Park and Garden, which lies to the south of the site. Nevertheless, the Conservation Officer has been consulted and has advised that since the proposal does not propose any physical changes or involve any heritage assets, no objections are raised with regard to heritage asset impact.
- 7.13 The proposal to allow the existing equestrian yard to be used for horse training and stud purposes would not result in any new operational development to the site, with the scheme utilising the existing equestrian buildings and riding arena. Furthermore, the business enterprise would be self-limited and restricted by the size of the site, which is relatively modest at 2.3 ha. The perimeter of the site is well screened by mature landscaping and this would be retained. Therefore, the commercial use of the site would not result in a material or visual change to the existing landscape and as such, the special landscape qualities of the AONB would be preserved, in accordance with Policy SD8 of the JCS.

Access and Highway Safety

- 7.14 In considering highway safety, JCS Policy INF1 and the provisions of the NPPF, requires a safe and suitable access and the NPPF makes it clear that applications should only be refused on transport grounds where there would be an unacceptable impact on highway safety or where the cumulative impacts of development would be 'Severe' (paragraph 109).
- 7.15 Given the potential intensification of the site access arising from commercial use, it is necessary to consider the site access against current highway visibility and design standards.
- 7.16 Stanton Parish Council has objected to the application, on highway safety grounds. The Parish note that the entrance to the site is onto a bend on the unclassified road between Stanton and Stanway and at a point where increased traffic going in and out of the site would present a danger to road users, including walkers and riders who frequently use this road. The Parish further note that the submitted traffic survey was carried out in November and is not representative of the use of the road or the reduced visibility in summer months from trees and hedgerows. Stanton Parish further advise that the existing restriction to private equestrian use only was imposed at the time of the planning application for good reason, with the support of the Highways Department for reasons of highway safety. The Parish is concerned that a commercial equestrian yard 'would result in much increased use of the site, not just by the applicant and the direct employees, but also by clients and the subcontractors and other services associated with the commercial operation of an equestrian yard.'
- 7.17 The agent has provided additional information in respect of the current nature of the applicant's enterprise. The business is predominantly a horse training enterprise, which normally involves an intensive 8 week training course. The length of course can vary but 8 weeks is the norm. The horses are dropped off at the beginning of the eight week course and collected at the end and it is not overly common for customers to visit their horses during the training period. If visits do occur, this would typically be only once or twice over the eight week period. The main vehicle movements are from staff and the business currently has the equivalent of 2 full-time posts, which comprises of the applicant (1 FTE), part time employee (0.5 FTE) and occasionally the applicant's husband (0.5 FTE). The only other visitors to the site are vets and farriers etc, who will visit as and when necessary. Typically this involves one visit every 10 days on average. The agent further advises that the enterprise is not a vehicle intensive operation and it is unlikely that the site would attract more than 3-4 vehicle movement per day, including staff.
- 7.18 The County Highways Officer (CHO) has been consulted in respect of the application and has raised no objection to the proposed removal of the restrictive condition, subject to the imposition of planning conditions relating to the maintaining of adequate visibility at the site access.
- 7.19 The CHO has advised that the proposed business use of the site would be largely constrained by its size and scale, together with the level of existing buildings and facilities. As such, the CHO considers that the use of the site as a horse training and stud facility, would not result in intensification of the site to such a degree so as to result in detriment to highway safety. The CHO is also satisfied that the proposed condition would serve to ensure that adequate visibility to and from the site, would be satisfactorily maintained throughout the lifetime of the development.

- 7.20 The Stanway Road is subject to the national speed limit (60mph). The applicant commissioned an ATC speed survey, as requested by Toddington Parish Council within their representation in respect of the application. The speed survey demonstrated substantially lower speeds than the permitted 60mph. The accompanying Access Appraisal demonstrates that acceptable visibility splays are achievable at the site access in accordance with 85th percentile speeds. The required visibility splays of 2.4m x 46m and 2.4m x 44m are achievable on land either controlled by the applicant or within GCC Highway control. This has been demonstrated through the submission of the Visibility Splay Plan which accompanies the proposal.
- 7.21 In addition, the submitted site plan shows that there would be sufficient space within the existing yard area of the site, to accommodate a suitable level of parking for vehicle and associated horse boxes, alongside space for turning of vehicles.
- 7.22 Representations have also been received from the existing site owner in respect of stated Parish highways concerns. The owner advises that the site entrance and driveway has been used for over 20 years, on a frequent and regular basis (usually daily), by commercial traffic operated by Severn Trent Water Authority and/or their contractors in order to access the water treatment works which are located immediately to the west of the site. As such, the owner notes that the surrounding roads and site entrance are deemed to be safe and adequate for commercial vehicles, given this ongoing activity, and that the main site entrance was widened by Severn Trent Water Authority in the mid-2000s, in order to facilitate this.
- 7.23 The site owner points out that the proposed stud enterprise would have two employees and that this would equate to no greater number of vehicle movements than the current number of vehicles that enter and leave the site by way of the owner, her husband and their friends and relatives.
- 7.24 The use of the site in connection with the stud/horse training enterprise, would not result in the need for the cutting of back of vegetation as the existing visibility splays, based on the results of the submitted speed survey, are deemed satisfactory, as advised by the CHO.
- 7.25 For the above reasons, it is considered that the use of the site for horse training and stud purposes would have an acceptable impact on the highways network, and would pose no detriment to highway safety, in accordance with the JCS and the provisions of NPPF.

Residential amenity

- 7.26 Saved Policy RCN6 provides that horse riding facilities must propose adequate measures to control, smell and other possible nuisances to other users in the area. Concerns have been raised by the owners of nearby Liberty Farm, which lies over 300m to the north-west of the site. They have raised concerns in respect of lighting and drainage and in respect of the potential requirement for additional development on the site, to serve the enterprise. The existing owner has confirmed that there is an existing EA compliant soakaway for grey water on the site, which has been inspected and approved by the EA and confirmation provided that there is no evidence of contamination of a watercourse. The owner has offered to provide a copy of the EA's confirmation, if required.
- 7.27 As outlined above, the building and facilities (5-stable block, riding arena, hardstanding/parking), within the site, would not change as a result of the application. As such, the number of horses stabled within the site would remain commensurate with the relatively modest scale of the site and the modest number of stables available. The Environmental Health Officer (EHO), has been consulted and has raised no objections with regards to nuisance/noise or odour. It is considered that lighting within the site could be adequately controlled by way of an appropriate planning condition.

- 7.28 In light of the above, it is considered that the proposal would not result in undue impact upon local residential amenity, in accordance with Saved Policy RCN6.

Other Matters

- 7.29 Stanton PC have raised further concerns with regard to the applicant's existing commercial equestrian business and the fact that it is much larger than could be accommodated at this site and would, if moved to this site, likely require further planning applications to extend the operational facilities at the site. The Parish have therefore, requested, that should the application be subsequently permitted, a condition should be imposed to prevent any further development of the site in the future. The agent has provided additional clarification on this issue, with regard to the nature and scale of the existing enterprise at Gretton Grange Stables.
- 7.30 The applicant's business presently rents 6 stables from the Gretton Grange Stables but that tenancy is about to come to an end. As such, the applicant's business uses only a small proportion of the Gretton Grange Facility, the remainder being a separate equestrian business. The 5 stables at Stanway Road are therefore, considered adequate to cater for the present scale of the applicant's business operations.
- 7.31 The current application must be assessed and determined on its own merits and no additional buildings or facilities are proposed as part of the condition removal/variation. Should an application be submitted for additional development relating to the equestrian enterprise in the future, this would be assessed on its own merits, having regard to highways and landscape impact considerations, amongst other planning considerations. In light of the above, it is considered unreasonable to impose such a condition, should Members be minded to permit the current proposal.

8.0 Conclusion and Recommendation

Benefits

- 8.1 The removal/variation of the restrictive condition pertaining to the site, would allow for the sustainable re-location of an existing, successful rural enterprise. The proposal would allow for the sustainable, continued use of the existing buildings and facilities which comprise this equestrian site.

Harms

- 8.2 There are no harms identified in respect of the proposed removal/variation of the condition.

Neutral

- 8.3 The proposal would result in no harm to the special landscape setting of the Cotswolds AONB or to the setting of the nearby Registered Historic Park and Garden of Stanway Estate. In addition, no harm would result to the safe operation of the existing highway network. The proposal would also result in no discernible harm to local residents.

Conclusion

- 8.4 In conclusion, the proposal is considered to accord with paragraphs 83 (Supporting a prosperous rural economy), Section 9 (Promoting sustainable transport) and Section 15 (Conserving and enhancing the natural environment) of the NPPF, Policies SD1, SD7 and INF1 of the JCS and Saved Policies RCN6 and AGR4 of the TBLP. The application is therefore, recommended for permission.

CONDITIONS:

1. The equestrian use of the site shall be used for private use or in association with a horse training and stud enterprise.

Reason: To define the terms of the permission and the permitted use of the site.

2. The development hereby permitted shall be carried out in accordance with the following approved documents:
 - 1:2500 scale site location plan;
 - 1:500 scale block plan;
 - 1:500 visibility splay plan

Except where these may be modified by any other conditions attached to this permission.

Reason: To ensure that the development is carried out in accordance with the approved plans.

3. The vehicular access hereby permitted shall not be brought into use by the equestrian enterprise hereby permitted until the existing roadside frontage boundaries have been set back to provide visibility splays extending from a point 2.4m back along the centre of the access measured from the public road carriageway edge (the X point) to a point on the nearer carriageway edge of the public road 44m to the right and 46m to the left (the Y points). The area between those splays and the carriageway shall be reduced in level and thereafter maintained so as to provide clear visibility between 1.05m and 2.0m at the X point and between 0.26m and 2.0m at the Y point above the adjacent carriageway level.

Reason:- To avoid an unacceptable impact on highway safety by ensuring that adequate visibility is provided and maintained to ensure that a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians is provided in accordance with paragraphs 108 and 110 of the National Planning Policy Framework.

4. Prior to the occupation of the site by the equestrian enterprise hereby permitted, the vehicular access shall be laid out and constructed in accordance with the submitted plans but with a minimum entrance width of 6.0m with any gates situated at least 10.0m back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway and with the area of access road within at least 10.0m of the carriageway edge of the public road surfaced in bound material, and shall be maintained thereafter.

Reason: - To reduce potential highway impact by ensuring that there is a safe, suitable and secure means of access for all people that minimises the scope for conflict between traffic and cyclists and pedestrians in accordance with paragraph 108 and 110 of the National Planning Policy Framework.

5. There shall be no burning of stable waste or other materials on the site.

Reason:- To ensure that any concentration of air pollutants in the vicinity is minimised and to prevent as far as is practicable from being caused.

6. Within three months of occupation of the site by the horse training and stud enterprise hereby approved, details of external lighting shall be submitted to the Local Planning Authority, for approval in writing. The lighting shall be installed wholly in accordance with the approved details and thereafter maintained as such unless alternative details are first approved in writing by the Local Planning Authority.

Reason:- To protect the amenities of nearby residential property and to minimise the potential for light pollution within the AONB.

INFORMATIVES:

1. In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.
2. This permission should be read in conjunction with planning permission reference: 08/00014/FUL & 08/00827/FUL. Condition 1 of this decision supersedes Condition 6 of 08/00014/FUL & Condition 1 of 08/00827/FUL.