

Application No: 12/3832N

Location: EGERTON HALL FARM, SHAY LANE, EGERTON, SY14 8AE

Proposal: RETROSPECTIVE APPLICATION FOR ERECTION OF MARE ACCOMMODATION, STALLION BARN, HORSE WALKER, SURFACING OF LORRY PARKING AND ANCILLARY BUILDING CLADDING

Applicant: HARTHILL STUD LLP

Expiry Date: 07-Feb-2013

SUMMARY RECOMMENDATION:

APPROVE subject to conditions

MAIN ISSUES

- **Highways**
- **Archaeology**
- **Ecology**
- **Landscape and Visual Impact**
- **Design Issues**
- **Drainage and Flood Prevention**
- **Amenity**

REFERRAL

The item has been referred to southern planning committee because it is a major development over 1000sqm in floor area. Members will recall that the item was deferred at the last meeting to consider the impact on the adjoining fishery.

1. SITE DESCRIPTION

Edgerton Hall Farm forms part of the Bolesworth Estate. The built portion of the site comprises a number of existing buildings including a large steel framed building clad with asbestos fibre cement sheet, a corrugates steel clad Dutch Barn in poor repair as well as a brick built former shippon and ancillary stables. The site also has an existing outdoor manege.

The land forming part of the holding extends to 300 acres and is part grazed, part arable cropped. The grazed portions are fenced with post and rail fencing.

The farm had been let to the same family since 1968 and has had a variety of uses including dairy, arable, fruit growing and Christmas tree production. For the last 20 years, the principle use of the buildings has been for equestrian purposes providing both DIY and full Livery. In addition an established cross country ride has been in place for this period providing jumping facilities for resident and visiting horses.

In 2011 the farm tenancy came to an end and Harthill Stud LLP took a lease of the land and buildings. The site at Egerton now provides accommodation for stallions, mares and foals and young stock of a variety of ages. Over the last 12 months, the new tenants have undertaken a programme of refurbishment and improvement in order to bring the facility up to a standard considered essential for both efficient working and the high standards of cleanliness and horse health which are essential to a breeding establishment.

2. DETAILS OF PROPOSAL

This is a retrospective full application for the following works:

- Mare Barn for housing in-foal mares during winter
- Extension to an existing steel portal framed shed for housing stallions
- A horse walker
- Timber cladding to an existing steel Dutch Barn
- Surfacing of a parking area on the opposite side of Shay Lane for users of an existing cross country / farm ride.

3. PREVIOUS RELEVANT DECISIONS

There are no relevant previous relevant decision notices relating to this site.

4. PLANNING POLICIES

National policy

National Planning Policy Framework

Local Plan policy

BE1 (Amenity)
BE2 (Design Standards)
BE3 (Access and parking)

5. OBSERVATIONS OF CONSULTEES

Highways Authority:

There are no highway comments or objections

United Utilities

No comments received at the time of report preparation

Environment Agency

No comments to make on the proposed development.

Environmental Health

No objection to the application. The applicant is advised that they have a duty to adhere to the regulations of Part IIA of the Environmental Protection Act 1990, the Town and Country Planning Act 1990 and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

Archaeology

- A particular concern in this instance due to the presence of a medieval moat to the east of the main complex (CHER 326/1), the north-east corner of which includes the remains of a 14th-century chapel which is a Grade II Listed Building. There have also been significant finds of prehistoric material from the immediate area .
- There has clearly been much recent development (hard standing, fencing, sheds, horse walker, etc) on the site which does not appear on recent aerial photographs from 2010 but the primary concern is with the new stabling that is being erected to the south of Shay Lane and west of the entrance to the stud. In this area, an extensive area has been stripped and stoned with foundation pits excavated for the new portal frame. A large amount of spoil has also been stockpiled. The archaeologist has inspected all of these features but was unable to detect anything of archaeological significance although too much should not be read into this as the stoning of the site made spotting any remains almost impossible. It is certainly the case that if this development had come about through normal planning procedures, the archaeologist would have advised the maintenance of a developer-funded watching brief in view of the proven archaeological potential of the area and the guidance contained in the new National Planning Policy Framework, with particular reference to Paragraph 141 contained in section 10 (Conserving and Enhancing the Historic Environment). At the same time it must be acknowledge that the bulk of the disturbance has already occurred and it would now be difficult to secure any meaningful archaeological mitigation through the planning process.
- Whilst on site, the archaeologist took the opportunity to check the status of the chapel referred to above. Some new fencing has been erected in this area but he is pleased to report that the fragmentary moat and remains of the chapel have not been compromised during any recent works. He would

be grateful if the sensitivity of this area could be brought to the attention of the owners and the importance of avoiding any disturbance in or around the statutorily-protected chapel.

- Significant earthmoving appeared to be in progress immediately to the south of the hall garden and adjacent to its access track (east of the main entrance referenced above). Whilst the intention of these works was unclear some sort of bunding at the limits of the domestic area may be being constructed

6. VIEWS OF THE PARISH / TOWN COUNCIL:

None received at the time of report preparation

7. OTHER REPRESENTATIONS:

A letter has been received from Hampton Springs Fishery which is a neighbour to Egerton Hall Farm making the following objections:

1. The first fishing lake is approx. 50m from the substantial new mare barn which has been constructed without any planning permission or indeed any discussion with Hampton Springs as one of the closest neighbours.
2. Disruption and interference to the business from the noise (day & night) generated from the new unit. The open plan nature of the building via the four large doorways (4m x 3.5m approx.) on both the westerly and easterly elevations will mean that substantial noise from the breeding mares and machinery moving in and out of the buildings will carry to the first fishing lake on the complex. The new unit is also on higher ground approx. 2m which will mean that the noise will travel even further. Customers travel a long way to come and fish in tranquil surroundings for the day.
3. The new unit also has a very large amount of strip lights which shine a considerable way onto the house and yard at the fishery. This is mainly due to the large doors and open slatted Yorkshire boarding exacerbated by the elevated position.
4. They have concerns over where the horse manure will be stored (usually outdoors) and its possible impact via runoff into the adjoining brook. There is a Site of Special Scientific Interest (SSSI) 1.5miles downstream (Bar Mere).
5. No landscape plans have been submitted to mitigate the visual effect of this development. They feel that a large soil bund along the boundary planted with mixed evergreen shrubs and trees would help soften the visual impact and noise problem.
6. It is disappointing that as neighbours given the scale and close proximity of this development no consultation or discussion has taken place. The fishery has been there 15 years and they feel that the noise and lighting issues will have a detrimental impact on the fishery and house.
7. Four very large galvanised steel sliding doors (approx 4m x 3.5m) have been erected onto the shed. These are aesthetically displeasing and as the doors are of a slightly raised elevation they reflect the afternoon sun on to our ground floor windows and yard. They are not in keeping with the setting

of the shed in the countryside and with existing buildings. It may be appropriate to cover the doors with flat black plastisol type sheeting.

8. No attempt has been made to minimise the impact of the rotational exercise structure on the countryside and we would suggest that some screening trees are planted. These would also help mitigate the noise of the horse walker when in use and its visual impact.
9. There does not seem to have been any consultation with the Environment Agency as to the siting of the shed or with regard to soakaways and runoff into the adjoining brook. This could be of importance given the sensitive nature of the Site of Special Scientific Interest downstream at Bar Mere. It is also of importance to the fishery as the brook is their boundary and runs the entire length of the property and therefore any inputs are of concern as fishery discharges are monitored downstream by the Environment Agency.

8. APPLICANT'S SUPPORTING INFORMATION:

- Planning Statement
- Design and Access Statement

9. OFFICER APPRAISAL

Main Issues

The main issues in the consideration of this application are the acceptability in principle of the proposed equestrian development and its impact on highway safety, archaeology, protected species, residential amenity of neighbouring occupiers and the surrounding landscape as well as its acceptability in design terms.

Principle

The site is located within the Open Countryside, where Policy NE.2 of the Local Plan states that only development which is essential for the purposes of inter alia, outdoor recreation, or for other uses appropriate to a rural area will be permitted. It is generally considered that equestrian development falls within this category.

Recent government guidance, in particular the Planning for Growth agenda, and the National Planning Policy Framework, all state that Local Planning Authorities should be supportive proposals involving economic development, except where these compromise key sustainability principles.

The NPPF states that, the purpose of planning is to help achieve sustainable development. *"Sustainable means ensuring that better lives for ourselves do not mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world."* There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles including, an economic role –

contributing to building a strong, responsive and competitive economy, as well as an environmental role – contributing to protecting and enhancing our natural, built and historic environment.

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. The document states that for decision taking this means, *inter alia*, approving development proposals that accord with the development plan without delay.

According to paragraph 17, within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. According to the 12 principles planning should, *inter alia*, proactively drive and support sustainable economic development. The NPPF makes it clear that *“the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.”*

According to paragraphs 19 to 21, *“the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations.”*

The NPPF places particular emphasis on supporting a prosperous rural economy. It states at paragraph 29 that “Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- *support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;*
- *promote the development and diversification of agricultural and other land-based rural businesses;*
- *support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres;*

Another important material consideration is the Written Ministerial Statement: Planning for Growth (23 March 2011) by The Minister of State for Decentralisation (Greg Clark). *Inter alia*, it states that, *“the Government’s top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government’s clear expectation is that the answer to*

development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.

Furthermore, it states that when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate economic development. Local Authorities should therefore, inter alia, consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession; take into account the need to maintain a flexible and responsive supply of land for key sectors; consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits and ensure that they do not impose unnecessary burdens on development.

The site also appears to have an established history of equestrian use and therefore the principle of the development is considered to be acceptable.

Highways

The highway officer has considered the application and raised no objection and it is therefore considered that the proposal is acceptable in terms of access, parking and traffic generation.

Archaeology

The site is known to have some significant archaeological potential. However, given that the application is retrospective the Council's Archaeologist does not consider that there would be any benefit in securing further archaeological mitigation as any vulnerable deposits will already have been disturbed and exposed strata covered over.

However, it is considered to be worth reminding the Estate of the sensitivity of this location, with particular reference to the ruined chapel (a Grade II Listed Building) and fragmentary moat (CHER 326/1), which lie to the east of the farm complex and immediately west of the Bickley Brook. Clearly any unauthorised intrusion into this area would be very damaging so the Estate might find it beneficial to check that their own records are in order with regard to this particular constraint.

It is considered that this could be added as an informative to the decision notice.

Ecology

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places

(a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is

(b) no satisfactory alternative and

(c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Local Plan Policy NE.9 states that development will not be permitted which would have an adverse impact upon species specially protected under Schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981 (as amended), or their habitats. Where development is permitted that would affect these species, or their places of shelter or breeding, conditions and/or planning obligations will be used to:

- facilitate the survival of individual Members of the species
- Reduce disturbance to a minimum
- Provide adequate alternative habitats to sustain the current levels of population.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England's standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

The Council's ecologist has examined the application and commented that the farm outbuildings and barns to be subject to works have the potential to support legally protected species. A suitable ecological appraisal and report should therefore be submitted to the Council to allow determination of the application. This has been requested from the applicant and their ecologist has now visited the site and inspected the buildings. Though it is extremely difficult to assess the ecology retrospectively he concludes the following:

Modifications have been made to the 'foaling barn' and the 'main barn'. On the basis of what remains of the original structures, which is substantial, he would consider that both barns would be extremely unlikely to have or have had a Bat roost prior to modification. The corrugated roof and sides pinned to timber and concrete make this quite a hostile setting for a roost. It is reasonable to assume that even if a bat survey had been undertaken, no further surveys would have been suggested after an initial visit due to the simple construction of the buildings and low roost potential.

The new structures (new mare barn, stallion barn extension and horse walker) are more difficult to assess regarding impact on protected species as he can only try to determine what was present prior to construction by using air photograph images. The buildings appear to have been constructed on areas that were previously paddock and hard standing, habitats which are regarded as unfavourable or even hostile for protected species such as Great Crested Newts but could be used by them for navigating between sites of value.

In summary, he could find no evidence of protected species being harmed, though this was a brief visit compared with the preferred vigorous requirements of a suite of ecological surveys. He understands that other than minor cosmetic works, construction is now complete and consequently it is hard to see how ecological surveys would benefit the ecology at this late stage.

The Council's Ecologist has considered this report and commented that as there appear to be no obvious ecological issues with the site, following the visit by the applicant's ecologist, he agreed that a full survey report would not be necessary in this case.

Landscape and Visual Impact

The site is situated in open countryside and has no protective landscape designation. The development is viewed in the context of an established equestrian facility. The cladding to the Dutch barn, the stallion barn extension and the horse walker are all set back from the road and have relatively limited landscape impact.

The new mare barn and associated hard standing is more prominent when viewed from Shay Lane in the vicinity of the site access although an existing mature hedge provides some screening of the building for the residential properties on the north side of Shay Lane and there is a belt of trees to the south west separating the building from the fishing lakes to the south. The impact of the building could be mitigated by some additional planting, to include for example, a hedge adjoining the driveway and tree planting between the building and the stream to the west of the site, which could be secured by condition.

The neighbouring occupier has raised concern about the visual impact of the building and has requested the construction of a bund, planted with evergreen species between his property, directly to the west of the site, and the new building. It is considered that this, in itself, would constitute an incongruous feature.

However, the ground level falls way sharply to the west of the building, to a level area alongside the stream. It is considered that there is potential to re-grade this slope slightly and to make it shallower by adding material onto the level area alongside. This would increase the ground level on which the planting referred to above would take place and would thereby improve the level of screening offered. Rather than evergreens, as suggested by the objector, however, native species would be more appropriate and should be used.

However, care would need to be taken to ensure that any earthworks took place outside the Root Protection Areas of the existing mature trees alongside the brook as defined by the current British Standard 5837: Trees in Relation to Construction. It is therefore considered that the condition requiring submission of a landscaping scheme for the site, should include, inter alia, details of screen planting and existing / proposed levels for the area between the mare barn and the stream and Root Protection areas for existing trees along the stream.

The surfaced horse box parking area is readily visible from Shay Lane, together with extensive recently erected post and rail fencing. This would also benefit from screen planting. A roadside native species hedge is proposed but no specification is provided. Again planting could be secured by condition.

Adjacent to the former farmhouse there is extensive earth mounding on site which does not appear to have consent, and does not form part of this application. A further planning application for these works has been requested from the applicant.

Design Issues

The form of the new and altered buildings is similar to many modern agricultural buildings, and will not appear out of keeping with the rural setting. The horse walker is a relatively low structure, which is akin to many structures such as cattle pens and silage clamps which would be associated with a typical modern farmstead.

The design and materials are typical of this type of rural building and the specified cement sheets, Yorkshire boarding, steel sheets, brick and concrete blocks would be harmonious with the surrounding buildings. In addition, in view of the dilapidated condition of the existing buildings, the proposal will largely enhance the appearance of the site and the environmental quality of the surrounding area.

The neighbouring occupier has expressed some concerns about the galvanised finish of the doors to the new mare barn and it is agreed that their light colour and potential to reflect sunlight will increase the prominence of the building within the landscape. This could be addressed however, through a condition requiring these to be clad in a dark coloured plastisol material.

Drainage and Flood Prevention

The occupier of the neighbouring property has expressed concern about the proximity of the development to the adjacent brook, SSSI and fishery, particularly

with regard to matters of flooding and potential pollution / contamination of watercourses.

The Environment Agency has been consulted on the proposals and raised no objection. Notwithstanding this, given the nature of the development, there is potential for contamination to occur from manure and therefore a condition is recommended requiring details of manure storage to be submitted and agreed.

Amenity

Concern has been raised by the neighbouring occupier with regard to noise from the site, including that generated by the horse walker, and light pollution. In the absence of any objection from the Environmental Health Department, it is not considered that a refusal on amenity grounds could be sustained. However, the screen planting, referred to above, which would be secured by condition, would assist in mitigating both noise and light pollution generated from the site.

It is noted that light emits from the interior of the building through the slots in the Yorkshire Boarding, with which it is clad, and through the skylights. Whilst this does not warrant a refusal on amenity grounds it does add to the prominence of the building within the landscape at night. This could be mitigated, however, through the addition of further boarding to the interior of the building in a “hit and miss” arrangement and the application of a darker material to the skylights. This could be achieved by condition.

Furthermore, conditions could also be applied to control external flood lighting, which in turn would limit activities which be carried out after dark and the associated noise.

Impact on the Fishery

With regard to noise generation from the site, Environmental Health Officers have relooked at the application in relation to concerns from Members of noise potentially affecting the fish and fishermen using Hampton Spring Fishery.

They note that this application is a retrospective application and the current use has been in operation since 1st November 2011, and the Environmental Health Department has not received any complaints of noise during this time.

Prior to the site being used as a stud farm, it was a riding school licensed by Environmental Health, and also a livery yard. In their experience these two commercial activities would probably have more impact on amenity, than the current use. As the applicant is dealing with mares that are in foal, or wanting to get into foal, it is considered that they would promote a quiet and peaceful atmosphere so to ensure the mare produces a healthy foal. Horse walkers do not generally create a large amount of noise and to ensure the horses are not spooked, any squeaks or creaks from the equipment would be rectified swiftly. Environmental Health have never received any noise complaints from horse walkers in the past.

Airborne and ground borne noise will be no different to what it has been previously, in fact it may be less, due to only one commercial business operating from the site, there will be a reduction in the number of people using the site and the facilities. As a livery yard and riding school, people can usually access the site at all times of the night, whereas, with a stud farm, there is usually very little activity on site at night, as everything has been done during the day. An exception to this would be if a mare was foaling for example.

As stated previously given the scale of this development, compared to the previous commercial activity on the site, Environmental Health have no concerns in relation to noise.

Notwithstanding the view that the development is unlikely to result in any increase in noise levels emitting from the site, the Council's Ecologist has specifically considered the impact of any noise, which may occur, on the fish themselves. He comments that in his experience the impact of noise on freshwater fish is relatively minor and temporary in nature.

He has seen fish respond adversely to sudden noises such as a car door slamming. However these effects appear to be very short lived. He is familiar with at least three fisheries located immediately adjacent to railway lines and whilst he has seen the noise and vibration of a passing train cause shoals of immature fish scatter in alarm he suspects that adult fish become habituated to the constant disturbance. He goes on to state that he has watched chub in the River Dove feed confidently with a train passing only 10 yards away. Similarly, he can also recall carp feeding confidently on bonfire night when so many fireworks were going off in the garden of nearby houses that the sound resembled that of a constant heavy thunderstorm.

In his opinion, therefore, the operation of the proposed equestrian activity is highly unlikely to have anything greater than a negligible impact on the behaviour and viability of the fish populations at the adjacent fishery.

Further consultation has been undertaken with the Environment Agency specifically with regard to potential pollution implications for the fishery of surface water runoff from the development, and an update will be provided on this matter for Members in due course.

Other Matters

A significant amount of earthworks, including raising of ground levels and construction of bunding appears to have taken place to the west of the application site around the farmhouse. This does not form part of the current proposals, although it does constitute an engineering operation requiring planning permission, and should not therefore be considered in the determination of the application. A separate application for these works has been requested from the developer.

10. CONCLUSIONS

Whilst the Council cannot endorse the unauthorised works which have been carried out at this site and the potential harm which may have occurred, particularly to ecological and archaeological interests, for the reasons given above and subject to compliance with the recommended conditions, it is considered that this development, which is the subject of this application, is acceptable and in accordance with the relevant local plan policies and the provisions of the NPPF.

11. RECOMMENDATIONS

APPROVE subject the following conditions

- 1. Plans**
- 2. Application of dark coloured plastisol to galvanised doors of mare barn**
- 3. Application of internal “hit and miss” Yorkshire Boarding to mare barn**
- 4. Application of darkened material to rooflights**
- 5. Submission of landscaping / boundary treatment scheme for the whole site, to include, inter alia, details of screen planting and existing / proposed levels for the area between the mare barn and the stream and Root Protection areas for existing trees along the stream.**
- 6. Implementation of landscaping / boundary treatment scheme.**
- 7. No external floodlighting without consent**
- 8. Submission, approval and implementation of scheme for storage and disposal of manure**

INFORMATIVE

- **Importance of avoiding any disturbance in or around the statutorily-protected chapel.**
-

(c) Crown copyright and database rights 2013. Ordnance Survey
100049045, 100049046.

