

FLINTSHIRE COUNTY COUNCIL

REPORT TO: **PLANNING COMMITTEE**

DATE: **5th SEPTEMBER 2018**

REPORT BY: **CHIEF OFFICER (PLANNING, ENVIRONMENT
AND ECONOMY)**

SUBJECT: **FULL APPLICATION – ERECTION OF STABLES
AND MANEGE AREA AND CHANGE OF USE OF
LAND TO GRAZING OF HORSES AT PEN Y
BALL HILL, HOLYWELL**

**APPLICATION
NUMBER:** **058299**

APPLICANT: **HEATHER DICKENS**

SITE: **LAND AT PEN Y BALL HILL, HOLYWELL**

**APPLICATION
VALID DATE:** **20/04/18**

LOCAL MEMBERS: **COUNCILLOR MS JS DAVIES
COUNCILLOR P JOHNSON**

**TOWN/COMMUNITY
COUNCIL:** **HOLYWELL TOWN COUNCIL
BRYNFORD COMMUNITY COUNCIL**

**REASON FOR
COMMITTEE:** **MEMBER REQUEST**

SITE VISIT: **YES**

1.00 SUMMARY

1.01 This is a full planning application seeking the change of use of land to allow the grazing of horses, the erection of stables, manege and associated access on land at Pen y Ball Hill, Holywell.

**2.00 RECOMMENDATION: TO GRANT PLANNING PERMISSION,
SUBJECT TO THE FOLLOWING:-**

2.01 Conditions

- Time commencement

- In accordance with approved plans
- No development shall take place until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- Landscaping Plan
- Planting schedule
- Details of any external lighting shall be submitted to and approved in writing by the local planning authority before the building is first used. Development shall be carried out in accordance with the approved details.
- Archaeological watching brief
- The existing vehicular footway crossing shall be increased to serve the proposed access road and reconstructed in accordance with the attached heavy duty specification.
- Facilities shall be provided and retained within the site for the loading, unloading, parking and turning of vehicles. Such facilities being completed prior to the proposed development being brought into use.
- Positive means to prevent the run off of surface water from any part of the site onto the highway shall be provided in accordance with details to be submitted to and approved by the County Council prior to the commencement of any site works.

3.00 CONSULTATIONS

3.01 Local Member Councillor P Johnson

Objects to the proposal and requests that the application is heard at Planning Committee for the following reasons:

- Lack of details on the plans;
- The overall impact on the environment and the landscape i.e. appropriateness of the site for this use;
- The scale of the works including the access track going up from the hammerhead at the end of Coed y Fron;
- Public Rights of Way crosses through the site and this will be obstructed by the proposed manege;
- The only access to the site would be the very steeply graded Coed y Fron and through a residential area.

Councillor Ms JS Davies

Objects to the proposal on grounds of highway impact and access.

Holywell Town Council

The Council is opposed to the development proposal in relation to

access and rights of way concerns and a lack of detail in the application. The whole look of the area would be affected and there are also environmental concerns with the diesel emissions from vehicles transporting horse boxes.

Head of Assets and Transportation

I refer to the additional information received in connection with the above proposal and can confirm that it addresses my outstanding highway concerns. If you are minded to grant planning consent I would request the following conditions be included:-

CONDITION(S)

1. The existing vehicular footway crossing shall be increased to serve the proposed access road and reconstructed in accordance with the attached heavy duty specification.

REASON: To ensure the formation of a safe and satisfactory means of access.

2. Facilities shall be provided and retained within the site for the loading, unloading, parking and turning of vehicles. Such facilities being completed prior to the proposed development being brought into use.

REASON: To ensure that adequate provision is made for servicing the site and that adequate parking and manoeuvring space is provided to serve the proposed development and to avoid the necessity for reversing movements into or from the highway in the interests of highway safety and maintaining the free flow of traffic on the adjoining highway.

3. Positive means to prevent the run off of surface water from any part of the site onto the highway shall be provided in accordance with details to be submitted to and approved by the County Council prior to the commencement of any site works.

REASON: In the interests of highway safety and to prevent damage to the highway surface or structure.

In addition please ensure that the attached Supplementary Notes are issued to the Applicant as part of any planning consent which may be granted with particular reference to Clauses 1, 2 & 9. Clause 9 relates to Public Footpath number 14 that abuts the application site.

Head of Public Protection

No adverse comments to make.

Drainage

No comments to make. Considers the proposal acceptable, refers applicant to Supplementary Planning Guidance Note 29 Management of Surface Water for New Development.

Public Rights of Way (PROW)

Public Footpath No.14 crosses the site but does not appear to be significantly affected by the development now that the route has been incorporated into the proposed site layout. The applicant may be required to apply for a temporary closure order to protect the public during construction and are required to contact the Rights of Way team to discuss the proposed works if consent is issued.

The nearest accessible Bridleway to the site is No.19 in the Community of Brynford.

Ecology

While I have no objection to the stables, ménage and change of land use per se, there are known wildlife issues which need to be taken into account.

1. Record of Mine adit (to south west of site) as a lesser horseshoe bat hibernation roost.
2. Records of badgers within scrub around mine shaft.

The patches of scrub on site identify mine shafts which on the ground may be open/infilled/partially infilled and I presume the access track has taken the historic land use into account. The shaft to the south west of the site may have been infilled and partially opened by badgers allowing access for bats.

The presence of a bat roost on site means it is important to retain (and preferably enhance) existing hedgerow corridors on site which will provide dark commuting and foraging corridors. This is particularly relevant to the boundary hedgerows as well as the hedge dissecting the site. Lesser horseshoe bats are particularly sensitive to lighting and ideally there should be no external lights. If security lighting is proposed at the stable, this would need to be sensitively placed and away from vegetation.

To mitigate for the loss of scrub during the creation of the new access and the ménage, I would recommend that gaps within the existing hedges are planted with native species such as hawthorn. I would also recommend that the open shafts and associated scrub are fenced using post and rail rather than netting which provides access for bats and badgers.

If permission is granted, apart from a landscape plan condition, I would recommend a note to applicant with regards to bats and their protection.

Please be advised that all bats and their roosts are protected under the Conservation of Habitats and Species Regulations 2017, and the Wildlife and Countryside Act 1981 as amended. Please contact the FCC Ecologist or Natural Resources Wales for further information.

Natural Resources Wales

Natural Resources Wales (NRW) do not object to the proposal. NRW do not consider that the application will have an adverse impact on the interests of protected species or pollution.

Clwyd-Powys Archaeological Trust (CPAT)

Information retained within the Regional Historic Environment Record Indicates that the development is located amongst a number of recorded lead mine shafts; which are understood to be located between and around the proposed manege, stable building and access route to the site. While the shaft mounds themselves do not appear to be directly impacted, there is a potential for sub-surface impact. CPAT therefore recommends an archaeological watching brief condition be imposed.

4.00 PUBLICITY

4.01 Press Notice, Site, Notice, Neighbour Notification

The application was advertised by Site and Press Notice.

30 no. letters of objection upon the following grounds:

- Parking issues along Coed y Fron, cars park on street, narrowing the highway to other road users;
- Proposed access not suitable for the type of vehicles that will be using it;
- Highway safety concerns for residents;
- Impact on the Public Right of Way;
- Concerns for the protection of protective species, namely Bats and Badgers;
- Concerns for the welfare of the horses, applicant does not reside in the locality;
- Loss of agricultural land;
- Concerns regarding the storage of hay and straw as potential fire hazards;
- Storage of manure onsite;
- Drainage concerns, surface water run-off onto Coed y Fron;
- Concerns regarding the removal of trees;
- Land known to have a mining history, and possibility of lead contamination;
- Landslide concerns;
- Increased traffic and diesel emissions from vehicles transporting horses;
- Light pollution;

- Application lacks detail and does not illustrate materials proposed for the stable building;
- Concerns regarding the change to the character and appearance of the area;
- No environmental impact assessment submitted;
- 10 stables is not for personal use;
- Negatively impact residential amenity;
- Poor quality grazing and insufficient amount of land for 10 horses.

5.00 SITE HISTORY

057418 - Erection of stables, manege area and the change of use of land for grazing horses [WITHDRAWN]

6.00 PLANNING POLICIES

6.01 Flintshire Unitary Development Plan

STR1 – New Development

STR7 – Natural Environment

STR10 – Resources

STR11 – Sport, Leisure and Recreation

GEN1 – General Requirements for New Development

GEN3 – Development in the Open Countryside

TWH2 – Protection of Hedgerows

L1 – Landscape Character

WB1 – Species Protection

AC13 – Access and Traffic Impact

RE1 – Protection of Agricultural Land

SR1 – Sports, Recreation or Cultural Facilities

SR2 – Outdoor Activities

EWP14 – Derelict and Contaminated Land

Planning Policy Wales 9th Edition November 2016

7.00 PLANNING APPRAISAL

7.01 Introduction

This is a full planning application for the change of use of land for the grazing and keeping of horses, the erection of a 10 unit stable block with associated hay store and tack room, a 40m x 30m Manege and new access and track at Coed y Fron, Pen y Ball Hill, Holywell.

7.02 Site Description

The land comprising the application site extends for 6.8ha (17 acres) comprising of rough pasture, located on an elevated north easterly facing slope to the rear of Pen y Ball Hill and Coed y Fron. The land has an undulating profile, rising gradually to the west into open

countryside bound by sporadic hedgerows and crossed by Public Footpath no.14. Pen y Ball Hill bounds the land to the south and is bound by residential areas to the North, Wedgewood Heights and East, Coed y Fron located within the settlement boundary of Holywell.

7.03 Proposed Development

The proposal is for the change of use of land to allow for the grazing and keeping of horses. The proposal also comprises the erection of a 'U' shaped 10 unit stable block with associated tack room and hay/feed store, a 40m x 30m all weather surface manege with post and rail fencing, track and access.

The proposed manege and stable block are to be sited in the elevated corner of the associated land holding. Access is proposed to be taken directly from Coed y Fron, with a track that continues up towards the facilities.

The planning statement accompanying the application states that the stables and manege are proposed for private use only. The land is currently tenanted and used for the grazing of livestock.

7.04 Main Issues

The main issues with regard to this application relate to the principle of equestrian development and the material change of use of the land, highway impact, the impact on the character and appearance of the landscape and drainage matters.

7.05 Principle of Development

The land is located outside the settlement boundary for Holywell in the adopted UDP, and is therefore defined as open countryside.

In terms of the policies in the adopted UDP, policy GEN3 sets out those instances where development may take place outside of settlement boundaries. In this case, criterion (J) of GEN3 allows for *“other development which is appropriate to the open countryside and where it is essential to have an open countryside location rather than being sited elsewhere.”*

In principle, equestrian uses are recognised as a countryside activity and by virtue require a rural location. Horse riding and other equestrian activities are popular forms of recreation in the countryside that can fit in well with farming practices and the rural ethos. Whilst the adopted UDP does not have a specific policy relating to equestrian development, policy SR2 is considered to be of most relevance.

Policy SR2 Outdoor Activities states:

Outdoor activities will be permitted where:

- a) *The activity proposed is of a type, scale and intensity that would not unacceptably harm the character and appearance of the site and its surroundings, residential or other amenity, or the landscape, nature conservation or historic interest;*
- b) *In the case of riding centres the County Council is satisfied that there are suitable and convenient bridleways for riding in the vicinity; and*
- c) *The site is accessible by a choice of modes of travel other than the private car.*

In the case of criterion (b), there are no immediately adjoining bridleways to the site. However, the Pen y Ball hill leads to bridleway No.19 and 'Byway open to all traffic' No.20 to the south of the site, both are considered to be easily accessible to those on horseback. Pen y Ball Hill itself is a rural lane, leading to other properties that keep horses. Therefore horse riding on this road and the within the wider area is likely to be a common practice given its rural location.

Furthermore, the inclusion of a manege would reduce the need for riders to ride their horses on the highway, and instead allow them to be adequately exercised within the safe confines of the manege onsite. It is therefore considered that adequate facilities are being provided to reduce the need to ride on the road, nevertheless, there are both accessible and suitable bridleways and permissive routes available for riding in the vicinity.

In relation to criterion (c), the planning statement accompanying this application states that the stables and manege are for private use only. Therefore the criterion is not applicable in relation to the site being accessible by a choice of transport modes used by the general public. It is accepted that as the site is proposed solely for private use, the private car will be the main mode utilised in this case.

7.06 Highways

The proposed vehicular access into the site is from an existing hammerhead point at the top of Coed y Fron. From this point, the land increases steeply and therefore to create a suitable access, considerable engineering works would be required.

The proposed impact of the access and track in visual terms needs to be considered in terms of the overall impact of the development of the site. Following the submission of additional information which confirmed that the gradient from the hammerhead at Coed y Fron would be no more than 1 in 24 for the first 8m and 1 in 9 for the access track thereafter, Highways raised no objections to the position of the access on the basis that it is for sole private use only.

Highways confirms that it has no objection to the proposed development subject to standard highway conditions covering the details of access, vehicular footway, turning and parking facilities and prevention of surface water run off onto the highway.

7.07 Drainage

With regards to drainage and surface water runoff, the proposed manege will comprise in its construction a drainage system, which will channel the flow of water to a soakaway to prevent water runoff and pooling on the surface of the manege. This is considered to be acceptable. As stated above, Highways have suggested a condition for the prevention of surface water run-off in respect of the access. The condition is considered to be relevant and necessary in order to prevent surface water run off onto Coed y Fron.

7.08 Landscape and Visual Impact

The site is located in the open countryside but does not benefit from any other designations. The site is not within an area of designated landscape, nature conservation or historic value and therefore would not have a significant adverse impact on any features in accordance with criterion (a) of policy SR2.

The proposed site for the manege and stable block is located in an elevated position within the corner of the second field parcel comprising the land holding. The site would sit beyond the water works site at Pen y Ball Hill, beyond the first field and the residential areas to the north and east, making use of the undulating land profile and mix of existing hedgerows and trees, the majority of which are said to be retained. A landscaping and planting schedule condition has been imposed in order to maintain and enhance the level of screening currently available. Further hedgerow planting would offset the loss as a result of the new access and infill the gaps to the rear of the manege; greatly benefiting the visual screening and providing additional habitat enhancements.

It is evident that the land is predominately used for grazing livestock, mainly sheep. The change of use to allow the land to be grazed by horses would create little change in how the land is currently managed.

The land is crossed by Public Footpath No.14 which travels central to the land holding. The course of the path would not change, however the visual impact from the immediate site would be noticeable, however, it is considered that the overall enjoyment of the path would not be jeopardised as a consequence of the proposal. Officers consider that the public right of way will not be affected by the proposed stables and manege. The application will not have a significant detrimental impact on the public right of way or its users.

Due to the land topography, the proposed track and equestrian development would involve the excavation of land to create level platforms in order to accommodate the proposal. The flow of the track follows the undulating profile of the landform, while the low profile of the proposed manege and stable development would sit neatly within

the landscape. The combination of the location, gradient and available screening would mean that views from Pen y Ball Hill and the residential areas at Wedgewood Heights and Coed y Fron would be limited.

It is not considered that the excavation and resurfacing of some of the land for a manege, stable block and track would cause such an intrusive feature that would be harmful to the rural landscape character of the area. Although the proposed stables building and manege would not be insignificant in scale, they would not form harmfully prominent features within the countryside in this relatively discreet location. The development would be of a type, and design that would prove compatible with its rural setting. A condition seeking the details of the external surfaces of the stable block has been imposed.

The application site is located in a rural district where equestrian activities are popular; therefore, the proposal would not be incongruous in such a setting and would not have such a visual intrusion that would cause harm to the landscape character and appearance of the surrounding area.

Other Matters

- 7.09 Objections have been received in relation to the impact of the development on residential amenity. Although the construction of the access will cause some short term disturbance, the main activity is at a sufficient distance away from the residential amenity and is therefore unlikely to cause considerable noise disturbance or loss of privacy. Additionally, no external lighting is proposed and the scheme will have minimal visual impact on the rural landscape of the area and nearby properties. Any lighting would require consent from the Local Planning Authority.

A number of objections have been raised in relation to the quality of the grazing and the adequate provision of sufficient grazing for the number of horses being kept at the site and on the land. The land holding which forms part of the application site extends for 17 acres. The proposal comprises the erection of a stable block that will provide 10 stables at the standard size of 12ft x 12ft with a single storey 9ft (3m) height clearance as recommended by the British Horse Society.

In accordance with the British Horse Society Welfare Guidance, *“average pasture will maintain approximately two horses per hectare as permanent grazing (1-1.5 acres per individual), provided that good pasture management is employed. This is generally considered a minimum acreage requirement for the average horse, but there are numerous variables that must also be taken into consideration. The acreage required per horse or pony will depend, to a large extent, on the type of and general management of the animal and also on the grazing quality.”*

The grazing quality of the land is mainly rough pasture, with areas of improved grazing in places. *“There is a distinct difference between acreage requirements for horses where the grassland is to provide total grazing keep for the animal and where it is only to provide supplementary grazing or turnout exercise. In the combined system of management, where the horses are stabled for part of the time, 1 acre per horse may be more than adequate. Even where adequate pasture is available, stabling the horse helps reduce the effects of long term grazing, giving the grass and ground a chance to recover.”*

It is not a planning consideration to require the applicant to state how they intend to manage their animals or land holding. However, in respect of the guidance and the application, it is considered that there is sufficient land and grazing available to support the number of horses proposed to be stabled onsite.

8.00 CONCLUSION

The basis for making decisions on planning applications should be in accordance with the development plan unless other material considerations deem otherwise.

In this instance, I conclude that subject to appropriate conditions, the development proposed would not cause harm to the character and appearance of the surrounding landscape or cause detrimental harm to neighbouring land uses. For the reasons explained above, the proposal is considered to accord with the provisions of adopted UDP policy GEN3 and SR2. It is therefore considered to be acceptable development in the open countryside, and is recommended accordingly.

8.01 Other Considerations

The Council has had due regard to its duty under Section 17 of the Crime and Disorder Act 1998 and considered that there would be no significant or unacceptable increase in crime and disorder as a result of the recommended decision.

The Council has acted in accordance with the Human Rights Act 1998 including Article 8 of the Convention and in a manner which is necessary in a democratic society in furtherance of the legitimate aims of the Act and the Convention.

The Council has had due regard to its public sector equality duty under the Equality Act 2010.

The Council has had due regard to its duty under Section 3 of the Wellbeing of Future Generations (Wales) Act 2015 and considered that there would be no significant or unacceptable impact upon the

achievement of wellbeing objectives as a result of the recommended decision.

LIST OF BACKGROUND DOCUMENTS

Planning Application & Supporting Documents

National & Local Planning Policy

Responses to Consultation

Responses to Publicity

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