

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL  
PLANNING APPLICATIONS COMMITTEE**

**21<sup>st</sup> April 2023**

<b>Application No:</b>	SMD/2022/0635	
<b>Location</b>	Land At Springs Cottage Farm, Thorneyedge Road, Bagnall	
<b>Proposal</b>	Variation of condition 4 relating to SMD/2018/0061	
<b>Applicant</b>	Sir Lee Pearson	
<b>Agent</b>	n/a	
<b>Parish/ward</b>	Bagnall	<b>Date registered</b> 09/01/2023
<b>If you have a question about this report please contact:</b> Pet Twigg tel: 07525705997 p.twigg@planningangel.co.uk		

## **REFERRAL**

The original application was considered by the Planning Applications Committee and it is locally contentious

### **1. SUMMARY OF RECOMMENDATION**

<b>Approve</b>
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### **2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS**

2.1 The site consists of agricultural land forming part of a much larger field. It lies to the south east of Springs Cottage Farm. The application site falls gradually in a north easterly direction. Beyond the site levels rise significantly towards the western field boundary. An existing hedgerow and individual hedgerow trees contains the site along the Thorneyedge frontage. There is an existing vehicular access onto Thorneyedge Road serving the site. Just beyond this gateway to the south east is the start of Public Footpath no 26 Bagnall Parish. This path is not affected by the proposed development. There are no trees on the site itself.

### **3. DESCRIPTION OF THE PROPOSAL**

3.1 Application SMD/2018/0061 was granted permission for a single block building consisting of four stables and a tack room. Also an Olympic size manege, 60m by 20m and a new vehicular access onto Thorneyedge Road leading into a gravel yard area providing parking and turning facilities for a horse box.

3.2 The applicant at the time of determination required the facilities for his and his family's private use. The permission is extant, the elements have been implemented in a phased manner, leaving only the stables and these are scheduled to be built this year.

3.3 The application proposes to vary condition 4 of permission SMD/2018/0061, which states:

*4. The stable block and manege hereby permitted shall be for private use of the applicant and his family only and shall not be used for any business, commercial livery, riding school activities or made available for use by visiting members of the public.*

*Reason: - To define the permission in the interests of the character and appearance of the area, protection of the Green Belt, residential amenity, and highway safety*

3.4 The applicant seeks to remove the restriction on who can use the manege and stables in order that the 4 stables within the block are available for commercial livery, together with the use of the arena for teaching purposes.

3.5 The physical structures previously approved will remain unchanged, it is only the users of the site that will change.

3.6 The plans originally approved will remain unchanged.

#### **4. RELEVANT PLANNING HISTORY**

SMD/2018/0061           Erection of Stable Block and Manege. Approved March 2018

SMD/2016/0777           Equestrian centre comprising of manege, 22 stables, ancillary buildings, 4 turnout paddocks and horse exercise walker. Refused

SMD/2016/0196           Equestrian centre comprising of manege, 22 stables, ancillary buildings, 4 turnout paddocks and horse exercise walker. Withdrawn

DET/2016/0062           Change of use from agricultural building to dwelling. Approved

DET/2016/0063           Change of use from agricultural building to dwelling. Refused

11/00870/FUL (SMD/2011/0923) Construction of 4 Stables and Change of use of land – Approved

#### **5. PLANNING POLICIES RELEVANT TO THE DECISION**

5.1 The Development Plan comprises of:

##### **Staffordshire Moorlands Local Plan (Adopted 2020)**

S01 Spatial Objectives

SS1 Development Principles

SS10 Other Rural Areas Strategy

DC1 Design Considerations

##### **National Planning Policy Framework 2021**

Including sections -

- 2: Achieving sustainable development
- 6: Building a strong, competitive economy
- 9: Promoting sustainable transport
- 12: Achieving well-designed places
- 13. Protecting Green Belt land

## **6. CONSULTATIONS CARRIED OUT**

Site Notice expiry date: 17 February 2023

Neighbour consultation period ends: 15 February 2023

Press Advert: N/A

7 representation supporting the proposal stating that:

- The use will not add to traffic on this lane. The garden centre attracts more traffic movements.
- A few visitors to the area a week won't have any major effect on the area and to be taught by Lee is a real positive opportunity for the Moorlands area
- It will be private lessons and therefore not on a regular enough basis to cause a problem.
- It will bring much needed investment into the wider area in the form of potential employment which is very much needed.
- It will also aid other local businesses such as the local garden centre and it's tearoom.
- There is a thriving equestrian community in the local community which could benefit from this application
- This is a valid rural business and there are many other similar equestrian liveries operating in the vicinity, so why not this one?
- The applicant will be able to help a lot more riders to achieve their dreams a lot easier using his own arena than travelling around the country.
- This will be a valuable asset to access in the community since losing Endon Riding school to make way for luxury housing local children & families could access professional coaching in the area again and possibly wouldn't have to use vehicles to get there.

2 representations from individuals and a joint neighbour's response, stating:

- The proposal will generate traffic, noise, litter and pollution.
- Impact on the character of the country lane with its pretty ancient well and cobbled ford
- The approach cannot safely accommodate horse box traffic and surrounding lanes are narrow.
- The neighbouring liveries are permanent stay liveries that generate few client horsebox journeys each week and do not disturb us as residents.
- Teaching visiting clients and their horses for 12 hours a day, seven days a week could potentially generate up to two or three hundred arrival/departure client horsebox journeys along this country lane each week. (168 if lessons were hourly, 336 if lessons were half hourly).
- Because the stables are not built the users will have to travel in using horse boxes

- The applicant's house is currently up for sale for 1.2 million, which may perhaps indicate that the removal of Condition 4 is purely speculative.
- Issues relating to a legal dispute were raised by an objector, these matters fall outside of being material considerations of this application.

In response the applicant states:

- The application is submitted so that he can legally teach on his arena and have liveries.
- The neighbours' concerns that he will be teaching from 9 am till 9 pm is unwarranted, especially as he has his own competition horses to ride and family commitments.
- The timescales stipulated in the application form gives the flexibility to fit in with people who can only have a lesson after work for example. The aim is to look to teach up to 5 - 10 people a week.
- The neighbours to the site run businesses and the garden centre is unbelievably busy, not only with customers cars but HGV deliveries which are sometimes parked up overnight.
- Any visiting clients with Horseboxes will be advised not to go through the village as they can enter from the southern side of my property a lot easier.
- The stabling will be built this year, the arena was built first as this was needed for competition practice.
- The previous gateway has never been used since the arena entrance was built and is very over grown (fencers have been booked to block it off).
- The property has been on the market for a couple of years, but the application site is separate to the applicant's dwelling, and he is in no rush to sell.
- Drivers of Horseboxes and Horse trailers drive very carefully due to precious cargo, they would be more of a danger to other road users than the existing traffic and tractors.

### **Town / Parish Comments**

Bagnall Parish Council: Object - The condition was agreed by both parties at the time it was originally set and has now only been asked to be removed to increase the sale value of the property.

### **SCC Highways**

No highway objections to this proposal.

### **PROW**

Public footpath Bagnall 26 goes across one corner of the site and the proposal must not affect the public from using this path.

## **7. OFFICER COMMENT AND PLANNING BALANCE**

### Policy Context

7.1 As with all applications, the LPA is required to determine this application in accordance with the Development plan, unless there are material circumstances which indicate otherwise and in determining these applications, it shall have regard

to the provisions of the Development Plan, in so far as material to the application and to any other material considerations.

7.2 Core Strategy Policy SS1a establishes a 'Presumption in Favour of Sustainable Development' in line with the National Planning Policy (herein referred to as the NPPF) where: (1) planning applications that accord with policies within the Core Strategy will be approved without delay and (2) where there are no relevant policies or they are out of date, the Council will grant planning permission unless material considerations indicate otherwise considering: -

- I. Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or,
- II. Specific policies in within the NPPF indicate that development should be restricted.

### Principle

7.3 The principle of the development has already been considered compliant with Local Plan and NPPF policies and approved by permission SMD/2018/0061, which is an extant permission.

7.4 The physical structures previously approved will remain unchanged, it is the users of the site that are proposed to change.

7.5 Local Plan policy SS10 identifies the area as in the green belt where there is support in principle for rural enterprises and equine development subject to good design and no harm to the green belt. Whilst there are no 'in principle' objections to the application, all other material planning considerations must be satisfied for the scheme to be supported and in this instance the change in users of the equine facilities.

### Impact on neighbour amenity, highways and character of the locality

7.6 The application proposes the change of use of an approved domestic stables building for commercial livery to stable four horses and riding arena that can be used for commercial teaching purposes.

7.7 Policy SS10 supports development which has an essential need to be located in the countryside, supports the rural diversification and sustainability of the rural areas, promotes sustainable tourism or enhances the countryside ... as can be seen within the immediate vicinity of this site – garden centre and established livery businesses.

7.8 The use as a commercial livery and teaching facility will attract visitors to the site, but the number will be restricted by the size of the site and the amount of stabling. The rural enterprise will allow the applicant to teach horse riding skills to pupils on a one-to-one basis on an appointment basis, that way there is a limit on how many persons will be on site. On balance, it is not considered a significant

intensification of traffic movement on a lane that already serves residential properties, a popular garden centre and coffee shop.

7.9 It is considered that the proposal to remove the restriction on who can use the stables and manege will not result in development of an inappropriate scale that causes harm the character of the countryside.

7.10 Consultation with the Highways Authority does not raise any highways concerns and despite the neighbour's concerns about horseboxes accessing the site on narrow roads, it should be noted that this is a rural area whereby tractors and 4x4 vehicles frequent the same narrow roads and do so with care and diligence. Thorneyedge Road does not have a highway safety issue in terms of recorded accidents in the last five years.

7.11 Although the intention is to run the stables as a small livery business and teach in the manege, it is considered unlikely that the additional traffic generated by the proposal will have a significant or detrimental impact on the surrounding highway network. The existing access is considered to offer adequate provision for the proposed additional usage on the site.

7.12 In the main it is considered that there is satisfactory parking provision/turning areas across the site to serve the business.

7.13 Although there are residential properties nearby set back off the lane, the proximity to the site should not adversely impacted any neighbours through loss of amenity or privacy.

#### Planning Balance

7.12 There is no objection in principle to this development. Conditions are recommended to mitigate any harm and/or improve the quality of the development and with these in place the proposal represents sustainable development, and a recommendation of approval is therefore made.

## **8. RECOMMENDATION**

**APPROVE** subject to:

**1. Removal of condition 4 of the original planning permission.**

**2. Repetition of the other Conditions 1 to 16 of the original planning permission dated 20 March 2018 under reference SMD/2018/0061 which continue to apply subject to the amendments to condition 4 as set out in the condition below.**

**Reason: Permission has only been sought to vary condition 4 of the original scheme.**

**3. Additional Condition: Unless otherwise first agreed in writing with the Local Planning Authority, the all-weather arena shall not be used after 21:00 hours on any day and the floodlights shall be extinguished after that time.**

**Reason: In order to protect the amenities of nearby residential properties**

**B In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's decision**

## **9. APPENDICES TO THE REPORT**

The link below to the Council's website is where the detail of the Listed Building Consent application can be viewed.

<http://publicaccess.staffsmoorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=166844>

