

DELEGATED DECISION REPORT

SMD/2022/0211
Valid 20/04/2022

LAND AT SIMFIELD FARM
GREENS LANE
WERRINGTON

REMOVAL OF CONDITION 5
OF SMD/2021/0727 RELATING
TO THE PREVENTION OF USE
OF THE MANEGE FOR
COMMERCIAL PURPOSES,
INSOFAR AS TO ALLOW
INDIVIDUAL RIDING LESSONS
TO BE PROVIDED.

(FULL - MINOR)

MAIN ISSUES

- Neighbour amenities
- Highway Safety

DESCRIPTION OF SITE

Green field rural / semi-rural location within farm land lying to the rear (south) of the ribbon development of housing lining Ash Bank Road towards the westernmost point of the District in Werrington. The site is some 600m west of the western limit of the Village Development boundary of Werrington. The site lies alongside the District boundary with the City of Stoke-on-Trent and housing on the fringe of the Potteries conurbation at Bentilee comes to within 300m to the west.

The site is accessed across the field from the farm yard at Simfield Farm (file photo 0721). The one time farm house is understood to be long-unoccupied and appears likely to be uninhabitable in its current condition. A recently approved planning application SMD/2021/0632 has given consent for 'Conversion and alteration of agricultural building to form 1no. dwellinghouse' with three bedrooms. A group of modest stock buildings provides winter housing for livestock. A single track farm lane connects the farm to Greens Lane off Ash Bank. Initially from Ash Bank, Greens Lane serves nos. 44 and 46 Ash Bank and a further dwelling on the south side of Greens Lane rear of 46 Ash Bank. Shortly beyond the dwelling on Greens Lane (at about 80m after) the lane is gated. From rear of 46 Ash Bank (and the dwelling on Greens Lane) the lane is tightly bordered by boundary hedges with no passing or turning points.

Condition 5 of permission SMD/2021/0727 reads:

The manège hereby permitted shall be used for stabling of horses owned by or leased to the occupier of Simfield Farm (including any purpose incidental thereto) and shall not be used for any commercial purpose(s) whatsoever including livery or riding school. There shall be no events or gymkhanas held on the land.

Reason: To safeguard the amenities of the area and to minimise the possibility of inconvenience to nearby residents by the establishment of a commercial concern.

PROPOSAL

The accompanying Planning Statement submitted by the applicant in support of their application says:

This application seeks consent to remove the aforementioned condition [5] so as to permit the use of the manège for commercial purposes in the form of riding lessons. The applicant does not propose any form of major events or gymkhanas. The applicant is a BHS qualified Accredited Professional coach and horse trainer. It is her intention to provide riding lessons on the site when not carrying out her own freelance work. Lessons would be held between the hours of 08:30hrs and 18:00hrs, with each lesson having a duration of 45 minutes and limited to one person only. A period of 15 minutes would be left in between sessions so as to enable time for vehicles to depart the site before any new customer arrives.

In response to queries raised by the LPA the agent has added:

The applicant's intention is to hold lessons for one, and occasionally, two persons at any one time. Those people would usually bring their own horses to site, rather than use the applicant's... the whole purpose of riding lessons is that the rider becomes familiar with riding their own horse, as each horse reacts differently. There is no intention to hold events or gymkhanas. To this end could you please revise the condition as follows:

“The manège hereby permitted shall be used only for the exercise and/or training of horses owned by or leased to the occupier of Simfield Farm (including any purpose incidental hereto) except for lessons for up to a maximum of two customers at a time. The manège shall otherwise not be used for any commercial purposes whatsoever including livery, and there shall be no events or gymkhanas held on the land.”

The LPA noted that the intended hours of use were stated as: “Lessons would be held between the hours of 08:30hrs and 18:00hrs”. The LPA was concerned that if these hours were used year round it would include hours of darkness with no provision or permission for lighting to be erected. In response the applicant has stated that the applicant would accept a condition that stipulates no provision or permission for external illumination.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan (adopted 9th September 2020)

SS1 Development Principles
SS2 Settlement Hierarchy
SS10 Other Rural Areas Area Strategy
DC1 Design Considerations

DC2 The Historic Environment
DC3 Landscape and Settlement Setting
E1 New Employment Development
NE1 Biodiversity and Geological Resources
NE2 Trees, Woodland and Hedgerows
T1 Development and Sustainable Transport

National Planning Policy Framework February 2019

Paragraph(s) 1 – 14;

Section(s) 4 – Decision making; 6 – Building a strong and competitive economy; 8 Promoting healthy and safe communities; 11 – Making effective use of land; 12 – Achieving well designed places; 13 – Protecting Green Belt Land; 15 – Conserving and enhancing the natural environment; 16 – Conserving and enhancing the historic environment.

Adopted Supplementary Planning Documents/Guidance (SPD/G):

- Space About Dwellings SPG
- Design Principles SPG
- Design Guide SPD adopted 21st February 2018

Local Plan Supporting Evidence Documents:

- Landscape and Settlement Character Assessment (2008)

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2021/0632 – Conversion and alteration of agricultural building to form 1no. dwellinghouse – approved

SMD/2021/0727 – Formation of equestrian Manège – approved

CONSULTATIONS

Publicity

Site Notice expiry date: 9th June 2022

Neighbour consultation period ends: 24th May 2022

Press Advert: N/A

Public Comments

None

Town / Parish Comments

Werrington Parish Council – none received

Ecology Consultee (SWT)

No comments to make on this application

Staffordshire County Council Highways

No parking is detailed on the submitted plans, though there does appear to be parking available at the existing buildings of Simfield Farm. Further to this, Simfield Farm buildings are some 270m from the highway and the manège some 380m from the highway. As riding lessons are proposed for single riders, it is highly unlikely the highway would be affected by parking.

Green Lane is generally single track and a private access road. Riding lessons for one rider at a time and with lessons separated out, should reduce the likelihood of vehicles meeting on Green Lane. This assumes that lessons finish on time, the student leaves promptly and the next student does not arrive overly early. This will need to be monitored during operation. It may be appropriate for lesson times to be such that the next student arrives before the previous student leaves..? assuming available parking. Lengthy reversing manoeuvres would not be in the interests of students.

Recommends condition: The manège shall not be used for events or gymkhanas.
REASON: To comply with NPPF Paragraph 110; to comply with SMDC Local Plan Policy DC1; in the interests of highway safety; in the interests of the safety and convenience of users of Green Lane.

OFFICER COMMENTS

Principle of Development

Acceptance of the development in principle has been confirmed by the previous permission SMD/2021/0727.

In response to a s.73 application it would normally be open to the Local Planning Authority to attach a new condition or conditions incorporating new wording. As the description however is specifically given as being for 'removal' of condition 5 of SMD/2021/0727 the LPA has clarified with the applicant that certain new or varied condition wording would be accepted. The main issue is to consider to what extent there may be disturbance to residential neighbours or other conflicts with local living conditions such as vehicular access to neighbouring dwellings or conflicts with highway safety if the condition were to be lifted. Consideration should be given as to whether it is appropriate to fully remove condition 5 or whether there are some controls included in the condition which it would be important to retain.

Design

There are no new issues of design other than to note the form and nature of the access as set out above under Description of Site which is narrow and confined in parts. The question of a possible lighting requirement has been addressed as not forming part of the scheme and this can be ensured by condition.

Amenity

The intentions of the LPA in originally attaching condition 5 can be understood by reference to the stated reason for the condition as published in the Decision Notice:
"To safeguard the amenities of the area and to minimise the possibility of

inconvenience to nearby residents by the establishment of a commercial concern”.

Condition 5 includes restrictions preventing:

- the use of the manège development for stabling horses unless owned by or leased to the occupier of Simfield Farm (including any purpose incidental thereto);
- the use of the development for any commercial purpose(s) whatsoever including livery or riding school;
- the holding of events or gymkhanas on the land.

The red edge of the application (and hence the land to which the condition relates) is shown in the Location Plan listed as approved under condition 2 of SMD/2021/0727. The wording of the condition may arguably be found to introduce some confusion in its opening point by its reference to stabling. Although the red edge includes a portion of the yard at the farmstead it does not encompass any buildings. Stabling would not seem to be a part of the development in any event.

The agent's planning statement in support of the application says the applicant does not propose any form of “major” events or gymkhanas. The LPA condition wording refers to “events or gymkhanas” without qualification. This is a significant control which if removed in entirety would eliminate a significant safeguard to residents' amenity. The application however is very specific in what it seeks to achieve, that:

Lessons would be held between the hours of 08:30hrs and 18:00hrs, with each lesson having a duration of 45 minutes and limited to one person only.

It is further suggested that there would be a 15 minute gap between lessons to avoid departing and arriving participants from obstructing one-another.

The agent's e-mail of 16th August 2022 confirms that it is the applicant's intention to hold lessons for one, but then adds “and occasionally, two persons” at any one time.

Highway Safety

The officer report into the approved manège SMD/2021/0727 to which condition 5 is attached noted:

No alterations are proposed to the existing access track that serves Simfield Farm, nor to the existing parking or turning area adjacent to the existing farm buildings. No footpath or access is proposed between the farm buildings and the proposed manège. The existing access is sufficient for the existing use of the farm and the proposal will be used by the applicant to ride their own horses that already reside at the farm. The proposed development will therefore not result in an increase in vehicle movements to and from the farm. Subject to a condition requiring the manège to only be used for equestrian activities associated with the applicant's own horses, it is not considered that the proposed development will have a detrimental effect on highway safety. The development will therefore comply with policies DC1 and T1 of the Local Plan (2020) and the NPPF (2021).

In response to the current application the Highways Officer requests to be secured by condition, only that: "the manège shall not be used for events or gymkhanas". There was no request that the use be restricted to one person at a time.

CONCLUSION / PLANNING BALANCE

The ability for the applicant to hold one-to-one lessons would seem a reasonable request which would seem unlikely to raise particular conflicts with the living conditions of surrounding residents. The stated hours if operated year round would include hours of darkness. There is however no consent for lighting associated with the manège though it is possible lights could be attached without needing planning permission. This could be intrusive to the location. The hours of use could be accepted but not in the hours of darkness as this would be presumed to entail lighting. A condition could stipulate no artificial lighting shall be used and it has been confirmed with the applicant that this would be accepted. The applicant evidently intends to manage or co-ordinate lessons so as minimise or avoid congestion as participants arrive and depart. It is not necessary to set out the exact details of how this should be done in a condition.

It would be sufficient to limit commercial activity to no more than one person under tuition at any one time or, in other words, for one-to-one lessons only. The agent has subsequently said this could occasionally involve two persons at any one time. Although the highways response was based on a proposed one-to-one lesson arrangement it may reasonably be considered that having two lesson participants attend at any one time would also not be problematic.

The restriction preventing events or gymkhanas is an important one. To try to distinguish between events and "major" events would be difficult to define. Usage of the manège at other times outside of lessons should be limited to the occupier(s) of Simfields Farm and the horses they own or hold on lease. The applicant's now proposed condition, by e-mail dated 16th August 2022, suitably resolves matters.

OFFICER RECOMMENDATION : Approve subject to conditions

Case Officer: Arne Swithenbank

Recommendation Date: 16th August 2022

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council