
Appeal Decision

Site visit made on 17 August 2021

by Stuart Willis BA Hons MSc PGCE MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2021

Appeal Ref: APP/J1860/W/21/3268355
Tack Farm, Broadwas, Worcester WR6 5NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Ms J & T Stanley & Pedro against the decision of Malvern Hills District Council.
 - The application Ref 19/01832/FUL, dated 8 November 2019, was refused by notice dated 18 December 2020.
 - The development proposed is the provision of outdoor riding arena.
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Decision

1. The appeal is allowed, and planning permission is granted for the provision of outdoor riding arena at Tack Farm, Broadwas, Worcester WR6 5NE in accordance with the terms of the application, Ref 19/01832/FUL, dated 8 November 2019, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The application form states that at the time of submitting the application the works had not commenced. At my site visit I saw works had taken place at the site and I am aware of enforcement action taken by the Council. However, I cannot be sure that the works directly reflect the submitted plans and have therefore considered the appeal as a proposed scheme.
3. Following the refusal of the application the new National Planning Policy Framework (Framework) has been published. Comments were sought from the main parties and taken into consideration where they were received. There have been no fundamental changes to national planning policy relevant to the main issue in this appeal and so no injustice has been caused to any of the appeal parties by my taking account of the revised Framework.

Application for costs

4. An application for costs was made by Mr & Ms J & T Stanley & Pedro against Malvern Hills District Council. This application is the subject of a separate Decision.

Main Issue

5. The main issue of the appeal is the effect of the proposed development on highway safety, with particular regard to the adequacy of sight lines.

Reasons

6. The access to the appeal site from the main road is shared by a number of other properties and the existing stables associated with Tack Farm. The road the access joins is subject to a 30mph speed limit. At my site visit I saw that while boundary growth limited visibility to some extent, there are some verge areas either side of the access. As such, sight lines are not significantly constrained.
7. The Highway Officer response indicates that there have not been any records of previous traffic incidents in this location. At the time of my site visit, which I appreciate is only a snapshot in time, while there was some traffic passing the site, vehicles speeds were not excessive.
8. The speed survey highlighted by the Council has not been provided. In any event, as it is said to have been carried out in 2016 and in the vicinity of the access, I cannot be certain that its findings are representative of the current situation at the access to the appeal site.
9. The equestrian use of the land at Tack Farm has already been established by a previous permission¹. This did not limit the level or nature of the equestrian use of the site to a racehorse training facility, specify the use class or whether the venue could be hired out. There are also not limits on the times of day or year that the site could be used or that visitors, including owners of the horses, could attend.
10. I saw stables at the site as well as various other equestrian paraphernalia and facilities across the land at Tack Farm. In the absence of any compelling evidence to the contrary, an informal riding arena could be formed without planning permission. Even if this was not able to create the same facilities as those proposed, it could generate its own level of traffic in addition to any associated with the stables and other land associated with the appeal scheme. This would include vehicles bringing horse boxes to the site.
11. Even if the appellant's figures were an overestimate of the previous use of the site, the level of traffic and how the land is utilised within the scope of commercial equestrian has not been limited. I have not been convinced that any additional traffic associated with the appeal scheme would represent a significant intensification of the existing use of the site and access.
12. From what I saw on site and the evidence presented to me, it has not been shown that the widening of the access required on the previous permission was carried out in accordance with an agreed scheme. Notwithstanding this, were conflicts to arise there are passing places close to the access and vehicles would not need to manoeuvre far. This would prevent any significant delay and allow pedestrians to take refuge. Moreover, a condition is imposed preventing the use of the arena for events or shows that would result in considerably more traffic from comings and goings at the same time.
13. Therefore, the proposed development would not adversely affect highway safety with regard to the adequacy of sight lines. The scheme would accord with Policies SWDP 4 and SWDP 21 of the South Worcestershire Development Plan where they require proposals to address road safety and that vehicular traffic from the development should be able to access the highway safely.

¹ 08/02032/FUL

14. It would also comply with the Framework where it seeks safe and suitable access to a site can be achieved and that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Other Matters

15. The level of traffic as a result of the proposed development, along with the separation of the arena from nearby properties and conditions in relation to amplification systems and lighting would protect the living conditions of occupiers of nearby properties.
16. The site lies within flood zone 1, the scheme would use permeable materials and incorporate drainage facilities. Therefore, no clear case has been made that the scheme would lead to any additional issues regarding drainage or flooding.
17. The arena would be located on a relatively flat area of land. Given surrounding land levels and boundary features, it would be largely screened from nearby properties. There are already equestrian and domestic buildings and uses in the setting of the listed Stone Farmhouse and Attached Hop Kiln. As a result, and due to the limited views there would be between these and the site, the proposal would not adversely affect the character and appearance of the area or setting of the listed buildings.
18. The Natural Heritage and Biodiversity Officer described the site as being intensely grazed horse paddocks of low ecological value. From the evidence before me and my observations on site I have reached the same finding. A condition relating to lighting would prevent harm to features nearby.
19. The extent of the appellants land ownership has been queried. However, Certificate A was submitted with the application and appeal forms declaring that nobody, except the applicant/appellant was the owner of any part of the land with which the application/appeal relates. No substantive evidence has been provided to the contrary.
20. The application to change the use of the stables, any future enforcement action at the site, or future applications for alternative accesses are not matters to be considered as part of this appeal and do not affect my findings on the main issue. Compliance with the conditions imposed is a matter for the Council.

Conditions

21. In addition to the standard time limit condition, I have imposed one requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty.
22. A programme of archaeological works condition is imposed to assess, protect and record heritage assets. This is necessary prior to the commencement of the development as it may have implications on the initial works. In order to protect the character and appearance of the area, I have also imposed a condition requiring agreement of the surface materials and boundary treatments. To reduce risks of greater traffic generation that would lead to vehicle conflicts a condition is imposed preventing the use of the arena for events and shows.

23. To protect the living conditions of nearby occupiers a condition preventing the use of amplified systems is necessary. To protect biodiversity features and nearby residents the agreement of any lighting is required.
24. I have not imposed a condition in relation to bat boxes as it has not been shown that the scheme would affect the species or their habitats and therefore it is not necessary.

Conclusion

25. For the reasons given above I conclude that, subject to the conditions in the attached schedule, the appeal should be allowed.

Stuart Willis

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan Drawing No 001B; Block Plan Drawing No 002B; and Plan Elevations and Section Drawing No 003.
- 3) No development shall commence until a programme of archaeological work, including a Written Scheme of Investigation, has been submitted to and approved by the local planning authority in writing.

The scheme shall include an assessment of significance and research questions; and:

- i) The programme and methodology of site investigation and recording.
- ii) The programme for post investigation assessment.
- iii) Provision to be made for analysis of the site investigation and recording.
- iv) Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- v) Provision to be made for archive deposition of the analysis and records of the site investigation.
- vi) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Prior to the beneficial use of the development hereby permitted the site investigation and post investigation assessment shall have been completed in accordance with the programme set out in the Written Scheme of Investigation approved under this condition and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

- 4) Prior to the beneficial use of the development hereby permitted details of the sand and fibre finish to the surface of the area and boundary treatments shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and shall be retained as such for the lifetime of the Development.
- 5) Prior to installation of any lighting at the site, a "lighting design strategy for biodiversity" for the outdoor riding area and any associated areas to be illuminated shall be submitted to and approved in writing by the local planning authority. The strategy shall:
 - A) identify those areas/features on site such as hedgerows and mature trees that are particularly sensitive for nocturnal wildlife and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
 - B) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical

specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be retained thereafter in accordance with the strategy. No other external lighting shall be installed without prior consent from the local planning authority.

- 6) There shall be no tannoys, loudspeakers or amplified public address system used with the development hereby permitted.
- 7) The outdoor riding arena hereby approved shall not be used for events or shows.