



Appeal Decision

Site visit made on 3 October 2023

by Tamsin Law BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2023

Appeal Ref: APP/W1850/W/23/3316071

Juniper Cottage, Pipe Aston, SY8 2HG

- 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 Ms S Toye against the decision of Herefordshire Council.
 - The application Ref 214251, dated 18 November 2021, was refused by notice dated 26 October 2022.
 - The development proposed is described as "proposed 35m x 18m manege and associated groundworks."
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Decision

1. The appeal is allowed and planning permission is granted for a proposed 35m x 18m manege and associated groundworks at Juniper Cottage, Pipe Aston, SY8 2HG in accordance with the terms of the application, Ref 214251, dated 18 November 2021, subject to the conditions in the attached schedule.

Preliminary Matters

2. During the course of the appeal, a revised National Planning Policy Framework (the Framework) was published, replacing the 2022 version. The policies of the Framework that are material to this case have not fundamentally changed. I have proceeded to determine the appeal having regard to the revised Framework.
3. I saw during my site visit that groundworks had been undertaken to level a part of the site. The Council have recognised in their submissions that some works have been undertaken. I have therefore determined the proposal on that basis.

Main Issues

4. The main issues are the effect of the proposal on the character and appearance of the area, and on biodiversity.

Reasons

Character and Appearance

5. The appeal site is located within an area of open countryside to the southwest of Juniper Cottage, a residential dwelling. Juniper Cottage is accessed via a long track off Killhorse Lane. It is located at the bottom of a slope with Killhorse Lane being elevated above the dwelling. Land slopes up away from the host property on both sides.
6. The area is characterised by large areas of woodland and agricultural land with sporadic built development in the form of single dwellings and agricultural

buildings. The proposed manege would be located to the southwest of Juniper Cottage. Due to the topography of the area the manege would be in an elevated position above the host dwelling and Killhorse Lane. To the south of the appeal site is a large area of woodland.

7. The appeal site and the immediate area are used for equestrian purposes associated with Juniper Cottage. As such there are stables, fencing and gates within the nearby fields. Whilst the proposed manege would be located at an elevated position, views from nearby roads and rights of way would be limited due to intervening existing mature landscaping. Where views are available the manege would appear as a grassed elevated plateau with post and rail fencing. This would be set against the backdrop of a grass bank and woodland. Fences are not an uncommon feature in the area, and neither are man made tracks and plateaus, as are seen in the neighbouring woodland. The proposal would therefore appear as fencing within an open space, which would be in keeping with the wider character and appearance of the area.
8. With regards to the fibre material used on the ground, this would be different to the existing grass. Nevertheless, due to the distances between the proposal and nearby roads and rights of way the proposed material would not be so apparent that it draws the eye. From a distance the material would appear as gravel or hardcore which is commonly used in the immediate area for farm and forest tracks and hardstanding. The proposed materials would not therefore have a harmful impact on the character and appearance of the area.
9. I find that the proposed development would not harm the rural character and appearance of the area. Subsequently, it would comply with Herefordshire Local Plan Core Strategy (2015) (CS) Policies SS1, SS6 and LD1, and Wigmore Group Neighbouring Development Plan (2019) (NDP) Policy WG1. These seek, amongst other things, to ensure that developments conserve and enhance those environmental assets that contribute towards the county's distinctiveness. The proposal also complies with Paragraph 135 of the Framework which seeks good design sympathetic to local character and development that responds positively to the surrounding context.

Biodiversity

10. The appeal site is located within a Local Wildlife Site (LWS). As such the submission includes a Preliminary Ecological Appraisal and Biodiversity Management Plan (PEA) produced by Worcestershire Wildlife Consultancy in July 2021. The Council are concerned that the appraisal was undertaken after the engineering works has been completed at the site. The PEA was undertaken in July 2021 and describes the appeal site as a gently sloping field that was used for the grazing of horses but at the time of the appraisal the "sward was ungrazed allowing for herbaceous and grass inflorescence to be present."
11. The description of the site provided by the PEA makes no reference to the engineering works, the creation of a plateau and track or the post and wire fencing and gate. Additionally, the photographs of the appeal site provided within the PEA detail a site that had not been engineered as I saw during my site visit. Based on the evidence before me, the PEA was conducted prior to the engineering works being undertaken.
12. The PEA states that the appeal site has a lot to moderate ecological value being improved grassland and species-poor grassland on a slight gradient and

concludes that the proposed works are considered to have a neutral impact on existing ecology. A biodiversity enhancement plan details the provision of bird and bat boxes, hedgehog boxes, insect hotels and the creation of wildflower areas. I have also had regard to the Council's Ecologist who has not objected to the proposal.

13. During my site visit I saw that the appeal site was laid to grass with woodland located on the slope above. I have no reason to doubt the contents of the PEA which, apart from the engineering works, appear to echo what I saw during my site visit. The proposal would also provide ecological enhancement that would benefit the LWS. The proposal would therefore not result in the loss or deterioration of irreplaceable habitats.
14. I am therefore satisfied that sufficient evidence has been provided in order to ascertain the effects of the proposed development on biodiversity. I conclude that the proposal would not harm biodiversity features or the LWS. The proposed development would comply with Policies SS1, SS6, LD2 and LD3 and Wigmore Group Neighbouring Development Plan (2019) (NDP) Policy WG1 which seek, amongst other things, to ensure that developments conserve, restore and enhance biodiversity assets. The proposal would also comply with Paragraph 186 of the Framework which seeks to ensure that proposals conserve and enhance biodiversity.

Other Matters

15. I note that in addition to concerns relating to the main issues that interested parties have raised concern regarding runoff. The appeal site is located in Flood Zone 1. Any run off from the proposed development would run downhill towards an existing pond. The nearby highway and properties are located at a higher level than the pond. Additionally, the submission details that soakaways would be used in order to control surface water. Due to its location in Flood Zone 1 and the use of soakaways I am content that surface water can be adequately managed.

Conditions

16. The Council has provided a list of conditions, which I have assessed in regard to the advice provided in the Planning Practice Guidance (PPG). Conditions regarding improving the access track, maintaining visibility and access and the provision of cycle storage are necessary in order to ensure a safe access and to promote the use of alternative methods of travelling. Landscaping and biodiversity conditions are necessary in order to ensure the proposed landscaping and biodiversity mitigation is completed and maintained. A condition restricting the use of the manege for personal use is necessary in order to safeguard the living conditions of nearby residents, highway safety and character of the area. I consider that the condition regarding surface water drainage is necessary in order to ensure that surface water is adequately managed. I have altered the wording of some conditions in order to ensure they comply with the PPG.

Conclusion

17. The appeal scheme would accord with the development plan and there are no material considerations worthy of sufficient weight that would indicate a

decision otherwise. The appeal should therefore, subject to the conditions in the schedule below, be allowed.

Tamsin Law

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this permission.

- 2) The development shall be carried out in accordance with the following approved plans: 7665-30A, 7665-31A, 7665-32A and 7665-33.
- 3) All planting, seeding or turf laying in the approved landscaping scheme (7665-33) shall be carried out in the first planting season following the completion of the development hereby permitted. Any trees or plants which die, are removed or become severely damaged or diseased within 5 years of planting will be replaced in accordance with the approved plans.
- 4) Prior to the beneficial use of the development hereby permitted a schedule of landscape management and maintenance for a period of 10 years shall be submitted to and approved in writing by the Local Planning Authority. Maintenance and maintenance shall be carried out in accordance with the approved schedule.
- 5) Prior to the beneficial use of the development hereby permitted a report by a licensed ecologist confirming as a minimum that all habitat and biodiversity enhancements as detailed on 7665-33 have been fully implemented and all works completed shall be submitted to and approved in writing by the Local Planning Authority.
- 6) At no time shall any external lighting features, such as floodlights, luminaires, or fixings, be installed or operated in association with the approved development.
- 7) The manege hereby permitted shall be used only for private and domestic equestrian uses and shall not be used for any commercial riding, breeding, training or other equestrian enterprise.
- 8) Surface water shall be discharged to appropriate soakaway-infiltration features on land under the applicant's control.