

**Application Number:** DM/2019/00225

**Proposal:** Erection of a rural enterprise worker's dwelling and associated equestrian unit for dressage training and livery combined with change of use from golf course to equestrian use

**Address:** Alice Springs Golf Club, Kemeys Road, Kemeys Commander

**Applicant:** Ms. Amanda Leaker

**Plans:** Location Plan G1338-P100 - , Elevations - Proposed G1338-P05 - , Elevations - Proposed G1338-P04 - , Floor Plans - Proposed G1338-P03 - , Site Plan G1338-P02 - , Site Plan G1338-P01 - , General G1338-P00 - , Floor Plans - Proposed G1338-P10 - , Elevations - Proposed G1338-P09 - , Floor Plans - Proposed G1338-P11 - , Elevations - Proposed G1338-P07 - , Elevations - Proposed G1338-P12 - , All Proposed Plans G1338-P06 - , All Proposed Plans G1338-P08 - ,

## **RECOMMENDATION: APPROVE**

Case Officer: Ms. Kate Bingham  
Date Valid: 21.02.2019

### **1.0 APPLICATION DETAILS**

#### **This application is presented to Committee at the request of the Delegation Panel**

1.1 The proposed development site is located within the grounds of the former Alice Springs Golf Club, Kemeys Commander, near Usk. The proposal is for the relocation of an existing equestrian centre and dwelling. The development associated with the proposal would comprise the following:

1. a rural enterprise worker's dwelling;
2. two stable blocks;
3. an indoor arena;
4. a dressage standard manege;
5. an access track from the highway via an existing access point.

1.2 The site is considered to be open countryside for the purposes of the Local Development Plan (LDP). As such, the dwelling part of the application is to be considered as a Rural Enterprise Dwelling under Welsh Government's Technical Advice Note 6 (TAN6) - Planning for Sustainable Rural Communities.

1.3 The rural enterprise worker's dwelling is proposed in association with the relocation of an existing equestrian unit for dressage training and livery near Goytre known as Park Dressage.

1.4 The existing yard was established in 2007 through the provision of dressage training and some full liveryes. The relocation is proposed to enable improved facilities through the provision of an indoor arena (48m x 22m) and a specialist dressage arena (60m x 20m) with mirrored walls and additional stabling, paddocks and exercise areas.

1.5 Stabling at the existing site is limited to 12 horses in an American barn with 7.4ha of paddocks. Labour comprises the applicant and one part-time worker plus apprentice workers from Usk College Equestrian Centre. The horses are kept on a combination of part and full livery.

1.6 The applicant has worked with Carl Hester and Charlotte Dujardin, who won gold medals for dressage in the London and Rio de Janeiro Olympic Games, and now competes at Prix St.

Georges Level. The applicant also represents Wales in dressage and undertakes coaching for the national development programme for coaching excellence in equestrian sport.

1.7 The principal concern with the existing site is the presence of former poultry buildings alongside the covered arena and between which the horses have to be ridden or led in order to get to the grazing areas. The intensity of use of these buildings has increased in the past five years, creating a busy thoroughfare of vehicles associated with the businesses or delivering goods. In total there are 80 separate units located within seven redundant poultry units; a significant proportion are mechanics and car repair and car tuning businesses. These create noise, disturbance and traffic which can 'spook' the horses and lead to accidents. The training of dressage horses in particular also requires high levels of concentration and absence of sudden noises and interruptions, and the applicant feels that this conflict is seriously limiting the capacity of the business to reach its full potential.

1.8 The proposed new site is at the former Alice Springs Golf Club which went into receivership in 2016. The site land block extends to 23ha and is still set out with fairways and lakes. It is currently grazed by a tenant's sheep, as grass keep, in order to maintain the grassland in decent condition. The wider golf club extended to a total of 80ha in total. A 32.4ha portion of the golf course has been acquired by a farmer who has agreed that the applicant can have access to existing woodland paths and field perimeters for exercising the horses over a wider distance to increase fitness and stamina for competitions.

1.9 The proposed dwelling associated with the business would be sited in close proximity to the proposed equestrian buildings to allow the occupant to have easy access to stabled horses requiring attention at short notice and for monitoring. The proposed dwelling is a 4-bedroom, two-storey dwelling.

1.10 An annex to provide accommodation for visitors has been removed from the application on the advice of officers as there was no justification under TAN6 for this part of the proposal.

1.11 Panel Members wanted committee to scrutinise this proposal as it was the relocation of an entire enterprise to a site in open countryside and because there was a concern about the scale of the dwelling. These issues are addressed in the assessment of the application (Section 6) and the conclusion below.

## 2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/01075	Conversion of redundant golf club house into holiday let apartments incorporating extant extension (Previous MCC Planning Approval ref: DC/2007/01376 dated: 1 May 2008).	Approved	12.09.2018
DM/2019/00225	Erection of a rural enterprise worker's dwelling and associated equestrian unit for dressage training and livery combined with change of use from golf course to equestrian use	Pending Determination	
DM/2019/01058	Installation of 180kW ground source heat pump comprising of 3 off F1345 60kW sub modules within the former Alice Springs Golf Club 'Club House' (please see related planning application DM/2018/01075)	Approved	28.08.2019
DM/2019/01254	Non-material amendment to planning consent DM/2018/01075:- Minor changes to elevations and floor plans. Minor alterations to site plan.	Approved	04.09.2019

DC/2010/00303	All weather fun slide surface on land at Alice Springs golf club	Approved	30.06.2010
DC/2007/01376	Alteration and Extension to provide two storey bedroom accommodation	Approved	01.05.2008

### **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

#### **Strategic Policies**

S1 LDP The Spatial Distribution of New Housing Provision

S10 LDP Rural Enterprise

S13 LDP Landscape, Green Infrastructure and the Natural Environment

S16 LDP Transport

S17 LDP Place Making and Design

#### **Development Management Policies**

LC1 LDP New Built Development in the Open Countryside

LC5 LDP Protection and Enhancement of Landscape Character

DES1 LDP General Design Considerations

EP1 LDP Amenity and Environmental Protection

NE1 LDP Nature Conservation and Development

MV1 LDP Proposed Developments and Highway Considerations

### **4.0 NATIONAL PLANNING POLICY**

#### **Planning Policy Wales (PPW) Edition 10**

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.

### **5.0 REPRESENTATIONS**

#### **5.1 Consultation Replies**

**Gwehelog Fawr Community Council** – no response received.

**MCC Landscape/GI** - No objection following submission of LVIA. Conditions recommended to ensure implementation and management of landscaping.

**MCC Biodiversity** - No objections subject to conditions and control of lighting.

**MCC Environmental Health** - I am unable to substantiate a reason to object to the proposed development. However, I recommend that in view of the noise sensitive area and elevated position of the proposed development, that any granting of planning permission is subject to a condition ensuring that external works during the construction phase is undertaken during reasonable

working hours. e.g. between 0800 hours and 1800 hours Monday to Friday, 0800 hours to 1300 hours Saturdays and no work on Sundays/ Bank Holidays or variation thereof agreed with the applicant.

SEWBREC Search Results - No significant ecological record identified.

## 5.2 Neighbour Notification

Two objections received:

1. Concerned about bright security lights which we presume would be prolific based on the value of the horses and size of the proposed development. Also, if there will be lights on the entrance and along the road to the development.
2. The entrance is within sight of our cottage and the proposed road running up to the development would be on view from quite some distance, even with the proposed trees. We have a holiday cottage on site, and a part of the draw for tourists from the city is the clear night skies in this area.
3. We have concerns that this is a very large development being constructed on what is currently open countryside. Developing such areas could set precedence for other businesses to purchase countryside and develop them into working businesses.
4. The large workers dwelling also sets a precedence for other local businesses to apply for a similar dwelling; many of whom own open countryside, have a genuine need for workers dwellings, have established businesses and according to the points raised in this application, could be eligible to build this type of dwelling in open countryside.
5. The proposed entrance does not give a wide enough view for slow moving vehicles like horseboxes to pull out and will be dangerous.

Five support comments received:

1. There is a huge requirement for an equestrian training and livery facility of this calibre within the area.
2. It would offer superb training facilities and will also be providing livery to include off-road riding which is of paramount importance in the proposed location. Roads are getting extremely busy with motor bikes, cyclists, lorries and cars making hacking your horse along the road extremely dangerous to ride.
3. This would benefit local equestrians and also attract others from further afield to attending training clinics and for holidays. This would in turn support local tourism and other local businesses.
4. There are very few bridleways in this area which raises real road safety issues and real dangers for horse riders.
5. Many of the bridleways shown on the definitive map in Monmouthshire can no longer be accessed and other well established off road tracks used for years by horse riders are being closed due to issues with illegal motorbikes, and the Council has not been able to address these problems due to its limited resources.
6. This enterprise would provide a much needed new circular ride and in doing so meet Welsh Government and Monmouthshire County Council Improvement Objectives which aim to improve and increase the amount of circular off road riding in the area.
7. The applicant already runs a thriving business with high standards of animal welfare. She would provide valuable employment in an important rural industry and work in partnership with other equine based industries to attract income to this region.
8. Monmouthshire has the transport links, countryside and talent to develop into a hub of equine industry to rival the Cotswolds, with a positive impact on our environment and employment opportunities if local enterprise is supported.
9. The property is currently a sports and recreational facility, which is no longer in use.

One general comment:

1. The Council has still not posted a planning notice at the site for this application one month after it was submitted. Neighbours and community have yet to receive any request from the planning

department for comments or objections. I presume this development will be going to committee and not another delegated officers report.

NB. One site notice posted on gate to former golf course clubhouse on 26/02/2019. A second site notice as posted on the gate to be used to access the application site on 19/03/2019. Adjoining owner/occupiers notified by letter on 26/02/2019.

### 5.3 Other Representations

Independent Agricultural Consultant - Raised the following concerns/queries:

1. The enterprise presented to support the proposal is a significant expansion to the existing enterprise. The further evidence seeks to show that the extent of the proposed expansion of the existing enterprise, facilitated by the relocation, is not significant. However, I advise that the change is significant enough to be an expansion and therefore, de facto, cannot represent an existing need, which is the need required to be assessed under the tests for a permanent dwelling. The existing enterprise without that proposed expansion is not sufficient to support the proposal and although the waiting list is interesting, this does not address this point. The functional test is not satisfied.
2. The budgets accentuate this functional point further, when compared to the 4 years of past accounts. At face value, the proposed enterprise bears little resemblance to the existing, which suggests two difficulties - firstly, the extent of proposed expansion is clearly significant and secondly, the veracity of the proposed budgets is not supported by the actual past evidence of the existing enterprise. The further evidence does not address the other financial questions set out in the assessment. The financial test is not satisfied.

Applicant's Agent – Provided the following information:

- The applicant is the most highly qualified dressage trainer in Wales and is a member of the Wales dressage team – she attracts a significant following through her expertise;
- International coaches undertake clinics (teaching sessions) at her yard which in turn attract better quality horses;
- Clinics attract overnight visitors who stay in local accommodation and require hospitality services from local providers as well as food during the clinics – thereby increasing local business income; The relocation is essential as the existing site has become dangerous, with multiple hospitalisations of riders due to activities of the adjacent light industry units;
- Grazing for the horses is severely limited with no option of other grazing land;
- Safe off-site exercise opportunities are not available on the narrow lanes;
- The constraints will not allow the business, which has significant potential, to develop;
- The new site will be well screened with significant tree planting with no permanent outdoor lighting. The site will not be visible off the unit; and
- Noise and traffic will be minimal – far less than the previous use as a golf course

### 5.4 Local Member Representations

I welcome this initiative, this is an established enterprise whose financial viability will, I assume, have been established by planners.

The present location from which this enterprise operates is in my estimation inappropriate. I commented on the size of dwelling sought which I understand has since been reduced.

I am aware of local concerns related to the size and impact of proposals in a prominent location in open countryside. I consider it would be useful for the proposed locations of the development to be clearly pegged out to avoid any confusion and give clarity to the Planning Committee who presumably will be undertaking a site visit.

In conclusion: I support the proposal but it must be accommodated properly within the landscape. As a rural enterprise worker dwelling is there any special status attached to it?

## 6.0 EVALUATION

### 6.1 Strategic & Spatial Choices

#### 6.1.1 Principle of Development

Both national and local policies support appropriate economic activity in rural areas. In order to satisfy these policy provisions it must be evidenced that the enterprise needs to be located in the

countryside. It is also recognised that equestrian-related businesses should be tested under TAN6. The existing business at The Park has been operating for 12 years and it is therefore appropriate to examine the proposal under the tests laid out in TAN 6 - new dwellings on established rural enterprises.

Paragraph 4.7.1 of TAN 6 sets out the tests that need to be addressed in any appraisal that must accompany applications for rural enterprise dwellings. These will be addressed in turn below:

#### 1. The Functional Test.

"A functional test is necessary to establish whether it is essential, for the proper functioning of the enterprise, for one or more workers to be readily available at most times. It should relate to unexpected situations that might arise, for which workers are needed to be on hand outside of normal working hours for the particular enterprise. Such requirements might arise, for example, if workers are needed to be on hand night and day to deal with an emergency that would threaten the continued viability and existence of the enterprise without immediate attention. Where there are existing dwelling(s) on the enterprise then the need for additional workers to live on the site for the proper functioning of the enterprise must be demonstrated to be essential."

The proposal is to increase stable numbers to 26, being split between dressage stabling and livery. In this case, the horses compete at the highest levels, and individual attention to detail is critical to ensure that each horse is prepared, trained and managed to be at the peak of its ability for specific competitions. There could also be unforeseen incidents such as a horse cast in its box or with colic, to damage to the stables from the horses, severe weather conditions or fire. One high quality brood mare is also kept on the site, which is bred to performance tested stallions in order to produce dressage horses. During foaling it is not uncommon that complications and emergencies occur.

Although CCTV cameras are to be installed that can assist in monitoring it is argued that it is not possible to monitor every horse in every box, plus horses in paddocks and all areas around the site for security. The proposed dwelling would be located close to the dressage stables so that occupants will be able to hear and/or see any issues arising in that area.

Some of the dressage horses that are proposed to be stabled at the site are worth up to £50,000 as they are competing at high levels. As such, any major injuries or fatality will damage the long term prospects of the enterprise.

Whilst liveried horses are generally not such high value, they do have a high emotional value. Loss or injury to these horses will have significant impact upon a local livery business as horse owners will lose confidence in the applicant's ability to care for their animals.

Other legislation also requires that animals are managed in a manner that accords them freedom from thirst, hunger and malnutrition, appropriate comfort and shelter, freedom from fear, and freedom to display most normal patterns of behaviour. The overall responsibility for Duty of Care for animal welfare for the horses stabled lies with the owner of the business.

In 2009 the equestrian industry and welfare organisations produced guidelines for the welfare of all horses, ponies and donkeys. This refers to the availability of staff and states at paragraph 4 that: "Sufficient staff must be provided at all times to ensure proper, regular and timely attention to all horses held".

It is considered that a need for a round the clock, on-site presence is justified in this case, particularly considering the quality and value of the horses, in relation to security in this case and the implications to the business should a loss arise as a result of an incident not dealt with promptly. On this basis it is therefore accepted that there is an essential need for an equestrian worker to be resident on site to ensure the welfare needs of the horses are not compromised as workers living off site are unable to provide the necessary and essential level of care and scrutiny.

Paragraph 4.9.1 of TAN 6 goes onto state that:

"If a functional requirement is established, it will then be necessary to consider the number of workers needed to meet it, for which the scale and nature of the enterprise will be relevant. Where there is currently no dwelling associated with the rural enterprise the worker for whom there is a functional need for new accommodation must be a full-time worker. With the exception of second

dwelling on established farms, it must not relate to a part-time requirement, or a requirement that does not relate to the enterprise. If this is a second (or further) dwelling, all existing dwellings must also be occupied by full-time workers for whom it is essential that they also remain on site for functional reasons, or by workers and their dependants last employed in a rural enterprise."

There are currently 12 stables, all of which are generally occupied, and another six horses on DIY livery which are kept at pasture due to lack of stabling. Four of the stabled horses are full-livery dressage horses with another six part-livery stabled, including one brood mare. The remaining horses are DIY livery.

Labour currently comprises the applicant and one part-time worker plus apprentice workers from Usk College Equestrian Centre. The applicant and her family will be the future occupants of the proposed dwelling.

The current labour requirement for existing horses at Park dressage site is assessed in detail in the statement submitted in support of the application and is calculated as 2.28 workers. The proposed dwelling would be occupied by one full-time rural worker. On this basis the application meets the requirements of TAN6 in respect of the labour requirement.

## 2. Financial Test.

"The rural enterprise and the activity concerned should be financially sound and should have good prospects of remaining economically sustainable for a reasonable period of time, usually at least 5 years."

It is accepted that The Park Dressage has been operating since 2007 and the enterprise is therefore existing. Over that time the horse numbers have increased and the applicant's capabilities and standing in the national dressage circuit have also grown. It is intended that the proposed relocation of the enterprise will create a better quality unit, built to international standards, which will attract high net worth clients who are investing in dressage horses.

Accounts submitted with the application demonstrate that the existing business is financially sound and has seen year on year increased profitability. The business has no long-term loans and no overdraft. Construction of the new facilities will be funded by the applicant from personal finances and the proposed dwelling will be funded by savings from past business profits of Park Dressage and a small business mortgage, which will be covered by the predicted profits. The proposed investment in the new state of the art development and the expertise of the applicant in running the venture means that the profitability is likely to continue. A five-year budget has been provided by the applicant's accountant, Guilfoyle Sage LLP which indicates that the anticipated construction of the new site and extension of facilities will contribute towards an increased annual profit.

The proposed dwelling extends to 200m<sup>2</sup> of floor area which accords with the Council's general guideline for a rural enterprise worker's principal dwelling. The 200m<sup>2</sup> floor area includes the office and utility room/shower which are directly related to the function of the rural enterprise.

The cost of construction is anticipated to be approximately £150,000; this relatively low cost is principally because the applicant's partner is involved in the construction industry and is able to supply and fit many of the building components himself. This equates to an annual payment of £9,600 for a repayment mortgage over a 25 year period. Profits generated by the business will be able to cover this sum.

Based on the information provided, it is accepted that the business is profitable and viable and is capable of being sustained into the future, with increasing employment prospects. As such it is considered that the financial test is met.

## 3. Other Dwelling Test

There are no other dwellings on the site and no buildings on the land, so there is nothing suitable for conversion. The existing dwelling at The Park is 3 miles from the site and therefore not close enough to meet the needs of security and safety of the horses. There are currently six dwellings for sale within 1 mile of the site, priced between £320,000 and £1.25m, which is considered to be too expensive for the business to sustain and also too far from the site to meet its functional needs. There is no rented accommodation within a mile of the site. The applicant states that they have been searching for a suitable property at which to relocate the business for over three years,

with increasing urgency due to the rises in incidents and accidents at The Park. Unfortunately, none of the properties were considered to meet all the requirements for the business.

The application site meets all the criteria the applicant requires to continue the business in terms of location, accessibility, acreage and the added attraction of available adjoining land over which horses could be ridden without venturing onto the highway. As such the application site is considered to be the most suitable site available to progress the business.

### 6.1.2 Good Design/ Place making

The proposed dwelling and buildings would be set on a plateau area of the former golf course, screened by existing woodland and fairways and supplemented by additional tree planting. The proximity of the dwelling to the proposed stabling area (50 metres) means that the buildings would appear as a group and also enable the proposed dwelling to perform its functional requirements in relation to the enterprise.

The proposed dwelling would have overall dimensions of 18.8m x 13.65m and would be 9.5m to ridge height. The internal floor area, which includes an office has a floor area of 200m<sup>2</sup> with a detached garage and workshop area.

The proposed stable blocks would be similar versions of steel portal framed buildings similar. Stable block 1 would be 59.2m x 9.9m (including overhang) and 4m to the ridge. Stable block 2 would be 49m x 9.9m (including overhang) and 4m to the ridge.

The proposed indoor arena is a steel portal framed building, similar in appearance to standard modern agricultural buildings. The building would measure 48m x 24m, and would be 8.3m to the ridge. The indoor arena is an enclosed building with a sliding door access to the north-east elevation. The wall to 2m would be wood panelling such as strengthened marine plywood. The upper walls would be olive green plastic-coated perforated or louvre metal sheeting which enables light to penetrate into the building but prevents the ingress of rain and wind. This product is preferred to traditional Yorkshire boarding in these circumstances because no shadows are cast onto the surface of the arena, which may disturb the horses.

Although relatively large, the proposed buildings are sited adjacent to blocks of well-established woodland on three sides. On the existing open side (south) it is proposed to plant additional native species woodland. The buildings would be roofed with natural coloured fibre cement sheets and clear roof lights.

The proposed manege would also be within close proximity to the proposed buildings. This would be 60m x 20m with the surface at the same height as the surrounding landform. The manege would be surrounded by a post and rail fence. There would be mirrors to the short (north-facing) side, which would enable the rider to assess position and movement as part of the training routine. The proposed mirrors would face north to avoid most glint or glare from the sunshine.

The external design and construction materials are similar to those found on modern agricultural buildings and will help the development assimilate into the existing rural landscape. This, together with the proposed landscaping, the proposed development is considered to meet the requirements of LDP Policy DES1.

### 6.1.3 Impact on Amenity/ Promoting Healthier Places

The nearest neighbouring dwelling is approximately 250 metres from the edge of the proposed development. While there is potential for some noise typically associated with this type of development to be audible it is unlikely that the proposed development will cause a significant increase in noise levels that would exceed the previous use as a golf course. There is no objection on the basis of noise from the Council's Environmental Health service.

The proposed development is therefore considered to meet the requirements of LDP Policy EP1.

## **6.2 Active and Social Places**

### 6.2.1 Access / Highway Safety

The sole access to and from the site is proposed via the existing entrance which served the maintenance machinery onto the former golf course. The access is directly off the Abergavenny



Road (B4598). This access offers adequate visibility in both directions.

There are no available public transport links to the site due to its isolated rural location, with the nearest public transport being bus services serving Usk, three miles to the south-east. However, given the proposed use of the site, it is unlikely that bus transport would be suitable. The proposed access track extends 510m from the entrance to the dwelling, with a 50m spur off to the equestrian buildings. The track would be 4m wide with passing places 10m in length every 100m to enable a vehicle towing a trailer to pull into the side. The entrance off the highway is wide enough to allow a vehicle to pull in whilst another is exiting the site to ensure highway safety is not compromised. The gate is set back 15m from the edge of the highway and the splayed area would be bound with tarmac or concrete to prevent the egress of material onto the public highway.

The proposed access is considered to be acceptable in terms of location and visibility. The amount of traffic that is likely to be generated is unlikely to significantly exceed that of the former golf course maintenance vehicles and as this is a relocation of an existing enterprise the impact on the wider highway network will be minimal. The proposed development is therefore considered to meet the requirements of LDP Policy MV1.

### **6.3 Productive and Enterprising Places**

#### **6.3.1 The Rural Economy**

Policy S10 of the LDP refers to rural enterprise and states that:

Development to enable the diversification of the rural economy will be permitted outside settlement development boundaries where it is of a scale and type compatible with the surrounding area and will cause no unacceptable harm to the surrounding landscape, historic and cultural heritage, biodiversity or local amenity value. Development must re-use or adapt existing buildings where possible. The exceptional circumstances in which new buildings may be permitted outside settlement boundaries to assist in the diversification of the rural economy are set out in Policies RE1, RE3, RE6, T2 and T3. These policies are discussed in par. 6.4.1 below.

The equine industry is a significant part of the rural economy comprising almost one million horses with an estimated expenditure on those horses of £2.8 billion. There are significant physical and psychological health benefits gained from riding as well as the social aspect, so clearly horse riding is an important part of both business and leisure activities in the UK, and particularly important to the rural economy. Since the 2012 Olympics, during which Team GB had great success, there has been a significant interest in equestrianism, and dressage in particular. Between 2012 and 2015 alone there was an increase of 25% in FEI3 dressage events and a 22% increase in FEI registered dressage riders. It is the largest increase in any equestrian discipline over this period.

The significant increase in popularity of equestrianism, dressage in particular, is likely to be highly beneficial to the applicant's business as she improves her qualifications to become the most highly qualified instructor in Wales.

One of the major influences upon participants' riding opportunities is access to safe off-road riding - the BHS (British Horse Society) noted in their publication 'Equestrian Statistics' that 46% of riders would increase their riding time if there were safe off-road options. Clearly, the situation at The Park exemplifies this.

It is concluded that the relocation of this business to the site proposed would be compatible with the character of its rural location and would be positive for the rural economy, meeting the terms of LDP policies S10 and RE6.

### **6.4 Distinctive & Natural Places**

#### **6.4.1 Landscape/ Visual Impact**

The site is identified as being outside of the Usk Development Boundary in an area considered to be open countryside. LDP Policy LC1 New built development in the open countryside states that "There is a presumption against new built development in the open countryside, unless justified under national planning policy and /or LDP policies S10, RE3, RE4, RE5, RE6, T2 and T3 for the purposes of agriculture, forestry, 'one planet development', rural enterprise, rural / agricultural diversification schemes or recreation, leisure or tourism". Currently the proposed development

may be considered as applicable to some of the exceptional circumstances.

The site is identified in LANDMAP as being of various values for Visual and Sensory (Upper Usk valley) High, Historical (Usk Valley) High, Cultural (Lower Usk River Valley) High, Landscape habitat (Farmland of West Raglan) Moderate and Geological (Bettws Newydd) High.

The Landscape visual and sensory evaluation in LANDMAP indicates that the aspect area is an attractive flat open landscape focused on the rivers with an attractive backcloth of hills and scarp slopes. The area is generally in good condition with consistent character throughout, unspoilt generally on the valley floor by intrusive development.

There is a presumption against new built development in the open countryside, unless justified under national planning policy and/or LDP policies S10, RE3, RE4, RE5, RE6, T2 and T3 for the purposes of agriculture, forestry, 'one planet development', rural enterprise, rural / agricultural diversification schemes or recreation, leisure or tourism. In such exceptional circumstances, new built development will only be permitted where all the following criteria are met:-

- a) the proposal is satisfactorily assimilated into the landscape and complies with Policy LC5;
- b) new buildings are wherever possible located within or close to existing groups of buildings;
- c) the development design is of a form, bulk, size, layout and scale that respects the character of the surrounding countryside; and
- d) the development will have no unacceptable adverse impact on landscape, historic / cultural or geological heritage, biodiversity or local amenity value

The construction area around the proposed dwelling and buildings is already a level surface which would require no land reconfiguration. The proposed track would mainly follow existing golf buggy tracks along contours, but would require some minor reconfiguration in places to provide adequate width for motorised vehicles. The development would not require the removal of any trees, but additional planting is proposed to provide screening of the buildings from wider views.

The proposed buildings are well screened from the surround area by woodland and topography. However, the applicant proposes to enhance this screening by providing additional native tree planting to the south of the buildings in order to obscure the site from distant views across the Usk Valley, 1.5 to 2 miles from the site. The additional areas of native woodland planting proposed are intended to provide visual containment to those parts of the development that may be visible from the wider landscape, and provide connective green infrastructure and habitat. In this regard the following is proposed:

- A) Block of native planting to 'close off' the south western end of the former fairway south west of the proposed arena building and create connectivity between existing woodlands.
- B) Areas of native planting either side of the track serving the stables to provide containment and connectivity between existing woodlands.
- C) Area of native planting south west of the proposed paddocks area to provide shelter and connectivity between existing woodlands.
- D) Area of native tree and shrub planting to extend existing woodland south westwards (where no woodland currently exists) along the upper part of sloping ground to connect with clump of existing trees to improve shelter and containment of holding paddocks.
- E) Area of native planting in the former fairway south east of the proposed arena building to screen views from a section of the public footpath to the south east, and provide connectivity between existing woodlands
- F) Native planting to create connectivity between two belts of existing vegetation on the western side of the access track.
- G) A copse of native trees to create a 'pivotal' landscape feature at the bend in the access track before it rises up the slope towards the facilities.

In addition native hedges are proposed to define the garden of the dwelling (also defined by fencing), the horse paddocks flanking the approach to the house, the field enclosure adjoining the arena, and to flank the site entrance from the B4598. Single and groups of trees may also be provided on the access approach which would reflect the 'parkland' character of the western parts of the site. The proposed planting has been shown on a landscape plan and can be secured via conditions.

The proposed buildings and facilities would be located within an elevated but discreet location which is on land rising above the Usk floodplain. The character of the site and adjoining land has been altered considerably by the extensive native planting that has taken place to define fairways on the former golf course. Notwithstanding this, the existing planting respects the character of the surroundings, and has created a strong landscape framework within which the development would be located. As a consequence any views towards the site would be limited to a small number of locations south and west of the site as views from other aspects are screened by topography and/or vegetation.

The proposed landscape and green infrastructure strategy has been developed to respect the character of the site, to screen views available towards the site and provide shelter. It also includes approximately 0.9ha. of new native woodland planting, the reinforcement and management of the existing woodlands/tree belts and more varied and connected habitats. On this basis it is considered that the proposed new dwelling and associated equestrian buildings and structures will not harm the character and appearance of the wider landscape and the proposal therefore meets the requirements of LDP Policies LC1 and LC5.

#### 6.4.2 Biodiversity

An ecological assessment was undertaken to support the application. The document includes broad assessments of the habitats, the potential for protected species to be present and initial assessments of any potential impacts on those habitats and species present. Priory wood Special Site of Scientific Interest is located on the sites north eastern boundary. The River Usk SSSI and SAC is to the west of the development site.

The ecological survey found that bats are likely to use the site for commuting and foraging purposes. It is probable that some of the trees are used for roosting purposes. No further surveys are considered to be required as all of these trees will be retained. However, a sensitive lighting plan will need to be provided and implemented to ensure there is no lighting of retained habitats.

The woodland adjacent to the site are likely suitable for dormice. However, any potential dormouse habitat will be retained in its entirety.

The survey also found that Great Crested newts may use the site for terrestrial habit during the non-breeding part of their lifecycle. All potential breeding habitat is proposed to be retained. To safeguard the potential presence of great crested newt on the development site, all work should be undertaken in line with the method statement contained in Appendix B of the ecological report. Breeding birds and reptiles should be also be assumed to use the woodland, scattered trees and scrub on the site and all work should be undertaken in line with the method statement submitted with the application. This has therefore this has been conditioned below.

New planting is proposed to improve connectivity between existing blocks of vegetation. The areas of planting will provide connectivity between the existing woodlands to the north south west and south east sides of the site, creating a connected woodland habitat. Understorey planting is to be provided within existing woodlands (including the introduction of hazel to provide potential dormouse habitat), and these areas would be brought under long term management. Planting will also contain the lighting. Areas of less frequently managed grassland will also create more diverse habitat.

No significant vegetation is proposed to be removed with the exception of four willow trees to accommodate the proposed dwelling. In addition, existing woodlands and grasslands within the site are proposed to be brought under active management. On this basis, and subject to conditions, it is considered that the proposed development meets the requirements of LDP Policy NE1.

#### 6.4.3 Water (including foul drainage / SuDS)

Foul water from the dwelling would be disposed of via a package treatment plant. This biologically processes the contents and produces treated effluent of adequate purity to be discharged to a watercourse. The treated effluent would be discharged to the watercourse on the eastern perimeter of the property.

Dirty water from the buildings would be stored in a buried tank adjacent to the buildings and would be discharged to fields during appropriate periods, utilising the nutrients for grass growth. Solid

manure would be deposited in muck trailers which would be removed from the site when full and spread on neighbouring farmland.

Given the extensive nature of the site, a private treatment works should be able to be accommodated on site without difficulty. A condition can be added to ensure the foul drainage is fully designed and constructed to an acceptable standard.

The scheme would have to comply with SuDs legislation and require separate SAB consent in respect of surface water drainage.

## **6.5 Response to the Representations of Third Parties and/or Community/Town Council**

6.5.1 Neighbours have raised concerns about the potential adverse impact of lighting on the site. Lighting should be carefully considered as it will have a significant impact on the wider landscape impact and on bats. As such a condition requiring full details and specifications of the lighting to be submitted to and approved in writing prior to commencement of development is recommended.

6.5.2 In terms of setting a precedent, any future proposals for rural enterprise dwellings would have to meet the strict criteria of TAN6. Furthermore, the development would also have to meet the requirements of LDP Policies relating to landscape impact, biodiversity, highways and residential amenity and would be assessed in its own merits.

6.5.3 In considering the functional and financial tests, the Agricultural Consultant commissioned by the Council has argued that the relocation cannot be considered as a relocation of an existing business as it is the intention to grow the enterprise. The current business is constrained by the existing site and it is considered to be entirely reasonable to wish to expand. There are examples of other successful applications to relocate and expand an existing business comparable to this application that have been approved by other Planning Authorities. Most relevant is the relocation of a suckler cow, beef and finishing unit including a dwelling in the Vale of Glamorgan where the business was constrained by building expansion opportunities. In considering this application the council accepted that the long term expansion plans of the enterprise would most likely be compromised to an unacceptable degree by the constraints of the existing location. The improvements in amenities at the application site and the certainty that would be given to the business in the new location, were considered to outweigh other concerns over the impact of the wholesale relocation.

6.5.4 In terms of the financial test, the agricultural consultant argues that the extent of the proposed expansion is significant and secondly, the veracity of the proposed budgets are not supported by the actual past evidence of the existing enterprise. In this respect, it is recognised that the existing business is constrained by its location and given the credentials of the applicant and the high value of the dressage business as a whole, it is considered that the budget projections can be accepted. Profits are likely to increase over time and further budget information provided in support of the application shows that the projected profit covers the minimum wage for an agricultural worker for the owner and the mortgage payments necessary to construct the proposed new dwelling. As such it is considered that the financial test is met.

6.5.5 Concerns regarding access have been addressed in paragraph 6.2.1 above.

## **6.6 Well-Being of Future Generations (Wales) Act 2015**

6.6.1 The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

## **6.7 Conclusion**

6.7.1 The agricultural consultant commissioned by the Council states that the enterprise presented to support the proposed new dwelling and equestrian buildings is a significant expansion to the existing enterprise and therefore cannot represent an existing need (required

to meet the Functional Test). This approach would prevent rural enterprises that are hindered by their present location, such as is the case in this application, from ever expanding and thereby contributing further to the rural economy. This approach has not been taken by other planning authorities in Wales and it is considered that to do so in this case would prevent the success of a unique business which will bring a significant amount of investment into the County.

6.7.2 The agricultural consultant goes on to say that the budgets accentuate this functional point further, when compared to the 4 years of past accounts. The extent of proposed expansion is considered by him to be significant and the proposed budgets are not supported by the actual past evidence of the existing enterprise. Given the constraints of the existing site, it will not be possible for the enterprise to produce the projected budget figures at this time – hence the need to relocate. On this basis, and given the credentials of the applicant, it is considered that the budgets provided are a reasonable projection and evidence that the Financial Test will be met.

6.7.3 On balance therefore, it is considered that the proposed rural enterprise meets the tests set out in TAN6 and offers benefits in relation to employment and the wider rural economy. In addition, the nature of the proposed operation is appropriate within an open countryside location, in line with both local and national policies, including Planning Policy Wales which identifies at paragraph 4.6.3 one of the priorities for rural areas is to secure "a thriving and diverse local economy where agriculture-related activities are complemented by sustainable tourism and other forms of employment in a working countryside."

6.7.4 The Panel Members did express some concerns about the larger size of the dwelling at 200sq.m compared to the normally accepted threshold of 150 sq.m. for a rural enterprise dwelling, (this threshold would normally enable such a dwelling to be retained as affordable to lower income rural enterprise workers in the long term). As stated earlier in the report, the 200m<sup>2</sup> floor area includes the enterprise's office and utility room/shower which are directly related to the function of the rural enterprise. These spaces would be larger than a home office and home shower area and if omitted would give a net domestic floor area of 184sq.m. That is considered reasonable in the circumstances. The alternative would be to allow an office and washing facilities as a separate building which would be more costly to the business. A condition can be added that would ensure the business's office and the utility/ showering facility are retained for business use and are not subsequently adapted to become part of the living / domestic accommodation of the dwelling.

## **7.0 RECOMMENDATION: APPROVE**

### Conditions:

1 This development shall be begun within 5 years from the date of this permission. REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2 The development shall be carried out in accordance with the list of approved plans set out in the table below.

REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

3 The occupancy of the dwelling shall be restricted to: a) a person solely or mainly working, or last working on a rural enterprise in the locality, or a widow, widower or surviving civil partner of such person, and to any resident dependants; or, if it can be demonstrated that there are no such eligible occupiers, b) a person or persons who would be eligible for consideration for affordable housing under the Local Authority's housing policies, or a widow, widower or surviving civil partner of such a person, and to any resident dependants.

REASON: To meet the needs of other rural enterprises or persons seeking affordable housing in the locality if it is no longer needed by the original rural enterprise in accordance with Technical Advice Note (TAN)6 Planning for Sustainable Rural Communities (2010).

4 No development shall take place (including ground works, vegetation clearance) until an updated Contractor's Construction Environmental Management plan has been submitted to

and approved in writing by the local planning authority. The CEMP shall include the following as a minimum:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction
- d) The location and timing of sensitive works to avoid harm to biodiversity features
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) General site management: details of the construction programme including site clearance, method statements, surface water management and measures, site waste management and disposal, sustainable drainage (pre- and post-construction), maintenance and monitoring programmes;
- j) Pollution prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and an incident response plan;
- k) Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details;

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority

REASON: To safeguard species protected under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended) and the Integrity of the watercourse and vegetation at the site.

5 Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on any of the building or in the curtilage until an appropriate lighting scheme has been submitted to the Local Planning Authority and approved in writing. The strategy shall include:

- a) lighting type, positioning and specification
- b) drawings setting out light spillage in key areas for bats based on technical specifications

The strategy must demonstrate that the roost and key flightlines are not illuminated. The scheme shall be agreed in writing with the Local Planning Authority and implemented in full.

REASON: To safeguard roosting and / or foraging/commuting habitat of Species of Conservation Concern in accordance with LDP policies NE1 and EP3.

6 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To safeguard the landscape amenities of the area and to ensure compliance with LDP Policy GI1.

7 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A B C D E F & H of the Town and Country Planning (General Permitted Development)(Amendment)(Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no enlargements, improvements or other alterations to the dwellinghouse or any outbuildings shall be erected or constructed.

REASON: If substantial extensions were added this development may not be favourably considered and would be contrary to TAN6.

8 No development shall take place until a scheme of foul and surface water drainage,

including details of the proposed private treatment plant, has been submitted to and approved by the Local Planning Authority. The approved scheme shall be completed before any of the buildings are first occupied.

REASON: To ensure satisfactory facilities are available for disposal of foul and surface water and to ensure compliance with LDP Policy EP5.

9. The enterprise's office and utility/ showering facility shown on the ground floor plan drawing ref G1338 - P03 REV A shall be retained for business use and shall not be subsequently adapted to become part of the living / domestic accommodation of the dwelling, hereby approved.

REASON: To ensure the dwelling remains a relatively modest scale in accordance with the guidance in Technical Advice Note 6 Wales.

## **INFORMATIVES**

0 The applicant's attention should be drawn to Public Footpath No. 81 in the community of Gwehelog Fawr which runs through the site of the proposed development and crosses the site of the proposed new vehicular access.

Footpath no. 81 must be kept open and free for use by the public at all times, alternatively, a legal diversion or stopping-up Order must be obtained, confirmed and implemented prior to any development affecting the Public Right of Way taking place.

No barriers, structures, significant changes of level or any other obstructions should be placed across the legal alignment of the path and any damage to its surface must be made good at the expense of the applicant.

0 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.