

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2014-2015**

**DEVELOPMENT CONTROL  
COMMITTEE  
19 JUNE 2014**

**REPORT OF: SERVICE  
DIRECTOR PLANNING**

	<b>Agenda Item No. 11</b>
<b>APPLICATION NO: 13/1198 - CHANGE OF USE TO HORSECULTURE - STABLES, EXERCISE AREA AND ACCESS TRACK, GWERNA FACH, LAND AT CASTELLAU ROAD, BEDDAU.</b>	

**1. PURPOSE OF THE REPORT**

Members are asked to determine the above planning application.

**2. RECOMMENDATION**

That Members consider this report and determine the application having regard to the advice given.

**3. BACKGROUND**

This application was originally reported to the Development Control Committee on 15 May 2014 with a recommendation of refusal. A copy of the report is attached as **APPENDIX A**. At that meeting, Members were minded to approve the application contrary to the recommendation of the Service Director, Planning because they considered the proposed development would not be visually detrimental to the character of the area or harmful to its biodiversity. It was therefore resolved that the matter should be deferred to the next appropriate meeting of the Development Control Committee for a report from the Service Director, Planning, if necessary in consultation with the Director, Legal & Democratic Services, upon the strengths and weaknesses of taking a decision contrary to recommendation, prior to determining the matter (Minute No. 256 refers).

As outlined in the original report to Committee, whilst there is no objection to the principle of this development, the location where it is proposed gives rise to some concern in relation to visual harm to the rural character of the area and its biodiversity value.

In respect of the detrimental impact on the character of the area, it must firstly be noted that the site is within a rural location, outside of the settlement limit and within a Special Landscape Area, where development is expected to conform to a

high standard in relation not only to design, but also in relation to its siting and layout, which should be appropriate to the character of the area as required by Policies AW6 and SSA23.

As previously outlined, the site has already been the subject of 2 previous applications for stables which have, since the submission of this application, been under construction at the site. Whilst it is not unusual for stabling to be required in rural locations, it is considered more appropriate for any built elements or other infrastructure to be restricted to one location, to minimise the visual impact of new buildings in the countryside. In this case, it is considered that the cumulative visual impact of new stabling, in addition to the 2 other stables and infrastructure already constructed would be visually harmful to the rural character of the area.

The applicant has referred to his need to locate the 3rd stable and provide the associated access track and exercise area as shown in the application. There does not appear however to be any functional reason why the current proposals could not be located closer to existing development already carried out on the land and the applicant's reasons appear to relate to one of convenience, rather than necessity. During a recent site visit carried out on the day of the previous Committee meeting, horses were being kept in both the 3<sup>rd</sup> and 4<sup>th</sup> fields, neither of which has any access track or stabling, which officers consider adds further support to the reasons for the previous recommendation. There is therefore no reason why the stable buildings on this land could not be restricted to one location, as occurs in many other sites and the construction of a new building in every field cannot be justified in the countryside.

In relation to the ecological issues raised by this proposal, the Council's Ecologist was formally consulted as part of the planning application process and as the applicant did not wish to entertain the possibility of re-siting the stables and infrastructure proposed, an ecological objection was raised. The Ecologist has comprehensively outlined the reasons for his concerns and the issues raised, particularly those relating to the impact on habitats identified on the Section 42 list, have also been supported in the response from NRW. No information has been presented by the applicant, which would call into question the ecological significance of the site and it is considered that there is therefore no justification for any development which would cause irreversible harm to the habitats identified.

Provision is made within Policy AW8 and specifically paragraph 5.57 for the protection of priority habitats within the county borough and it is clear from the concerns raised by the Council's Ecologist, that the nature and location of the development will have a permanent impact on specific habitats that have been identified through the Local Development Plan as requiring protection. Again, it is considered that there is no justification for the development, particularly when a relatively simple amendment in the location of the stables and infrastructure would overcome the ecological concerns raised.

In its current form, the proposed development is therefore considered to have an adverse visual and ecological impact on the surrounding environment and as such, conflicts with the policies of the Local Development Plan. Members are

therefore recommended to refuse the current proposal for the reasons set out in the previous report.

Notwithstanding the above, if Members are minded to approve the application in its current form, the following conditions are recommended:

## **CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of five years from the date of this permission.

Reason: To comply with Section 91 and 93 of the Town and Country Planning Act 1990.

2. Before the development hereby permitted is brought into use, it shall be constructed and finished in the materials identified on the approved plan numbers MG 404 and MG 406 and in the Design and Access Statement MG 407 (dated 18 November 2013) and maintained as such thereafter.

Reason: In the interests of visual amenity in accordance with Policy AW5 and AW6 of the Rhondda Cynon Taf Local Development Plan.

3. Notwithstanding the submitted plans, a 1m buffer zone shall be provided between the edge of the car park and turning area (identified on plan number MG 403 and dated 18 November 2013) , hereby permitted, and the existing boundary hedge in accordance with details to be first submitted to and approved in writing by the Local Planning Authority. Thereafter the buffer zone shall be maintained in accordance with the approved details.

Reason: To protect the existing hedge in the interests of amenity in accordance with Policies AW5, AW6 and AW8 of the Rhondda Cynon Taf Local Development Plan.

4. Prior to the commencement of the development, a Tree and Hedge Management Plan shall be submitted to and approved in writing by the Local planning Authority. All works shall be carried out and thereafter maintained in accordance in accordance with the approved Management Plan.

Reason: To protect the existing trees and hedges on the site during the course of building work in the interests of amenity and to ensure works are implemented in accordance with BS5837 'Trees in relation to construction' and that good arboriculture practice is adhered to in accordance with Policies AW5, AW6 and AW8 of the Rhondda Cynon Taf Local Development Plan.

5. Notwithstanding the submitted plans, full engineering design and details of the improvements to the site access including the vision splays onto Castellau Road as shown on drawing MG 405 shall be submitted to and

approved in writing to the Local Planning Authority prior to works commencing on site. The approved details shall be implemented prior to beneficial occupation and retained in perpetuity.

Reason: In the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

6. The parking and turning areas shall be retained for the purposes of parking and turning only unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

7. Surface water run-off from the proposed development shall not discharge onto the public highway or connect to any highway drainage system unless agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy AW5 of the Rhondda Cynon Taf Local Development Plan.

8. The proposal should be restricted to horsiculture use only and no other use unless agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety and to prevent overcapacity of the existing highway drainage system and potential flooding in accordance with Policy AW5 and AW10 of the Rhondda Cynon Taf Local Development Plan.

9. No development shall take place until drainage arrangements have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that drainage from the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and existing infrastructure arising from inadequate drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

10. The development hereby permitted shall not be brought into use until the drainage works have been completed in accordance with the approved scheme.

Reason: To ensure that drainage from the proposed development does not cause or exacerbate any adverse condition on the development site, adjoining properties, environment and existing infrastructure arising from inadequate drainage in accordance with Policy AW10 of the Rhondda Cynon Taf Local Development Plan.

## APPENDIX A

**APPLICATION NO:** 13/1198/10 (SF)  
**APPLICANT:** Mr M Gilheaney  
**DEVELOPMENT:** Change of use to horsiculture -. stables, exercise area and access track.  
**LOCATION:** GWERNA FACH, LAND AT CASTELLAU ROAD, BEDDAU.  
**DATE REGISTERED:** 18/11/2013  
**ELECTORAL DIVISION:** Beddau

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**RECOMMENDATION:** Refuse

### REASONS:

**Whilst the principle of equestrian related development may be acceptable in rural locations, in this case the proposed development, in addition to that which has been recently approved on the site, will be visually detrimental to the character of the Special Landscape Area and harmful to its biodiversity.**

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### APPLICATION DETAILS

Planning permission is sought for the construction of a stable block and exercise area and an additional access track with a parking and turning area. The application also includes a new access arrangement from Castellau Road.

The applicant's ownership is shown to extend to 4 fields lying to the south-west of Castellau Road. Approval has been previously given for livery stables in the first field with the construction of an access track running parallel to the north and west boundaries of the second field (11/0829) and more recently, for further livery stables in the third field with the construction of a further, car park and turning area and the change of use of land to horse use (12/1054). Both of these consents also show the existing gate off Castellau Road being set back into the site and there is a requirement for this to be carried out prior to beneficial use of either of the 2 livery stables. Whilst the additional access track extending along the north and west boundaries of the second field and the car park and turning area in the third field has been constructed, neither of the approved livery stables has been built.

The current application proposes that a further building comprising four stables and incorporating a hay fodder store would be constructed in the north-east corner of the fourth field. The appearance of the stables would be very similar to the 2 already approved, measuring 18.8m in length by 5m in depth (including the roof overhang) and have a maximum height of 3.7m. It is proposed to construct the stables of concrete block and clad the elevations with treated softwood shiplap boards. The doors would be treated softwood and the roof would be covered with green profile roof sheets.

The application also includes an exercise area measuring 40m by 25m located along the north-west boundary of the third field, constructed from a 0.3m stone layer with a sand and geotextile membrane and finished with a 0.2m recycled woodchip / bark layer. The area would be surrounded by a timber post and rail fence. A further access track approximately 90m in length and 5m in width is also proposed to cross the third field to link the second parking and turning area (12/1054), with that proposed to serve the new stables in the fourth field. It has been confirmed that this will be constructed in hardcore with a recycled stone finish to a depth of 0.4m. The new car park and turning area is shown to measure approximately 25m by 15m and would be surfaced with a hardcore to match the approved access track.

The application is accompanied by the following:

- Design and Access Statement

This confirms that the application is for the private use of the applicant who has confirmed that his family has 3 donkeys and it is his daughter's intention to purchase 2 horses, whereas the applications previously approved under 11/0829 and 12/1054 were for livery use. It is understood however that use of the exercise area would be shared by the users of all 3 stable buildings.

## **SITE APPRAISAL**

The application site is approximately 2.63 hectares in area and is located off Castellau Road and to the west of the settlement boundary of Beddau. The site is identified as the third and fourth field, together with the existing access track and parking areas that is within the applicant's ownership. A Public Right of Way (PROW Llantrisant 213) is located in the adjoining field (to the north-west) and on the opposite side of a boundary hedge and stream.

The site is accessed from an existing field gate and entrance area off Castellau Road via an access track that has been constructed around the first and second field under application 11/0829. From the two fields lying adjacent to Castellau Road, the land slopes down from east to west, where the land abuts the Llantrisant Common and Pastures Site of Special Scientific Interest (SSSI), which is located to the south of the site.

A further stable building is located on land further to the west and situated adjacent to Castellau Road and the PROW however, this is understood to be in separate ownership. At the time the previous application was determined (12/1054), there were a number of horses grazing in the field however, during a recent site visit, no horses were seen within the application site.

## **PLANNING HISTORY**

12/1054	Livery stables and change of use of land to horse use.	Granted 13/02/13
11/082	Proposed livery stables and access road (Amended description 12/10/2011).	Granted 25/01/12

92/0909      Agricultural barn

Refused  
05/05/93

Appeal Allowed  
18/11/93

## **PUBLICITY**

The application has been advertised via direct neighbour notification and site notices. Two letters of support have been received, one from the applicant's daughter which is summarised below:

- There is currently no shelter for horses in this field. If this application is approved I will be able to keep my horses here all year round. The exercise area will allow me to rest the field during wet periods. The design of the stables is in keeping with those previously approved at Gwerna Fach and the exercise area is a type that RCT have previously accepted.

One letter of support has also been received from the Farmers' Union of Wales which states:

- This project will enable Mr Gilheaney to continue his successful farm diversification and enable him to fully utilise the land available to him. The provision of stables and exercise area will greatly improve the welfare of the horses, because they will no longer need to be 'out wintered'. This will also help eradicate 'poaching' i.e. cutting up of the land in winter months, thereby preserving any special habitat or species in the fields. The application will also assist in improving farm efficiency and income, resulting in a more vibrant rural economy, which is one of the main aims of the Welsh Government's Rural Development Plan proposals for 2015-2020.

## **CONSULTATION**

Countryside, Landscape and Ecology - the Council's Ecologist notes that car parking, road links and stable locations have already been developed on the site's drier parts, near to Castellau Road. The site slopes from that eastern side down to the west, where wetter low lying land abuts the Llantrisant Common and Pastures SSSI and the Wildlife Trust for South and West Wales Y Gweria Nature Reserve. While the middle field into which the horse ménage is proposed to be sited is largely drier (relatively) improved pasture, it does support areas of wetter, marshy grassland. The proposed ménage (and part of the proposed road) falls within one of these areas of grazed purple moor-grass and rush pasture marshy grassland, which lies close to the site's northern boundary.

Purple moor-grass and rush pasture is included within the Section 42 (S42) list of habitats and species of principal importance in Wales, which is a key requirement of the Natural Environment and Rural Communities Biodiversity Duty. The list is a key reference for all statutory and non-statutory bodies involved in operations that affect

biodiversity in Wales and is used to guide decision-makers such as public bodies, including local and regional authorities, in implementing their duty under section 40 of the Natural Environment and Rural Communities Act 2006 (NERC Act) 'to have regard' to the conservation of biodiversity in all their activities.

The UK Biodiversity Partnership list published in 2007 has been used to draw up the species and habitats of principal importance in Wales under S42 of the NERC Act. Of the UK's 65 priority habitats, 51 occur in Wales and with an additional 3 marine habitats identified as a priority in Wales, make a total of 54 priority habitats in Wales. The combined list of species and habitats is referred to as the Section 42 list for Wales.

In relation to Local Development Plan policy, the Ecologist advises that Policy AW8 'Protection and Enhancement of the Natural Environment' includes, in its second clause that development will only be permitted where 'There would be no unacceptable impacts upon features of importance to the landscape and nature conservation, including ecological networks, the quality of natural resources, such as air, water and soil., and the natural drainage of surface water': the supporting text 5.57 identifies distinctive landscapes of importance for biodiversity and the 24 priority habitats of S42, and states that 'these will be protected in line with policy'. The ecological context of immediate setting of this planning application is one of high biodiversity value and particularly so for its purple moor-grass and rush pastures, which form an important habitat networks which is centred on Llantrisant Common SSSI.

The area of purple moor-grass and rush pasture within the ménage area is grazed and a winter survey will not identify all of the species component or abundances, but it was clear that the marshy areas supports a vegetation type which equates to the purple moor-grass and rush pasture National Vegetation Community M23 soft/sharp-flowered rush-marsh bedstraw rush-pasture (National Vegetation Classification M23). A spring/summer survey would be likely to identify more species, but it was clear that this area of rush pasture is representative of a S42 Habitat. Construction of the infrastructure (road, ménage or stables) within this wet grassland will destroy that habitat. The site is also wet and has a particular hydrological regime which accounts for the rush pasture vegetation. Development of the infrastructure on that area would certainly damage the surface drainage patterns, and have potential implications for other adjacent wet areas. Even at a micro-level, the protection of natural wetland features contributes to good hydrological practice, in accordance with the broader objectives of Water Frameworks Directive, and the land-filling of wet areas is another concern I have with this application.

The proposed car park/stable area in the most westerly (low lying) field is also a concern. That field supports a large area of purple moor-grass and rush pasture and while the area immediately near the field gate is more modified, the proposed creation of hard standing and land-fill importation has the capacity for habitat and hydrology impact.

While, horse grazing is a perfectly acceptable use of purple moor-grass and rush pasture, I think it is important that equestrian developments ensure that there infrastructure is carefully sited to avoid the loss of S42 habitats or impacts on

adjacent areas. The status of S42 habitat confers a duty on the planning process to consider such issues. No consideration of ecological impact has figured in the siting of the infrastructure and in my opinion options do exist for relocating some of the proposed infrastructure to avoid, or at least greatly reduce, the ecological and hydrological impacts described above. In addition, the ménage and stable locations will have local visual impacts, particularly from Public Right of Way Llantrisant 213, which runs to the immediate north of the ménage location. Sensitivity towards that issue is also needed.

It is advised that the opportunities for re-siting infrastructure to avoid habitat and hydrological features and reduce visual impact should be explored and in the absence of further discussions with the applicant an ecological objection is raised on the basis of Policy AW8 of the LDP.

In relation to the letter of support received from the Farmers' Union of Wales and specifically the reference to the infrastructure eradicating 'poaching' and this would 'preserve any special habitats or species on the field', the Council's Ecologist has commented that this suggested benefit will not be realised if, in its construction, that infrastructure actually destroys part or all of that 'special habitat or species' interest. It is for this reason, that the planning observations set out above, needed to consider the ecology impacts and that the design of the proposal would need to reduce that impact to acceptable levels.

Natural Resources Wales (NRW) - notes the close proximity of the application site to Llantrisant Common and Pastures Site of Special Scientific Interest (SSSI) and has commented that the proposal is unlikely to affect the special features of the site and therefore no further comments are made. In relation to local biodiversity, it is confirmed that they have not considered possible effects on all species and habitats listed in Section 42 of the Natural Environment and Rural Communities (NERC) Act 2006, or on the Local Biodiversity Action Plan or other local natural heritage interests.

To comply with the authority's duty under section 40 of the NERC Act, to have regard to conserving biodiversity, it is confirmed that the Council's decision should take account of possible adverse effects on such interests. It is advised that further advice is sought from the authority's ecologist and/or nature conservation organisations such as the local Wildlife Trust, RSPB etc. The Wales Biodiversity Partnership's website has guidance for assessing proposals that have implications for Section 42 habitats and species.

Transportation Section – no objections subject to conditions,

Public Health and Protection - no objections to the proposed development.

## **POLICY CONTEXT**

### **Rhondda Cynon Taf Local Development Plan**

The site is identified as being outside the settlement boundary and located between two Sites of Importance for Nature Conservation (SINC) - AW8.105 (Llantrisant

Common). The site is identified as outside the settlement boundary and is unallocated. It is also identified as being within Special Landscape Area SSA 23.6. - Mynydd y Glyn and Nant Muchudd Basin.

**Policy AW2** - advises that development proposals on non-allocated sites will only be supported in sustainable locations and proposals affecting SLAs will be considered under Policy SSA 23.

**Policy AW5** - sets out criteria for new development in relation to amenity and accessibility and requires existing features of natural environment value to be retained.

**Policy AW6** - requires development to involve a high quality design and to make a positive contribution to place making including, the protection and enhancement of the landscape and biodiversity.

**Policy AW8** - permits development only where it would not cause harm to locally designated sites or features of importance to landscape and nature conservation, including ecological networks, the quality of natural resources and the natural drainage of surface water. Paragraph 5.57 advises that the 24 priority habitats listed by the Welsh Government which are known to occur in Rhondda Cynon Taf, will be protected in line with this policy.

**Policy AW10** - development proposals must overcome any harm to public health, the environment or local amenity.

**Policy SSA23.6** - identifies the site as the Mynydd y Glyn and Nant Muchudd Basin Special Landscape Area. These areas are noted for their landscape quality and development will be expected to conform to the highest standards of design, siting, layout and materials appropriate to the character of the area.

**SPG** – Nature Conservation

**SPG** – Design and Placemaking

### **National Guidance**

In the determination of planning applications regard should also be given to the requirements of National Planning Policy which are not duplicated in the Local Development Plan, particularly where National Planning Policy provides a more up to date and comprehensive policy on certain topics.

Planning Policy Wales Chapter 4 (Planning for Sustainability), Chapter 5 (Conserving and Improving Natural Heritage and the Coast) and Chapter 13 (Minimising and Managing Environmental Risks and Pollution), set out the Welsh Government's policy on planning issues relevant to the determination of the application.

### **Other relevant policy guidance consulted:**

PPW Technical Advice Note 5: Nature Conservation and Planning;

PPW Technical Advice Note 6: Planning for Sustainable Rural Communities;

Para 6.11.1 advises that a planning application is normally required for the use of land for keeping horses and for equestrian activities, unless they are kept as

livestock or the land is used for grazing, i.e. not used for other purposes such as exercise or recreation.

## **REASONS FOR REACHING THE RECOMMENDATION**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that, if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

Furthermore, applications that are not in accordance with relevant policies in the plan should not be allowed, unless material considerations justify the grant of planning permission.

### **Principle of the proposed development**

The application site is located in the countryside, where new development is subject to assessment against a number of policy constraints. Development will generally be permitted, where it can be demonstrated as being required for the purposes of agriculture, forestry or other rural enterprise. Additionally, development that is related to an informal recreational use may be acceptable, subject to other policy considerations, including the need to be located in the countryside. The key consideration in determining this application is therefore whether or not the proposal is reasonably necessary for the purposes of agriculture or some other rural enterprise and otherwise, whether or not the need for the development can be justified, taking into account the impact of the development in this location.

National policy guidance within Technical Advice Note 6 – Planning for Sustainable Rural Communities advises that the definition of agriculture includes ‘the breeding and keeping of livestock’ and ‘the use of land as grazing land’. The definition does not include circumstances where the horses are kept for some other purpose, such as exercise or recreation, as appears to be the case here, where the application is also seeking a ‘change of use to horsiculture’. Policy guidance also makes it clear that unless buildings or other development are used for accommodating horses that are used in farming, they do not qualify for any ‘agricultural permitted development’ and the development is subject to normal countryside policy considerations. Given the information submitted with the application, it is clear that the proposal is related to the appellant’s proposed informal recreational use of the land, rather than being required for agricultural purposes or in connection with a rural enterprise.

Whilst it is generally acknowledged that the keeping of horses on land, either if they are using it for ‘grazing’ or some other recreational purpose is an appropriate use in the countryside, it does not necessarily follow that any development that is proposed in association with such a use will be acceptable. In this case, it is therefore necessary to justify the need for the development, as well as whether the nature and extent of the development proposed will cause visual and environmental harm.

### **The need for the development**

The application is described in the design and access statement as the erection of a small stable block and stores in an existing field, with access track and exercise

area. It is advised that whereas the 2 previous applications were for proposed livery uses, the current proposal is for the private use of the applicant and his family, although it is understood that the proposed exercise area will be available for use by anyone stabling their horses in the two livery stable buildings which have yet to be constructed. The statement also advises that the building is designed to accommodate 4 fully grown horses, although the applicant has advised that it is intended to accommodate 2 horses that his daughter is intending to buy and 3 donkeys owned by his family which are currently kept elsewhere.

Whilst it has been advised that due to the absence of appropriate accommodation on site, the applicant is not able to keep horses on site, the adjoining fields which are also within the applicant's ownership, both have the benefit of consent for stable buildings. No explanation has been provided within the current submission as to why the applicant has not yet constructed or used the 2 stables he has already got consent for and it is therefore not considered that the need for a 3<sup>rd</sup> stable building on the land has been justified.

### **Impact on the character of the area and Special Landscape Area**

With regard to the impact on the character of the area, the site is a group of fields located close to the edge of Beddau and alongside a country road (Castellau Road). The site is bordered by hedges and the fields slope down from the nearby road. It is evident from the site visit that a considerable amount of infrastructure consisting of the formation of parking areas and access tracks has already been carried out within the current application site which has been approved under previous consents. The exercise area would be located approximately 70m from Castellau Road with the stable building further beyond and would be screened from the road by existing field boundaries. Both of these structures would however be located within 20m of the adjacent PROW, from where there are views into the site and the fourth field in particular, is also visible to the wider area to the south, including from Llantrisant Common.

It is acknowledged that the proposed development including the stables, access track and parking and turning area is of a similar in size, design and method of construction to that approved in the adjacent fields under the previously applications (11/0829 and 12/1054). It is considered however that the cumulative impact of this additional stable structure and exercise area, with its associated access track and parking and turning area, being within in an open area which is arguably being dominated by such structures and hard surfaces, will introduce an urbanising impact and detract from the existing rural character and appearance of the area.

The stable building will further increase the number of separate detached structures in this countryside location, whilst the access track and exercise area will provide a continuous line of built development linking the existing parking and turning area approved under 12/1054 with the stable building and associated parking area in the fourth field. Users of the PROW running adjacent to the west of the site would view a succession of built development consisting of 3 permanent stable buildings linked by tracks and hardstandings and their use by vehicles would also contribute towards the detrimental impact on the open character of the area. It is noted that most of the other existing structures in the area are closer to Castellau Road and better

screened from long views. Therefore, as a result, the development proposed would have a detrimental visual impact on the character of the area, contrary to Policies AW5 and AW6 of the Local Development Plan.

The proposal is also considered to cause visual harm to the rural character which forms an integral part of its designation within Special Landscape Area SSA 23.6. - Mynydd y Glyn and Nant Muchudd Basin. The primary landscape qualities that have been identified for this SLA include that this is the largest area of un-industrialised lowland farmland within Rhondda Cynon Taf. The basin area is identified as having an attractive network of narrow winding lanes, small irregular fields and scattered farms, unlike any other part of RCT and that this forms a major part of the wide views north from Llantrisant. The key policies for the management of this area are to ensure no large-scale development to spoil the integrity and seclusion of the basin and surrounding slopes and to conserve patterns of existing smallholdings and associated uses. Such designation requires development to conform to the highest possible design standards. It is not considered that the proposal fulfils this criterion and by introducing a network of linked built development, this would fail to conserve the old patterns of farmland and thereby cause harm to the distinctive landscape of the area, which the policy seeks to protect.

At the time the previous application was determined (12/1054), concerns were expressed that any parcel of land which is owned by the applicant in the area, could be linked by an internal track and have its own separate stable block and parking area. It was considered that the culmination of such developments would have an adverse impact on the character and appearance of the rural area and these concerns have now been realised through the consideration of the current proposal, which is therefore considered to be unacceptable and contrary of Policy SSA23.6 of the Local Development Plan.

## **Ecology**

In assessing the ecological impact of the proposed development, consideration has been given to how this would impact on features of importance to landscape and nature conservation including ecological networks. The main impact of the development on the surrounding natural environment has been identified as laying of an additional 90m length of access track to a width of 5m that cuts across the third field, together with the construction of the exercise area (40m x 25m) and surfacing of the parking and turning areas.

Although no ecological information has been submitted during the course of this application, the comments of the Council's Ecologist following an inspection of the site confirms the high biodiversity value of the site and concerns are raised regarding the potential loss of Section 42 habitat and the impact on adjoining areas. Whilst NRW has commented that the proposals are unlikely to affect the nearby SSSI, it has been confirmed that the Council's decision should take account of possible effects on species and habitats listed in Section 42, which is considered to reinforce the views of the Council's Ecologist. Although previous works approved at the site included the provision of an access track (11/0829) and parking and turning areas (12/1054), this development was located on much higher and dryer parts of the site which were less ecologically sensitive than the sites currently proposed and it was

therefore considered that there would not be a significant impact. On both of those occasions, consent was however granted subject to conditions requiring a 1m buffer zone between the hard surface and boundary hedge and also a Tree and Hedge Management Plan.

Given the concerns raised regarding the ecological impact of the proposal and Ecologist's comments regarding re-siting the proposed infrastructure to avoid habitat and hydrological features, the applicant has been contacted with a view to amending the submitted scheme. It was suggested that the proposed 3<sup>rd</sup> stable building was relocated adjacent to the 2<sup>nd</sup> and the exercise area relocated from the north-west boundary to the north-east, which would have the dual benefit of reducing the physical impact on the sensitive habitat identified, whilst also removing the need for the additional hardcore access track proposed, thereby reducing the overall visual impact of the proposed development.

In response to the suggested amendments, the applicant has advised:

- if the proposed stables were relocated and the access track removed, walking the horses on a daily basis from the field to the stables would destroy a large section of the field to the detriment of ecology;
- it isn't fair or reasonable to expect horses or humans to walk through a wet field – the access track is needed on ecology grounds and animal welfare;
- the field area for this application is 2.63 ha and the proposed stables and car park cover only 2% of this area. It has been acknowledged by the Ecologist that horse grazing is a perfectly acceptable use;
- the exercise area has been located to minimise any ecological impact and is needed to ensure good land management;
- the proposed stable has been located in the corner of the field that the horses are kept in, screened by an existing hedgerow and therefore have no negative impact;
- the suggestion that the stables are clustered together at one location will create more visual impact;
- the application site is agricultural land and as such cattle, sheep or horses can be grazed on the land;
- application no. 13/1103 for 39 affordable houses off Castellau Road was proposed on a greenfield site and was not considered to have a negative visual impact;
- the access track and exercise area is justified to maintain good land management and animal welfare.

In conclusion, the applicant has advised that he considers the application to be fair, reasonable and justified and should be determined on its own merit.

Whilst it is acknowledged that the area which is proposed to be developed constitutes a relatively small proportion of the overall application site, it is not considered that this sufficiently justifies development which will have a permanent harmful impact on an area which has been identified as a sensitive habitat, particularly where the applicant has other land which could accommodate the buildings and structures required and avoid this harm. Therefore, as a result of the

Ecologist's concerns, the current scheme is also considered to conflict with Policy AW8 of the Local Development Plan as it would have an unacceptable impact on features of importance, especially ecological networks.

### **Other Issues:**

The following other material considerations have been taken into account in considering the application, though were not the key determining factors in reaching the recommendation.

### **Animal Welfare**

The applicant has maintained that the facilities are required for animal welfare purposes and has referred to previous advice he has received from the Council's Animal Health Officer. It has been confirmed that specific advice was given in relation to an application on other land within the applicant's ownership at Coed Cae Mawr Farm relating to a livery stables, ménage and change of use of the land to horsiculture (12/0080). In that case, it would appear that advice was given regarding the requirements of the Animal Welfare Act and the responsibilities of owners to ensure adequate shelter in extreme weather conditions. The Animal Health Officer has confirmed that the comments raised in relation to application 12/0080 would also apply to this application. Therefore, whilst it is acknowledged that animal welfare is important, this does not justify why the proposed stables and exercise area could not be moved to a more acceptable location within the site, which would overcome officers' concerns regarding ecological and visual impact.

### **Access and highway safety**

With regard to parking and highway safety issues, the development would utilise the existing field access, however the existing gate is detailed as being repositioned approximately 10m into the site to allow vehicles to park off-road whilst opening and closing the gate. This was also a requirement of the two previous applications for stables and hardstandings at the site (11/0829 and 12//1054).

Whilst it is acknowledged that the development could intensify the use of the access and a further 4 stables would now be provided in addition to the 8 already approved, it is not considered that this would result in such a significant increase to raise any highway issues. It has been previously acknowledged that the access is also on a relatively straight section of country road where visibility is good and therefore it is considered that the proposed access arrangements would be acceptable and comply with Policy AW5 of the Local Development Plan, subject to the setting back of the gate. The Council's Transportation Section has raised no objection to the application subject to conditions

### **Conclusion**

Whilst there is no objection to the use of the land for equestrian grazing, it is considered that in this case, development in the locations proposed in addition to that which has been recently approved, will be visually detrimental to the rural

character of the area and harmful to its biodiversity value, contrary to Policies AW5, AW6, AW8 and SSA23 of the Local Development Plan.

**RECOMMENDATION: Refuse**

1. The proposed stable block, exercise area, related access track and parking area by virtue of their size, siting and cumulative impact when viewed with existing and permitted stable development would result in a detrimental visual impact on the character of the area. As such, the development would be contrary to Policies AW5, AW6 and SSA23 of the Rhondda Cynon Taf Local Development Plan.
  
2. The proposed stable block, exercise area, related access track and parking areas by virtue of their size, siting and method of construction would result in a detrimental impact on a local habitat feature, which has been identified as a Section 42 Habitat. As such, the development would be contrary to Policies AW8 of the Rhondda Cynon Taf Local Development Plan.

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**LOCAL GOVERNMENT ACT 1972**

**as amended by**

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**LIST OF BACKGROUND PAPERS**

**DEVELOPMENT CONTROL COMMITTEE**

**19 JUNE 2014**

**REPORT OF: SERVICE DIRECTOR PLANNING**

**REPORT**

**APPLICATION NO: 13/1198 -  
CHANGE OF USE TO  
HORSECULTURE -. STABLES,  
EXERCISE AREA AND ACCESS  
TRACK, GWERNA FACH, LAND  
AT CASTELLAU ROAD, BEDDAU.**

**OFFICER TO CONTACT**

**MS S FEIST  
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**See Relevant Application File**

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