

**7. FULL PLANNING APPLICATION – INSTALLATION OF HORSE MENAGE COMPRISING OF SAND AND FIBRE FLOOR, POST AND RAIL BOUNDARY FENCE, LANDSCAPE WORKS AND ASSOCIATED DRAINAGE AT WATERGATES, PINDALE ROAD, HOPE (NP/HPK/1124/1184)**

**APPLICANT: MS JANE BRAMWELL**

**Summary**

1. The application seeks permission for the installation of a 20m x 40m horse menage on land to the south of Hope, accessed via a private track which connects with Pindale Road to the east.
2. The menage bounds the rear gardens of residential properties to the north, however is around 35m and 85m respectively to the west of small stable structures and the nearest residential property Watergates with which it is associated.
3. Officers consider the siting of the menage has a poor association with the surrounding built form as it would be located some distance from the associated building group to the east and would comprise a large and incongruous form of development within the landscape setting to the south of Hope. It would therefore have an unacceptable design by virtue of its siting, size and relationship with the settlement and would unacceptably impact the landscape character to the south of Hope.
4. The Authority's Tree Officer has confirmed they are unable to assess the application without a suitable Arboricultural Impact Assessment in order to understand the impact of the menage on trees immediately to the north. The application therefore fails to provide sufficient information to enable an assessment of the impact of development on trees.
5. The Authority's Archaeologist has also raised concerns regarding the absence of a suitable Desk Based Assessment to consider the potential archaeological interest of the site and its relationship with the Hope Motte Scheduled Monument.
6. The proposed development therefore conflicts with the Authority's policies in relation to design, landscape, the siting of riding facilities, the historic environment and trees.
7. The application is therefore recommended for refusal.

**Site and Surroundings**

8. Watergates is a residential property located to the west of Pindale Road, Hope and accessed via an existing private track. To the west of Watergates and beyond a small tributary which leads to Peakshole Water are open fields, where the menage is proposed to be sited.
9. The fields are bounded to the north by vegetation and the rear gardens of dwellings along Castleton Road. Around 40m south of the proposed menage is Peakshole Water.
10. A track and two small structures are located in the north east field and are used to provide access to the field and in connection with the keeping of donkeys and miniature horses by the applicant.
11. The site lies within the valley farmlands with villages landscape character type. Hope Conservation Area is approximately 70m east of the proposed menage, whilst the Scheduled Monument Hope Motte is around 150m to the east.
12. An oil pipeline route extends across the fields further south of the siting of the proposed menage.

13. A Public Right of Way (PRoW) (HP16/7) runs further to the south beyond Peakshole Water.

### **Proposal**

14. The application proposes an extension to the existing field track and installation of a horse menage with associated fencing and landscaping.

### **RECOMMENDATION:**

**That the application be REFUSED for the following reasons:**

- 1 The proposed development would relate poorly to the existing built form and would represent a prominent and harmful encroachment of development into the surrounding landscape character, contrary to Core Strategy Policies GSP1, GSP3 and L1 and Development Management Policies DMC3, DMC4 and DMR4.**
- 2 The application provides insufficient information to enable an understanding of the impact of the potential archaeological interest of the site and setting of the Hope Motte Scheduled Monument, contrary to Core Strategy Policy L3 and Development Management Policies DMC5 and DMC6.**
- 3 The application provides insufficient information to enable an understanding of the impact of the development on trees, contrary to Development Management Policy DMC13.**

### **Key Issues**

15. The impact of the proposed menage on the character and appearance of the site, landscape setting, historic environment, amenity of neighbouring properties, trees and ecology.

### **Relevant History**

16. There is no relevant planning history associated with the site.

### **Consultations**

17. Highway Authority: No material impact on the public highway, therefore no comments.
18. Hope with Aston Parish Council: Support the proposed development. Clarified the support was due to the proposal having a really good biodiversity plan.
19. PDNPA Archaeology: Consideration has been had towards the proposed menage siting and an alternative location to the east. The initial location is c.150m west of Hope Motte SM and the alternative even closer at about 100m. Both sites are within the setting of the monument.

Very little archaeological work has been undertaken in this area of Hope. Hope is a settlement with early medieval (Anglo-Saxon) origins, with the core of early medieval and medieval settlement and activity anticipated to be around the Church and the Motte area.

Looking at the topography and natural features of the area, it is likely the Peaksholewater and its tributary that joins it to the west may have formed a natural barrier and extent of any early medieval or early post-Norman conquest settlement associated with the motte. The motte's earthwork mound and ditch only survive in part due to the movement of the course of the Peaksholewater causing erosion of the features. It is not known if

further earthworks of an outer bailey ever survived, but the natural landform defined by the two water courses would provide a likely location for it. Beyond the natural landform and protection offered by the water courses, activity beyond the motte and any associated settlement, whether defined by a bailey earthwork or not, cannot be ruled out, including in the fields whether the menage is being considered to the west.

Available LiDAR data appears to show little beyond residual and degraded ridge and furrow earthworks, which may reflect agricultural land use later in the medieval period.

Therefore, if considering either location, the first hurdle to pass archaeologically is appropriate information to allow the application to be considered, which doesn't currently form part of the application. The application needs to be supported by a Desk Based Assessment that includes a setting assessment following Historic England's guidance.

This needs to be produced by a suitably qualified and experienced individual/ contractor work to the standards and guidance of the Chartered Institute for Archaeologists, and following the appropriate Historic England guidance. – on GPA3 The Setting of Heritage Assets and HEAN17 Planning and Archaeology.

The application should not be positively determined without this information.

20. PDNPA Ecology: The site area is 0.2094ha. The dominant habitat type is Modified grassland assessed as poor condition. The overall species list is poor and typical of grasslands that have been improved for agriculture, with indicators of reseeded such as white clover and perennial rye-grass. Two native hedgerows with trees present are assessed as poor condition.

Overall, there is loss of modified grassland but this is offset by enhancements to some of the retained grassland and to both native hedgerows, plus the planting of native scrub; achieved by creation and enhancement of:

- 0.02ha of poor-condition modified grassland to moderate-condition other neutral grassland.
- Planting of 0.0186 ha of new mixed native scrub (good condition in 10 years) around the menage.
- Enhancement of 0.049 km of native hedgerow with trees from poor to moderate condition

The indicative locations of these habitats are shown in the Ecology Report. The proposed enhancements result in a potential BNG of 14.39% comprising of net unit change of 0.04 in habitat units and 0.27 in hedgerow units.

The recommendations in Section 6 outlines how moderate - good condition is to be achieved for grassland, hedgerow and scrub habitats on site. In this case, the areas of habitat creation or enhancement are not considered significant relative to existing habitats on site; therefore, it is not considered proportionate to require monitoring for 30 years. The enhancements and details of how to achieve the enhancements within Section 6 and Appendix 2 of the report are considered proportionate and achievable in relation to the proposed biodiversity uplift. These should be secured by condition.

All recommendations provided in Section 6 of the Ecology Report should be conditioned to secure the biodiversity net gain. Photographs should be submitted to the LPA once capital works (i.e. planting) have been completed and then again in Year 3.

21. PDNPA Landscape: The land is in the Derwent Valley LCA and in the Valley Farmlands with Villages LCT, and is grouped into the 'Traditional Upland Landscapes' wooded landscape type in the PDNPA Wooded Landscapes Plan.

This is a settled pastoral landscape, often with a low lying topography associated with a network of streams and damp hollows. This is an enclosed landscape, with views filtered through scattered hedgerow and streamline trees.

The properties to the north have long garden plots with trees and shrubs to their southern boundary. The PRow to the south is beyond Peaksole Water (which feeds into the River Noe) and is tree lined, any visibility to the proposed ménage from the PRow network would be filtered by trees and the proposed hedgerow will provide further screening. The proposed hedgerow species: Hawthorn, Rowan and Field Maple are appropriate for this area, proposals should be in line with the densities shown in the PDNPA WLP: Density: 100 – 500 stems per ha (scrub); 7 whips per lin m (hedge planting), plus hedgerow trees at 10 – 20m spacings; 900 – 1,200 stems per ha (shelterbelts). The planting should be maintained in perpetuity and any dead plants replaced.

I have no major concerns with this development from a landscape perspective. The Cultural Heritage team should be consulted regarding any impacts to cultural heritage assets given the location.

22. PDNPA Trees: No tree survey documentation with the application which is needed. Whilst there is no obvious reason why the application cannot proceed without a harmful impact to trees, this may require moving the ménage further south to keep clear of tree Root Protection Areas. This may also benefit the equestrian purpose as whilst without a survey it is unclear if any sycamore trees are present, the toxicity of sycamore leaves to horses ('Atypical myopathy') is often cited as a reason to remove adjacent sycamores.

To assess this application we require an Arboricultural Impact Assessment (AIA) prepared following the guidance in BS5837:2012 Trees in relation to design, demolition and construction. If planning permission is subsequently granted, conditions will need to require an Arboricultural Method Statement (AMS) with Tree Protection Plan (TPP). These items could be included with the initial AIA document if that helps to clarify impact.

23. High Peak Borough Council: No comments received at the time of writing the report.

### **Representations**

24. One letter of support has been received in respect of the application. It confirms support for the application as the applicant's miniature horses cannot easily be exercised on Hope's busy roads particularly with heavy quarry traffic. The fields can be very wet and suitable for exercising and the ménage is an excellent solution which will not impinge on other properties.

### **Statutory Framework**

25. National Park designation is the highest level of landscape designation in the UK. The Environment Act 1995 sets out two statutory purposes for national parks in England:
- a) Conserve and enhance the natural beauty, wildlife and cultural heritage
  - b) Promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public
26. When national parks carry out these purposes they also have the duty to seek to foster the economic and social well-being of local communities within the national parks.
27. In the National Park, the development plan comprises the Authority's Core Strategy and the new Development Management Policies (DMP). These Development Plan Policies

provide a clear starting point consistent with the National Park's statutory purposes for the determination of this application.

28. This application must be determined in accordance with the development plan unless material considerations indicate otherwise.

**Core Strategy Policies:** GSP1, GSP3, L1, L2, L3, DS1

**Development Management Policies:** DMC3, DMC4, DMC5, DMC6, DMC11, DMC12, DMC13, DMR4

**National Planning Policy Framework (NPPF)**

29. The NPPF is a relevant factor for the purposes of the regulations. Development plan policies relevant to this application are up-to-date and in accordance with the NPPF and therefore should be given full weight in the determination of this application.
30. Paragraph 189 states great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks.

**Development Plan Policies**

**Core Strategy**

31. GSP1 requires all development is consistent with the National Parks legal purpose and duty, to conserve and enhance the natural beauty, wildlife and heritage of the Park.
32. GSP3 states development must conserve and enhance all valued characteristics of the site, paying particular attention to siting, landscaping and scale appropriate to the character and appearance of the National Park. Amenity is also a consideration.
33. DS1 confirms development that is acceptable in all settlements and the countryside includes that for agriculture, forestry, other rural enterprises, extensions to existing buildings, recreation and tourism, conversion or change of use for housing, community facilities and business uses, utilities infrastructure and renewable energy infrastructure.
34. L1 requires development to conserve and enhance valued landscape character, as identified in the Landscape Strategy and Action Plan, and other valued characteristics.
35. L2 states development must conserve and enhance any sites, features or species of biodiversity importance.
36. L3 requires development to conserve and where appropriate enhance or reveal the significance of archaeological or historic assets and their settings, including statutory designations and other heritage assets of importance or special interest.

**Development Management Policies**

37. DMC3 requires development to have a high design standard, paying attention to siting, scale, orientation in relation to existing buildings, settlement form and character and landscape setting. The use of landscaping and degree to which this makes use of boundary treatments and species suited to the locality is a consideration, as is amenity.

38. DMC4 states planning applications should provide sufficient information to allow proper consideration of the relationship between development and the settlement's historic pattern of development including the relationship of the settlement to local landscape character. Development siting should complement and not harm settlement character.
39. DMC5 confirms planning applications for development affecting a heritage asset, including its setting, must clearly demonstrate its significance and how any identified features of value will be conserved or enhanced. Supporting evidence must be proportionate to the asset's significance. Proposals likely to affect heritage assets with archaeological and potential archaeological interest should be supported by appropriate information that identifies the impacts or a programme of archaeological works to a methodology approved by the Authority. Applications failing to provide adequate information to show impact on a heritage asset and its setting should be refused.
40. DMC6 confirms that applications involving the setting of a Scheduled Monument will be determined in accordance with Policy DMC5.
41. DMC8 states applications for development that affects the setting of a Conservation Area should demonstrate how the character and appearance of the significance of the Conservation Area will be preserved or enhanced.
42. DMC11 states proposals should aim to achieve net gains to biodiversity. Reasonable measures should be taken to avoid net loss. Details of appropriate safeguards and enhancement measures for a site, feature or species of nature conservation importance which could be affected by development must be provided.
43. DMC12 states development will only be permitted where significance harm can be avoided to sites, features or species and the conservation status of the population of species or habitat concerned is maintained. The need for and benefits of development should clearly outweigh any adverse impact.
44. DMC13 requires applications to provide sufficient information to enable their impact on trees and other landscape features to be properly considered in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction – recommendations or equivalent. Trees should be protected during the course of the development.
45. DMR4 confirms facilities for riding horses will be permitted provided the development is (i) specifically designed to accommodate horses, (ii) is constructed of a scale or design, utilising materials that are appropriate to the function of the building; and (iii) is located adjacent to existing buildings or groups of buildings; and (iv) does not alter the valued landscape character by changing the landform or in any other way have an adverse impact on its character and appearance; and (v) does cause road safety problems.

## **Assessment**

### **Principle of Development**

46. Policy DS1 allows for recreation development in the countryside in principle, including keeping of horses, Policy DMR4 confirms facilities for keeping and riding horses will be permitted provided the development is (i) specifically designed to accommodate horses, (ii) is constructed of a scale or design, utilising materials that are appropriate to the function of the building; and (iii) is located adjacent to existing buildings or groups of buildings; and (iv) does not alter the valued landscape character by changing the landform or in any other way have an adverse impact on its character and appearance; and (v) is not likely to cause road safety problems.

47. The installation of a menage is therefore acceptable in principle, subject to compliance with the criteria listed under DMR4 and compliance with other policies. Consideration of design, relationship with settlement form, impact on character and landscape and matters relating to highways are set out below.

### **Design & Landscape**

48. The proposed menage measures 20m x 40m. It is proposed to be constructed by removing the top surface of the soil, installing a drainage system to connect with existing land drains, addition of a hardcore sub floor and membrane with 125mm of equestrian grade compacted silica sand. A specialist fibre additive would be installed for stability to make the surface suitable for carriage driving. A timber post and rail fence would contain the menage with 150mm kickboards around the base.
49. The applicant's supporting statement confirms they keep two miniature horses and donkeys and that they have taken up carriage driving. The donkeys and horses are also taken into the community for certain events. Due to poor weather they have been unable to work the horses as the ground has been too wet, and it has not been safe to take the carriage on the road. Both horses have experienced poor health due to lack of exercise and the applicant therefore seeks the menage to continue exercising the horses.
50. In respect of DMR4(i) the menage is considered to be designed to accommodate horses and it is recognised the applicant has a requirement for the menage.
51. Turning to DMR4(ii), it is recognised the menage is designed in respect of its function, although there are concerns regarding its scale, siting and visual impact, outlined below.
52. Addressing DMR4(v), the Highways Authority have confirmed there are no highway safety concerns.
53. DMR4(iii) and (iv) require facilities to be located adjacent to existing buildings or building groups, and to respect the valued character of the landscape. Compliance with those criteria is also considered alongside design policies GSP3 and DMC3 which require development to have a suitable siting, scale, relationship with settlement form and suitable landscaping, Policy DMC4 which relates to settlement limits, and Policy L1 which requires development to conserve or enhance the landscape character.
54. Whilst the menage adjoins the rear gardens of dwellings to the north, it is nonetheless considered to have a poor relationship with the existing settlement form and buildings. The boundary to gardens to the north forms a strong boundary to the southern edge of Hope, and the menage is distinctly separate from the properties to the north and does not share a functional relationship with them.
55. The menage is proposed in association with the keeping of donkeys and miniature horses, with there being existing small stabling structures roughly 35m to the east. Beyond those structures, the nearest dwelling to the east is Watergates which is occupied by the applicant and lies some 80-85m from the menage.
56. The menage therefore appears isolated and detached from buildings to the east with which it is associated, and as a result appears as a large and incongruous feature within the otherwise open fields, beyond the settlement edge to the south and detached from buildings to the east, where it would be served by a long track which would be extended by approximately 17m to reach the menage.
57. The menage is sited within the 'valley farmlands with villages' landscape character type which is defined as a low lying, gently undulating topography with a network of streams,

small to medium sized pastoral fields enclosed by hedgerows and dense streamline and scattered hedgerow trees.

58. This character is observed to the south of Hope, where the menage is proposed and the existing character is of agricultural fields with boundary planting to the north and the densely vegetated Peakshole Water further south.
59. Views towards the open agricultural fields can be viewed from public vantages to the south including the PRoW HP16/7. From here, the menage would be viewed beyond the existing landscaped edge of Hope, and some distance from buildings to the east.
60. Whilst the Authority's landscape Officer does not raise an objection to the installation of the menage and associated landscaping in the proposed location due to the filtered views afforded by trees lining the Peakshole Water and PRoW to the south and additional proposed landscaping, officers observed during a visit to site that the siting of the menage would be visible through trees bordering the PRoW to the south. Whilst the proposed hedgerow planting would help to filter views of the menage, this would thin during the winter and the menage would nonetheless be discernible as an isolated feature delineated by boundary planting located a distance from associated buildings to the east, with a long stretch of intervening track in between.
61. The menage would therefore be read as a somewhat isolated and incongruous large feature defined by a hedged boundary and likely glimpsed through the landscaped boundary particularly during the winter. This would be viewed within the existing landscape setting to the south of Hope, thereby altering and causing harm to the existing landscape character. Whilst the needs of the applicant and comments by the supporting representation are recognised, the siting is unfortunately considered to be inappropriate, raising conflict with relevant design and landscape policies.
62. During discussions with the applicant, Officers suggested there may be scope to locate a menage further to the east so that it has a better association with the building group and settlement pattern and appears as less of a separate and incongruous feature. However, this would involve re-siting the menage to a location outside of the application site boundary and would require a separate planning application. It would also need to be established if an amended location would be acceptable in respect of other matters such as relationship with Hope Motte, trees and the position of the oil pipeline route which passes across the fields.
63. Based on the application submitted, the scale and siting of the menage are considered to have a poor relationship with the established settlement pattern and form of Hope and surrounding building groups. The menage would appear as a somewhat isolated, incongruous form of development and would encroach into the more open landscape character to the south of the settlement.
64. The development is therefore considered to have an unacceptable design, relationship with the settlement and impact on landscape character, contrary to Policies GSP1, GSP3, L1, DMC3, DMC4 and DMR4(iii).

### **Amenity**

65. The menage is sited close to the boundary of residential gardens to the north. Whilst there have been no objections from neighbouring properties in relation to the proposed menage, Officers consider the development could be improved in respect of residential amenity through introducing improved landscaping between the menage and neighbouring gardens, in order to reduce visibility from the menage into those gardens. Such details could be secured by condition. It is noted there is some suggestion to improve planting on this boundary by the accompanying Ecological Report.



66. Subject to the above, the proposed development is not considered to conflict with Policies GSP3 and DMC3 with regards to amenity.

### **Trees**

67. The menage is sited close to existing trees which separate the proposal from neighbouring gardens to the north. The Authority's Tree Officer has confirmed an appropriate tree survey is required due to the proximity of the development to nearby trees, to include an appropriate Arboricultural Impact Assessment (AIA). Any development if approved would also likely require an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) to ensure the development does not harm neighbouring trees.
68. Whilst the Tree Officer notes the proposal could likely be achieved without harming trees, this would most likely be achieved by relocating the menage at a further distance from existing trees. As outlined earlier, re-locating the menage would require the menage to be moved to a location outside of the application boundary, which would therefore need to be considered as part of a separate application. Moving the menage further south from its current siting, would also exacerbate the poor relationship with surrounding buildings.
69. In the absence of an appropriate tree survey, it is not possible to establish the potential impact of the menage proposed as part of this application on existing trees, contrary to Development Management Policy DMC13.

### **Historic Environment**

70. The site lies west of the Hope Motte Scheduled Monument and outside of the Hope Conservation Area boundary. The Authority's Archaeologist has been consulted and has confirmed a suitable Desk Based Assessment is required to consider an assessment of the setting of the Scheduled Monument, and the potential archaeological interest of the site, as the response confirms at this stage that activity beyond the Motte and natural landform offered by Peakshole Water and its tributary cannot be ruled out.
71. At this stage, it is therefore not possible to understand whether the site possesses any archaeological interest and its relationship with the Hope Motte Scheduled Monument, and therefore the impact of the development on such assets is unclear, contrary to Policies L3, DMC5 and DMC6 of the development plan and the NPPF.

### **Ecology**

72. The application is supported by an Ecological Survey and Biodiversity Net Gains Assessment. The report confirms there are no nearby ecological sites affected by the proposals and no sensitive protected species are present on site. The site habitat is comprised of modified grassland and native hedgerow in poor condition. There is potential for breeding birds to nest in hedgerows.
73. The development is subject to the statutory 10% Biodiversity Net Gain (BNG) requirement.
74. The Authority's ecologist has accepted the submitted BNG proposals which would achieve a 14.39% net gain through retention of certain habitats and the creation and enhancement of 0.02ha of poor-condition modified grassland to moderate-condition other neutral grassland, planting of 0.0186ha of new mixed native scrub around the menage and enhancement of 0.049ha of native hedgerow with trees from poor to moderate condition.

75. The Authority's Ecologist has confirmed the BNG measures are acceptable and are not considered of a significant scale, such that it would not be proportionate to require management and monitoring of the BNG measures for 30 years. The enhancement measures outlined by Section 6 and Appendix 2 of the submitted report can be secured by conditions if permission were granted.
76. The Ecologist has confirmed all recommendations at Section 6 and Appendix 2 of the report should be conditioned and that photographs should be submitted once planting has been completed and then again in Year 3.
77. Subject to the above the application would be considered to comply with the Authority's Policies L2, DMC11 and DMC12 in respect of ecology and would be able to achieve a sufficient Biodiversity Net Gain.
78. It is recognised the Parish Council are in support of the proposed development due to the biodiversity proposals. Whilst it is recognised the proposals would not unacceptably harm biodiversity and would exceed the required 10% Biodiversity Net Gain, this does not automatically override other policy requirements and it is not considered that this would outweigh the harm identified in respect of the siting and scale of the menage and relationship with existing development.

### **Conclusion**

79. The proposed menage is considered to have an inappropriate design and landscape impact by virtue of its scale, siting and relationship with the settlement form and existing buildings, contrary to Policies GSP1, GSP3, L1, DMC3, DMC4 and DMR4.
80. The application also provides insufficient information to enable an assessment of the impact on trees contrary to Policy DMC13, and to enable an understanding of the potential archaeological significance of the site and relationship with the setting of Hope Motte, contrary to Policies L3, DMC5 and DMC6.
81. The application is therefore recommended for refusal.

### **Human Rights**

82. Any human rights issues have been considered and addressed in the preparation of this report.
83. Report Author: Hannah Freer, Planner, North Area Planning Team.