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Item No: 7.3

Application: 222262

Applicant: Mrs Lisa Spence

Agent: Mrs Mandy Sexton

Proposal: Change of Use for a Education Centre and Welfare Facility building and Two Client & Student Accommodation pods

Location: Hushwing Farm, Mount Bures Road, Wakes Colne, Colchester, CO6 2AP

Ward: Rural North

Officer: Chris Harden

Recommendation: Approval

1.0 Reason for Referral to the Planning Committee

- 1.1 This application is referred to the Planning Committee because it has been called in by Cllr Sunnucks who states “This has been called in at the request of the Parish Council and the owners of a neighbouring property. Although the expansion of rural businesses should be supported there have to be serious questions about adding a dwelling to the site. The neighbours are complaining about noise, surface water run-off, human and animal liquid waste.”

2.0 Synopsis

- 2.1 The key issues for consideration are the principle of the additional elements to the equestrian business along with the visual impact upon the rural surroundings, highway safety, residential amenity, vegetation and wildlife.
- 2.2 The application is subsequently recommended for approval. It is considered that the buildings and their uses has been justified having regard to the needs of the long-established equestrian business. It is considered the proposal is acceptable in highway safety terms including consideration of the overall intensity of use of the site. The location, design, scale and form of the buildings would respect the character of this part of the countryside and is well related to the existing complex, subject to appropriate conditions. There are no residential amenity, vegetation or wildlife concerns and the Public Footpath is not affected subject to an appropriate informative.

3.0 Site Description and Context

- 3.1 The site lies within the countryside and was previously part of Hammonds Farm and formerly known as Meadow Green Farm. It is now called Hushwing Farm and has an approved equestrian use and lies adjacent to the remainder of Hammonds Farm.

4.0 Description of the Proposal

- 4.1 The proposal is for the change of use to provide for an education centre and welfare facility building and two client and student accommodation pods, all associated with the existing equestrian use on the site. It is proposed that a 10 metre long 6 metre wide, single storey, timber-framed and weatherboard clad outbuilding with a pitch roof be built close to the manège. It would be used by both the staff and the clients as an office/staff room and kitchen for the staff, WC and showers for the staff and clients and a room for use in bad weather, dining and as a class and meeting room for educational purposes.
- 4.2 Two glamping pods are proposed to be sited south of the manège adjacent to the grass mound on the boundary with Hammonds Farm. The applicant states that “the pods would allow for occasional overnight accommodation for clients and students who would normally commute, drive from afar and stay at accommodation off site.” The pods would be prebuilt timber framed structures erected on temporary foundations.

4.3 The applicant also states that once the owner's dwelling has been built (application 222261 recommended for approval at this Committee) the existing mobile caravans would be kept for the occasional use for staff accommodation during special events or when the horses require additional 24 hour care. The owners would move out of the existing mobile caravans temporarily granted approval and into the new dwelling.

4.4 In support of the application the applicant has made the following points.

- The present owners purchased the farm in June 2020 at the same time that planning was granted for a change of use to an equestrian school and livery stables. The equestrian business has been thriving whilst the owners have been living and working in two mobile caravans sited next to the stables.
- Demand for the equestrian services has been great and despite being hampered by Covid have been able to triple turnover since moving to the new site.
- Since the move to Hushwing Farm and the ability to grow our business we are now able to host BHS assessments which are accredited by BHSQ. This is an awarding body recognised and regulated by the office of the qualifications and examinations regulator (Ofqual) in England, SQQ accreditation in Scotland, Qualifications Wales, Work Based Diplomas, Equestrian Tourism and Equestrian Coaching qualifications. We have been approved to run assessments to stage 4 level and are the only centre in the whole of East Anglia offering this provision.
- The business also has a number of competition horses at livery of high value (in excess of £25k each) and high in maintenance, similar to those in the racing industry. The nature of the high level of endurance required makes the need for 24-hour supervision essential. The Applicant's licence with the Colchester City Council Animal Welfare (Licensing of Activities Involving Animals) (England) Regulations 2018, states that on site supervision is required and stipulates that 24h hour supervision is highly recommended to maintain a high standard of care for the horses.
- The risk of colic (a stomach impaction common in horses due to the extreme length of their intestines) is high in these types of horses. This makes on site accommodation essential for both her and staff to cover the applicant's absence, and annual leave of which we are all entitled.
- Lisa Spence also runs her own livery business, Lisa Spence coaching and livery from Hushwing farm, which this year posted a significant increase on its profit. It also employs one full time member of staff.

- Moving the student pods further from the car park and to another area of the site would make access for the less able prohibitive, not to mention the further upheaval of amenities that would require. The current locations allow for easy access to water and electric as well as the foul drainage which is already in situ.

4.5 In addition, in response to initial concerns raised by the County Highway Authority about levels of traffic generation, the applicant has submitted the following details:

- The number of horses at Hushwing Farm has not changed since our arrival. We sit currently at 17 horses. We have 12 stables inside the current barn and the last two winters has proven that the clay soil does not lend itself to 24 hour turnout for the horses and it has been difficult to maintain their welfare to the level we strive to achieve. The barn which already had permission, seems to be the obvious place to put in some additional internal stables to allow the horses to be housed in the wet winters. This will not generate more traffic or business.
- The Highways officer mentions the holding of events and competitions. We only hold small in-house competitions for our current clients, predominantly on our own horses that live on site. These are not open to those that are not current registered clients of Hemps Green Equestrian. The East Essex hunt meetings held at Hammonds farm and access via our drive and are nothing to do with our business and the cross country course hire advertised by the East Essex Hunt at Hammonds Farm which is open to public from April to October, including the ladies day meet attracting some 80 plus horseboxes, was not in any way linked to Hemps Green Equestrian Ltd. Therefore this traffic cannot be linked with our planning application.
- There was some concern over the number of employees we have generated since being here. This has increased by two from the number employed at our previous residence, Hemps Green Barn, where the equestrian centre started 10 years ago, just 500 yds down the road. We do our best to reduce traffic with car shares for some of our younger staff. We have encouraged the apprentices to arrive by train. The last apprentice to complete under my training completed her entire apprenticeship by using the Sudbury to Chappel rail link.
- There has been some concern over my husband's fencing business and what additional traffic that it may bring. I can confirm his business has not changed over the last 20 years and if anything has slightly reduced in output. His business does little more than store materials and of that it is a very small quantity as most of the fencing materials get delivered direct to site. He does not employ anyone and plans to continue to be a sole trader working alone. The query over delivery vehicles is understandable, but due to our larger site and greater facility to store materials, as well as the significantly improved access and turning ability, we have been able to hugely reduce regularity of delivery.

- Since we purchased Hushwing Farm nearly two and a half years ago, the erection of an additional stable yard has been built on the field opposite our site. The additional traffic to the stables via my driveway, is not linked to my business in any way. I do not believe either of the stable blocks erected and sublet went through the planning process, and it would seem unfair that some of the traffic generated by these additional liveries are being considered as Hushwing Farm traffic.
- Student Pods: Allow students to come for several days at a time and to significantly reduce the toing and froing of vehicles. We are within easy walking distance from the local public house, the Thatchers, and bikeable distance from Bures town and the local post office stores at Chappel. We will ensure in our business plan that bikes are available for students to use to allow easy access traffic free to these locations.

4.6 There is an associated application (222261) for erection of a new 3 bedroomed dwelling for the owners of the equestrian business. This application is also to be presented to the Committee and is recommended for approval.

5.0 Land Use Allocation

5.1 Countryside/Equestrian

6.0 Relevant Planning History

6.1 200964 Change of use to equestrian school and livery stables. Complete the conversion of hay barn to stables – further alterations to proposed doors, openings and finishes of buildings now under construction and originally consented to under application no 120484. Build approved hay barn to store hay and machinery. Extend hardstanding and entrance track for access, turning and parking. New managed and lunge pen. Siting of temporary mobile home and office. Approved

172806 Extensions to existing building to form hay barn and rest facilities, creation of a manege, lunge pen and erection of horse walker for equine breeding unit following approval 120484 for a stud farm. Stationing of caravan/temporary accommodation for owners of the equine unit (AMENDED DESCRIPTION). Withdrawn.

120484

15/03/2012 -

Land at, Meadow Green Farm, Mount Bures Road, Wakes Colne Colchester CO6 2AP

Formation of a Stud Farm comprising a Change of Use of land and redundant livestock building to equestrian use, minor alterations to the building to form stabling, provision of manege, minor extension of existing access track and A mobile home was also given a temporary permission.

Approved After Appeal - 15/01/2013

090546

22/04/2009 - Full (8 Week Determination)

Land at Hammonds Farm, Hemps Green, Fordham Colchester CO6 3LS

Change of use of agricultural building into stables to include
opening up of footpath route and provision of hardstanding.

Refuse - 16/06/2009

Appeal dismissed- not sufficient evidence of economic benefit. Might need dwelling.

7.0 Principal Policies

7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.

7.2 Local Plan 2017-2033 Section 1

The shared Section 1 of the Colchester Local Plan covers strategic matters with cross-boundary impacts in North Essex. This includes a strategic vision and policy for Colchester. The Section 1 Local Plan was adopted on 1 February 2021. The following policies are considered to be relevant in this case:

- SP1 Presumption in Favour of Sustainable Development
- SP2 Recreational disturbance Avoidance and Mitigation Strategy (RAMS)
- SP3 Spatial Strategy for North Essex
- SP4 Meeting Housing Needs
- SP5 Employment
- SP7 Place Shaping Principles

7.3 Local Plan 2017-2033 Section 2

Section 2 of the Colchester Local Plan was adopted in July 2022. The following policies are of relevance to the determination of the current application:

SG1 Colchester's Spatial Strategy
SG2 Housing Delivery
SG3 Economic Growth Provision
SG4 Local Economic Areas
SG7 Infrastructure Delivery and Impact Mitigation
SG8 Neighbourhood Plan
ENV1 Environment
ENV3 Green Infrastructure
ENV5 Pollution and Contaminated Land
CC1 Climate Change
OV1 Development in Other Villages
OV2 Countryside
DM1 Health and Wellbeing

- DM2 Community Facilities
- DM3 Education Provision
- DM4 Sports Provision
- DM5 Tourism, leisure, Culture and Heritage
- DM6 Economic Development in Rural Areas and the Countryside
- DM7 Agricultural Development and Diversification
- DM9 Development Density
- DM10 Housing Diversity
- DM12 Housing Standards
- DM14 Rural Workers Dwellings
- DM15 Design and Amenity
- DM16 Historic Environment
- DM17 Retention of Open Space
- DM18 Provision of Open Space and Recreation Facilities
- DM19 Private Amenity Space
- DM20 Promoting Sustainable Transport and Changing Travel Behaviour
- DM21 Sustainable Access to development
- DM22 Parking

- 7.4 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

- The Essex Design Guide
- External Materials in New Developments
- EPOA Vehicle Parking Standards
- Community Facilities
- Open Space, Sport and Recreation
- Sustainable Construction
- Cycling Delivery Strategy
- Managing Archaeology in Development.
- Developing a Landscape for the Future

8.0 Consultations

- 8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.
- 8.2 Highways Authority initially raised concerns about overall volume of traffic but, following submission of extra details from the applicant, as outlined in detail above has no objections to the scheme and states the following:

From a highway and transportation perspective the impact of the proposal is acceptable to Highway Authority subject to the following mitigation and conditions:

The proposed temporary accommodation hereby approved shall not be occupied other than for employment or onsite educational purposes and shall not be used as a sole or main place of residence or holidays/short stays etc. The owner shall maintain an up-to-date register of names and addresses of the occupiers of the temporary accommodation, together with their dates of

occupation and shall make the register available to the Local Planning Authority upon request.

The development shall not be occupied until such time as an appropriate number of bicycles together with a suitable parking and storage facility of a design that shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter for use by those using the temporary accommodation.

The development shall not be occupied until such time as details of public transport facilities (taxis, timetables and locations of bus stops etc), walking and cycling being prominently displayed in public or communal areas and regularly updated and maintained in perpetuity within the site, which shall be approved by Local Planning Authority.

Informative1: The public's rights and ease of passage over Public Footpaths No.31 & 34 (Mount Bures) shall be maintained.

Informative2: All work within or affecting the highway is to be laid out and constructed by prior arrangement.

8.3 Environmental Protection has raised no objections.

8.4 Contaminated Land Officer states:

The above named report is acceptable for the purposes of the Environmental Protection team and the conclusions seem reasonable based upon the information provided.

Should planning permission be granted for this application, the following condition will apply:

Reporting of Unexpected Contamination

8.5 Landscape officer has "No landscape objections."

8.6 Natural England: Standard advice and Habitats Regulation Assessment required.

8.7 The Ramblers state: "Make a general observation
Comment: The routes of Public Rights of Way 31 (clearly shown on the plans) and 34 (not so obvious) should remain open and safe to use during and after any works. It is understood that dogs and washing lines adjacent to the caravans have unnerved some footpath users and this application is seen as a good time to address this."

9.0 Parish Council Response

9.1 Mount Bures Parish Council “ Make a general observation:

The Parish Council has no difficulty with the applicants wishing to develop their business including the proposed education and welfare centre.

However, the proposed new building for the centre is very close to the boundary with Hammonds Farm (Mount Bures) with possible noise and other impacts and it is not clear from the documentation why it needs to be in this position although we accept there might be good business needs. This should be sited where it will have least impact on neighbouring properties while meeting business needs, and additional screening should be considered to mitigate any adverse impact.

The move to providing overnight accommodation for students and staff (beyond what is needed to look after the horses) is a very significant development. The Parish Council would have thought that in terms of the economic benefit to the wider community, it would be preferable if students and staff were using accommodation in the wider locality, which would also avoid more buildings/caravans/glamping pods in the countryside affecting the amenity of local residents and those walking along footpaths across the area. If there are concerns that insufficient accommodation is currently available within a reasonable distance, then the Parish Council could only support accommodation on site if it is temporary or time limited allowing regular review against the availability of hotel, bed and breakfast and rented accommodation nearby.

The Parish Council would like to suggest that any permanent staff accommodation could be included within the development of the new dwelling. (i.e an annex perhaps?) The Parish Council is also concerned about the retention of the caravans, which are generally an eyesore.

If the house is needed because people have to be on site overnight, it is difficult to see why caravans should also be needed for the same purposes.

However, the Parish Council accept that there may be good temporary reasons why they are needed so would be content to support a further temporary extension but not permanent retention.

Finally, while we have been very understanding about the impact of the caravans on the use of Footpath 34 while the business has been establishing, if the caravans are to be retained in their current positions and a new dwelling built then all current fences and gates impeding the passage of members of the public along the correct line of Footpath 34 must be removed. (And the Parish Council would like to note that the line of Footpath 34 has not been clearly marked on the plans and no mention has been made of this in the documents submitted.)”

9.2 Wakes Colne Parish Council “Make a general observation:

- Wakes Colne Parish Council has requested that this application be determined by the CBC Planning Committee rather than through Officers delegated powers.
- The application site is beyond the village settlement boundary.
- Concerns were raised regarding a potential increase in traffic movements in a narrow lane with few appropriate passing places.
- That suitable provisions should be addressed to mitigate any detrimental effects to both adjoining neighbours and the wider countryside setting.
- Specific business needs for the new accommodation should be adequately demonstrated.
- The existing footpath should remain unhindered and any concerns raised by Ramblers and other users addressed.

10.0 Representations from Notified Parties

10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council’s website. However, a summary of the material considerations is given below.

10.2 3 letters of objection have been received which make the following points:

- 1a. Development of education centre and client accommodation is situated in close proximity to Hammonds Farm. Development will negatively impact on those neighbour’s residential amenity particularly with regard to privacy, security, noise, disturbance and pollution in breach of Policy DM15 (v) and Policy DM5.
 - b. Applicants have failed to explain how two ‘glamping pods’ will make a positive contribution to neighbouring area and biodiversity in compliance with Policy DM5.
 - c. Site is only safely accessible by way of private motor vehicle and thus fails to comply with further provision of DM5 which requires that leisure / tourism facilities should be accessible by a choice means of transport.
 - d. Applicants have failed to provide any justification as to why they require the retention of the mobile dwelling The applicants have failed to demonstrate how the retention of the mobile home complies with Policy DM14.
 - e. Layout for the proposed education centre places further development on the eastern edge of the site leading to a cramped and overbearing bulk of buildings overlooking Mr & Mrs Barr’s property. Proposal therefore fails to comply with Policy DM15 (i)
4. Application should be assessed in line with the NPPF and adopted Local Plan.
 5. No justification as to why there should be a departure from the adopted Local Plan.
 6. Main policies that should be considered in connection with this application are SG1, OV1 OV2 DM14 DM5 DM15.
 7. Retention of Mobile home: Council are asked to review the objection letter filed under the Dwelling Application.

8. Applicants have failed to evidence why entitled to retain the temporary rural worker's dwelling (let alone erect a further 5 bedroom rural worker dwelling). The Local Plan has clear policy in connection with rural worker's dwelling (Policy DM14) which should be attributed full weight in this instance.

9. Applicant has failed to reference or address Policy DM14 so permission for the retention of the mobile home as a permanent dwelling should be refused.

10. Education Centre & Pods: noted that the education centre will contain wash facilities and a kitchen: concern that the education centre will end up being used by the Applicants for residential purposes.

11. The bulk, scale and location of the education centre is also objected to. Noted Applicants are seeking to concentrate development of both the education centre and pods at the eastern boundary between the application site and Hammonds Farm as opposed to being located to the western side of the site where the Applicants propose to construct their dwelling.

12. Large education centre with holiday accommodation will come at the expense of the amenity enjoyed by the occupiers of Hammonds Farm. Whilst the principle of the education centre and pods are objected to, if the council were minded to grant permission in principle, it is requested that the centre and pods be reallocated to the western side of the menage away from Hammonds Farm.

13. The Applicants have also failed to demonstrate how the proposal complies with Policy DM5.

14. Policy DM5 goes on to provide that any leisure or tourism development should be accessible by a choice means of transport. In the current case the centre and pods are only accessible by private vehicle or taxi. Acknowledged by the applicants in Design & Access Statement who advise that the nearest bus stop is a 10minute walk away (this walk being on unlit roads with no pavements).

15. Increase traffic volume to the area. The access track to the application site granted permission under application ref 080562 provides the existing surface should be retained to allow the track to blend in with the rural land. Given increase in traffic, anticipated that applicants will not be able to comply with this condition and track will need to be resurfaced.

16 impacts on the occupiers of Hammonds Farm:

a. Surface & Foul Water: further buildings and non-permeable surfaces will have impact on the running ditch between the boundary that separates application site and Hammonds Farm as well as increased water discharge in connection with proposed intensification of the applicants' business. Running ditch has at times struggled to cope with the water that is drained from the Applicant's menage and hardstanding (that is now 40% larger than was originally applied for). Introduction of further development (which includes 4 dwellings) risks overfilling a ditch that was previously only meant for drainage from agricultural land which has the potential to lead to flooding onto Hammonds Farm and the amenity space of Mr & Mrs Barr. Concerns that the Applicants are discharging foul waste into this ditch in breach of environmental health legislation.

b. Noise: Applicants have to date refused to use headsets to coach customers on the site. This has resulted in a considerable amount of noise pollution during the day (7 days a week as well as bank holidays) as the Applicant and other instructors are constantly heard shouting or using loudspeaker systems during lessons in order to make themselves heard across the distance of the menage. Concern that noise pollution will increase (both in terms of volume and duration) with intensification of business and the introduction of clients staying overnight. Matter exacerbated as applicants have failed to satisfy previous condition to

plant Hornbeam on eastern side of application site where a bund is not present (see condition 6 of planning application ref 202396).

17. Light pollution.

18. Events wider than registered clients.

19. Need for another hay store?

20. Annex at Hammonds Farm houses office

10.3 Two letters of support state:

- Have been a client of Hemp Green /Hushwing Farm for a considerable length of time. Attend centre 2 to 3 times a week for training on my own horse. On every private mounted training session, I have always been required by the instructor to wear headsets provided by the centre which acts to aid my own hearing of instructions without the instructor having to use a raised voice. I have never had a mounted session without being required to use this equipment. I much prefer this system and have never heard my instructor shout and cause noise pollution. Outdoor sports are a vital part of our community.
- Having suffered with mentor Heath I benefit greatly by having a training centre like Hushwing that is easily accessible to myself and other members of my family.
- Learning centre will be a great addition to the facilities. Hushwing already hosts British Horse Society accredited qualifications which are recognised the world over.
- My own son already having taken advantage of the learning opportunity's the centre is providing which also motivated him to follow a career at a higher level within the industry, however there is a lack of indoor warm dry space for the classroom based learning. No facilities currently to be able to enjoy a warm drink after training, there is limited adequate toilet facilities and nowhere to make a change of clothing in severe weather.
- Staff at the centre go over and above to make clients comfortable and welcome but I can see that this is a constant challenge within limited facilities at present.
- What a great place to visit but much in need of up to date facilities for the comfort of clients, staff and proprietors.
- Well thought out application.
- Given all the disruption following COVID, it is impressive to see a local business thriving.
- Further visitors to local area brings additional money to area's existing businesses. Could benefit local pubs and campsites alike.
- Equestrian activities are very popular and having an exceptional local facility such as this is an asset to the area for sure.

11.0 Parking Provision

11.1 8 parking spaces plus hard surfaced areas and manoeuvring areas and tractor and storage hard surfaces.

12.0 Accessibility

- 12.1 With regards to the Equalities Act, the proposal has the potential to comply with the provisions of Policy DM21 (Sustainable Access) which seeks to enhance accessibility for sustainable modes of transport and access for pedestrians (including the disabled), cyclists, public transport and network linkages.

13.0 Open Space Provisions

- 13.1 N/A

14.0 Air Quality

- 14.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

15.0 Planning Obligations

- 15.1 This application is not classed as a “Major” application and therefore there was no requirement for it to be considered by the Development Team. Contributions will be sought via a Unilateral Undertaking.

16.0 Report

Principle

- 16.1 The proposal relates to an existing business that lies within the countryside. In terms of the principle of the proposals, the NPPF remains supportive of the rural economy and this equestrian business is beneficial to the rural economy. The proposals are considered to potentially be an important element of the established equestrian business. NPPF Para 84 indicates that decisions should support sustainable growth and expansion of all types of business. It states:

NPPF Para 84. Planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;*
- b) the development and diversification of agricultural and other land-based rural businesses;*
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; ...*

- 16.2 Para 85 of the Framework also recognises the importance of businesses in rural areas including those in areas not particularly well served by public transport and also emphasises the importance of businesses being sensitive to their surroundings. It states:

Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by

public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable.

16.3 Local Plan Policy DM6 also supports businesses in rural areas, including their expansion and confirms that businesses in rural areas can help “ensure local residents have access to local job opportunities without the need to travel.” Local Plan Policy SP5 promotes a strong and sustainable economy and Policy SG3 aims to encourage economic development, including on existing sites with permission.

16.4 In addition, Local Plan Policy DM5 states:

“Development for new and extended visitor attractions, leisure, cultural and heritage facilities along with visitor accommodation (including hotels, bed and breakfast accommodation, self-catering accommodation, holiday lodges, static and touring caravans and camping sites) will be supported in suitable locations subject to minimising their impact on neighbouring areas.

Proposals for tourism, leisure, culture and heritage development should be appropriate in scale and function to the surrounding area; be accessible by a choice of means of transport; and not cause significant harm to the amenity of people living and working nearby.”

16.5 With regard to the uses of the buildings proposed, it is considered adequate justification has been put forward to show how they are required to help sustain the business having regard to the above policies. It is clear that the existing business has become an important equestrian facility and the related education facility and accommodation proposed will relate directly to the equestrian business and help sustain its long-term future and provide an important service as well. The potential for staff and students to temporarily stay on site when necessary has been justified in terms of reducing travelling and also for the welfare of the horses, as clearly explained in the applicant’s submitted details. This permission would not grant permanent residential accommodation on the site. The requirements of Policy DM14 and settlement policies outlined in the Local Plan and NPPF have been considered in this respect.

16.6 To summarise the principle of the development having regard to the above policy background, it is clear that the NPPF and the adopted Local Plan are strongly supportive of sustaining and encouraging all types of business enterprise in rural areas which would include equestrian/leisure facilities. However, this is subject to the business being compatible with location with careful regard being given to the impact upon issues such as highway safety, neighbouring residential amenity, the character of the countryside and wildlife. These issues will be discussed below.

16.7 It should be noted that the provision of new dwellings in the countryside is strictly controlled by adopted Local Plan settlement policies but that is not what is being proposed for this application.

Highway Issues

- 16.8 The scheme is considered acceptable in terms of consideration of highway issues. Following the submission of the additional details, as outlined in detail at the start of this report, the Highway Authority has raised no objections. It is concluded that the additional uses and buildings proposed would not result in such a significant increase in vehicular traffic to the site that would warrant a refusal having regard to the impact upon highway safety including upon the surrounding highway network. The business has been established for many years, including at another nearby site from which it has moved. Importantly, Para 111 of the NPPF states that "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." It is not considered there would be a severe impact upon the road network and that there would not be a detriment to highway safety. The existing, adequate accessway to the site would be utilised.
- 16.9 There is considered to be adequate parking and manoeuvring provision on site having regard to Policy DM22. The conditions recommended by the Highway Authority will be applied including occupation of the buildings proposed, storage of bicycles and details being available of alternative sustainable travel options being provided. An informative ensuring the public footpaths should remain unobstructed will be applied as suggested by the Highway Authority.
- 16.10 Subject to these conditions the proposal would therefore accord with the provisions of Para 111 of the NPPF and Local Plan policies, including DM22 which concerns parking provision and the associated adopted parking standards. The nearby Public Footpath is not affected by the proposal and the informative will be applied to ensure that it should remain unobstructed will be applied.

Layout, Design, Scale, Form and Landscape impact:

- 16.11 In considering the layout, design, scale, form and layout of the proposal, policies DM15 and SP7 are relevant. These policies seek to secure high quality and inclusive design in all developments, respecting and enhancing the characteristics of the site, its context and surroundings.
- 16.12 It is considered that the location design, scale and form of the proposed buildings is acceptable within the local environment. The buildings are all single storey and positioned to the rear of the site with a backdrop of vegetation and the generally modern farm buildings of Hammonds Farm. They would therefore be relatively close to existing buildings on the site and on the adjacent Hammonds Farm to ensure that they do not appear isolated or unrelated to the overall complex. All are set well away from the nearest Listed Building to avoid adversely affecting its setting.
- 16.13 In terms of the specific buildings, the existing mobile homes are relatively unobtrusive and positioned directly adjacent to farm buildings. Whilst they are low lying, it is considered their external elevations could be improved by a more sympathetic finish (potentially darker) so a condition will be applied

to secure the submission of such details. This will ensure they blend in more satisfactorily when viewed from outside the site. Similarly, a condition to secure details of the external finishes and materials of the modestly scaled education building will also be recommended to be applied.

- 16.14 The footprints of the student pods have been shown on a submitted plan and an example of such structures has been submitted. They are modest in size and generally unobtrusive in the countryside. However, it is considered a condition should be applied to ensure the pods are located in the positions shown, do not exceed the footprint on the submitted plans and accord with the submitted elevation details. This will ensure that any structure erected is contextually sympathetic to the surroundings.
- 16.15 Overall, subject to the above-mentioned conditions, including a landscaping condition, the scheme is therefore considered to accord with Policy SP7 and DM15 as it is considered to respect the character of the site and surroundings and would not undermine the character of this part of the countryside or impact upon heritage assets (DM16).

Residential amenity

- 16.16 It is not considered that the proposed buildings and their uses would have any significant impact upon neighbouring residential amenity, including having regard to the overall intensity of use of the site. Owing to the intervening distance of the buildings from the neighbouring dwelling and its residential curtilage, which is beyond farm buildings, it is considered the use of the buildings would not result in a noise disturbance. Whilst they would be close to the neighbouring boundary the nearest neighbouring dwelling is set well away. The concerns raised by neighbours in this respect have been carefully considered and Environmental Protection have raised no objections. If the neighbouring occupants continue to have concerns about noise from the site there is the option for Environmental Protection to assess this under the Statutory Nuisance legislation. However, it is not considered the structures and uses proposed under this application would result in a significant change to the noise generated on the site.
- 16.17 It should be noted that the Inspector who granted an equestrian use of the site on appeal did not apply any restriction upon the hours of use by condition. However, the use of the outdoor riding area is limited by hours of daylight which is quite early in winter times.
- 16.18 With regard to other potential residential amenity impacts, the proposed development would not appear overbearing on the outlook of neighbours. Similarly, there are no concerns regarding loss of light. The parking and manoeuvring areas are located well away from the neighbours dwelling so there should not be any material noise or disturbance impact in this respect. A condition can be applied to control hours of construction, as suggested by Environmental Protection.

Other

- 16.19 Finally, in terms of other planning considerations, the proposed development does not raise any concerns. There is no impact upon vegetation of significance or upon wildlife (Policy Env 1).
- 16.20 An 'Unexpected Contamination' condition will be applied to cater for this eventuality.
- 16.21 A foul and surface water drainage condition will be applied having regard to the concerns raised by neighbours.

17.0 Planning Balance and Conclusion

- 17.1 It is considered that the buildings and their uses has been justified having regard to the needs of the long-established equestrian business. It is considered the proposal is acceptable in highway safety terms including consideration of the overall intensity of use of the site. The location, design, scale and form of the buildings would respect the character of this part of the countryside and is well related to the existing complex, subject to appropriate conditions. There are no sustainable objection on grounds of residential amenity, vegetation or wildlife concerns and the Public Footpath is not affected subject to an appropriate informative.

18.0 Recommendation to the Committee

- 18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following conditions:

1. ZAA - Time Limit for Full Permissions

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. ZAM – Development in accordance with Approved Plans.

The development hereby permitted shall be carried out in accordance with the details shown on the submitted Drawing Numbers: 110, 111, 106 Rev D Rec'd 14.9.22.

Reason: For the avoidance of doubt and to ensure that the proposed development is carried out as approved.

3. ZBC – Materials to be agreed

No external facing or roofing materials shall be used in the construction of the development hereby permitted until precise details of the manufacturer, types and colours of these have been submitted to and approved, in writing, by the Local Planning Authority. Such materials as may be approved shall be those used in the development.

Reason: In order to ensure that suitable materials are used on the development as there are insufficient details within the submitted planning application.

4. ZFI- Tree or shrub planting

The development hereby permitted shall not be occupied until details of tree and/or shrub planting and an implementation timetable have been submitted to and approved, in writing, by the Local Planning Authority. This planting shall be maintained for at least five years following contractual practical completion of the approved development. In the event that trees and/or plants die, are removed, destroyed, or in the opinion of the Local Planning Authority fail to thrive or are otherwise defective during such a period, they shall be replaced during the first planting season thereafter to specifications agreed in writing with the Local Planning Authority. (*see informative).

Reason: To ensure an appropriate visual amenity in the local area.

5. Z00 - Reporting of Unexpected Contamination

In the event that historic land contamination is found at any time when carrying out works in relation to the development, it must be reported in writing immediately to the Local Planning Authority and all development shall cease immediately. Development shall not re-commence until such times as an investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority, and where remediation is necessary, a remediation scheme has been submitted to and approved in writing by the Local Planning Authority. Development shall only re-commence thereafter following completion of measures identified in the approved remediation scheme, and the submission to and approval in writing of a verification report. This must be conducted in accordance with all relevant, current, best practice guidance, including the Essex Contaminated Land Consortium's 'Land Affected by Contamination: Technical Guidance for Applicants and Developers'.

Reason: The site lies on or in the vicinity of where there is the possibility of contamination.

6. Z00 – Temporary Accommodation

The proposed temporary accommodation (mobile homes, welfare centre and student pods) hereby approved shall not be occupied other than for employment or onsite educational purposes relating to the existing equestrian use and shall not be used as a sole or main place of residence or holidays/short stays etc. The owner shall maintain an up-to-date register of names and addresses of the occupiers of the temporary accommodation, together with their dates of occupation and shall make the register available to the Local Planning Authority upon request.

Reason: To prevent the generation of unnecessary traffic in the interests of highway safety.

7. Z00- Bicycle storage

The development shall not be occupied until such time as an appropriate number of bicycles together with a suitable parking and storage facility of a design that shall be approved in writing with the Local Planning Authority. The approved facility shall be secure, convenient, covered and provided prior to the first occupation of the proposed development hereby permitted within the site which shall be maintained free from obstruction and retained thereafter for use by those using the temporary accommodation.

Reason: To promote the use of sustainable means of transport.

8. Z00 – Travel Packs

The development hereby approved shall not be occupied until such time as details of public transport facilities (taxis, timetables and locations of bus stops etc), walking and cycling being prominently displayed in public or communal areas and regularly updated and maintained in perpetuity within the site, which shall be approved in writing by Local Planning Authority.

Reason: In the interests of reducing the need to travel by car and promoting sustainable development and transport.

9. Z00- Foul and Surface Water Drainage

Prior to first use of the buildings hereby approved precise details of foul and surface water drainage shall be submitted to and agreed in writing by the Local Planning Authority. The approved details shall be provided prior to first occupation of the buildings hereby approved and shall thereafter be retained as such whilst the buildings are in occupation.

Reason: To ensure the provision of appropriate foul and surface water drainage.

10. Z00- Construction Hours

No construction deliveries to or from the site, worker vehicle movements, or construction work shall take place outside of the following times;

Weekdays: 08.00 – 18.00

Saturdays: 08.00 – 13.00

Sundays and Bank Holidays: none

Reason: To ensure that the construction phase of the development hereby permitted is not detrimental to the amenity of the area and/or nearby residents by reason of undue noise at unreasonable hours.

11. Z00 - Boundary Details

The development hereby permitted shall not come in to use until details of the provision, siting, design and materials of any screen walls and fences required have been submitted to and agreed, in writing, by the Local Planning Authority.

Reason: There are insufficient details within the submitted application to ensure that the boundary treatments are satisfactory in relation to visual amenity.

12. ZIR- Vehicle Parking

Prior to the first occupation of the development, the vehicle parking area indicated on the approved plans, shall have been hard surfaced, and made available for use to the satisfaction of the Local Planning Authority. The vehicle parking area shall be retained in this form at all times and shall not be used for any purpose other than the parking of vehicles that are related to the use of the development. Reason: To ensure that there is adequate parking provision to avoid on-street parking of vehicles in the adjoining streets in the interests of highway safety.

13. Z00 – Existing Mobile Homes

Prior to the revised first use of the existing mobile homes precise details of works to improve their external appearance shall be submitted to and agreed in writing by the local planning authority. The approved details shall be implemented prior to first revised occupation of the mobile homes and shall thereafter be retained as such.

Reason: To ensure compliance with local planning policy which seeks to protect the character of the countryside.

14. Z00 – Student Pods

The footprint of the student pods hereby approved shall not exceed that shown on the approved plans and the pods shall be located in the positions shown and accord with the submitted elevation details.

Reason: For the avoidance of doubt as to what has been considered and approved and in the interests of visual and residential amenity.

19.0 Informatives

19.1 The following informatives are also recommended:

1. Highway Informatives

The public's rights and ease of passage over Public Footpaths No.31 & 34 (Mount Bures) shall be maintained free and unobstructed at all times and there shall be no access for any construction activities from the footpaths.

All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works.

The applicants should be advised to contact the Development Management Team by email at development.management@essexhighways.org.

2. ZT0 – Advisory Note on Construction & Demolition

The developer is referred to the attached advisory note *Advisory Notes for the Control of Pollution during Construction & Demolition Works* for the avoidance of pollution during the demolition and construction works. Should the applicant require any further guidance they should contact Environmental Control prior to the commencement of the works.

3. ZTA - Informative on Conditions Stating Prior to Commencement/Occupation

PLEASE NOTE that this permission contains a condition precedent that requires details to be agreed and/or activity to be undertaken either **before you commence the development or before you occupy the development**. This is of critical importance. If you do not comply with the condition precedent you may invalidate this permission and be investigated by our enforcement team. Please pay particular attention to these requirements. To discharge the conditions and lawfully comply with your conditions you should make an application online via www.colchester.gov.uk/planning or by using the application form entitled 'Application for approval of details reserved by a condition following full permission or listed building consent' (currently form 12 on the planning application forms section of our website). A fee is also payable, with the relevant fees set out on our website.