



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 19/05/20

gan C MacFarlane BSc(Hons) MSc
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 01.06.2020

Appeal Decision

Site visit made on 19/05/20

by C MacFarlane BSc(Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Date: 01.06.2020

Appeal Ref: APP/T6850/A/19/3239758

Site address: Land near to Tyn y Celyn Farm, Llangedwyn, Llanfechain, Powys SY10 9LN

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Tom Cox (Tom Cox Ltd) against the decision of Powys County Council.
 - The application Ref 18/1192/FUL, dated 6 December 2018, was refused by notice dated 13 August 2019.
 - The development proposed is described as construction of a manege for private equestrian use and change of use of an agricultural building to equestrian use.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the development proposed has been amended by the Council, with the agreement of the appellant, to 'construction of a manege for equestrian use and change of use of an agricultural building to equestrian use at Land Near to Tyn Y Celyn Farm, Llangedwyn, Llanfechain, Powys SY10 9LN'. This reflects the description contained within the Council's decision notice and the appeal form. I consider this to be a more accurate description of the proposal and have determined the appeal on this basis.
3. The appellant's submission states that the building is currently being used to provide accommodation for horses, which I observed at the time of my visit. I also noted that construction of the manege has not commenced.

Main Issue

4. The main issue is the effect of the proposal on highway safety.

Reasons

5. The appeal site is an agricultural building of modern construction and part of the adjoining field, which would accommodate the proposed manege. The remainder of the field, the large area of hardstanding around the building and the vehicle access lie
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outside of the appeal site. The surrounding area is predominantly agricultural fields and a small number of scattered properties, which gives it an inherently rural character. This is reflected in the surrounding highway network, with the roads to and from the site being single vehicle width, and without formal passing bays, for a considerable distance in both directions. Opportunities for traffic to pass are limited, and largely rely on a small number of private property and field access points being used as informal places for vehicles to pull in. Except for a limited section of the unclassified road to the site boundary, forward visibility is also generally restricted.

6. The routing plan proposed by the appellant would see all vehicles access the site from the village of Llanfyllin, via two road junctions which the Highway Authority considers to be severely constrained. Due to the restricted visibility, width, gradient and alignment of the junctions, and the surrounding roads, I do not disagree with the Council's assessment of the network.
7. The proposal would introduce a commercial use to the site, by enabling specialist training to be provided for visiting clients, and it would provide accommodation for the appellant's horses. The information provided in section 3 of the appellant's Transport Statement identifies that the vast majority of existing vehicle movements are related to the appellant travelling to three livery yards to tend to horses currently stabled elsewhere. Although the proposal might remove the appellant's need to travel to several separate locations in the wider area, there is a lack of evidence to demonstrate that these movements occur, and are required to occur, to or from the appeal site. In particular, I note there is no residence attached to the site and there is nothing that identifies the location, distance or direction of these journeys or how they compare directly to likely travel movements to the appeal site, if at all. I therefore give this little weight. The Transport Statement accounts for an additional 6 return journeys per week for transporting horses from the site for training at other locations. On the basis that the fields around the site could lawfully be used for grazing horses and that transportation to training facilities elsewhere could occur regardless of whether the development is approved, I accept that the proposal might remove the need for some of these journeys. Nonetheless, the evidence is not quantified by information on the number of horses used for training purposes, where they are kept e.g. grazed at the site or in current livery arrangements, and how this relates to the number of training lessons that are currently provided remotely from the appeal site and requiring transportation of horses from the land.
8. The Transport Statement anticipates a maximum of three lessons per week being carried out at the site, with an annual average of one return journey per week, based on the premise that lessons will take place flexibly with no lessons taking place in some weeks. However, there is no certainty that this will be the case and the scope of the proposal provides for a maximum of 3 lessons a week. I have assessed it on this basis. It is therefore likely that journeys to the site by clients will be in excess of the figures given in the Transport Statement. In addition, the 1 x groom visits are limited to 5 visits a week whereas there will invariably be a need for daily visits to provide adequate horse care. The evidence also doesn't account for other trips, for example such as those likely to involve the appellant, vets, farriers and equine food deliveries. I have no information as to the number of trips generated by the lawful agricultural use, but it is entirely reasonable to conclude that the nature of a commercial equine use involving clients, visitors and delivery traffic would result in a significantly greater use of the substandard highway. With regard to the number of lessons to be provided, there is also no substantive evidence to suggest this figure could not increase in the future if the business were to expand or alter. I note the appellant's intention to retain the business as a specialist enterprise, however there is no

guarantee that any future occupiers of the site would follow this pattern. The proposal would therefore potentially allow for a greater level of activity at the site than currently intended, with unrestricted numbers of vehicle movements from those visiting or working there.

9. I have given consideration to restricting the number of lessons through the use of a condition, however, this would not necessarily restrict the number of vehicles associated with each lesson, nor would it restrict other vehicle movements which may be associated with a business, such as employees, deliveries and other visitors.
10. With regard to use of the existing site access, the position of the gate would result in larger vehicles overhanging the highway when entering or exiting the site. Given the restricted width and visibility of the roads approaching the site, this would increase the risk of collision and therefore be detrimental to highway safety. I acknowledge there is sufficient space available within the appellant's adjoining land to enable the creation of a new vehicle access to the site, which may overcome these concerns. However, the creation of a new access would be a significant alteration to the proposal, and the details of such an arrangement have not been provided as part of the application process. The use of a condition to secure such details at a later date would not allow proper consultation and consideration of the effects of such an amendment to be carried out and would therefore be an unacceptable approach in this instance.
11. Regarding the potential use of the site for other agricultural uses, including intensive poultry production, there is a lack of evidence to demonstrate that the appellant intends to pursue such a use in the event of the appeal being dismissed. Furthermore, the dimensions and design of the building would limit the ease with which it could be adapted for such a use, particularly at the scale of operation suggested in the Transport Statement. Therefore, although such a use may be possible within the site, I afford it little weight as a fall-back position.
12. In summary, the proposal would represent an intensification of use of the appeal site from its existing lawful agricultural use to a commercial equestrian use, and allow an unrestricted increase in vehicles using the sub-standard roads and junctions in the immediate area. Along with the increased use of the inadequate existing access, this would result in an increase in conflicting vehicle movements and vehicles reversing along the highway in order to pass, which would negatively affect the efficient operation of the highway network and increase the risk of collision.
13. I therefore conclude that the proposal would cause significant harm to highway safety and would not comply with Policies T1 and DM13 of the Powys Local Development Plan 2011-2026 (LDP) which, amongst other things, require developments to avoid detrimental impacts on highway safety and to ensure the safe and efficient flow of traffic for all users.

Other Matters

14. I acknowledge there are potential benefits of the proposal with regard to the local economy, and to the appellant's business, and accommodating the horses in a single location. However, these should be balanced against other considerations and would not outweigh the significant harm identified above and the resultant conflict with the LDP.
15. In reaching my decision, I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (WCFG Act). I have taken into account the ways of working set out

at section 5 of the WCFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WCFG Act.

Conclusion

16. For the reasons given above, the appeal is dismissed.

Claire MacFarlane

INSPECTOR