DEVELOPMENT SERVICES
13 JUN 2012
RECEIVED

INFORMATION OFFERED IN RESPECT OF APPEAL OF CONDITIONS 4, 6, 7 11/0055/FUL

HISTORY

I have enclosed a history of our planning application including the application plan sent in May 11 shown on plan 2 (Appendix 8), which was approved by planning officers. This plan shows a number of buildings around the large hard standing a smaller hard standing and 6 field shelters arranged in pairs. I have enclosed the officers report, (Appendix 9) the late items (Appendix 10), the design statement (Appendix 11) and my discussion for the planning meeting (Appendix 12). This will give a lot of history of the case and an understanding of the difficulties faced.

Prior to this application we had a disagreement with a farmer who refused our access to the land and subsequently blocked Mrs Ashby in for two weeks. The farmer contacted local councillors and Parish councillors regarding our planning application and was invited to speak at a Parish Council meeting in April 2011. This was attended by the two local councillors who are both on the planning committee. I also attended this meeting to see how our application was progressing and was shocked to find the above arrangement had been made. The two councillors left with the farmer before he spoke and I requested that I be allowed to put my side of the case. The farmer subsequently returned to put his side to parish councillors. This matter is a personal one and is ongoing and being dealt with by negotiation. It is not a material planning matter but seems to be the issue that has had a great deal of attention. It also seems to be the issue that is motivating the two local councillors in this matter.

Approved plan 60

Shows a number of buildings on concrete around the large hard standing. This has been greatly reduced from the MAY 11 proposed application (02), which was recommended for approval. This plan has incorporated 4 of the 6 field shelters that were also seen on 02. (Appendix 8)

All field shelters in their original position as shown on Plan 50 and the buildings around the large hard standing were recommended for approval by planning officers in May 2011. (Appendix 9)

Condition 4 (Doc. B)

I have 2 mobile field shelters that measure 8ft by 8ft (2,4 m x 2.4 m) and are 5-6ft high with a flat roof. During the planning process in a pre planning interview with the planning officer Eleanor Shaw. I was told

"not to apply for anything I did not need planning permission for. The mobile shelters on skids do not need planning permission as long as they are moved every 6 months"

by planning officer Eleanor Shaw of HBBC. I followed this advice.

On publication of the officers report prior to the committee meeting December 2011, I questioned the meaning of this condition as 4 of the 6 shelters were part of the application. Planning Officer Eleonor Shaw told me that the remove part meant 'move'. To within the site preferably to the area of the development as councillors considered that they were too spread out. (Doc.C)

These two mobile sheds are needed as they currently house and provide shelter for 3 baby goats. The baby goats were ordered after the above advice and before the publication above. They were delivered as soon as they could leave their mothers in December 2011as shown by the movement licence and receipt (Appendix 1)

Following the planning decision I applied to vary condition 4 for more time to **move** them as 3 months was unmanageable. I was ultimately told that they would need **removing not just moving** as I had been lead to believe and that condition 6 had prevented us from retaining the two mobile sheds. (Appendix 13) I was advised by planning officers to appeal the conditions as my time for appeal was running out and because of the difficulties the planning officers were facing.

APPEAL against conditions

The development is complete and we have discharged condition 8 which again was applied at the end of the meeting without my input. The reason I had given in my design statement for needing the small hardstanding was disregarded and the committee were wrongly told by a councillor that I did not have a reason to keep it. This hardstanding was also recommended for approval in May 2011 (appendix 9)

We have no issue with conditions 1,2,3,5,

4: **Within 3 months of the date of the decision notice(15th December 2011). , the stables, storage buildings and field shelters illustrated on plan numbers 40 and 50, received by the council on the 16.9.11 shall be removed.**

Reason: In the interests of visual amenity and to protect the character of the countryside, in accordance with policy N5 of the adopted Hinckley and Bosworth Local Plan

This condition has now been varied to say six months but the remove aspect is still in.

4 of the buildings in plan 40 and 50 were part of the approved development and two were in my understanding mobile and therefore did not need planning permission. It was my belief that this was also the opinion of Ms Shaw up to the December 11 committee meeting.

I believe that this condition should be removed as
a) I was given inappropriate and misleading advice by the planning officers which had lead to this difficulty. I could have applied for the two buildings in question as I have always needed them.

The reason given for this condition is contradictory to the opinion of the officer at the time of the first application in May 11(appendix 9). At that time these buildings, in the original position,(plan 50) were considered **not to be** detrimental to the character of the countryside and satisfied the requirements of Policy N5 of the adopted Hinckley and Bosworth Local Plan in accordance with policy N5.

" The siting of the field shelters and associated hard standing is considered to be acceptable"

"The provision of field shelters and stables do not appear as alien structures within the wider setting and are not considered to have a detrimentally harmful impact on the character of the countryside" See committee excerpt May 2011. (Appendix 9)

To protect the visual amenity – view from the reservoir, we agreed to move the two mobile goat shelters from their position in plan 40 and 50 to the field north of the large hard standing. They would then be moved regularly to house the goats and later chickens. This re-positioning has been completed and the two field shelters blend with the rest of the development.

6: **No buildings or structures, including temporary buildings or structure, other than those approved by this consent, shall be erected within the application site as shown edged in red on plan no 60.**

Reason: To ensure that the use of the site is not to the detriment of highway safety and the requirements of Policies NE5 and T5 of the adopted Hinckley and Bosworth Local Plan

We are Appealing condition 6 as this condition has prevented us from keeping our mobile field shelters which are now used for agriculture and are housing our goats. Without these our goats will have no accommodation and shelter.

This condition was added at committee and was applied after I was allowed to speak at the planning meeting. It was put on to stop us having a caravan. The caravan that we previously had was 12ft and mobile, it did not have running water or electric to it. It had a toilet in it and was used to rest, shelter and eat. My husband and family spend many hours on the land. The officers report May 11 stated that:

" the caravan was small and temporary in nature. This is considered ancillary to the activities conducted on land and will have minimal impact of the character of the countryside therefore it is considered acceptable" Eleanor Shaw May 2011(Appendix 9)

There are two adjacent holdings to ours each one has a caravan as a mess room. I feel that imposing condition 6 will unequally disadvantage our holding compared to the rights given to others.

We did not apply for the caravan as we were informed by our Planning consultant Judith Norris and by Officer Eleanor Shaw that agricultural holdings were entitled to a mess room for access to a toilet and eating facilities. Condition 6 is unreasonable on this basis and we are being unfairly discriminated against and our basic human rights of using a toilet are being compromised.

Residents who over-look the field were asked to sign a petition . (Appendix 14) in support of our buildings, planning proposal and look of the site. The caravan was in position at this time and we had no objections from any of them. We had voluntarily

removed the caravan when this condition was suggested by the local councillors. And they knew this. Appendix 16

Regarding T5. Highways inspectors did not recommend any restriction be put on the permission for this development. There is adequate parking provision on site for our needs.

"the sites access and parking provision is existing and both are considered adequate" The director of Environment and Transport has commented that they:
"have no objection subject to the site being for private use only" As the site is for private use no condition is considered necessary to ensure this" Eleanor Shaw December 2011(Document A)

Regarding T2. Allowing temporary structures will not effect highway use in any way. Any other buildings would need planning permission. This reason then is inappropriate and unnecessary.

N5 The two mobile shelters in question were previously applied for (May 2011) in the open and within view of the reservoir. (Plan 40) They were at that time considered to be in accordance with the development plan NE5.
"There was considered to be no material impact on the character of the countryside or on highway safety" Eleanor Shaw May 2011 (Officers report) (Appendix 9)

The imposition of this condition 6 to stop us having a caravan on the land has put us in a very difficult situation. It has meant that the two mobile field shelters on skids (8ft x 8ft 2.4m x 2.4m) are now not allowed.

Although part of our planning was regrettably retrospective we are extremely keen to amend the situation. We had already got these shelters first for ponies (see design and access May 11(Appendix 11)) and prior the December 11 planning meeting they were occupied for goats and hay. (Dated movement form and receipt supplied (Appendix 1) I believed that I did not need permission for them based on my research and Officer Eleanor Shaw's comments.

The 2001 Appeal involving Purback District Council APP/B1225/C/01/1057144 supports this understanding. The inspector decided that as the mobile shelter had no attachment to the ground, no services connected, was not permanently sited and was designed to be moved it did not amount to operational development as defined in section 55(1) of the 1990 Town and Country Planning Act. (Appendix 5)

The field shelters now goat and chicken sheds have been moved 4 times since we have had it. Once by one man using some fence posts to roll them on. They are easily pushed or towed with a rope. So are truly mobile. They will be moved within the field they are sited in for the goats and will be well screened by the large number of newly planted hedges from all footpaths and will not be in view of the reservoir or Markfield Lane.

We have permission for a mixed use of agricultural and equestrian. Our agricultural activity includes keeping goats as part of a mobile pet and pony party business. (animals taken off site to work).We also have a Silkie chicken on site that we use for

this purpose as well. We intend to breed the goats to sell as pets and livestock to provide our own meat and milk and to manage the land. We intend to re-home battery hens and use and sell the eggs. We have a newly planted orchard (2011) (Doc 20) that will provide fruit to use ourselves and sell. We have had two crops of hay for our own use. Our agricultural activity is in accordance with the definition of agriculture as defined in section 336 of the Town and Country Planning Act 1990 (Appendix 6)

We are worried that limiting our use of small temporary structures may put our animal health at risk. From time to time it may be necessary to provide flexible arrangements of housing to ensure the animals well being. For example for quarantine or for newly born animals. As allowed for in the General permitted development order 1995. (Appendix 7) Condition 6 is taking away any rights we have to use the land for agricultural use as we will not have any flexible accommodation for the livestock.

The RSPCA state in their Introduction to Welfare and Ownership of Goats document that
"as Goats have no waxy lanolin in their hair they cannot tolerate wet conditions and will always try to seek out a dry shelter in bad weather." (Appendix 2a)

Also DEFRA refer to Section 2(1) of the agriculture (miscellaneous provisions) Act 1968 in their code of recommendations for the welfare of goats. It states that providing appropriate comfort and shelter is one of the 5 basic animal needs to be provided. (Appendix 2b)

As agricultural hobby farmers we should have certain agricultural permitted development rights. So much emphasis was put on the equestrian side of the application by the councillors that little attention to our agricultural needs were considered. Section 55 of the Town and Country Planning Acts 1990 provides that

" the use of land for the purposes of agriculture or forestry and the use of any of those purposes of any building occupied together with the land so used" does not constitute development. The writer -Agricultural Buildings and Works- excerpt has this interpretation regarding Placing structures on land,
"Structures may be placed on agricultural land for agricultural purposes without the necessity for obtaining planning permission...so he suggests that pig arcs, or cattle feeders do not therefore need permission" Our small mobile shelters which are similar size to pig arcs would also not require permission if our permitted rights were intact. (Appendix 3)

The above document, when quoting the 1990 act, also states that this permitted right can not be taken away by article 4 (appendix 4). Article 4 is a more complicated process and It would be assumed that much thought was applied to the reasoning of its application. In our case however, a much simpler to apply planning condition has in fact without much thought, had this very effect and is therefore unreasonable.

7: **The development hereby permitted shall only be used for personal use and shall not be used in connection with a riding school/livery yard or any other business or commercial use.**

Reason: To ensure that the use of the site is not to the detriment of highway safety and the requirements of Policies NE5 and T5 of the adopted Hinckley and Bosworth Local Plan

This condition was also applied by local committee members and was put on after I was able to talk. Councillors have unreasonable accused me of running a business based on the fact that they thought we had a pair of toilets. These were donated porta loos that we used as sheds until we got something more appropriate. They are now removed.

The use of the site for commercial purposes was not brought up as an objection in the planning application consultation. This subject was not brought up from any parish or borough councillor prior to the committee meeting. We did not apply to use the land for commercial purposes and the highways did not specify that this condition be imposed. Highways personnel are aware that I take my animals out of the site for charity and commercial purposes.

I am not intending to run a business on the land. This condition would stop me from letting a friend keep her pony on the land. The condition may also compromise my use of the buildings to keep horses that I use for business purposes off the land. I am keen to stay within planning guidelines and to avoid any doubt that may cause problems in the future. As Simon Wood head planning officer HBBC said at the May 11 committee meeting

"it would be easy to monitor whether the site was being used for business".

I take animals off the land for children's parties and this amount of activity is no different from that of any other equestrian activity a point made very well by Officer Eleanor Shaw's evaluation in her support of our application. (Officers report Dec 2011) (Document C). We have not applied for commercial use and so this condition has no foundation except that it has been assumed by some councillors and is unreasonable.

Councillors put the same reasoning i.e. the toilet facility in the caravan that we had which was installed so we had toilet facilities. There are several reasons that we felt we needed a toilet on site.

1 I have a medical condition that necessitates immediate use without warning. Since removing the caravan it is very difficult for me and my dignity, health and safety and human rights are being compromised
2 In 2010 I hosted a student from Brooksby college for work experience on the horse care course. The student had to do 200 hours helping to care for horses. One of the conditions of the college is that the students have an appropriate place to eat, wash and use the toilet. I can no longer take students.
3 I now have 8 volunteers who help with the horses. Three are children each come for a couple of hours twice a week.
4 My 7 grandchildren regularly visit and often need to use a toilet

I do not intend to run a business on the land as I work 4 days a week and my main income comes from teaching. The ponies only generate enough to keep themselves. And fund my hobby.

In summary the applying of conditions with very little thought or discussion has put us in a difficult position regarding the accommodation of our livestock. Decisions we made regarding what to include in our application was influenced by a planning officer's advice. Following the officers advice and the imposition of the conditions has led us to this appeal.

We have given evidence to show that field shelters on skids much larger than ours have been considered to not need planning permission by Her Majesties inspectors in the past. In addition the reasons given for conditions are contradictory as the field shelters on our field were considered to be acceptable according to local plans and highways when in a more prominent position than they are now by the same LPA.

No consideration was given to our agricultural needs despite our applying for and being granted, mixed use of agricultural and equestrian usage of the land. Our agricultural usage is in accordance with the definition given by the relevant act of parliament. Our holding number is 22/196/019. As such we are entitled to certain agricultural permitted development rights related to temporary structures that are available to all other agricultural holdings. These are so important to the welfare of animals that they can not be taken away by article 4. Withdrawing these from us is denying us equal rights with others, is discriminating against us due to personal issues and will severely restrict our agricultural usage of the land. I would therefore like to appeal that this condition be removed especially the part that relates to temporary structures in the interests of animal welfare.

There are no grounds for imposing a restriction on business usage of the development. There is no evidence that there was ever any business usage on the land. The matter was not a consideration before or at the planning committee meeting in question until this condition was put on at the end. Issues that were not planning considerations and the personal attitudes of some individuals have influenced the imposition of this condition. It is our concern that this condition could be misinterpreted in the future to effect the keeping on the land of the horses that are used for business elsewhere. I would therefor appeal that this condition be removed in the interests of clarity and avoidance of doubt.

APENDICES

Documents Already sent to LPA * The rest sent June 12

Appendix No

1 Receipt and movement form for goats
2a RSPCA Introduction to Welfare and ownership of goats
2b DEFRA Animal Welfare – Codes of recommendations of livestock –Goats
3 Agricultural Buildings and Works re GPDO
4 Article 4
5 Stable Doctor re Appeal no A: APP/B1225/C/01/105744
6 Definition of agriculture section 36 Town and Country Planning Act 1990
7 Excerpt from T&CPA General Permitted Development Order 1995 interpretation of part 6.Part 6B
8 Plan 02 May 11 application*
9 May 11 Officers Report* and Committee minutes and decision *
10 May 11 late items*
11 May 11 design and access statement*
12 May 11 Appellant Committee meeting minute discussion
13 Variation of condition 4 decision Notice May 12* and delegated report
14 Petition*
16 Parish Councillors comments on site visit following visit

DOCUMENTS RELEVANT or REFERRED TO already sent to or in possession of LPA

A Planning Application Dec11 and Site Ownership Form
B Dec 11 Decision notice
C Planning officers Report Dec 11
D Late items
E All other plans numbered
10 Site plan edged in red, including a map with roads named
20 National forest planting
30 Site plan Surrounding existing stables both of which have a caravan mess room
40 Arrangement of existing shelters and hard standing all to be relocated and included in plan 50/60
50 Buildings removed from unsuccessful plan
60 Proposed stables stores and field shelters (now with planning permission)
70 Stable and tool and feed store. Elevation
70A Stable and store Floor plan and side elevation
80 Hay store
80A Hay store side elevation and floor plan
90 Shetland field shelters on skids (and goat shelters) side front and rear elevations
100 Horse shelters on skids front side and rear elevations
100A Horse shelter floor plan and Shetland shelter floor plan
H Design and Access Statement Dec 11*

Additional Supporting Documents

F Appellant committee response to late items Dec 11
G letter of support from agent Judith Norris *
J Letter to Councillors
K Letter to parish councillors and their response (also Appendix 16)
L Appellant committee 3 minute discussion Dec 11

Evidence that I have always had plans to pursue agricultural activities. Goats bought before planning committee comments and on site before planning meeting 13th Dec 11

Appendix (1)

Second Chance Kennels

To pay £50

RESERVE FORM

Name: Mrs M Ashby

Telephone No: 01530 230633

Animal Ref: Male Goat

Date: 18-9-11

Deposit: £50

Animal Details:

Blk + White Male Pygmy Goat

Ready for Collection approx @ 10 wks old

Signed by S.C.A.R.C Staff: [signature]

Signed by Adopter: M A Ashby

Receipt for 1 goat others bought privately

Tel: 01332 702070 or 07878 136153
Back Lane, Chellaston, Derby, DE73 6TP
info@scarc.co.uk www.scarc.co.uk

C.P.H number required so collection

11-12-11 My Copy.

ovement Document under the Sheep and Goats Records, Identification and Movement) (England) Order 2009

Please complete in BALLPOINT pen and press firmly but before doing so read the important notes overleaf.

defra
Department for Environment Food and Rural Affairs

For Completion by Keeper at Departure Holding

1. Departure Location

Departure CPH 09 | 121 | 0223

Keeper's name and full postal address of holding of Departure

MRS J ATHERSTONE
BOULTON EDGE FARM
BACK LANE
CHELLASTON Postcode DE73 5TY

Full Postal Address of Destination

15 MAIN ST
BAGWORTH
LEICS Postcode LE67 1DW

Animals Sheep/Goats	Number	Individual Identification or Flock/Herd Mark
GOAT	1	UK 17316 62

Please tick box if:

- ☐ Return from rounding up from common land
- ☐ Moving animals within your business that remain under your day to day care and control
- ☐ Moving animals to a Central Point Recording Centre
- ☐ Using a continuation sheet (AML1A) or attaching a list of individual identification numbers and staple to this form

Food Chain Information (FCI) – for sheep and goat movements to slaughter only Tick one box

All the animals in the consignment satisfy the FCI statements detailed on the reverse of this form ☐

OR

The FCI statements are not satisfied for all the animals in the consignment and additional information is provided on the reverse of the **pink copy** or on an attached document. ☐

I declare that the above details are correct

Keeper's signature [signature]

Print name JOHN ATHERSTONE

Phone number 01332 702420

Name of Owner if different to keeper named above

Departure Date 11-12-11

Date of Loading ***(if different)***

Time first animal loaded 9.30 am

Time of departure 9.45 am

Expected Duration of Journey 30 mins

For Completion by Transporter

2. Transport Details

Tick box to indicate who is transporting animals

departure keeper ☐ receiving keeper ☒ haulier ☐

Vehicle Registration LS61 YRP

Haulage Company

Transporters Authorisation Number (where journey is over 65km)

Haulier's Signature [signature]

Print Name M-A ASHBY

Phone Number 01530 230633

For Completion by Keeper at Destination Holding

3. Receiving Location (All sections must be completed)

Destination CPH or slaughterhouse no. 22-196-0139

Arrival Date 11-12-11

Date of Unloading ***(if different)***

☐ Tick box if location is a dedicated slaughter market

Number received 1

Time last animal unloaded

☐ Tick box if keeper has **NOT** changed. If this is the case, boxes below are optional.

I declare that the above details are correct

Keeper's signature [signature]

Print name M-A ASHBY

Phone number 01530 230 633

AML 1 (Rev. 11/09) **White copy: Local authority of destination premises within 3 days of move; Pink copy: Destination; Blue copy: Haulier; Yellow copy: Departure**

Rita Mavis

...vement Document under the Sheep and Goats ...ecords, Identification and Movement) ...England) Order 2005.

defra
Department for Environment Food and Rural Affairs

...ease complete using BALL POINT pen and press firmly but before doing so read the important notes overleaf.

Section A – Identification and traceability. (Please also complete Section C below.)

Completion by Keeper at Departure Holding

1. **Departure details**

Departure CPH/ Other ref. 22 084 0027

Return from Tack? ☐ Return from Sheep Dog Trials ☐

Return from rounding up from common land? ☐

Keeper's name and full postal address of holding of **Departure**

M G BODYCOTE
40 ARBOR ROAD
CROFT LEICS Postcode LE9 3GD

Name and full postal address of **Owner** (if different)

Postcode

2. **Details of sheep** ☐ **goats** ☐ *(Please tick appropriate box)*

Number of animals	Description (e.g. ewes and kids)	Lot Number	Relevant Code or Flock / Herd Mark
1	KID	0008 Mavis	207847
1	kid	0012 Rita	207847

Total number of animals

I declare the above details are correct.

Keeper's Signature: M G Bodycote

Date: 3.12.11

Name in BLOCK letters: M G BODYCOTE

Tel. No. (incl. national dialling code): 01455 263399

Section B – Transporter details

Completion by Transporter

Name and full postal address

Mrs Meg Ashby
15 Main Street Bagworth
Postcode LE67 1DN

Assured Scheme number

Vehicle registration(s)/ trailer ID

Date and place vehicle last cleansed: 3.12.11

Transporters permit No. (*where applicable*): NA

Loading	Departure	Unloading
Date: 3rd 12 11	Date: 3rd 12 11	Date: 3rd 12 11
Start time: 15.30	Time: 15.45	Finish time: 16.15

Time and place where rest stops undertaken including if the animals were watered and/or fed (if over 8 hours)

NA

Tel. No. (incl. nat. dialling code): 01530 230633

Transporter's Signature: M A Ashby

Name in BLOCK letters: M A ASHBY

Section C – Destination details(1)

Completion by Keeper at Departure Holding

Name and full postal address

Valley Fields
off Occupation lane
off Markfield Lane
Thornton Leicester Postcode

State type of Market or Collecting Centre, where appropriate

- Dedicated slaughter ☐
- Other ☐

Section D – Destination details(2)

Completion by Keeper at Holding of Destination

CPH/Other ref. 22 196 0139

No. of animals received: 2

I declare the details in this section are correct.

Signature: M A Ashby

Name in BLOCK letters: M A ASHBY

Date: 3rd 12 11

Tel. No. (incl. nat. dialling code): 01530 230633

AML 1 (Rev. 11/05) **White copy: Local authority of destination premises within 3 days of move; Pink copy: Destination; Blue copy: Haulier; Yellow copy: Departure**

Appendix 2a

RSPCA.

"Introduction to welfare and ownership of goats"

goats to play and exercise freely – at least 8.5m² of floor space per animal. The yard must be securely fenced and provide the goats with an interesting and comfortable environment (see *Environmental enrichment*, page 21).

With all systems, goats must have access to clean drinking water at all times and supplementary food as necessary. For free-ranging and rotational pasture systems it may also useful to include an additional yard area to allow the goats to exercise, should the ground conditions at pasture deteriorate.

Shelters

Because goats have no waxy lanolin in their hair, they cannot tolerate wet conditions and will always try to seek out a dry shelter in bad weather. Whether the goats are free-ranging, on rotational pastures, or in a yard area, they must always have free access to shelter at all times, whatever the season. This could either be the main goat house, if it is feasible for the goats to access it freely, or effective temporary shelters. The latter should be comfortably bedded and large enough for all the goats to shelter at the same time.

The goat house

Regardless of the system that is used to allow goats to browse and exercise, all owners will need a main 'goat house'. This should be a safe, permanent home for the goats in which they can be securely housed at night or during bad weather. This accommodation should allow all of the goats to rest and feed comfortably, and allow the owner to inspect, handle and manage them easily. Before acquiring goats, owners therefore need to ensure they can provide appropriate housing space and facilities.

There are many ways of housing goats successfully – it is often a question of sensibly adapting any outbuildings that are already available.

- Buildings can be of wood, stone, concrete or a mixture of these. They should not be constructed of metal – which is too cold in winter and too hot in summer – or contain a large amount of glass which could act as a greenhouse.
- Planning permission may be needed if goats are to be kept in a building near to other human dwellings.
- Owners need to allow at least 2.0 to 2.5m² of floor space per goat, allowing at least two goats, that get on well, to live together.
- *The roof must be leak-proof and there should be good ventilation, but without draughts.*
- There should be a source of light in the house to allow easy inspection of the goats (a good battery light could be kept handy at night).

Appendix 2b

defra Department for Environment Food and Rural Affairs

This is the old Defra Website - our current information is a
That site may temporarily link to older information here that remains re

ARCHIVE: Animal Welfare: Codes of recommen of livestock - Goats

The Code of recommendations for the welfare of goats, which is made under 3 (1) of the Agriculture (Miscellaneous Provisions) Act 1968 and approved by Parliament, is intended to encourage all those responsible for looking after the animals to adopt the highest standards of husbandry. It takes account of five l animal needs: freedom from thirst, hunger and malnutrition; appropriate comf shelter; the prevention, or rapid diagnosis and treatment of, injury, disease or infestation; freedom from fear; and freedom to display most normal patterns o behaviour.

Contents

- Preface
- Introduction
- Health
- Feed and Water
- Grazing
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- Tethering
- Housing, Buildings and Equipment
- Mechanical Services and Equipment
- Pregnancy and Kidding
- Artificial Rearing
- Disposal of Unwanted Kids
- Milking
- Milking parlours and equipment

Appendix 3

planning-
applications.co.uk

AGRICULTURAL BUILDINGS & WORKS

HOME PAGE | CONTENTS

DO I NEED PERMISSION?

The legislation in this area of planning is complex and you may not need any permission at all. In order to understand the background, please read this initial introduction first.

Introduction

Since 1992 the Permitted Development Rights for general agricultural development have been split into two Classes of Development:-

CLASS A permission is for agricultural development on units of 5ha or more, or on parcels within that unit of at least 1ha.

CLASS B permission is for agricultural development on units up to 5ha, or on parcels within that unit of at least 0.4ha.

Whereas Class A permits any building works, excavation or engineering operations (subject to conditions), Class B is limited to more specific types of development.

In both cases development is also subject (in certain cases) to the requirement for **PRIOR NOTIFICATION** to the Council. This is required in order to give the Council the opportunity to consider whether prior approval should be given to the siting, design and external appearance of the building or other development.

- **Permitted development rights are not applied to any development that, if a planning application were to be made for the development, would require an environmental assessment.**

However, some types of agricultural development require no permission at all and are not affected by any requirement for environmental assessment, nor can they be taken away by an Article 4 Direction.

Section 55 of the Town & Country Planning Acts 1990 provides that:

"the use of land for the purpose of agriculture or forestry (including afforestation) and the use for any of those purposes of any building occupied together with the land so used" does not constitute "development".

Development is not therefore involved in the following cases (the list is not exhaustive):-

- **Changes of use within agriculture.** A barn used for machinery could be used for housing animals or feedstuffs etc. Arable land could be changed for use as animal grazing. A

PTO

building could become a farm shop, but only where it is selling produce from the farm and remains ancillary to the primary use of the land and buildings for agricultural purposes.

- **Changes of use from non-agricultural to agricultural use.** It is possible to change the use of any land to an agricultural use without requiring planning permission. Land also includes buildings. A reversion to the previous non-agricultural use some time later would, however, then require planning permission for the change of use.
- **Placing structures on land.** Structures may be placed on agricultural land for agricultural purposes without the necessity for obtaining planning permission. However, no building or engineering works must be involved. So a new barn will require permission (see later) but pig arcs or cattle feeders etc do not.

If you are in any doubt about whether permission is required seek guidance from the Council first.

TOP

Appendix (4)

Article 4(2)

Charles Mynors FRTPI ARICS Barrister
examines the new provisions
relating to Article 4 directions

M'LEARNED FRIEND

Itis a commonplace observation that the effect on the appearance of conservation areas of relatively minor alterations to buildings -particularly dwelling houses -can be cumulatively very unfortunate. Until now, however, the powers available to planning authorities to control such works have been severely limited by the fact that many such operations are normally permitted automatically by the General Development Order.

It has always been possible—at least in theory -for control to be regained, through the mechanism of an Article 4 direction, so that a specific application has to be made for the carrying out of the *particular category of works concerned.* In practice, however, such directions have in the past had to be approved by the Secretary of State; and experience has indicated that such approval was far from easy to obtain. This has long been a cause for concern by Conservation Officers and others -including, most recently and vociferously, the English Historic Towns Forum in its report *Tou'nscape in Trouble.*

The Government has now recognised that concern, and Parliament has approvedaprovisionwherebyauthorities may in certain circumstances approve their own directions, thus by-passing the Secretary of State. The new arrangements are introduced in the Town and Country Planning (General Permitted Development) Order *1995,* which is one of the two new Orders which replace the old General Development Order 1988 with effect from 3June 1995. As a result, there are now essentially three types of direction:

- directions under art 4(2) affecting conservation areas;
- C] directions underart 4(1)affecting only listed buildings; and
- *directions under art 4(1) affecting* other land.

A direction under either art 4(1) or art 4(2) of the 1995 Order may be made by the district or county planning authority in relation to a conservation area, but only by the district/borough council in other cases (art 4(6)). In areas where there are two tiers of local authority, a direction made bya district council must be notified to the county council, and vice versa (arts 5(2), 6(6)). The Secretary of State may also make a direction (art 4(1)).

ARTICLE 4(2) DIRECTIONS

An Article 4(2) direction may be made where it is to restrict the carrying out, in relation to a building or land that fronts 'a relevant location' (that is, a highway, *waterway or open space), of develop*ment in one or more of the following categories:

LI the enlargement, improvement or other alteration of a dwelling house; any alteration to its roof; the construction of aporch; the provisionwithin its curtilage ofa building, enclosure, swimming pool etc; the provision of a hard surface: or the installation etc of a saleffite antenna (normally permitted under Classes A, C to F, or H of Part 1 of Sched 2 to the 1995 Order);

L] the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure within the curtilage of a dwelling house (Part 2, Class A);

LI the painting of the exterior of any part of a dwelling house or of a building or enclosure within the curtilage of a dwelling house (Part 2, Class C); and

LI the demolition of all or part of a gate, fence, wall or other means of enclosure within the curtilage of a dwelling house (Part 31, Class B—introduced for the first time in 1995).

A direction under art 4(2) may also be made to restrict the erection, alteration or removal of a chimney on a dwelling house or on a building in the curtilage of a dwelling house, whetheromot it fronts a relevant location.

ARTICLE 4(2) DIRECTIONS: PROCEDURE

A direction, whether under art 4(2) or under art 4(1), must be drawn up accurately. Theplanningauthoritymustherefore first consider carefully which properties are to be covered, and which Classes, or which parts of which Classes, of permitted development are to be restricted. These should generally both be kept to the minimum possible: if a direction covers too much, it is more difficult to draft accurately, more time-consuming to prepare, less likelyto be effectively enforced, and therefore more likely to be ignored by owners. The best approach is *probably to introduce smaller directions* more often, rather than to attempt to cover everything in one large direction.

The properties involved must be specified with precision, particularly in the case of a direction covering a large area. This may best be done both on a map and on a list. The choice of categories of development to be controlled needs to be considered carefully, and defined precisely but dearly. This is particularly important where a direction relates to development within Class A of Part 1, since this covers awide varietyof different types of work. The direction will be a formaldocumentbut, ifitis tobe effective, must also be capable ofbeing understood by property owners and occupiers.

Once it has made a direction, the authority must then publicise it by inserting a notice in a local newspaper (art 6(1)(a)). This must:

- set out the properties and classes of development involved;

LI explain the effect of the direction, and that it is made under art 4(2);

LI name a place where the direction (together with a map showing the area affected) may be inspected; and

LI specify a period (of at least 21 days) within which representations may be made to the local planning authority in relation to the direction.

Appendix 5

Search the site Go

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Employment

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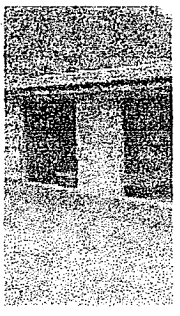
Mobile Field Shelters – Why they do not require planr permission

Or do they?

This is an age old question, with many differing opinions. Many council plan departments will insist that you do need planning permission and others wil do not.



My aim today is to bring some clarity to this, so that you may confidently install a mobile field shelter in the full knowledge that you are not in breach of uk. Planning Laws.

Should you be reading this as a planning officer, I trust that you will find my research useful, and it will save you a lot of time and precious council resources coming to your final conclusion matter.

So, why is it that there is this conflict of opinion?

Let's look at this from a planning officer's perspective. They have a report c them to say a large timber building has arrived in a field. "A building put in That must need planning approval" they assume.

On the face of it they are right. Buildings need planning approval, so they is to the land owner stating that a breach of planning control has taken place field owner must either remove the building or apply retrospectively for plai permission. Quite straight forward one might assume.

Now to be fair to our planning officers, who, let's face it, do a great and sor difficult, demanding job ensuring our countryside does not get over develop is a myriad of new legislation on development to learn on an almost daily b personally feel it is impossible to fully be aware of all of the legislation all of

Therefore, those who are aware of a particular historical planning case in regard to mobile field shelters will tell you that you do not need permission, whereas those who are not aware of it, will tell you the opposite.

I am going to go over and quote from an appeal decision relating to a case involving, a Mr Bennet, following his decision to buy and install a Mobile Field Shelter in Dorset, Wiltshire in 2001. He was asked to remove it by his council.

Way back in 2001, Purbeck District Council issued an enforcement notice to Mr Bennet after he had just taken possession of his mobile field shelter, stating that, and I quote directly from the appeal decision;

" Without planning permission, he had committed a ***"change of use of the land from grazing to a mixed use comprising the keeping of horses and the siting of a horse shelter."***

They demanded that he ***"cease using the land for storing a horse shelter and completely remove the shelter from the land."***

Mr Bennet appealed this enforcement notice as he firmly considered that his shelter did not fall under any planning requirements, as his structure was a piece of equipment that was mobile and could be moved at will from location to location and it did not have any ground-works associated with it.

The appeal was decided by an independent inspector appointed by The Secretary of State for Local Government, amongst other titles.

Stick with me, I know this is just getting a bit heavy and your eyes are starting to glaze over, because it will be worth it in the end.

The inspector visited the site, took on board all the arguments on both sides. He acknowledged that:

"No preparation of the ground was required prior to the erection of the mobile field shelter."

"There is no physical attachment to the ground"

"There are no services connected."

"It is not permanently sited"

"It is designed to be moved"

The inspector then concluded:

" Having regard to the foregoing, it is my conclusion as a matter of fact and degree that, on the balance of probability, the stationing of the field shelter on the land did not amount to operational development as defined in section 55(1) of the 1990 Town & Country Planning Act. The enforcement notice which alleges the erection of a horse shelter is therefore not applicable and will be quashed.

Now there was a second element to this enforcement notice, namely Purbeck Council believed that there was a change of use on the land to a mixed use, and I quote again directly from the appeal decision.

"The argument for the appellant is that notice land is used by horses for grazing; that the judgement in the case of Sykes v SSe and South Oxford DC; South Oxfordshire DC v SSe and Underwood and others [1981] JPL 285 confirmed that such a use falls within the definition of agriculture in section 336(1) of the 1990, and that, by virtue of Section 22(2)(e) of the Act, planning permission was not required.

In the inspectors final conclusion he states;

Consequently, the siting of the mobile field shelter in connection with this use would similarly avoid the need for planning permission.

If you are still reading, well done. The appeal decision goes in to great detail with regard to Mr Bennet's horses need to eat grass, his riding and possible leisure usage being undertaken.

Here are further direct quotes from the Inspector;

"What the council are saying is that there has been a change from use from grazing to a mixed use compromising the keeping of horses and the siting of a horse shelter."

"There are two horses on the holding which the Appellant explained provides their entire feeding requirement. They graze the grass and a hay crop taken from the land is stored elsewhere and brought back as required in the winter months."

"The council submit that the land is being used for a hobby purpose. Because horses will eat grass when put into a field, it does not follow that grazing is the primary use."

"Because there is no reason to assume that any of the leisure riding or associated activity takes place on the land I find, on the balance of probability, that there is no direct leisure use of the appeal site itself."

"Consequently, I do not accept the Councils contention that there is no agricultural element in the use currently being undertaken."

And the inspectors final conclusion;

"Consequently, no planning permission was required and the notice will be quashed. In the circumstances, the deemed application for planning permission does not fail to be considered."

"I conclude that in the particular circumstances of this case neither the mobile field shelter nor the use of the appeal site fall within the scope of planning control."

So there it is, from that day back in August 2001, planning law was set on the subject of Mobile Field Shelters. They do not require planning permission and you not need to apply for a change of use for your horses to graze the land on fields with mobile field shelters in.

Councils all over the country now have to follow what the inspector concluded when assessing the siting of Mobile Field Shelters.

As a final piece of essential information on this subject, the site in question we are referring to here, sits in "An Area of Outstanding Natural Beauty." Therefore we can conclude that even if you wish to site a mobile field shelter in an AONB. You do not require planning permission.

Should your local planning officer insist that you do need planning approval, quote to them the Appeal decision reference number.

That number is; Appeal A: APP/B1225/C/01/1057144.

They will be able to access the full appeal decision from their database and read it in full for themselves.

Should you prefer, if you send an e-mail to info@primestables.co.uk with the words Appeal Decision in the title, I will gladly see to it that by return an attachment with the full appeal decision documentation is sent for you to read at your leisure..

Ordinarily I would not go in to so much drawn out detail in my posts here on the Prime Stables website, but I thought it was essential as I am seeing a lot of mixed messages from manufactures, various planning departments, Forums and people I talk to who just do not know why Mobile Shelters do not require planning permission. I trust this has helped clear the matter up and will avoid future confusion.

Enjoy your horses

The Stable Doctor.

http://blog.primestables.co.uk/

Advice is given without legal responsibility

share **share** **share** **share**

This entry was written by The Stable Doctor, posted on May 19, 2010 at 3:47 pm, filed under Editors Choice, Planning Help, Stable Doctor Top Tips. Bookmark the permalink. Follow any comments here with the RSS feed for this post. Post a comment or leave a trackback: Trackback URL.

« American Barns-What you need to know!

64 Comments

Rubber Matting – The Pros and Cons of its Use »

- handy horseman
  Posted June 2, 2010 at 2:52 pm | Permalink
  I have found this to be true. The council did start to give me a bit of a hard time. I quoted the appeal number to them and eventually it all went quiet.i am thinking of getting 2 more for this winter now.

- C Penny
  Posted July 17, 2010 at 10:16 pm | Permalink
  I thought field shelters needed to be attached to the ground to stop them blowing away in high winds. How can people get round that problem? and how do they secure them?

- The Stable Doctor
  Posted July 19, 2010 at 4:18 pm | Permalink
  You are quite right, in an exposed position a mobile field shelter does need fixing to the ground or else the wind could move the shelter.
  At Prime Stables, they inform me that they will supply if requested four staking down posts, which are fixed to the main steel towing frame at the four towing points either end of the shelter.

Appendix 6
Defra - Farmers guide to the planning system

THE DEFINITION OF DEVELOPMENT

Except where indicated otherwise in this guide, development requires planning permission. Section 55 of the Town and Country Planning Act 1990 defines 'development' as:

- 'the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land' with the exception of (among other things):
- 'the use of any land for the purposes of agriculture or forestry (including afforestation) and the use for any of those purposes of any building occupied together with land so used.'

Development includes not only building operations but also the use of land for purposes other than agriculture and forestry. You will thus often need planning permission to change the use of buildings or land, even if no building works or structural changes are involved.

Planning permission is not usually needed for:

- internal alterations if the use of the building remains unaltered and the external appearance unaffected;
- outside building works involving the repair or maintenance of a building;
- demolition of existing buildings, although prior approval may be needed for the details of the proposed demolition of houses and adjoining buildings and for the restoration of the site, unless the demolition is part of an approved new development. (But check with your local planning authority whether the building is listed as being of special architectural or historic interest, or is in a conservation area, in which case consent is needed. You also need consent to alter a listed building.)

THE DEFINITION OF AGRICULTURE

Section 336 of the Town and Country Planning Act 1990 defines 'agriculture' as including:

- 'horticulture, fruit growing, seed growing, dairy farming;
- the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land);
- the use of land as grazing land, meadow land, osier land, market gardens or nursery grounds; and
- the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes.'

2

PERMITTED DEVELOPMENT

2.7 The Town and Country Planning (General Permitted Development) Order 1995 (as amended) - 'the GPDO' - provides a general planning permission (known as 'permitted development rights') for certain types of minor development. The types of permitted development most likely to be of benefit to farmers include:

- temporary uses of land;
- agricultural buildings below a certain size;
- forestry buildings and forestry roads;
- caravan sites and related buildings in some circumstances.

Permitted development rights are not available for farm or forestry dwellings, or for livestock units sited near residential and similar buildings.

[illegible] for the purposes of agriculture or forestry (including afforestation) and [illegible] together with land so used.'

Appendix 7
Interpretation of Part 6.

C.1 Development not permitted

Development is not permitted by Class C if any excavation would be made within 25 metres of a metalled part of a trunk road or classified road.

C.2 Condition

Development is permitted by Class C subject to the condition that no mineral extracted during the course of the operation shall be moved to any place outside the land from which it was extracted, except to land which is held or occupied with that land and is used for the purposes of agriculture.

D.1 Interpretation of Part 6

For the purposes of Part 6—

"agricultural land" means land which, before development permitted by this Part is carried out, is land in use for agriculture and which is so used for the purposes of a trade or business, and excludes any dwellinghouse or garden;

"agricultural unit" means agricultural land which is occupied as a unit for the purposes of agriculture, including—

(a) any dwelling or other building on that land occupied for the purpose of farming the land by the person who occupies the unit, or

(b) any dwelling on that land occupied by a farmworker;

"building" does not include anything resulting from engineering operations;

"fish farming" means the breeding, rearing or keeping of fish or shellfish (which includes any kind of crustacean and mollusc);

"livestock" includes fish or shellfish which are farmed;

"protected building" means any permanent building which is normally occupied by people or would be so occupied, if it were in use for purposes for which it is apt; but does not include—

(i) a building within the agricultural unit; or

(ii) a dwelling or other building on another agricultural unit which is used for or in connection with agriculture;

"significant extension" and "significant alteration" mean any extension or alteration of the building where the cubic content of the original building would be exceeded by more than 10% or the height of the building as extended or altered would exceed the height of the original building;

"slurry" means animal faeces and urine (whether or not water has been added for handling); and

"tank" includes any cage and any other structure for use in fish farming.

For the purposes of Part 6—

(a) an area calculated as described in this paragraph comprises the ground area which would be covered by the proposed development, together with the ground area of any building (other than a dwelling), or any structure, works, plant, machinery, ponds or tanks within the same unit which are being provided or have been provided within the preceding two years and any part of which would be within 90 metres of the proposed development;

(b) 400 metres is to be measured along the ground.

The circumstances referred to in paragraphs A.2(1)(a) and B.5 are—

(a) that no other suitable building or structure, 400 metres or more from the curtilage of a protected building, is available to accommodate the livestock; and

(b) (i) that the need to accommodate the livestock arises from—

(aa) quarantine requirements; or

(bb) an emergency due to another building or structure in which the livestock could otherwise be accommodated being unavailable because it has been damaged or destroyed by fire, flood or storm; or

(ii) in the case of animals normally kept out of doors, they require temporary accommodation in a building or other structure—

(aa) because they are sick or giving birth or newly born; or

(bb) to provide shelter against extreme weather conditions.

For the purposes of paragraph A.2(2)(c), the relevant area is the area of the proposed excavation or the area on which it is proposed to deposit waste together with the aggregate of the areas of all other excavations within the unit which have not been filled and of all other parts of the unit on or under which waste has been deposited and has not been removed.

In paragraph A.2(2)(iv), "site notice" means a notice containing—

(a) the name of the applicant,

(b) the address or location of the proposed development,

(c) a description of the proposed development and of the materials to be used,

(d) a statement that the prior approval of the authority will be required to the siting, design and external appearance of the building, the siting and means of construction of the private way, the siting of the excavation or deposit or the siting and appearance of the tank, as the case may be,

(e) the name and address of the local planning authority,

and which is signed and dated by or on behalf of the applicant.

For the purposes of Class B—

(a) the erection of any additional building within the curtilage of another building is to be treated as the extension of that building and the additional building is not to be treated as an original building;

(b) where two or more original buildings are within the same curtilage and are used for the same undertaking they are to be treated as a single original building in making any measurement in connection with the extension or alteration of either of them.

In Class C, "the purposes of agriculture" includes fertilising land used for the purposes of agriculture and the maintenance, improvement or alteration of any buildings, structures or works occupied or used for such purposes on land so used.

PART 7
FORESTRY BUILDINGS AND OPERATIONS

Class A

A. Permitted development

The carrying out on land used for the purposes of forestry, including afforestation, of development reasonably necessary for those purposes consisting of—

(a) **works for the erection, extension or alteration of a building;**

(b) **the formation, alteration or maintenance of private ways;**

Part 6 B

This page not used

(v) the development shall, except to the extent that the local planning authority otherwise agree in writing, be carried out—

(aa) where prior approval is required, in accordance with the details approved;

(bb) where prior approval is not required, in accordance with the details submitted with the application; and

(vi) the development shall be carried out—

(aa) where approval has been given by the local planning authority, within a period of five years from the date on which approval was given;

(bb) in any other case, within a period of five years from the date on which the local planning authority were given the information referred to in sub-

(3) The conditions in paragraph (2)paragraph (d)(ii).

do not apply to the extension or alteration of a building if the building is not on article 1(6) land except in the case of a significant extension or a significant alteration.

(4) Development consisting of the significant extension or the significant alteration of a building may only be carried out once by virtue of Class A(a).

Class B Development on units of less than 5 hectares

B. Permitted development

The carrying out on agricultural land comprised in an agricultural unit of not less than 0.4 but less than 5 hectares in area of development consisting of—

(a) **the extension or alteration of an agricultural building;**

(b) **the installation of additional or replacement plant or machinery;**

(c) **the provision, rearrangement or replacement of a sewer, main, pipe, cable or other apparatus;**

(d) **the provision, rearrangement or replacement of a private way;**

(e) **the provision of a hard surface;**

(f) **the deposit of waste; or**

(g) **the carrying out of any of the following operations in connection with fish farming, namely, repairing ponds and raceways; the installation of grading machinery, aeration equipment or flow meters and any associated channel; the dredging of ponds; and the replacement of tanks and nets,**

where the development is reasonably necessary for the purposes of agriculture within the unit.

B.1 Development not permitted

Development is not permitted by Class B if—

(a) the development would be carried out on a separate parcel of land forming part of the unit which is less than 0.4 hectare in area;

(b) the external appearance of the premises would be materially affected;

(c) any part of the development would be within 25 metres of a metalled part of a trunk road or classified road;

(d) it would consist of, or involve, the carrying out of any works to a building or structure used or to be used for the accommodation of livestock or the storage of slurry or sewage sludge where the building or structure is within 400 metres of the curtilage of a protected building; or

(e) it would relate to fish farming and would involve the placing or assembly of a tank on land or in any waters or the construction of a pond in which fish may be kept or an increase (otherwise than by the removal of silt) in the size of any tank or pond in which fish may be kept.

Development is not permitted by Class B(a) if—

(a) the height of any building would be increased;

(b) the cubic content of the original building would be increased by more than 10%;

(c) any part of any new building would be more than 30 metres from the original building;

(d) the development would involve the extension, alteration or provision of a dwelling;

(e) any part of the development would be carried out within 5 metres of any boundary of the unit; or

(f) the ground area of any building extended by virtue of Class B(a) would exceed 465 square metres.

Development is not permitted by Class B(b) if—

(a) the height of any additional plant or machinery within 3 kilometres of the perimeter of an aerodrome would exceed 3 metres;

(b) the height of any additional plant or machinery not within 3 kilometres of the perimeter of an aerodrome would exceed 12 metres;

(c) the height of any replacement plant or machinery would exceed that of the plant or machinery being replaced; or

(d) the area to be covered by the development would exceed 465 square metres calculated as described in paragraph D.2 below.

Development is not permitted by Class B(e) if the area to be covered by the development would exceed 465 square metres calculated as described in paragraph D.2 below.

B.5 Conditions

Development permitted by Class B and carried out within 400 metres of the curtilage of a protected building is subject to the condition that any building which is extended or altered, or any works resulting from the development, shall not be used for the accommodation of livestock except in the circumstances described in paragraph D.3 below or for the storage of slurry or sewage sludge.

Development consisting of the extension or alteration of a building situated on article 1(6) land or the provision, rearrangement or replacement of a private way on such land is permitted subject to—

(a) the condition that the developer shall, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required to the siting, design and external appearance of the building as extended or altered or the siting and means of construction of the private way; and

(b) the conditions set out in paragraphs A.2(2)(ii) to (vi) above.

Development is permitted by Class B(f) subject to the following conditions—

(a) that waste materials are not brought on to the land from elsewhere for deposit unless they are for use in works described in Class B(a), (d) or (e) and are incorporated forthwith into the building or works in question; and

(b) that the height of the surface of the land will not be materially increased by the deposit.

Class C Mineral working for agricultural purposes

C. Permitted development

The winning and working on land held or occupied with land used for the purposes of agriculture of any minerals reasonably necessary for agricultural purposes within the agricultural unit of which it forms part.

Portaloos - Donated for sheds for charity. MAY. 11

APPENDIX 12

3 minute discussion At Committee Meeting.

Prior to taking over the land it was over run with illegal and poisonous ragwort. It was the target for fly tippers and there were dumped heaps of bricks and electric wiring around. It was also used by quad bike and motor bikes for recreation according to local people. We have secured, cleared and cared for the site ever since Aug 2008.

RETROSPECTIVE

We originally thought that the field was already an equestrian field as it had been rented to the neighbouring stable yard for years according to the farmer that we bought the land from and local people. We also have pictures from the internet that show horses on the field up to 8 years ago. We did not think that we needed permission for mobile field shelters that we installed in july 08. When we were informed that the hard standing needed 'change of use', planning permission we applied as soon as we could.

TREE PLANTING

The land is surrounded by 4 separate holdings of stables and equestrian use on 2 sides. It has woodland to the north and south and fields to the east. The tip of the reservoir meets the site on the south easterly corner of the field. We have planted a shelter belt wood adjacent to the proposed development and a native hedge along the north perimeter.(see plan) When grown this new woodland will not only enhance and beautify the area but will screen the site from all footpaths nearby.

GREEN BELT

We have further enhanced the green belt by producing a parkland of 20 native trees in the hay field. This will not only be attractive to tourists which is a national forest target, but will assist the local bat population to navigate.

The growing hay in summer and the long grass in the new wood will also provide a habitat for field voles, mice, frogs etc and will be a feeding area for breeding Barn owls

The Green corridor as described by the town plan around Thornton Reservoir enters our field on the south tip of the reservoir by 25m and is untouched by the proposed development. We have planted trees in it so protecting and preserving it for natural habitat.

LOCAL ATTRACTION

We have many regular and local walkers to the site who have commented that they think that the site is vastly improved. We also have a number of visitors from nearby towns who love to stand to watch the ponies.

Our park on plan. No new access. Use land as we please?

(highway) Portaloo Shed.

Never know gateway be used in this way

increased traffic - no more. know of no accidents.

In one hour we gathered 10 names and addresses of people who enjoyed the sight and some made comments - quote, 'It is attractive', 'quiet and peaceful', We love to watch the horses',

Mr Den Beck Thornton Address supplied said

" it is really improving. It is 100% better than 3 years ago when it was an overgrown mess.

Neighbours who overlook the site come for manure for their allotments. And a second keeps watch over the site for us infirming us of any intruders.

We provide a service to local allotment keepers who have picked up the manure and removed it all from site over the last 3 years. We have had no objections from the public, neighbours or site notices

WATER COURSE Development at least 30 m away

We are environmentally friendly and collect all manure from the fields. The environment agency has advised me that horse manure is not a controlled waste and farmers collect it and spread on neighbouring fields. As agricultural land it could be grazed by cattle

ADVANTAGE TO FARMER ACCESS DISPUTE

Part of the planning applied for today is an advantage to the local farmers who use the lane. We have installed a parking area to enable our vehicles to be off the lane when we are there to allow them to get by. The parking area is also a turning area as the land is too wet to get a small car off the lane in the winter. (see pictures in design and access statement)

WEB SITES SHOWING ADVERTS

As part of a feasibility study I advertised on some free web sites like free-ads and uk entertainer. I have been reminded of these and apparently they are still active and showing phrases such as 'you can come to ours' and 'at our venue'.

These phases were meant to mean that we could find them a local community hall. This intention is evident on the web site 'netmums' where our advert is for Batram Hall which we have used on a number of occasions for fund raising parties and we described it as 'our venue'.

During the feasibility period I advertised a pony lover's event. I hired Batram hall for this but had to cancel as I only got one person respond I decided it was not viable.

I do not do any pony parties on the field connected to any business and do not intend to. The only pony activities I have done are related to my 7 grandchildren and two fundraising pony parties and a Fund raising barbq in July 09 for personally invited people.

RUNNING A BUSINESS ON FIELD

The planning application is for permission for the ponies to live on the field. I have no inclination and am not qualified to give riding lessons. As I stated in my application I have no intention of conducting pony parties for profit on the field. Alternative use of farmland.

Due to my **work commitments** as a teacher working 4 days a week and all the additional preparation planning and assessment involved I do not have time to run a commercial business. I **could** only take ponies off site to do pony parties a maximum of **twice** a weekend once each day. This would have to include the parties and visits that I do for the charity Charlottes Smiles.

I get my main **living wage** from my teaching job and all activities that I do and could do in the future related to my horses, are purely as a hobby.

I have been advised that the amount of time I spend on my hobby taking the ponies off the land, in planning terms is described as 'diminimus'. It would be no more use than if I took them to a gymkana or horse show.

The activities of my hobby are governed by other agencies' regulations who monitor horse welfare and would be able to stipulate that no pony parties are conducted at the field. This aspect is not relevant to the planning process

NUMBER OF FIELD SHELTERS/ STABLES

We installed the minimum number of field shelters that we needed to meet the needs of the horses bearing in mind the care and management of the land and wellbeing of the ponies. Similarly we have applied for the minimum number of stables to meet the needs of the animals, old and young and those prone to illness that we have on site. We have applied for a hay barn as last year we had hay stolen from the top of the field and the year before we lost 80 bales that were stored under tarpaulin.

The planning team are agreed that this application conforms with Please All planning regulations. And late comments have also been

- Portaloo is in fact used as a shed not toilet - donated by builder we can be removed.
- Shed would be superceded by feed store applied for

ACCESS DISPUTE

The barrier was already on the land when we bought it and Mr H was given a key in August 08. It was not until January 09 that the barrier lock was changed following Mr Hs blocking of my car in the field for 2 weeks. He subsequently refused to negotiate reasonable use of the lane.

At Mr Hextalls request the current dispute is in the hands of the solicitors.

(And if 7 Trent do pursue a case and are successful then Mr Hextal will be given full access. Mr Hextall addressed the parish council on Monday 16th May in the presence of Councillor Sprason and told them that 7 Trent were not going to pursue a legal case. We have indicated to them that we would like an early conclusion which will include provision for maintenance of the lane.)

In the meantime we will continue to be prepared to negotiate with 7 Trent (or Mr Hextal) for access during the busy harvest period between August and October as we did in 2009 and 2010.

The legal situation can not be changed by the outcome of this planning application.

NUMBER OF STABLES and FIELD SHELTERS JUSTIFICATION

6 SHELTERS
The 6 field shelters on movable skids are intended for the ponies to choose to go into. As the fields have been subdivided to manage the grazing according to Defra guidelines -it has meant that some fields do not have a hedge for protection against the wind and rain. The field shelters have been arranged surrounded by the fields so that they are available regardless of which field the ponies are using. From time to time it is not possible to graze all the ponies in the same field as they have different needs. 2 small Shetland field shelters serve 4 smaller paddocks. There is likely to be up to 5 ponies sharing these at one time. 1 small field shelter is used as a store shed for hay and one will be used as a shelter for the pigmy goat Kid that I will be getting.

The 2 larger mobile field shelters serve the (hay)field in winter and the 4 remaining summer fields. Up to 6 larger ponies share these at any one time.

Defra 2009 Code of practice for horse Welfare states that:
'Native ponies can live outdoors for throughout
the year providing they can obtain shelter from the prevailing winds , summer sun and flies'

4 STABLES
I have applied for 4 stables.
1 mare and foal stable as I have two mares in foal. Foxes take small young minature foals. The young also need protection from the winter elements especially when born late in the year. This stable needs to be bigger than usual to accommodate both animals.

One isolation stable. This year I have had a case of an infectious respiritory disease in 3 of my Shetland ponies. I had great difficulty trying to isolate them from each other so the rest of the ponies did not catch it. I needed 2 vet visits. Also when new ponies come to the yard

Defra 09 recommend that they are kept in isolation
for a number of weeks. My vet recommended 4
weeks when I bought a pony last year.

2 ordinary stablesI have a pony who has sweet itch and Defra 09 recommends that such ponies should be stabled at night to avoid the mosquitoes that cause the problem.

I have 3 ponies who are prone to laminitus a condition that affects their feed and is related to being overweight and to overgrazing on lush spring and autumn grass. One pony got this disease when we were trying to construct the hardstanding in the autumn as we could not take them off the grass quick enough. One also got it in the spring when it was too wet to bring them in to the summer fields.

When these ponies have the disease they need stable rest for up to 6 weeks on soft shavings. On Vets advice.

I have 3 older ponies who have specific needs. The 26 year old has bad arthritus and needs stabling on winter nights.

In the winter 09 Angelica a small Shetland pony had rain scald a form of mud fever of the coat. Caused by an infection getting into the body through permanently damp skin. She had to be kept stabled all winter on vets advice to keep her dry.

Defra 09 suggests that very young or elderly horses may require stable accomodation to protect them from the cold and damp or very hot weather. Any horse may need stabling at short notice should they become sick or injured and **provision should be made for this in advance of an emergency arising'**

HAY BARN/FEED ROOM In the winter 2009 we lost about 80 bales of hay kept under a tarpaulin

Appendix. 16

PARISH COUNCILORS COMMENTS ON SITE VISIT FOLLOWING INVITATION TO VISIT

November 2011 Councillors Barry White.

- We were asked how we feel about having so many horses on land that is unsuitable
- We were asked if we had considered selling the land and buying elsewhere?
- We were asked about Judith Norris's comment stating that we had an agreement with the farmer for access.

We responded by showing them an agreement that was for harvesting and was valid when she wrote the letter for us.

- We were asked to explain what the problem was regarding the farmers access.

We declined to reply as it was not what the councillors were there to discuss ansd the issue is not a material planning consideration

Councillor White took pictures of the sheds that were to be moved and the caravan despite being asked not to as these were not relevant in their situation as were to be moved.

- We were told that the land would be better for sheep
- Told that hay would not grow under the memorial trees in the hay field
- Told that the flower meadow would need cutting for hay every year so that the seeds would drop.
- Asked about our plans for chickens and goats.

We replied that it was our intention as the application stated to have some rehomed chickens and goats. We also stated that has ordered the goats and were waiting to find some chickens.

- We were asked about the types of horses
- We were asked about the small hard standing.

We replied that we needed that so that we could have an isolation area if needed for new stock brought on and that we had a foal that needed weaning and he would need a dry area to stand on. This was explained in the design and access statement

- Commenting on the caravan which had been moved nearer the road before the field got too wet ready to be towed off. Councillor white said I didn't see that, you are hiding it. It has been there some time.

We told him that we were not hiding it, and as it clearly couldn't be seen from the reservoir why was it a problem? He did not reply. We told him It was only used as a toilet and rest room for eating and sheltering in. We told him that students needed to have it as part of their college's requirement.

Parish council aim to discredit us

DOC F

Surprised that a councilor would pick on a charity doing good work for children with cancer.

CHARITY

Charity is a small charity. not required to be registered with the charity commission due to its low income.

My Response To late items

Currently 72 members are booked to go to Loughborough town hall Panto on 8th Jan at 12-30. As we have every year. Invoice here.

A comment from a bereaved parent who has a memorial tree said "It is an amazing charity they have done a lot for EDEN when she was ill and is still helping now she has gone"

c/d Toilet / caravan

When councilor White visited the site. the caravan was still there. It has now been removed along with the toilet it contained. & has not been applied for in this application. As pictures show

Access

A legal agreement was undertaken with Severn Trent Tenant to access his crops for harvest as we have for previous 4 years
Copy submitted to planning.

Goats.

Recently registered 3 goats with Animal Health Authority who are in residence. Defra Movement document here

APPENDIX 3
Dec 11 To Committee Councilors

Dear Councillor Cartwright

I am writing to update you on the progress of our work towards achieving planning consent for stables on our field at Thornton. In May the application was refused as members considered that we had too many buildings and they were too spread out. We have significantly reduced the number of buildings that we are requesting permission for. This has reduced the floor area of the application by approximately one third from 1480 square ft to 992 square ft. The equivalent reduction of a buildings 12 x 30ft and 8 x 16 ft. All have also been moved to be grouped together near the far east woodland boundary. We have painted them a darker brown to help them to blend better with the environment. Many trees and hedges have been planted to further screen them from surrounding footpaths. Buildings seen on the right of the land will not be there when the scheme is complete so please disregard them in your evaluation.

The area is an equestrian area and surrounded by 8 other equestrian holdings one of which has a planning application in for this meeting. The buildings are of good quality well maintained and in keeping with the environment. The hard standing is brown in colour, essential to the well being of the horses and blends well with the rest of the area.

In summer an aerial photo was taken by my son in a microlight and it was difficult to tell which was the hard standing and which was well grazed fields. (see picture)

The sight is overlooked by some houses on Main street in Thorrnton and I have obtained 27 signatures to date to verify that the residents do not have any objections to our application in fact many of them consider that the work we have done on the fields have improved the scene a great deal. Previously the land was derelict with poisonous illegal weeds (ragwort), fly tipping, burnt out cars and regularly used by motor bikes. Not a place of beauty by any means.

I have a further 60 signatures from visitors and other residents who have been walking around the reservoir who have also stated that they have no objections to these fields being used for horses and to our proposed stables. They enjoy watching the horses and think that they are an asset.

In response to the parish councils concerns we have offered to plant wild flowers and to not graze the field closest to the reservoir when these are blooming. We further intend to plant bulbs in our newly planted woodland to further enhance the beauty of the area. Beauty which we also appreciate and wish to maintain.

If you can take the time to visit our land you will see that we take pride in it. We have taken trouble to keep it tidy and well managed and will continue to do so.

Our application has been recommended for approval by the planning officers as it meets the requirements of the current planning law. We very much hope that you can see that we have taken steps to address members concerns and can now support our application.

Kind regards

Margaret and Brian Ashby

SUPPORTING DOC K Sent to all Parish Councillors (Bagworth & Thornton)

Planning applications number 11/00755/FUL

Mr Mrs Ashby

Land off Markfield Lane Thornton

Dear councillors,

We have enclosed excerpts from the late items from our previous planning application 24th May 2011. This includes the issues that were raised by the Parish Councillors and the Ward Councillors.

We have taken steps to address the issues that were raised and may I urge you to read both this and our access statement which gives our response to your concerns in fuller detail and also explains the reasoning behind our decisions.

You will find the information in the full planning application on the councils public access planning portal.

https://cx.hinckley-bosworth.gov.uk/PublicAccess/tdc/DcApplication/application_searchform.aspx

You will be able to view additional pictures and information in the appendices. The application number to insert in the search is 11/00755/COU

May we invite all councillors to visit the site in our presence one weekend so that we may explain our proposals to you and so that you will see the site for yourselves and see that our intentions are well intended. 01530 230633

We hope that councillors will find that all issues raised have been address satisfactorily and that your full support can be given for our application.

Kind regards

Meg and Brian Ashby

Excerpts from council Meeting 24th May 11 Late Items.
Related to Parish Council and Councillors Concerns.

One letter of objection has been received from Bagworth and Thornton Parish Council and Local Ward Councillors have also forwarded the following issues on behalf of the Parish Council:-

a) Q13 on application form – indicates the development is more than 20 m from a watercourse and the site is in close proximity to a water course and several streams
b) The area is a breeding area for the protected species of barn owls
c) The area is included in THO 08 (in the site allocations document) which is designated as a green corridor all around the reservoir for the protection of natural habitat
d) Blocked access and the neighbouring farmer will have to drive his tractor through the narrow streets of Thornton, which leaves considerable amounts of mud on the road, and is also a safety hazard to both other road users and pedestrians, because he has been denied access to his land
e) Detrimental to the streetscene/countryside view
f) Use of the site is unclear and concerns over a business being conducted from the site ("pony parties")
g) does the caravan form part of the application?

See new design statement Pg 10

A letter of objection has been received from the Ward Member for Ratby, Bagworth and Thornton. This states that the application has arisen as a result of enforcement investigations and is therefore retrospective. The letter states that the applicant has abused the planning system through the building of several large shelters/stables, the installation of a portaloo, caravan, and a shed, together with hardstanding. The letter states that the development will have a huge impact on the open countryside, which is protected for its own sake under policy NE5. It goes on that the applicant has misled officers by stating that the site is not within 20mts of any watercourse. It is stated that the applicant advertises "Pony Parties" on the internet, which customers can go to, thus giving rise to the probability of a business use on the site. The site is also contained in the preferred options area and is classified as a Green Corridor and designated THO 08. The letter contains a description of the green corridor. It is also stated that Severn Trent Water has introduced a colony of Barn Owls in the area which are protected by law. The Ward Member believes that the application is seriously detrimental to the countryside and believes that the site is intended for business use. The Localism Bill is referred to, in that it suggests that the abuse of the retrospective planning system should not be tolerated. The letter concludes that the application should be refused and that the owner be made to restore the site back to its original open green field, in order to protect this area of countryside.

Parish Council comments

a) The work planned is in excess of 85m from the stream page 10 D&A statement.
b) wildlife area provided. Ecology do not consider site to impact on resting sites.
c) wildflower meadow provided in buffer zone and wildlife wood.
d) Farmer given access for passed 3 months.
e) New design gives a more open aspect and all buildings and hardstanding will be ultimately screened by the new woodland and hedging from all footpaths.
f) Conditions applied to ensure no business use on the land.
g) Caravan has not been included in revised application.

An additional letter of objection has been received from the Parish Council this raises the following additional questions:-

a) it is proposed to alter vehicle access and access to the public footpath, what is the proposed new position of these access points? Can the neighbouring farmer, Mr Hextall use the proposed new vehicular access? We would point out that access from this site is to a busy road
b) what is the proposed position of the car park?

The letter also identifies various inaccuracies on the planning application forms. The letter also mentions that the site is identified within the consultative document – Have Your Say: which says that the entire area of green fields in Thornton should be protected from any development other than agricultural.

It has been requested that this application be deferred until all aspects have been properly investigated and advertised.

Appraisal:- Please read planning officers response

The impact upon the countryside and National Forest have already been considered within the committee report. In respect of the THO 08 in the Site Allocations Document this is an adopted consultation document and not an adopted development plan document and as such little weight, if any, can be given to this policy in the determination of this application.

The application form indicates that the development is more than 20 metre from a watercourse, however objections have been raised regarding the proximity to a watercourse and several streams on site. Both the Environment Agency and Severn Trent Water have been consulted on the application. The Environment Agency did

Notes on ward member comments.

The field shelters are mobile and thereby do not require planning permission. The hard standing in front of them is the part that was regretably retrospective. The caravan has been removed as have the portaloos which were being used as sheds. One shed remains which is needed until adequate provision for equipment and feed. and will be removed following a successful application. No business activity was conducted on the site All animals are taken off site to work. Conditions are in place to prevent business use of the land.

A venue for pony parties was hired at Batram and this can be confirmed by the caretaker
We are allowed to rectify retrospective work by law with no forfeit

not comment on the application as they did not consider the development to be of a high risk to the environment and Severn Trent Water had no objection to the scheme. Following concerns, the Directorate of Chief Executive, LCC (Ecology) has been consulted and confirms that the site itself has not previously been designated and does not consider that the existing watercourse would be impacted directly so there are no issues with otters, watervole or crayfish and that the field in question and other fields will drain into the stream so any run-off will already be occurring.

Concerns have also been expressed regarding Barn Owls on the site. The Directorate of Chief Executive, LCC (Ecology) has confirmed that only barn owl nesting sites are protected and does not consider that the scheme would impact upon any potential nesting sites.

The applicant has confirmed that access has been allowed for the farmer for the last two years and does not consider that the farm has a legal right of access and that the farmer has an alternative access to the site. However, the applicants have indicated that they are willing to hold discussions for the farmer to continue to access the site. It is understood that this is the matter of legal proceedings between the two parties and is not a material planning consideration.

The Director of Environment and Transport (Highways) states that there may be legal implications if any farmer leaves a significant amount of mud on the highways as may be liable to get a bill from the County Council which has powers under the Highways Act to clean the highway and then recover the money from the person responsible.

It should be noted for the avoidance of doubt, that the access and the neighbouring farmer having to seek alternative routes are not material planning considerations.

In respect of the personal use, this has already been considered within the committee report and it is clear that some websites which previously mentioned pony parties on site, have been altered and now don't but there are some websites that still do advertise the pony parties. The applicant has confirmed that the site is for personal use only and a condition has been suggested that would prevent the site being used for business or commercial purposes.

For the avoidance of doubt the caravan does form part of the application and has already been considered within the committee report. It was concluded that it would have minimal impacts on the character of the countryside.

not in new application.

It has been stated that this application has arisen as a result of enforcement investigations and that the applicant has abused the planning system. It is not an offence to carry out development prior to the submission of a formal application. Any application needs to be determined on it merits and in accordance with the development plan unless material considerations indicate otherwise. Section 73A of the Town and Country Planning Act allows planning permission to be granted retrospectively for development that has already been carried out. Regardless of the emotions that can be aroused by someone carrying out development without planning permission, the decision maker must approach a retrospective application seeking to legitimise a development that has already taken place in exactly the same way as "normal " applications for proposals. No further weight can be given to the fact that the application is retrospective likewise the fact that the development has already been carried out is not in itself a material consideration.

If the application is refused, the case will be referred back to the Planning Enforcement team for further investigation.

PARISH COUNCILORS COMMENTS ON SITE VISIT FOLLOWING INVITATION TO VISIT

November 2011 Councillors Barry White.

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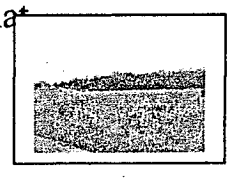
1, 7 Supporting Document (L)

3 Minute discussion.
I would like to thank members who were able to visit our field this week and hopefully you were able to see how we intend to address your concerns with our planning application.

In May the application was refused due to issues related to planning policy 7 and policy NE5
That is
Harmful impact on the openess of the site and character and appearance of the countryside
The Number of buildings.
An the Location within the site

I will take these 1 point at a time

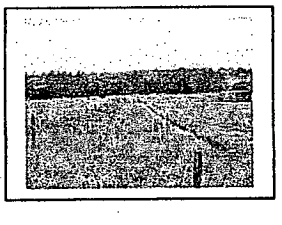
Point 1 (openess)
Planning policy 7 Whilst wishing to protect the countryside, recognises that equine activities fit well there and can help the rural economy.



Picture 1 Shows the openess of the countryside around our shelters. This land was previously derelict with poisonous weeds , fly tipping and was used as a motor bike track. Something residents tell me they can remember. It **was not** beautiful there until we started looking after it. It is now a beautiful area because **we are there to care for it** and ensure it is managed well

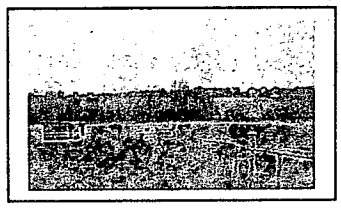
Point 2 (no of buildings)
We have significantly reduced the number of buildings requested.
This has reduced the floor area by approximately one third .
This is the equivalent of 2 buildings 12ft x 30ft and another 8ft x 16 ft. This is a very significant reduction and it has meant that we are applying for the bear minimum we need to ensure our horses welfare.

Point 3 (Location within the site)
Picture 2 shows the woodland that has been planted.
This creates a boundary which goes to the reservoir at the bottom of the field and then west along to the right. This will completely shield the development from the reservoir path.



All the current and proposed buildings have also been moved to be grouped together nearer to this woodland boundary. We have painted them a darker brown to help them to blend with the environment. Many trees and hedges have been planted to further screen them from surrounding footpaths.

Buildings seen on the East side of the land will not be there when the scheme is complete so please disregard them in your evaluation.



Point 4 (character of the countryside

The area is an equestrian area and surrounded by 8 other equestrian holdings.
Picture 3 shows
The buildings are of good quality well maintained and in keeping with the environment. The hard standing (see Picture) is brown in colour, blends well with the rest of the area and is essential to the well being of the horses.

An aerial photo taken in the summer showed that it was very difficult to distinguish the hardstanding from well grazed fields. This being the case the impact on the countryside is therefore minimum.

The site is overlooked by some houses on Main street in Thornton and I have obtained 27 signatures to date to verify that the residents do not have any objections to our application in fact many of them consider that the work we have done on the fields have improved the scene a great deal.

I have a further 60 signatures from visitors and other residents who walk around the reservoir, and have also stated that they have no objections to these fields being used for horses and to our proposed stables. They enjoy watching the horses and think that they are an asset.

Point 5
In response to the parish councils concerns we have offered to plant wild flowers and to not graze the field in THO8 when these are blooming. The woodland will be left for wildlife. We will plant bulbs in our new woodland to further enhance the beauty of the area. Beauty which we also appreciate and wish to maintain.

If you visited the field you would see that we take pride in it. We have taken trouble to keep it tidy and well managed and will continue to do so.

Our application has been recommended for approval by the planning officers as it meets the requirements of the current planning law. We very much hope that you can see that we have taken steps to address members concerns and can now support our application.

Margaret and Brian Ashby