Planning Committee: 01 February 2022 **Item Number: 6**

Application No: W 21 / 0263

Registration Date: 29/01/21
Town/Parish Council: Lapworth **Expiry Date:** 26/03/21
Case Officer: Dan Charles
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Land North of Bakers Lane, Knowle, Solihull, B93 8PT
Change of use of land to the keeping of horses, erection of stables, construction of all-weather riding arena and laying of hardstanding. (Amendment: hay barn omitted from scheme, hardstanding reduced in size and access provided to paddock area) FOR Mr. Smith

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This application is being presented to Committee due to the number of objections and an objection from the Parish Council having been received.

RECOMMENDATION

That planning permission is GRANTED with conditions.

DETAILS OF THE DEVELOPMENT

The proposed development is for the use of land for equestrian purposes together with the erection of a small stable building, manege area and area of hardstanding. Also proposed is post and rail fencing to the manege area together with new hedge planting to boundaries.

The proposed stable building consists of a single stall and a tack/fodder store room.

The building measures 7.8m x 4.15m (5.15m with front roof overhang) with an eaves height of 2.3m and overall height to ridge of 3.6m.

The Manege is proposed to be 20m x 20m square with a surface of shredded rubber to a depth of 50mm over a 50mm layer of sand with a 300mm sub-base of clean hardcore. Fencing to the manege is a timber post and rail fence.

An area of permeable stone hardstanding is proposed from the main access drive to the frontage of the stables.

THE SITE AND ITS LOCATION

The application site relates to an equestrian field located on the southern side of Bakers Lane, within the Green Belt and a rural area.

Within the wider site, there are a number of different activities. The site is partially set to a number of paddock areas delineated by post and rail fencing. Part of the wider site is also being used for the growing of trees. In addition, the northern

parcel of the site has been the subject of significant engineering operations to create a new area for mooring off the adjacent Canal. At the current time, this application is still pending.

The site is flanked on two sides (north and east) by open fields/paddocks. To the west of the site lies an existing access drive which is also a public right of way. Beyond the access drive is another small field. To the south of the site lies the public highway known as Bakers Lane. Beyond the highway to the south is open agricultural land with a number of residential properties located to the south west of the site.

The site is accessed from Bakers Lane onto an existing access track leading to the associated paddocks and forestry land to the north of the application site.

PLANNING HISTORY

There is no history relevant to the parcel of land that is the subject of this application. However, there is a varied history for various developments as detailed below;

Applications relevant to adjacent land

W/21/0802 – Construction of new canalside moorings at Helmsley Court Farm, Bakers Lane, Knowle with associated access and parking arrangements for the provision of 13 car parking spaces (part-retrospective application) – **PENDING CONSIDERATION.**

W/21/0211 – Replacement dwelling and associated landscaping. (Resubmission of Application W/20/1428) – **REFUSED 19.09.2021**

W/20/1428 – Replacement dwelling, garaging and associated landscaping – **REFUSED 24.11.2020 and APPEAL DISMISSED 13.12.2021.**

W/20/0231 – Notification under Part 3, Class Q (a) and (b) for Prior Approvial for a proposed change of Use of Agricultural Building to a Dwellinghouse (Class C3) – **GRANTED 01.04.2020.**

W/19/1831 – Application for a Certificate of Lawfulness to confirm that a lawful material commencement has been made on the development subject of planning permission reference W/10/0135 (*Construction of new canal side moorings and spreading of spoil onto adjoining land*) in compliance with Condition 1 and all other pre-commencement conditions were discharged - **GRANTED 09.01.2020**

W/19/0496 - Erection of a timber stable building – **GRANTED 01.04.2020.**

W/19/0363 - Prior notification for the extension of an existing access track – **GRANTED 29.03.2019.**

W/18/2017/AG - To create new access for planting and harvest – **GRANTED 05.12.2018.**

W/18/1662/AG – Application for prior notification of agricultural or forestry development for the proposed formation of a private way and access onto Bakers Lane – **WITHDRAWN 25.09.2018.**

W/18/0926 - Application for prior notification of agricultural development for the proposed formation of a private way and access onto Bakers Lane – **REFUSED 20.06.2018.**

W/18/0737/AG - Prior notification of agricultural development for the proposed formation of a private way and access onto Bakers Lane – **REFUSED 02.05.2018**

W/17/0793 - Move by 5m the existing agricultural building and alterations to the roof slope (Building already consented for development under W/16/1652) – **GRANTED 25.07.2017.**

W/17/0373 – Proposed works to widen existing vehicular access – **REFUSED 21.07.2017.**

W/17/0092 – Erection of forestry buildings to facilitate seed planting and cultivation of trees to be planted across the site – **GRANTED 21.07.2017.**

W/17/0103 - Application for a Lawful Development Certificate for existing small barn, domestic style shed and two aviary buildings in accordance with the details submitted to the LPA on 17 January 2017 – **GRANTED 23.06.2017.**

W/16/1652 - Prior Approval Notification for proposed change of use of an agricultural building to a dwelling house – **GRANTED 31.10.2016.**

W/16/1072 - Erection of forestry buildings to facilitate seed planting and cultivation of trees to be planted across the site – **WITHDRAWN 04.10.2016.**

W/16/0841 - Erection of Agricultural/Forestry buildings – **REFUSED 01.06.2016**

W/14/1023 - Application for prior approval of proposed change of use of agricultural building to a dwellinghouse (Use Class C3), and for associated operational development – **WITHDRAWN 01.08.2014**

W/10/0135 - Construction of new canal side moorings and spreading of spoil onto adjoining land - **GRANTED 03.05.2011**

W/09/0815 - Construction of new canal side moorings and associated access – **WITHDRAWN 11.02.2010.**

W/07/1340/AG - Re-roofing and external cladding of an existing barn – **GRANTED 23.08.2007**

W/07/0009 - Erection of portal framed barn for use as loose horse boxes, tack room and hay storage – **REFUSED 20.03.2007.**

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- DS18 - Green Belt
- BE1 - Layout and Design
- BE3 - Amenity
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources
- TR1 - Access and Choice
- TR1 - Access and Choice
- TR3 - Parking

Guidance Documents

- Parking Standards (Supplementary Planning Document- June 2018)

SUMMARY OF REPRESENTATIONS

Lapworth Parish Council: Objection on the following grounds;

- Proposed development would have a negative effect on the openness of the Green Belt.
- The proposed site access and the existing access onto the highway not suitable for large equine vehicles.

WCC Highways: No objection.

Public Response: A total of 100 comments of objection received. (total for original and revised plans received). The following grounds for objection were raised;

- Site is already subject to significant development that should be resolved before any additional permissions are granted.
- Harm to Green Belt.
- Development is a blight on the landscape.
- Will result in increased traffic using the site and local highway network.
- Road not suitable for large vehicles.
- Increased noise disturbance.
- Potential increased light pollution.
- Harm to local wildlife.
- Site is already subject to flooding issues.
- Should be subject to ecological assessment.
- Not in keeping with other buildings within the area.
- Over-development of the site.

- Trees and Hedgerows will be impacted.
- Insufficient land for horses.
- Loss of privacy.

Other non-material considerations were also raised including;

- Schemes are for escalation to other uses.
- Applicants are not interested in rural pursuits.
- Applications are driven by profit.
- Wider site should be regulated before any further development granted.

ASSESSMENT

Wider site regulation

The site forms part of a wider area that is subject to various permissions and uses. The area of the paddock is formed from a larger field that has been separated into separate paddock areas and delineated by post and rail fencing. The separation of these land areas does not constitute development and the fencing used does not exceed the tolerances allowed under permitted development rights for means of enclosure.

The wider site is used for forestry purposes for the growing of trees. Areas of the site nearest to the canal are in the process of being planted with saplings. The forestry use utilises buildings to the rear of the site that are used to nurture the saplings to a size where they can then be planted outdoors to grow. This process and associated buildings have the benefit of planning permission under a 2017 planning permission.

To the rear of the site, engineering operations have taken place for the creation of canalside moorings and associated works that were implemented under a 2010 planning permission. These works are currently subject of a new application to regularise elements that were not constructed in accordance with the details under the 2010 planning permission. This application is currently pending.

As Members will note, the wider site has a range of permissions and uses in place together with ongoing applications for development. Local residents are also concerned about onging incremental change within the wider area and there are a number of current enforcement investigations taking place within that wider area. In Officers opinion, whilst it is relevant to bring these to Members attention, these elements do not have a specific and direct bearing on the acceptability of the proposal being considered under this application other than the need to ensure that the development is apropriately controlled.

Whether the proposal constitutes appropriate development in the Green Belt

As the site lies within the West Midlands Green Belt, the proposal must be assessed against Policy DS18 of the Local Plan. The policy states development must be in accordance with the National Planning Policy Framework (NPPF) Green Belt

provisions. Paragraph 149 states that new buildings in the Green Belt are inappropriate development except where certain criteria are met. Criteria b) allows for the provision of appropriate facilities for outdoor sport and recreation purposes where they do not conflict with the purposes of including land within the Green Belt.

The building is timber construction and of a standard design. This form of stable building is a common feature within rural areas and Officers are satisfied that the building is appropriately designed for use as stables.

Private equestrian uses are considered to fall within the category of outdoor sport and recreation. The scale of the building is modest to provide stabling for 1 horse only with associated storage and tack room. The land extends in total to approximately 1.2 acres. The British Horse Society recommend 1 acre per horse so Officers are satisfied that the scale of the building is commensurate with the land area.

Concern has been raised regarding the ability to obtain the paddock land for the purposes of horse grazing as this does not currently fall within the control of the applicant.

Officers have considered this concern and note that the land is located within the Green Belt. The construction of the stables and menage is deemed to not be inappropriate under paragraph 149 (b) which states;

".. the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;"

Without the paddock, the facilities would not be appropriate for use by horses so would not meet the exception as set out in paragraph 149(b).

Having sought Legal advice on this matter, Officers consider that because the land is in separate ownership, it is reasonable to condition any permission so that the stables can only be constructed/occupied when the paddock is available for use by the horse being stabled. This would be in the form of a Grampian style condition to prevent the construction of a building within the Green Belt that is inappropriate development. A condition to limit the use to a single horse is also proposed to ensure that the development complies with the Royal Horse Society guidelines.

Subject to the imposition of an appropriately worded conditions, Officers consider that the development would not conflict with the purposes of including the land within the Green Belt and is therefore appropriate development.

Design and impact on visual amenity and the character of surrounding area

Section 12 of the National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development

and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions.

Policy BE1 of the Local Plan reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

The stable block proposed is of timber construction under a simple. This is a common design for small scale stable structures within rural areas.

The building would be sited in close proximity to the access at the front of the site area so only a small area of hardstanding is required to facilitate the stable building.

The proposal is of modest scale with a 33m2 footprint and ridge height of 3.6m. Officers are satisfied that the scale of development would not have a detrimental impact on the visual amenity of the area.

Concern has been raised about a proliferation of buildings across the site diminishing the open character of the area. Having reviewed the site, it is noted that the proposed stable is to the front of the site near to the access. In this location, it is well positioned behind the existing roadside hedge and the site is also proposed to be supplemented with additional planting to provide screening for the building. In this position, the building would also not be viewed in the context of other buildings within the site and as such, in Officers opinion, the proposal would not result in harm to the character of the countryside in this location as a result of a proliferation of buildings.

The proposal is considered to be in accordance with Policy BE1 of the Local Plan and national guidance contained within the NPPF.

Impact on adjacent properties

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

There are no neighbouring properties immediately adjacent to the site of the proposed stable building. The nearest property is a significant distance to the south west of the site. Officers are satisfied that the provision of the modest stable block would not result in any significant harmful impact on the amenity of the neighbouring property.

Due to the location of the stable block, it is considered appropriate to restrict the burning of waste on site to prevent any undue harm to the amenity of neighbouring properties.

Subject to the imposition of the conditions to restrict on-site activities, Officers are satisfied that the scheme would accord with Policy BE3 of the Local Plan.

Highway Safety

Policy TR1 of the Warwick District Local Plan requires all developments provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

The site benefits from an existing access to the public highway that serves the site and this access has acceptable visibility in both directions.

There is sufficient space within the site to allow vehicles to enter, park and manoeuvre allowing for access and egress in a forward gear.

Officers consider it appropriate to restrict the use of the stable building to private use only to ensure that traffic is kept to a minimum to prevent harm to highway safety.

Subject to the imposition of the condition on the use of the stables, Officers are satisfied that the proposal would not result in harm to highway safety. The scheme is therefore considered acceptable having regard to Policies TR1 and TR3 of the Local Plan.

Impact on Ecology/Protected Species

Policy NE3 of the Warwick District Local Plan states that development proposals will be expected to protect, enhance and/or restore habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly.

The proposal has been considered by the County Ecologist who has inspected the site and raised no objection to the scheme in terms of potential impact on protected species subject to the imposition of a condition to secure biodiversity gain and an explanatory note regarding foundations and the potential impact on wildlife.

Officers are therefore satisfied that the scheme accords with Policy NE3 of the Local Plan.

Other Matters

A number of objections have cited that the development could be a pre-cursor to an alternative form of development.

Officers have noted this concern but this is not a material planning consideration and the proposal has been assessed on its own merits. Conditions are proposed to control the use of the building and any future application would have to be assessed separately.

Conclusion

The proposal is considered to be an appropriate form of development within the Green Belt. The scale of the building is considered to be appropriate for the land holding. The proposal raises no objection in design or amenity terms. The proposal is considered acceptable in relation to highway safety and impact on protected species.

For the above reasons, the proposal is recommended for approval subject to conditions.

CONDITIONS

1 The development hereby permitted shall begin not later than three years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).

2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing titled "STABLE BUILDING FLOOR PLAN AND ELEVATIONS" and untitled drawing of Post and Rail Fence and Cross Section of Menege and specification contained therein, submitted on 29 January 2021 and approved drawing titled "SITE LAYOUT PLAN" and specification contained therein, submitted on 19 July 2021

REASON : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DS18, BE1 and BE3 of the Warwick District Local Plan 2011-2029.

3 No development shall take place on the site until it can be demonstrated to the satisfaction of the Local Planning Authority that the applicant has control over the area of land identified in red on the submitted site location plan so that it is available for use by horses being stabled at the site.

Reason: The development is only considered acceptable in Green Belt terms for buildings associated with outdoor sport and recreation uses. Without the appropriate level of land available for the grazing of horses, the development would not be considered to represent a site falling within the definition of outdoor sport and recreation and would therefore be inappropriate development within the Green Belt.

4 The development hereby permitted shall not be occupied until a scheme for biodiversity enhancements has been submitted and approved in writing by the Local Planning Authority. The scheme should include details of planting and maintenance of all new planting. Details of species used and sourcing of plants should be included. The scheme should also include details of habitat enhancement/creation measures and management, such as native species planting, species-rich wildflower meadow creation and/or hedgerow creation/enhancement. Such approved measures shall thereafter be implemented in full within the first available planting season following the first occupation of the building.

REASON: To ensure a net biodiversity gain in accordance with NPPF.

5 The materials used in the construction of the development hereby permitted shall be in full accordance with the details submitted within the application documents The materials used in the construction of the development hereby permitted shall be in full accordance with the details submitted within the application documents. The exterior walls of the building shall be constructed of timber only and shall not incorporate any internal block or brickwork.

REASON: To ensure that the visual amenities of the area are protected and to provide an appropriate form of development in the Green Belt and to satisfy the requirements of Policies DS18 and BE1 of the Warwick District Local Plan 2011-2029.

6 The use of the building hereby permitted shall be for personal and private use only for the stabling of a single horse and shall at no time be used for commercial activity.

REASON: In the interest of amenity and highway safety in accordance with Policies DS18, BE3, TR1 and TR3 of the Warwick District Local Plan 2011-2029.

7 There shall be no burning of waste within the site boundaries.

REASON: In the interest of the amenity of the local area having regard to Policy BE3 of the Warwick District Local Plan 2011-2029.