Planning Committee: 17 December 2013 **Item Number:** **7**

Application No: W 13 / 1484

Registration Date: 24/10/13
Town/Parish Council: Lapworth **Expiry Date:** 23/01/14
Case Officer: Liam D'Onofrio
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Land at Glasshouse Lane, Lapworth, Solihull, B94 6PZ
Construction of manege, change of use of land and stable to a riding school. FOR Mrs R Ellhia

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This application is being presented to Committee due to the number of objections received.

RECOMMENDATION

Planning Committee are recommended to GRANT planning permission, subject to conditions.

DETAILS OF THE DEVELOPMENT

Planning permission is sought for the change of use of the land and stable building to a riding school (D2 Use Class) and the erection of a manege to the northwest of the existing building, measuring 20m by 50m and surrounded by a 1.5m high post and rail fence. Four parking bays will be created to the southwest of the existing hardstanding area.

The supporting letter states that: *'the proposal seeks to operate a commercial riding school from the site. Only those horses kept on the land and accommodated within the stables shall be ridden on the proposed manege and thus be part of the riding school. The existing and proposed replacement stables both provide four stalls. Only a maximum of four horses will be associated with the riding school. Guests will not be permitted to ride their own horses or bring them onto the site. It is not proposed to operate a livery. No competitions will take place. Riding school opening hours will be 8am to 6pm Monday to Saturday and one/two members of staff will be employed to manage the school. Tuition will involve one or two horses being ridden on the manege and only one-two fee paying clients will be schooled at one time'.*

There is an extant permission to replace the existing stable building with a similar structure, also with four stables, granted under W/13/0916. The applicant states that: *'The riding school will be used initially in association with the existing stable*

building with scope for it to be used in association with the larger stable building, should it be implemented'.
Both existing and proposed stable buildings are subject to a planning condition restricting the use of the site for commercial activities such as a riding school/livery, which this application would override.

THE SITE AND ITS LOCATION

The application site relates to a large rectangular field of some 6 acres located on the north-western side of Glasshouse Lane. The existing stable building is located adjacent to the field's south eastern boundary with the highway, which is formed by a mature hedge. The site's vehicular access is also located to this boundary. The site is within Green Belt.

PLANNING HISTORY

W/13/0916 Erection of replacement stable block: Granted 5th September 2013

W/12/0698 Erection of extension to enlarge existing stables (W/12/0205 amendment): Refused - APPEAL dismissed 15th April 2013. The Inspector noted that the additional size and height of the proposed L-shape stable building (23m by 13.5m by 4.8m high) would be of significant scale and would not preserve the openness of the Green Belt.

W/12/0205 Erection of extension to enlarge existing stables: Granted 17th April 2012

W/05/1299 Stable block to provide four stables, tack room and hay barn: Granted 23rd September 2005

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP3 - Natural and Historic Environment and Landscape (Warwick District Local Plan 1996 - 2011)
- DP4 - Archaeology (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)
- RAP10 - Safeguarding Rural Roads (Warwick District Local Plan 1996 - 2011)
- RAP13 - Directing New Outdoor Leisure and Recreation Development (Warwick District Local Plan 1996 - 2011)
- Vehicle Parking Standards (Supplementary Planning Document)
- National Planning Policy Framework

SUMMARY OF REPRESENTATIONS

Lapworth Parish Council - No objection
WCC Ecology - No objection. Request that lighting is kept to a minimum due to its harmful effect upon bats, birds and nocturnal animals. Nesting bird note.

WCC Archaeology - No objection.

WCC Highways - No objection, subject to conditions.

Public response - Nine letters of objection raising the following concerns:
- Exploitation of green belt/ creep of development/ strategy of attrition/ concern of future uses including residential on site.
- Change of use on green belt land should not be considered lightly.
- Highway safety from increased horse/traffic movements on narrow lane.
- Glasshouse lane already deteriorating through increased use.
- Noise pollution.
- Condition of original stable block that it would not be used for riding school/livery.

ASSESSMENT

The main considerations in assessing this application are as follows:
- Principle;
- Neighbouring amenity;
- Highway Safety.

Principle

The type and scale of riding school establishments can be diverse: ranging from small establishments in converted farm buildings occupied together with small areas of land, to much larger premises with purpose-built stables, indoor or outdoor schools and, sometimes, cross-country courses. Given the commercial nature of a riding school (or similar livery business), such new uses should generally be located within existing farm sites, seeking to re-use existing redundant agricultural buildings within sustainable locations, thus contributing to farm diversification and minimising the impact upon the openness of the Green Belt. The applicant points to National Planning Policy Framework (NPPF) 2012 paragraph 28, which states that "to promote a strong rural economy...LPA's should support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings". This is primarily aimed at supporting *existing* businesses rather than seeking to allow new businesses to locate within the Green Belt.

There is an existing stable building on site and the replacement stable building was recently granted under planning permission W/13/0916, as an appropriate facility for outdoor sport, outdoor recreation, as identified under the NPPF 2012, paragraph 89. A standard condition was imposed upon this permission stating: "*The stables hereby permitted shall only be used for purposes in connection with and incidental*

to the use of the land for equestrian grazing/leisure and shall not be used for the purposes of a livery or riding school or any other commercial purposes". This condition is imposed as a commercial operation would be more intensive with greater vehicular movements compared to a 'hobby' use.

The creation of a new riding school business is not considered to meet the aims and objectives of Green Belt policy, as it does not preserve openness and therefore represents inappropriate development within the Green Belt. Paragraph 88 of the NPPF states that LPA's should ensure that substantial weight is given to any harm to the Green. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

There is an existing stable building and hardstanding area on site and, if considered at face value, the change of use is not considered to result in a greater impact upon the openness of the Green Belt. The proposed manege is related to an equestrian use and the NPPF 2012, paragraph 90 indicates that engineering operations are not inappropriate development, provided openness is maintained. In this case the manege's sand surface would have a minimal impact upon openness and the surrounding post and rail fence does not require planning permission, as it can be erected under permitted development rights.

The key to the acceptability of this scheme is considered to be its small scale and its utilisation of an existing (four horse) stable building. The new riding school use will clearly have some additional harm upon openness with new customer/staff parking bays and cars parked on site, however this impact is not considered to be so significant as to warrant refusal of the scheme.

As previously mentioned, new equestrian businesses should generally look to locate within redundant farm buildings and it would be inappropriate in terms of the Green Belt policy to seek to erect a new commercial operation within the Green Belt, which would have an adverse impact upon openness. With the passage of time the riding school, if successful, may wish to develop into a more extensive enterprise, which would be harmful to openness. It is therefore considered reasonable and necessary to limit the proposed riding school to have not more than three riding lessons being undertaken at any one time (the Design and Access Statement confirms only one or two fee-paying clients will be schooled at a time and allowing three clients will allow some flexibility). This will better reflect the scale of the existing facilities and also limit the amount of cars parked within the site and better manage the cross-over in clients leaving/arriving for lessons. The site is close to the villages of Hockley Heath, Dorridge and Lapworth, but is not sustainable in terms of public transport and is largely dependent on private motor car trips. In this regard it is also considered that a larger development with more customers would be inappropriate.

Given the small scale of the riding school and the limited harm upon openness when compared to the existing and lawful use of the site, very special circumstances are considered to exist to justify otherwise inappropriate

development (a new commercial business) within the Green Belt and the scheme is therefore considered to be acceptable in principle.
The riding school use is within the D2 Use Class - 'Assembly and Leisure' and a condition is suggested to specifically restrict the use to a riding school only, avoiding potential changes to other uses within the D2 Use Class. Furthermore the 'school' use would gain permitted development rights under Part 32 of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2010 allowing extensions/alterations and it is therefore essential that permitted development rights be removed from the site.

Neighbours' amenity

The site has an existing lawful equestrian use and the erection of a manege is not considered to create any adverse impact upon local residents. Equestrian paraphernalia is evident on adjoining fields, also within equestrian uses.

The riding school will introduce additional vehicle trips, however at the scale proposed the comings and goings are not considered to be so significant as to warrant refusal of the application. A condition has been suggested to control the intensity of the use accordingly, limiting the number of clients taking riding lessons to three at any one time.

An hours of use condition restricting the riding school's operating hours is not therefore considered necessary, however the erection of flood lighting around the perimeter of the manege to allow for evening riding within the autumn/winter would have a significant adverse impact upon openness and the potential to disturb local residents. The Ecologist notes that lighting can also have a harmful effect on bats, birds and other nocturnal animals. A condition is therefore suggested to restrict the erection of any lighting within the site.

Highway Safety

The Highway Authority note that Glasshouse Lane narrows from its junction with the B4439 Warwick Road, whereby two cars can generally pass but a larger vehicles would overrun the verge margin. The Highway Authority have calculated the worse case scenario of trips generated to and from the site by staff and 4 clients per hour (each arriving individually by car). The Highway Authority consider that the level of usage, whilst generating more trips than the current personal use stabling, would not result in a material impact upon the public highway. The Highway Authority therefore raise no objection to the scheme, but make clear that this is based on the information submitted and there would be concerns for any further proposals to intensify the use of the site, which could cumulatively have a greater impact upon the surrounding highway network.

The Highway Authority have also requested conditions to secure a suitable width, bound material and visibility splays to the improved site access.

SUMMARY/CONCLUSION

In the opinion of the Local Planning Authority, the proposed new business use represents inappropriate development within the Green Belt, however given the proposed small scale of the riding school and the limited harm upon openness when compared to the existing and lawful use of the site, very special circumstances are considered to exist to justify otherwise inappropriate development within the Green Belt. No amenity or highway safety issues are raised and the scheme is therefore considered to be acceptable.

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(s) 6985-2001, 6985-2002, and specification contained therein, submitted on 18th October 2013. **REASON** : For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

3 No lighting or illumination of any part of the site shall be installed or operated unless and until details of such measures shall have been submitted to and approved in writing by the local planning authority and such works, and use of that lighting and/or illumination, shall be carried out and operated only in full accordance with those approved details. **REASON:** In the interests of the amenities and openness of the green belt area and local wildlife/protected species in accordance with Policies DP1, DP2, DP3 & DP9 of the Warwick District Local Plan 1996-2011 and the aims and objectives of the NPPF 2012.

4 The riding school hereby permitted shall be limited to a maximum of three customers undertaking riding lessons at/from the site at any one time and only horses belonging to the riding school and stabled at the site shall be used in association with the riding school use and manege use. No customers shall bring their own horses to the site to engage in riding lessons or the individual use of the site/manege. **REASON** : To protect the rural character of the area, in accordance with Policies RAP10 and RAP13 of the Warwick District Local Plan 1996-2011 and the aims and objectives of the NPPF 2012.

5 The use hereby permitted shall be used for a riding school only and for no other purpose, including any other purpose within Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument

revoking and re-enacting that Order with or without modification. **REASON** : To protect the rural character of the area and avoid an intensification of use on site, in accordance with Policies DP2, RAP10 and RAP13 of the Warwick District Local Plan 1996-2011 and the aims and objectives of the NPPF 2012.

6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no further development shall take place within the site. **REASON:** To protect the rural character of the area and avoid an intensification of built form/use on site, in accordance with Policies DP2, RAP10 and RAP13 of the Warwick District Local Plan 1996-2011 and the aims and objectives of the NPPF 2012.

7 The use hereby permitted shall not be commenced unless and until the means of access to the site has been provided in full accordance with details to be submitted to and approved in writing by the local planning authority. Details shall include the widening of the existing vehicular access to the site to not less than 5 metres, as measured from the near edge of the public highway carriageway, the provision of a bound macadam material for a distance of 12 metres measured from the near edge of the public highway and visibility splay details to the vehicular access with an 'x' distance of 2.4 metres and 'y' distances of 160.0 metres in a westerly direction and extending to the site boundary in an easterly direction to the near edge of the public highway carriageway. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height 0.9 metres above the level of the public highway carriageway. Thereafter the means of access shall be kept available for use by vehicular traffic at all times unless otherwise agreed in writing by the local planning authority. **REASON:** In the interests of highway safety and the free flow of traffic in accordance with Policy DP6 of the Warwick District Local Plan 1996-2011.

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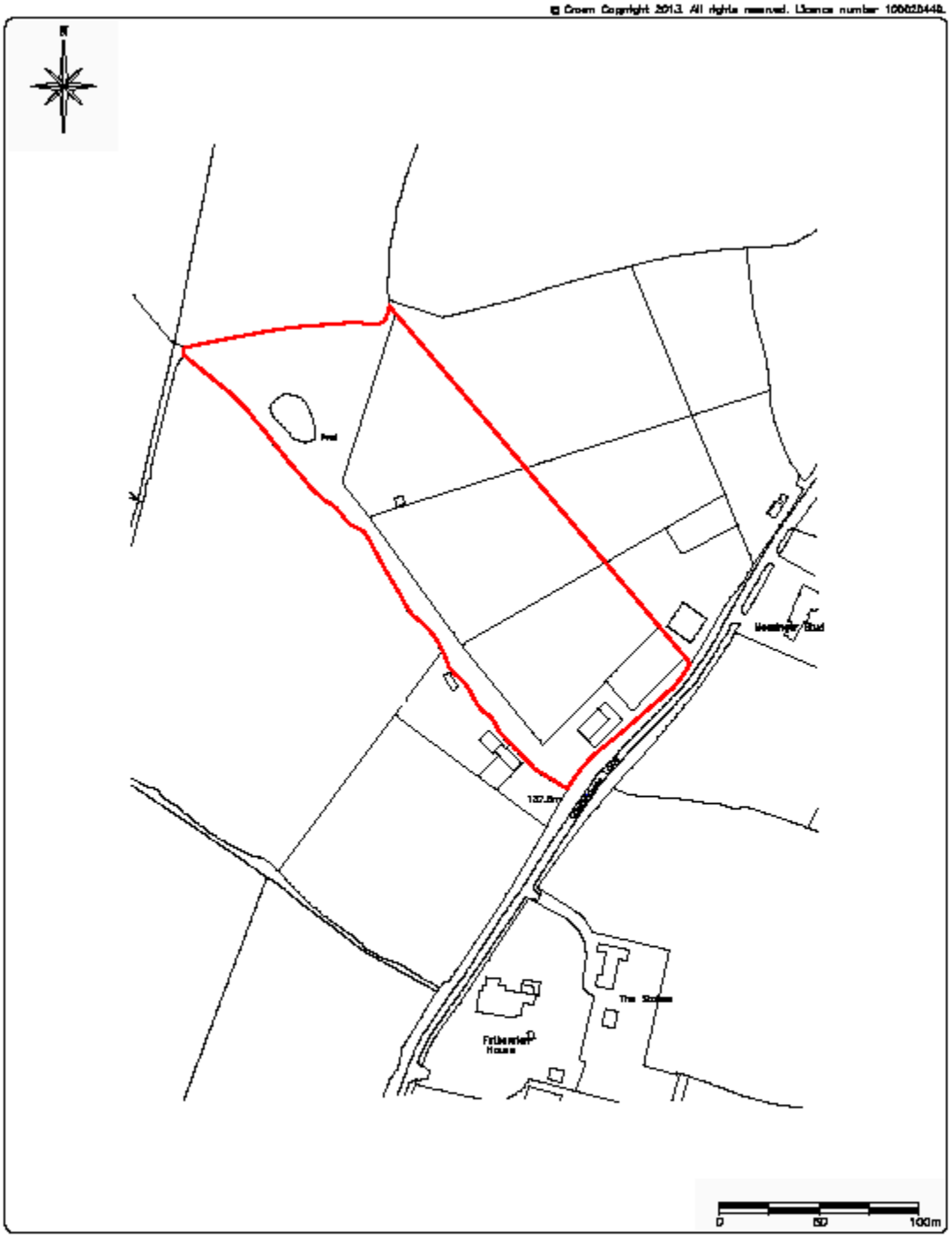

Drawing	Location Plan	Drawing No	5955-1000
Project	Land at Glasshouse Lane Lapworth	Client	Mrs Ruceana Ellis
		Scale	1:2500 @ A4
		Date	October 2013

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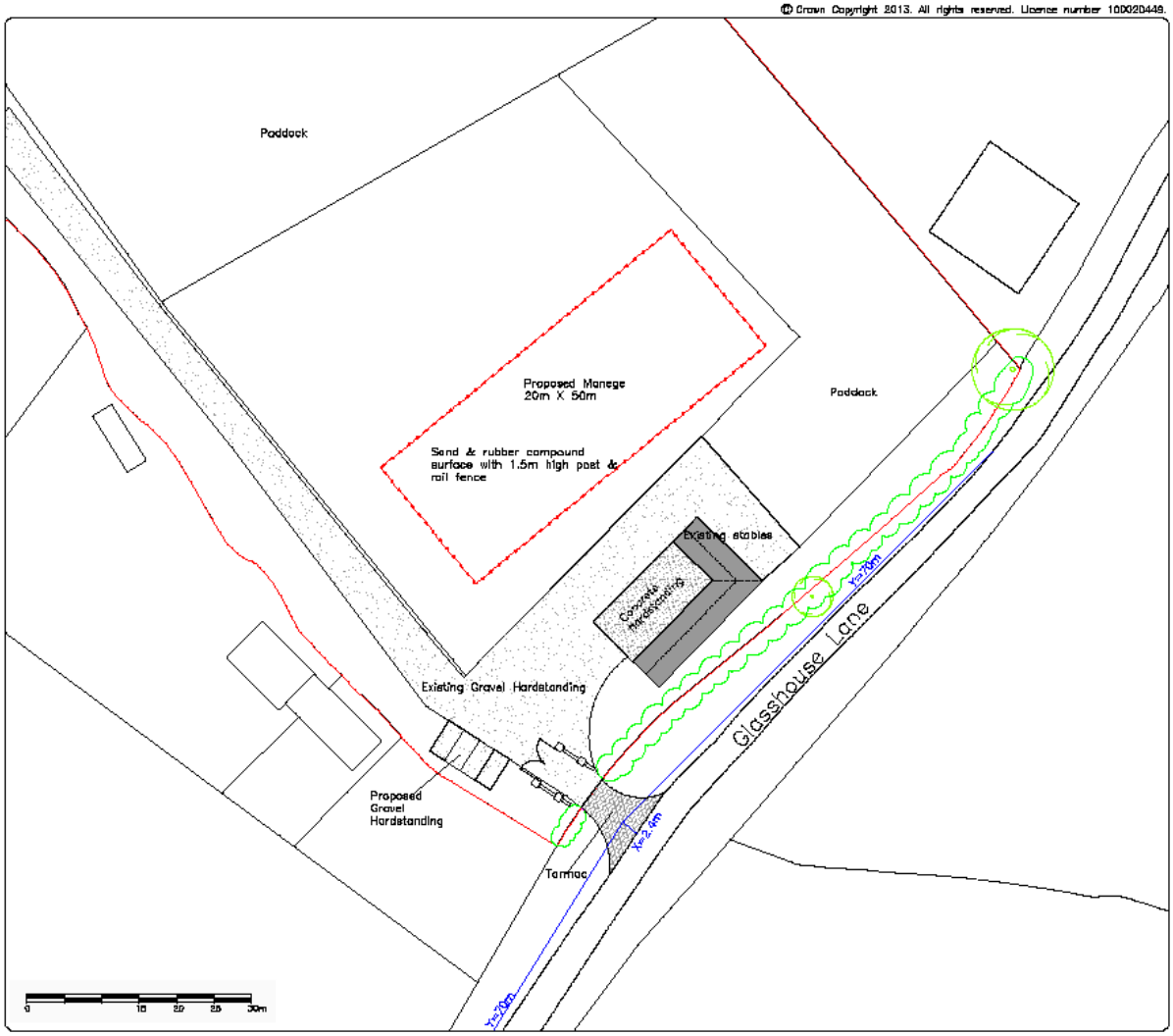

Drawing	Proposed Block Plan 2
Project	Land at Glasshouse Lane Lapworth
Client	Mrs Rucsana Elihia
Drawing No	6985–2002
Scale	1:500 @ A3
Date	October 2013

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