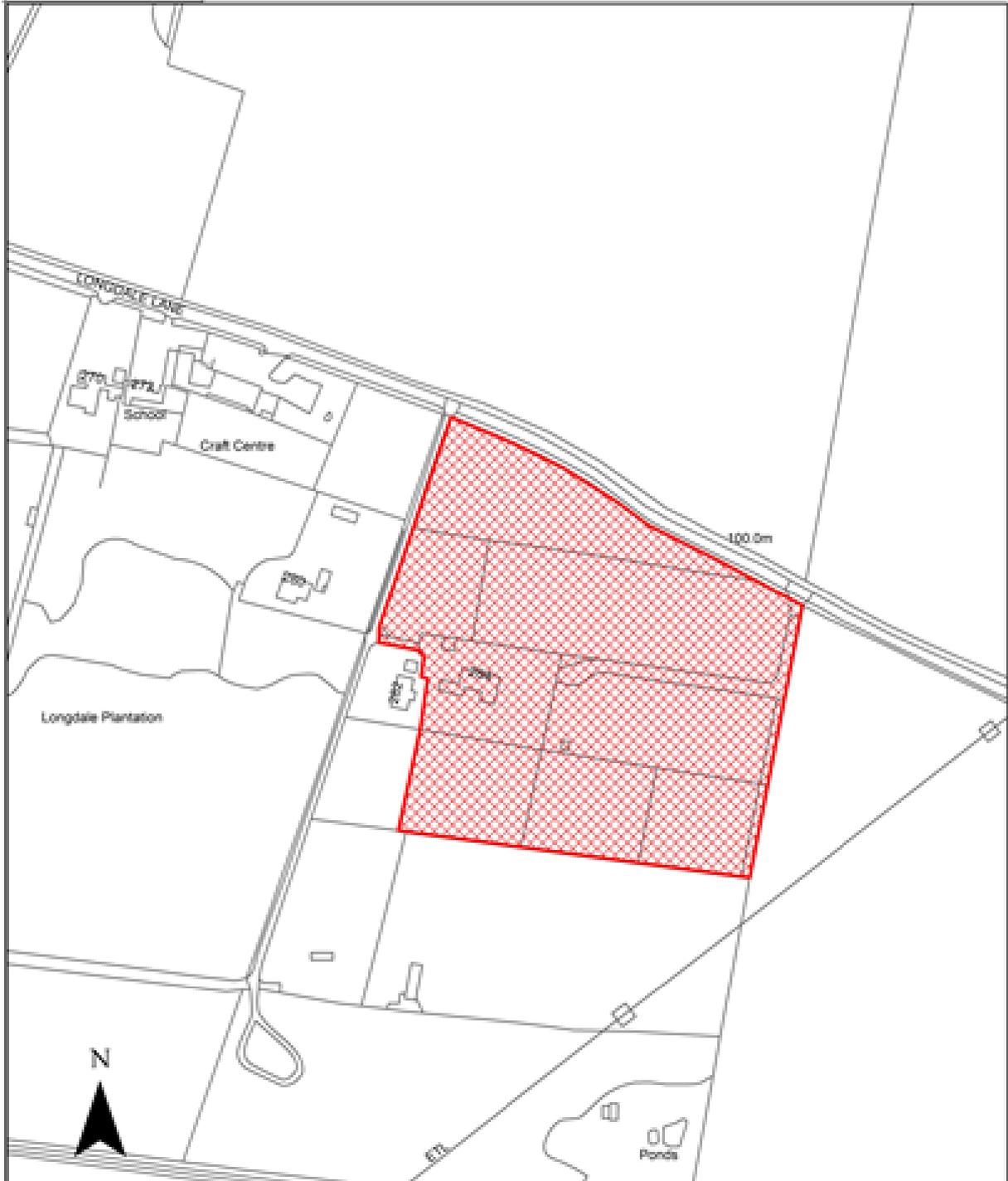




Application Number: 2016/0989
Location: 284 Longdale Lane Ravenshead Nottinghamshire NG15 9AH



NOTE:
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Report to Planning Committee

Application Number:	2016/0989
Location:	284 Longdale Lane Ravenshead Nottinghamshire NG15 9AH
Proposal:	The retention of the equestrian and residential access, the change of use of land from agricultural to equestrian and the erection of boundary treatment.
Applicant:	Mr Simon Rood
Agent:	Miss Laura McCombe
Case Officer:	Christina Dinescu

Site Description

The application site relates to Green Belt land currently being used for recreational equestrian activities. There is a residential barn conversion, no.284 Longdale Lane, sited within the fields within the ownership of the applicant. The land to the north of the residential curtilage is paddock land which has the benefit of a planning permission to erect a stable block with a tractor shed and a manege area.

Current access to no.284 and the fields is via Longdale Lane through two separate private drives, one to the east and one to the west. The private drive to the east serves only the application site whilst the one to the west is a shared private drive with no's 280, 282 and 284.

The application site is adjoined by a detached two-storey dwelling to the west at no. 282 Longdale Lane and open fields to the east and south.

The application site is set within the Nottinghamshire Green Belt as indicated on the Proposals Map of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2014.

Relevant Planning History

In May 2005 (ref. no. 2005/0278) Planning Permission was granted to convert existing brick barns into one residential unit with an extension to the eastern side. In 2007 (ref. no. 2007/0472) and 2010 (ref.no. 2009/1027) the dwelling was further more extended.

In 2007 (ref. no. 2007/0023) Planning Permission was granted to erect a detached

garage on the northern property boundary.

2007/0499 – Planning Permission was granted for a tractor shed and stables.

2009/0223 – Planning Permission was refused for a two-storey extension to provide bed and breakfast.

2010/0344 – Planning Permission was granted to relocate the tractor shed and stables.

2011/1208 – Planning Permission was refused for a two-storey rear extension to the dwelling.

2014/0074 – Relocation of the tractor shed and stable and provision of a manege.

In 2015 (ref. no. 2015/0684) Planning Permission was granted for an extension to the garage.

2016/0989 – in September 2016 a planning application was submitted for the retention of an extension to the existing garage and store to provide a stable. This is yet to be determined.

Proposed Development

Full Planning Permission is sought to retain an equestrian and residential access, the change of use of land from agricultural to equestrian and the erection of a boundary treatment.

The equestrian and residential access is approximately 160 metres long and it is located on the eastern side of the application site with a gated access to Longdale Lane. The track is constructed with overlaying gravel on a previous overgrown hardcore track. It was constructed to allow larger vehicles and horse transporters to access the paddocks and equestrian land used to keep horses.

The boundary treatment is located to the north-eastern side of the residential curtilage, along the existing lawful residential access. The wall measures 2.1m at its highest point from ground level, measured from the paddock.

A Planning Statement has been submitted in support of the application. It is stated that the fields surrounding the dwellinghouse have been used for the keeping and exercising of the applicant's horses since 2005. The applicant has four horses that are being kept in Livery elsewhere and two ponies that are being kept in the store and stable on site. The access lane is required to enable the applicant's land to be accessible for larger vehicles. The existing shared driveway is very narrow with limited passing space making it difficult to be accessed by horse transporters and delivery of equine related provisions. The brick wall is a replacement of wooden fencing.

Part of the access to be retained overlaps the highway boundary and the requisite Certificate has been served on the Highway Authority.

Consultations

Ravenshead Parish Council – Strong objection to the planning application; the second gated entrance to the property has been opened without planning permission and is therefore retrospective. No justification has been given for the apparent need for a second entrance to the property in a situation where the existing entrance is perfectly adequate. We recommend immediate closure of the second gate which also generates potential highway issues on this very busy road. It is unclear why the proposed change of use from agricultural to equestrian status is required, nor the external implications and extent of the equestrian activities which will follow. Finally complaints have been received regarding concerns about the closeness and height of the wall in question which also now seeks retrospective permission.

The Highways Authority – This application is retrospective with the access already constructed. The site has been visited prior to the application being submitted and assessed to be acceptable in terms of highways and visibility. Therefore there are no highway concerns.

Planning Policy – Consideration should be given to whether the proposed access and boundary treatment can be classed as not inappropriate development and the implications of the Kemnal Mount judgement. The applicant will need to demonstrate that there are very special circumstances for the change of use of land to equestrian use (and potentially the access and boundary treatment) that clearly outweigh the harm to the openness of the Green Belt and any other harm caused.

The application has been advertised as a Departure from the Local Plan, adjoining neighbours have been notified by letter and a site notice and press notice have been posted – One letter of representation was received as a result. The concerns raised can be outlined as follows:

- References about a different proposal on the same site;
- The brick wall seriously reduces the openness of the area;
- The solution to create a new entrance is selfish.

Planning Considerations

In my opinion the main planning considerations in the determination of this application are the following:

- Impact on the Green Belt;
- Impact on residential amenity;
- Highway safety.

The relevant national policy guidance in respect of these matters is set out in the National Planning Policy Framework (March 2012). At the heart of the NPPF is a presumption in favour of sustainable development. The core planning principles set out in the guidance states at paragraph 17: -

Planning should:

- 'proactively drive and support sustainable economic development to deliver homes, business and industrial units, infrastructure and thriving local places that the country needs;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; and
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it'; and
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

In particular the chapter 9 "Protecting Green Belt Land" is relevant in considering this application.

Paragraph 79 of the NPPF states that, 'The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'.

Paragraph 80 identifies the five purposes that Green Belt serves as follows:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

Paragraph 87 states that, 'As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'. In this context, paragraph 88 goes on to state that, 'When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. "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'.

Paragraph 89 of the NPPF states that, 'A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are, inter-alia, provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it'.

Gedling Borough adopted the Aligned Core Strategy (ACS) on 10th September 2014 and this now forms part of the Development Plan along with certain policies saved contained within the Gedling Borough Council Replacement Local Plan referred to in Appendix E of the ACS.

The following ACS policies are relevant:

- Policy A: Presumption in Favour of Sustainable Development
- Policy 3: The Green Belt.

The following saved policies of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014) are also relevant:

- ENV1 (Development Criteria); and
- R11 (Keeping of Horses and Construction of Small Stables).

Policy R11 states that:

‘Planning permission will be granted for the keeping of horses for recreational purposes and construction of small stables provided that:

- a) they are in accordance with Green Belt Policy and would not conflict with the purposes of including the site within the Green Belt;
- b) any new building in the countryside is small in scale and is an essential facility required in connection with outdoor sport or recreation;
- c) built development is sited and designed to minimise its visual impact;
- d) the proposal would not adversely affect any nearby residential properties; and
- e) it would not cause traffic problems and
- f) they would not adversely affect sites of nature conservation interest or mature landscape areas. ‘

The Local Planning Document (LPD) for Gedling Borough was approved for publication by Council at its meeting on 20th April 2016 and was published for a six week consultation on 23rd May 2016 ending on 4th July. Paragraph 216 of the NPPF sets out that from the day of publication weight may be given to relevant policies in emerging plans according to:

- The stage of preparation (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency with the NPPF (the greater the consistency, the greater the weight that may be given).

Following publication and prior to all comments being considered it is recommended that only limited weight can be given to the LPD. Relevant policies in the LPD include:

- Policy LPD 25 Equestrian Development.

Impact on the Green Belt

The proposed use is within the Green Belt where there is a general presumption against development. The NPPF at paragraph 87 states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

I am mindful that the change of use of the application site to equestrian use would

not be considered appropriate development in the Green Belt. Paragraph 87 states that inappropriate development in the Green Belt should not be approved unless 'very special circumstances' can be demonstrated. The planning statement accompanying the application forwards the special circumstances from the agent: This includes:

- The applicant's landholding extends in total to over 3 hectares, the majority of which is utilised as paddocks for the keeping and exercising of horses;
- The horses are all domestic hobby horses and there is no commercial equestrian activity;
- The land has been used for the keeping of horses for over 10 years.

I note that paragraph 89 lists a number of appropriate buildings that can be erected in Green Belt, amongst them being provision of appropriate facilities for outdoor sport, outdoor recreation, as long as the openness of the Green Belt is preserved. Local Planning Authorities are encouraged under paragraph 81 to positively enhance the beneficial use of Green Belt by supporting applications which improve accessibility and supporting opportunities for recreational use.

When considering very special circumstances it is my opinion that the access to the sport and recreation facilities on a domestic scale would carry little weight. However, weight should be given to paragraph 81, but in itself I do not consider that this is a very special circumstance.

In relation to this application the very special circumstance is derived because the change of use of the fields to an equestrian use would not alter the appearance or character of the fields and it would preserve the openness of the Green Belt at this site and the purposes of including the land within the green belt. It would be unreasonable in my view to refuse this application because there would be negligible harm to the green belt at this location. In my opinion the actual harm to the green belt needs to be given substantial weight in this instance.

Given the information received I consider the change of use to be appropriate for an outdoor sport or recreation activity, given the absence of buildings and the lack of commercial activity I consider there to be very special circumstances that outweigh the harm and any other harm to the Green Belt in this instance.

Whilst I note the application site is served by a shared private drive, along with other dwellings in the vicinity, I consider the second access to be more appropriate to the equestrian use of the application site, given the different type of vehicles associated with the keeping of horses. I note the second access would also serve the residential dwelling and therefore could be considered encroachment into the countryside. However, given the need for a second access associated to the equestrian use has been established, I consider the degree of encroachment is limited in this location. I also note that the surfacing is loose stone aggregate and is well assimilated in the landscape with the use of landscaping such as hedgerows and trees. I consider that on balance the access to be retained has a rural appearance and is sited to give access to land managed / within the ownership of the applicant, and would not unduly impact on the openness of the Green Belt in this location.

I note that the brick wall erected is a replacement of a previous means of enclosure. I

also note that under the General Permitted Development Order means of enclosure measuring less than 2 metres in height do not require planning permission. Given that the brick wall is a replacement of a previous means of enclosure and that its height does not represent a significant increase to a means of enclosure erected under permitted development, I consider the brick wall to have a limited degree of impact on the openness of the Green Belt in this instance.

I note the agent considers in the Planning Statement, submitted with the application, that the access track and the brick wall should be classed as engineering operations and therefore they would not constitute inappropriate development in the Green Belt. However, in my opinion, as the brick wall has been erected to replace an existing boundary treatment and the access track has been constructed of gravel, the two elements of this application should not be considered engineering operations.

Given that the special circumstances considered state that the use of the land for horses is all on a domestic level, should planning permission be forthcoming a condition would be attached restricting the use to domestic equestrian only without any commercial livery facilities.

In conclusion I have identified the following as being capable of forming the very special circumstances required to permit inappropriate development in the Green Belt.

- Domestic nature of the equestrian use;
- The limited degree of impact on encroachment and openness;
- The change of use relates to activities for outdoor sport and recreation.

Taking these considerations into account I am satisfied that, on balance, the proposal accords with Green Belt policies.

Impact on residential amenity

Given the location of the application site, significant distances to neighbouring properties and the domestic nature of the equestrian use, I am satisfied the proposal would have no undue impact on adjoining properties.

Highway safety

I note the comments received from the Highways Authority and I am therefore satisfied there are no highway safety issues associated with the use of the land.

Conclusion

At the heart of the NPPF is a presumption in favour of sustainable development, for decision making purposes this means approving development proposals that accord with the development plan, and where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework

- taken as a whole; or
- Specific policies in this framework indicate the development should be restricted.

In light of the considerations given above in relation to:

- Impact on Green Belt
- Impact on residential amenity
- Highway safety

Given the above considerations I am satisfied that there would be no undue impact on the openness of the Green Belt, the amenity of nearby residential properties or on highway safety. I therefore recommend that planning permission be granted.

Recommendation:

To GRANT CONDITIONAL PLANNING PERMISSION

Conditions

1. This permission shall be read in accordance with the details and plans submitted to the Borough Council on 9th September 2016.
2. The application site shall be used only for domestic equestrian purposes in connection with no.284 Longdale Lane as shown on the location plan received on 9th September 2016 and no livery/riding school, business, or commercial use is permitted unless otherwise agreed in writing by the Borough Council.

Reasons

1. For the avoidance of doubt.
2. This is to restrict the volume of traffic entering and leaving the site.

Reasons for Decision

In the opinion of the Borough Council, the proposed development is acceptable in terms of Green Belt policy and would have no adverse impact on the openness of the Green Belt. The proposal will have no undue impact on the amenity of neighbouring residential properties. The proposal therefore complies with Policies ENV1 and R11 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014) and advice contained within the NPPF (2012).

Notes to Applicant

Positive and Proactive Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework. During the processing of the application there

were no problems for which the Local Planning Authority had to seek a solution in relation to this application. Negotiations have taken place before the submission of the application in connection to an ongoing enforcement investigation.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at www.coal.decc.gov.uk. Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at www.groundstability.com.

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.