

Planning Committee: 11 October 2022

Item Number: 10

Town/Parish Council: Stoneleigh

Case Officer: Erin Weatherstone

0178 260 401 erin.weatherstone@warwickdc.gov.uk

**Application for Certificate of Appropriate Alternative Development
Land Compensation Act 1961, Section 17, as substituted by Section 63
of the Planning and Compensation Act 1991**

Application for a Certificate of Appropriate Alternative Development under Section 17(3) of the Land Compensation Act 1961 for the erection of affordable dwellings falling within Class C, the sitting of stables, the erection of solar pv panels, the change of land for domestic garden land and use of land for horticulture.

Applicant: Mr P Underhill

Application No: W/22/1156/HS2

Site: Land to the west of No. 1 Stareton Lane, Stoneleigh, Kenilworth, CV8 2LL

Recommendation: To issue a Part Positive and Part Negative Certificate

Development Plan

Warwick District Local Plan (2011-2029).

RELEVANT POLICIES

- DS1 – Supporting Prosperity
- DS2 – Providing the Homes the District Needs
- DS3 – Supporting Sustainable Communities
- DS18 – Green Belt
- H1 – Directing New Housing
- H2 – Affordable Housing
- H3 – Affordable Housing on Rural Exception Sites
- BE1 – Layout and Design
- BE3 - Amenity
- TR1- Access and Choice
- TR3 – Parking
- CC2 – Planning for Renewable Energy and Low Carbon Generation
- FW1 – Reducing Flood Risk
- FW2 – Sustainable Drainage
- FW4 – Water Supply
- HE1 – Designated Heritage Assets and their Setting
- HE4 – Archaeology

- E1 – Green Infrastructure
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 – Biodiversity
- NE4 – Landscape
- NE5 - Protection of Natural Resources

Other Guidance Documents:

- Affordable Housing SPD (July 2020)
- Air Quality and Planning SPD (January 2019)
- Parking Standards SPD (June 2018)

RECENT RELEVANT PLANNING HISTORY

Application reference	Description of development	Decision and date
W/08/0329	Construction of new vehicular access with 5 bar gate	Refused 28/04/2008
W/11/1656	Proposed new cottage and garage with new access and driveway.	Withdrawn 12/04/2012

Background: An objection was received from WCC Highways Authority to application W/08/0329 as the visibility splays could not be met.

SUMMARY OF REPRESENTATIONS

No consultations are carried out on this application type.

BACKGROUND AND PROCESS

This application is for a Certificate of appropriate alternative development. The parcel of land is subject to compulsory purchase by HS2. If the HS2 scheme were to be cancelled this application is to determine if there may have been a reasonable prospect for this land to be granted planning permission for a different form of development. Such planning permissions could enhance the land value in the future as it could have been marketed with planning permission.

Section 14 of the Land Compensation Act 1961 provides a mechanism for these planning permissions to be assumed for the purposes of assessing the value of parcels of land which may be subject to compulsory purchase. The assumptions are on the basis that if the development (in this case HS2) had been cancelled on the date the notice was given what planning permission may have been granted.

This application provides a method to provide a conclusive determination as to how the land is to be valued on the assumption it had the benefit of planning permission. Under Section 17 of the Act an applicant may seek a certificate to confirm if there is any appropriate alternative development. The outcome of any certificate can be positive in so far as that it is considered that that the land is appropriate for alternative development or a nil certificate where the land is not considered appropriate for alternative development.

The onus is on the Applicant to demonstrate the reasons why they consider that the land is appropriate for alternative development and specify each development which they consider would have been granted.

The Local Planning Authority can issue a Certificate in line with Section 17 (1) which states that:

- 'a) there is appropriate alternative development for the purposes of section 14 (a 'positive' certificate); or
- b) there is no development that is appropriate alternative development for the purposes of section 14 (a 'nil' or 'negative' certificate)'.

The LPA is required to specify all development which is appropriate even if it is not specified within the application. Where the opinion of the LPA is that planning permission might reasonably have been expected to be granted but subject to conditions or at a future time the decision should specify this including the conditions.

Application Process/Application details

As this application is not a planning application the application can be considered and determined with a plan, the relevant fee and a description of the type of development being applied for.

This application has been triggered to be considered at Planning Committee by Members as there is nothing in the Council's Scheme of Delegation which provides officers with the delegated authority to determine these applications.

DETAILS OF THE DEVELOPMENT

The application has been submitted with an accompanying Planning Statement. The Applicant considers the following would be appropriate alternative development on the land:

- Equine use offering full, part or DIY livery to the public or for private use with 2 stables plus parking;
- An exception site for 2no. semi-detached affordable dwellings
- A renewable energy scheme (temporary period of use with approximately 750 solar panels)
- A garden extension (for 1 Stareton which is the adjacent dwelling)
- Small scale horticultural enterprise (small plant/nursery with polytunnels).

The Planning Statement confirms that all developments will utilise the existing vehicular access point from 1 Stareton Lane or use a newly created vehicular access point. The Statement advises that the existing mature trees and hedgerows will be retained unless required to be removed for visibility splays and that further planting could be secured. Reference is also made to the accessibility of the site from the A46, M6, M40 and M42.

Reference is made within the Planning Statement that the land has been used as a paddock. Based on the evidence available, I consider that the land has an agricultural use. The application has therefore been considered on this basis and the land is not considered to meet the definition of Previously developed land as set out in the NPPF.

THE SITE AND ITS LOCATION

The site lies to the west of Stareton and comprises of a triangular parcel of agricultural land with mature vegetation which falls within Flood Zone 1. The site lies in the West Midlands Green Belt and in the countryside.

To the south of the site lies Stareton Lane which is subject to the national speed limit. The site does not have any existing vehicular access to the road.

The site lies adjacent to the Stareton Wood and Stare Hill Local Wildlife Site. This woodland coppice also forms part of Stoneleigh Abbey Grade II* Registered Park and Gardens.

Within the locality there are a number of Listed Buildings including Number 1 and 2 Stareton Village which are grade II listed. Within the wider vicinity also lie 4 and 5 Stareton Village and Yew Tree Cottage which are also Grade II listed buildings. Stare Bridge lies to the west of the site is a Grade II* listed building and the East Lodge located to the west is Grade II listed.

Whilst there is mature vegetation to the north and west of the site there are clear public views from Stareton Lane. Public Right of Ways W171 and W157 lie to the west and east of the site respectively but will not provide clear public views of the land.

ASSESSMENT

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise (in line with section 70(2) of the Town and Country Planning Act 1990 and section 38 (6) of the Planning and Compulsory Purchase Act 2004).

Overarching Local Plan Policy DS5 relates to sustainable communities and expects all new development to be of a high-quality design and encourages development which creates strong communities including having regard to infrastructure and services. Furthermore Policy DS5 states that the Council will take a positive approach that reflects the presumption in favour of sustainable development.

As the application includes several development types, the principle for each is assessed below. Where the principle is accepted other non-principle matters and possible conditions are discussed having regard to all material considerations.

Principle of Equestrian Development

The site lies within the countryside and within the West Midlands Green Belt where strict Policies apply to prevent urban sprawl and safeguard the countryside from encroachment.

When considering the principle of the development paragraph 84 of the NPPF supports sustainable leisure developments which respect the character of the countryside. I consider that equestrian use would fall within this category.

When considering the West Midlands Green Belt Local Plan Policy DS18 states that the Council will apply National Policy in relation to Green Belt development. Paragraph 149 and 150 set out development which are not 'inappropriate' development within the Green Belt. Paragraph 149 b) states that the provision of appropriate facilities for outdoor sport are not 'inappropriate' development where the facilities preserve the openness of the Green Belt and do not conflict with the land within it.

By reason of the size of the site, which is less than half an acre, and stable use proposed I do not consider that the scale of the development would represent appropriate facilities for outdoor sport as it is considered that there would be insufficient land for the grazing of horses proposed. The Council use the British Horse Society's guideline of 1 acre per horse for judging this. In addition, the use of the site as a livery will increase the need for additional parking and associated infrastructure. I therefore have concerns that both the private and commercial stable development proposed would represent 'inappropriate development' having regard to paragraph 149 b) of the NPPF.

Other material considerations are addressed below.

Other non-principal matters

Impact on character of the area

There are mature trees which extend across the application site which may be impacted by the proposal. Had this proposal come forward as part of a full planning application an Arboricultural Report would have been required to accompany the proposal to ensure that no harm would occur to the trees.

Subject to a suitable design, size and siting of private stables and boundary treatment I consider that the equestrian development would protect the character of the area and be sited to protect the existing trees. I consider that this would be subject to conditions including tree protection, lighting, material finish and landscaping to ensure that the proposal accords with BE1.

Heritage

The site lies in a sensitive location adjacent to the Grade II* Registered Park and Gardens and close to Grade II dwellings. Subject to an appropriate scale, design and siting I consider that a private stable development is unlikely to result in harm to the setting of these heritage assets or due to the context of the site in line with Local Plan Policy HE1.

Highways matters

The application site currently has no vehicular access from the Stareton Lane. Planning application W/08/0329 considered vehicular access to the site from Stareton Lane however an objection was received from WCC Highways Authority as the requisite visibility splays could not be met.

The final design and access has not been provided as part of this application. The Planning Statement refers to the driveway of 1 Stareton Lane. This may not raise

the same access concerns. It may be possible to achieve safe and suitable access through this alternative access in line with Local Plan Policies TR1 and TR3 for private stables.

I am satisfied that sufficient parking could be available within the site to accommodate 2 stables and this could have been secured via a planning condition.

Amenity

The site has two close neighbouring dwellings 1 and 2 Stareton. To protect the amenity of these neighbouring dwellings I consider it reasonable to recommend conditions in relation to lighting and waste management.

As the access is likely to be from the driveway with 1 Stareton, I consider it reasonable to limit the hours of use to protect the amenity of this neighbour. I consider that a private use would be appropriate in this location in amenity terms which could have been secured via planning condition.

Having regard to the above the development is likely to accord with policy BE3 subject to conditions.

Other matters

The site lies in Flood Zone 1 and therefore I am satisfied that sufficient sustainable permeable drainage can be incorporated into any final design in line with Local Plan Policy FW2.

The site lies in close proximity to Ryton Wood SSSI and adjacent to a woodland coppice. An Ecological report would have been required to accompany a full application however it is considered that a suitable design and scale of development would ensure that the development accords with Local Plan Policies NE1, NE2 and NE4.

Furthermore, the proposal could be secured in line with Policy CC1 which relates to Climate Change.

Nevertheless, for the reasons stated at the start of this section, there is an issue with the principle of stables in relation to Green Belt policy.

Principle of Two Affordable Housing Dwellings

Overarching Policy H0 relates to Housing Development and seeks to ensure that the District has the right amount, quality and mix of housing to meet future needs, provide Districts housing requirement and ensure new housing is in locations which enable sustainable lifestyles.

The Planning Statement advises that they wish to have the site considered as an exception site for two semi-detached affordable dwellings. Reference is made to the Applicant being a building contractor and previously renovated two dwellings however no other justification has been put forward.

Policy H1 relates to new housing and seeks to direct development to sustainable locations including the Urban Areas, allocated sites, Growth Villages and Limited Infill Villages as identified within the Local Plan. The site lies in the countryside

and does not lie within an Infill Village or Local Growth Village as identified by the Local Plan.

In the open countryside new dwellings are only supported in certain circumstances. The proposal would not comply with part (d) of Policy H1 because it contravenes a number of the criteria, notably the requirement to be adjacent to the boundary of the urban area or a growth village. Part (e)(i) provides a further exception of relevance – the provision of rural affordable housing in accordance with Policy H3.

The proposals would contravene a number of criteria within H3. Firstly the site is not within or adjoining a settlement. Secondly the proposal will not meet a local housing need as identified in detailed and up-to-date evidence from a parish or village housing needs assessment.

When considering any Local Need the site falls within the Parish of Stoneleigh. There is a Housing Needs Survey for Stoneleigh and Ashow (dated January 2016) which identifies the need for 4 affordable homes: 2 x 2 bedroom to be housing association rent, 1 x 2-bedroom house and 1 x 2-bedroom bungalow to be owner occupied. Whilst I am satisfied that the development is small scale, the proposed development proposed does not meet this need.

West Midlands Green Belt

The site lies within the West Midlands Green Belt where strict policies apply to preserve the openness of the Green Belt and safeguard the countryside from encroachment.

Local Plan Policy DS18 advises that any developments should be assessed against National Policy. Paragraph 149 e) and f) of the NPPF supports limited infilling in villages and limited affordable housing for local community needs under policies set out in the development plan respectively.

The application site shares a boundary with a neighbouring dwelling, 1 Stareton however the wider locality is characterised by clusters of dwellings fronting the road. The site lies opposite fields to the south (across Stareton Lane) and to the west and north of the site lies woodland. I therefore do not consider that the development would represent limited infilling as outlined in 149 e). Furthermore, as there are concerns regarding the principle of the development, I do not consider that the proposal will meet the requirements of paragraph 149 f). The proposal is not considered to meet any of the development forms outlined in paragraph 149 or 150 of the NPPF.

The development is therefore considered to represent 'inappropriate development' in the Green Belt which is by definition harmful. By reason of the likely size, design and siting of the two new dwellings proposed and associated infrastructure I consider that the development will cause harm to the openness of the Green Belt. I afford substantial weight to any harm to the Green Belt and in the absence of any 'very special circumstances' which clearly outweigh the harm I consider that the development will be contrary to paragraphs 147, 149 and 150 of the NPPF and Local Plan Policy DS18.

Having regard to the above, I would raise concerns regarding the principle of the development for affordable/ Local Needs Housing as the proposal is not considered to meet the requirements of Policy H1 or H3 or paragraphs 147, 149 and 150 of the NPPF and Local Plan Policy DS18 in this regard.

Principle of Other Housing development not submitted by the Applicant

As this application is a Certificate of Alternative Development, the Local Planning Authority may consider other potential development types which are not advanced by the Applicant. In light of this, all-housing development types have been considered for completeness.

When considering the remainder of the housing developments supported in the countryside under part e) of Policy H1. There is no evidence which would identify that there is a need for an essential rural worker to live on site in line with Policy H1 part e) and Policy H12.

The site currently has no built form and would therefore not meet the requirements of Policy H1 part e) iv. Whilst the site is located close to heritage assets there is no evidence that any development would be required to secure the future of heritage assts. Furthermore, there is insufficient information to determine if the proposal will meet Policy H1 part e) v.

In light of the above, it is not considered that any other residential development would be supported in principle on the site. The impact of these development types on the Green Belt and other material considerations has not been discussed.

Principle of Renewable Energy Scheme for Solar Panels

The Planning Statement makes reference to the siting of approximately 750 solar panels. Reference is also made to the existing site screening located to the north and west of the site.

Local Plan Policy CC2 seeks to support new low carbon and renewable energy technologies subject to several criteria being met which ensure that proposals do not introduce environmental harm. I am therefore satisfied that the principle of renewable energy could be supported.

The site lies within the West Midlands Green Belt. In line with Local Plan Policy DS18 any development will be assessed against National Policy. The development will represent 'inappropriate development' in the Green Belt by definition. Furthermore, the proposal will introduce harm to the openness of the Green Belt by virtue of the scale and number of solar panels proposed.

Paragraph 147 states that inappropriate development is by definition harmful and should only be approved where there are 'very special circumstances' which clearly outweigh the harm. Paragraph 151 of the NPPF continues to state that renewable energy projects will comprise of 'inappropriate development' and it is for developers to demonstrate any 'very special circumstances'. In this case the Planning Statement has made reference to possible community-based benefits of the development. However, there is insufficient evidence to demonstrate that this would amount to very special circumstances sufficient to outweigh the conflict with Green Belt policy.

Other non-principle matters

The use of the site for solar panels is likely result in the removal of a number of trees and vegetation from the site to ensure that suitable sunlight can reach ground mounted solar panels, contrary to Local Plan Policies NE4 and BE1.

This development is likely to result in harm to the character of the area and setting of the adjacent Grade II* Registered Park. This is considered to amount to 'less than substantial harm' when considering Local Plan Policy HE1. If this was a full planning application an Archaeological Assessment would be required in line with the Council's Local List. In this case, the public benefits of the renewable energy scheme could potentially outweigh the 'less than substantial harm' identified, although at present there is insufficient evidence to demonstrate this.

There may be concerns regarding access to the site in line with Local Plan Policy TR1 and TR3 and harm to the amenity of 1 Stareton if a shared access is to be proposed which is will likely conflict with Policy BE3.

The development is not likely to give rise to any other adverse material considerations in respect to flood risk, Climate Change, or ecology having regard to Policies BE1, NE1, NE2, NE4 and CC1.

Conclusion of Solar Panel development

The principle of the development is supported by Local Plan Policy CC2. However, the development would represent 'inappropriate development' within the Green Belt which is by definition harmful and adds harm to the openness of the Green Belt by virtue of the scale and spread of the proposed development.

When considering the development as a whole, the proposal is likely to give rise to harm to the character of the area and conflict with Local Plan Policies NE4 and BE1. This weighs negatively against the proposal in the Planning Balance.

When considering the arguments and justifications advanced by the Agent including the benefits of the renewable energy technology proposed, I do not consider that this would clearly outweigh the harm of the development to the openness of the Green Belt or the other harm that has been identified in this particular case. The development is therefore considered to represent 'inappropriate development' within the Green Belt and contrary to paragraphs 147, 149 and 150 of the NPPF and Local Plan Policy DS18. I would therefore raise concerns with the principle of this development on the site.

Principle of other Renewable Energy Schemes not submitted by the Applicant

No other renewable energy schemes are considered to be supported on the site due to the constraints identified.

Garden extension

The Planning Statement advises that the land could be used as garden land to serve the adjacent neighbour 1 Stareton.

Paragraph 130 of the NPPF seeks to ensure that developments create places with a high standard of amenity for existing and future occupiers. Furthermore, Local Plan Policy BE3 proposals will provide acceptable standards of amenity for future occupiers.

Policy DS5 states that the Council will take a positive approach that reflects the presumption in favour of sustainable development to secure development which improves the economic, social and environmental conditions of the area. Where there are no policies, or they are out of date Policy DS5 states that the Council will grant planning permission unless other material considerations indicate otherwise.

In line with Local Plan Policy DS18 which relates to Green Belt Development and paragraph 150 e) of the NPPF the material change of use of land is not 'inappropriate development' where it does not conflict with the purposes of the Green Belt. The key purposes of the Green Belt include to check un-restricted sprawl of large built-up areas, prevent towns merging into on another, safeguarding the countryside from encroachment, preserving the setting of historic towns and to assist in urban regeneration.

Other material considerations are assessed below.

Character of the Area

1 and 2 Stareton are a pair of Grade II timber-framed cottages dating from the 17th century. The properties have long gardens which is a characteristic identified within the locality of the site. The Planning Statement identifies that it is proposed to change the use of the whole parcel of land to garden land.

The area of land is approximately 65m deep and 57m wide along the road side. The current garden for 1 Stareton is approximately 16m wide which is similar to the garden width of 2 Stareton.

The site lies on the approach to the cluster of dwellings but is predominantly rural in character and contains mature vegetation. The site lies opposite open fields and I consider provides an important setting to the dwellings when considering Policy BE1 which relates to local distinctiveness.

The garden extension will result in a significant encroachment into the countryside and loss of agricultural land. By reason of the proposed use, the land will have a domestic character including any associated domestic paraphernalia which will introduce harm to the semi-rural character of the area. Due to the size and use of the land I consider that the proposal will introduce visual harm which cannot be mitigated and is therefore considered contrary to Policy BE1.

Heritage

The site lies in a sensitive location adjacent to the Grade II* Registered Park and Gardens and close to Grade II dwellings. The change of use of the land to garden land will materially affect the setting of the Grade II cottages and Registered Park and Gardens. This will result in a more urban setting to the heritage assets however subject to suitable conditions, I consider that the development will not result in harm to the setting of the Heritage Assets in line with HE1. I have also had regard to the Planning (Listed Buildings and Conservation Areas) Act 1990 as part of this assessment.

Highways matters

When considering the proposed use, I am satisfied that the development will not give rise to a material increase in traffic to the site and will accord with Policies TR2 and TR3.

Amenity

I am satisfied that the use of land as garden land will not give rise to an unacceptable impact on the amenity of any neighbouring dwellings through adverse overlooking, disturbance or overbearing impacts, including the closest neighbour 2 Stareton (as the garden is proposed to serve 1 Stareton), by reason of the size and location of the proposed garden.

Having regard to the above the development is likely to accord with policy BE3.

Other matters

The site lies in Flood Zone 1 and therefore I am satisfied that suitable drainage will be available within the application site in line with Local Plan Policy FW1.

I am satisfied that subject to a suitable layout and design that the development will not give rise to ecological harm given the close proximity of the site to the Stareton Wood and Stare Hill Local Wildlife Site in line with Local Plan Policies NE1, NE2 and NE4.

Furthermore, the proposal is considered to accord with Policy CC1 when considering Climate Change resilience.

Conclusion on Garden Land

When considering the principle of sustainable development in line with Policy DS5, I consider that the use of the land will result in environmental harm to the rural character of the area having regard to Policy BE1.

The development by reason of the extent of the size, garden use with associated domestic paraphernalia will encroach into the countryside and result in harm to the openness of the Green Belt and conflict with the purposes of land contained within it. The development is therefore considered to be contrary to Policy DS18 and paragraph 150 of the NPPF.

In the absence of any 'very special circumstances' which clearly outweigh the harm to the Green Belt identified the proposal is contrary to DS18 and paragraph 147 of the NPPF.

When considering the development as a whole against Policy DS5 I consider that the development will introduce environmental harm which cannot be mitigated through the use of planning conditions. The proposal will therefore represent an unsustainable form of development contrary to Policy DS5 and the principle of this development is therefore not supported.

Small scale horticultural use with Poly Tunnels

The Applicant has submitted a proposal for a small-scale horticultural use to grow specialist plants or a community allotment or orchard.

The site lies within the West Midlands Green Belt and in accordance with Policy DS18 any proposal would need to meet National Policy. Paragraph 149 of the NPPF

identifies buildings for agriculture and forestry as exceptions in the Green Belt. I am therefore satisfied that the principle of the development is supported in this respect.

In this case a new agricultural horticultural business is proposed however there is no justification at this stage and the development would not link to any existing agricultural or land based use.

The use of the land for agricultural purposes in itself would not require planning permission however the erection of buildings or facilities to accommodate a community use allotment/orchard would.

Based on the information provided, the principle of a new agricultural building on the land or orchard/allotment could be supported where the development is justified and suitable having regard to the rural character of the area by being small scale and have a building which is suitable in respect to size, design and siting.

Character of the Area

The site lies in a rural location and contains a number of mature trees. Within the wider landscape the site will be visible from the road and is enclosed largely on two sides by woodland.

Subject to an appropriate design, size and finish of a new agricultural building and associated landscaping including parking for a small scale development I consider that this would not result in harm to the rural character of the area in line with Policy BE1.

Heritage

The site lies in a sensitive location adjacent to the Grade II* Registered Park and Gardens and close to Grade II dwellings. Rural buildings and uses are a characteristic of the area and subject to a small scale operation and suitable scale, design and siting of any rural building. I consider that the development will not result in harm to the setting of the Heritage Assets in line with HE1. I have also had regard to the Planning (Listed Buildings and Conservation Areas) Act 1990 as part of this assessment.

Highways matters

When considering the proposed use, a small scale agricultural use is not likely to give rise to the same trip generation of the other uses considered.

The proposal therefore may not give rise to a material increase in traffic to the site and will accord with Policies TR2 and TR3 subject to suitable conditions and notes.

Amenity

I am satisfied that the use of the land for agricultural purposes or a small scale orchard/allotment would not give rise to an unacceptable impact on the amenity of any neighbouring dwellings through adverse overlooking, disturbance or

overbearing impacts subject to appropriate conditions on the number of visitors, hours of use and deliveries.

Having regard to the above the development is likely to accord with policy BE3.

Other matters

Subject to a suitable design, siting and finish I consider that the development will not give rise to an adverse risk with respect to flooding, harm to ecology and could be Climate Change resilience in accordance with Policies BE1, NE1, NE2, NE4 and CC1.

Conclusion on Agricultural building/Orchard/Allotment use

The principle of a small scale agricultural building or orchard/allotment use is supported in principle subject to conditions and notes.

The development is also not considered to represent 'inappropriate development' in the Green Belt when considering Policy DS18 and paragraph 149 of the NPPF. Subject to conditions the development is unlikely to give rise to any other planning and it is recommended that a positive conditional certificate be issued on this basis.

Other matters

CIL

A CIL form would be required at validation stage where developments are CIL liable. The proposals as described are largely expected to be CIL liable except the proposed solar farm or use of the land as garden land.

EIA

The developments, as proposed, are not considered to be EIA development where screening is required.

Conclusion

The principle of a horticultural business on the site is supported by policy, subject to an appropriate scale of the use and size, siting and design of the building and landscaping. It is therefore recommended to issue a positive conditional certificate for this development type.

It is recommended that a Negative Certificate be issued for the remainder of the developments outlined by the Agent. No other planning uses or development are considered to be appropriate on the land.

Recommendation

Based on the information provided with the application and all other material considerations it is the officer recommendation that:

A **Positive Certificate** be Issued for Agricultural building and orchard use subject to the following conditions:

- Agricultural use or community orchard/allotment use only
- Finish and size of any buildings
- Landscaping
- Hours of use and numbers of visitors
- Lighting
- Parking layout
- Waste management
- Climate change mitigation condition

A **NIL/Negative Certificate** be issued for the following development types advanced by the Applicant:

- Private stables;
- Commercial equine use with full, part or DIY livery;
- An exception site for 2no. semi-detached affordable dwellings
- A renewable energy scheme (temporary period of use with approximately 750 solar panels)
- A garden extension (for 1 Stareton which is the adjacent dwelling)