

Planning Committee: 16 March 2011

Item Number:

Application No: W 10 / 1663

Town/Parish Council: Budbrooke
Case Officer: Penny Butler

Registration Date: 23/12/10

Expiry Date: 17/02/11

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Oaklands Farm, 357 Birmingham Road, Budbrooke, Warwick, CV35 7DZ
Use of land for the importation, storage and cutting of timber (retrospective).
FOR Mr Butler

This application is being presented to Committee as the applicant is a former District Councillor.

SUMMARY OF REPRESENTATIONS

Budbrooke Parish Council: No objections.

Public response: One objection from 397 Birmingham Road. The wood yard has been cleaned up in order to get the application approved. The number of people working there has increased from one to three. There is no objection to the use but there is to the location, directly onto a main road where there have been road traffic accidents resulting in fatalities. Bird tables have been placed on the verge prior to obtaining planning permission, so obtaining consent may lead to further such developments. Motorists 'rubber neck' at the site potentially causing further accidents. The use would be better sited within the Oaklands property against the canal side. The location has been chosen so people can see their produce which risks accidents.

One letter of support from a customer of the log company. The use helps people do their bit for the planet and keep warm without pumping tons of carbon dioxide into the atmosphere. What could be greener than recycling cut down trees in the countryside for families trying to reduce their carbon footprint? It is very difficult to locate companies such as this in Warwickshire.

British Waterways: No comments.

Environmental Health: They have been aware of the existing use for some time and have received no nuisance complaints about this activity.

RELEVANT POLICIES

- Planning Policy Guidance 2 : Green Belts
- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- DP2 - Amenity (Warwick District Local Plan 1996 - 2011)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP9 - Pollution Control (Warwick District Local Plan 1996 - 2011)

PLANNING HISTORY

W10/0245- Outline application for replacement dwelling.

W09/0246- Erection of replacement kennel building approved.

W06/1692- Erection of replacement dwelling approved.

W06/0174- Outline application for replacement of two of the existing five kennel buildings approved.

W04/1384- Variation of condition 2 of W02/1250- permitting the existing vehicular access to remain for agricultural purposes only controlled by the applicant approved.

W02/1250- Use of barn for caravan repairs and servicing with associated caravan parking area (retrospective) approved.

W02/0836- Change of use of land for caravan storage (retrospective) appeal dismissed.

W02/0744- Change of use of agricultural land to caravan sales area and use of barn as workshop for caravan repairs and servicing (retrospective) appeal dismissed.

W00/1221- Construction of new vehicular access approved.

KEY ISSUES

The Site and its Location

The application site is part of the land associated with Oaklands Farm and bungalow which lies between Birmingham Road to the north and the canal in the south. The application site comprises a rectangular area of land some 660 square metres with a 33m road frontage to the Birmingham Road. The land is separated from the road by a wide grass verge and lies at a slightly lower level, with a post and rail fence along the road boundary with a raised bank behind to about road level. There is a gated vehicular access point adjoining the application site which also serves the farm, but this is normally locked or if used only as an entrance, with vehicles exiting via another point past the bungalow. The site is surrounded by paddocks in the same ownership while the farm bungalow and other ex-agricultural buildings stand to the south-west. These include a metal barn used for caravan storage and repair, and a replacement kennel building under construction. There is a tall conifer hedge along the eastern side of the application site, screening it from houses on the opposite side of the adjoining paddock to the east. The site is within a wider hamlet of dwellings fronting Birmingham Road on the approach to the Hatton Park housing development, and the land is within the Green Belt.

Details of the Development

The proposal is to retain the existing use of the land for the importation, storage and cutting of timber. The use commenced in 2006, and provides an established service of supplying logs to local people for burning in domestic log burners. Most orders are taken by telephone and delivered, so there are few customer visits to the site. The site is manned for about 3 days per fortnight and not at weekends. The peak business is for three months of the year.

Assessment

There is clear supporting case law which demonstrates that the proposed use does not fall under a forestry use, since the timber that is imported to and processed on this site is not grown within the same planning unit or even on nearby land. The proposed use is therefore inappropriate development within the Green Belt, unless it maintains openness and does not conflict with the purposes of including land in the Green Belt. The proposed use does not maintain openness since the wood piles on the site can be several metres high at their peak, cover a large part of the site and there is a small caravan positioned on the land. Dovecotes and a playhouse have also been constructed on the land, which are made to order so are positioned there temporarily. The one relevant

purpose of including land within the Green Belt is to assist in safeguarding the countryside from encroachment. I consider that the proposal would not safeguard this part of the countryside from encroachment so would also conflict with the purpose of including land in the Green Belt. The proposed use is therefore inappropriate development for two reasons. According to PPG2 Green Belts, the applicant must demonstrate very special circumstances to justify inappropriate development and these will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Substantial weight is given to the harm to the Green Belt.

The applicant makes the following statements in support of the application. The use has a limited impact because the site area is small and confined to a hard standing measuring 30m by 22m. The operators have worked hard over the last 3 years to make the site aesthetically more pleasing and the business has a strong ecological ethos. The storage of logs is a rural activity which is not out of place in the open countryside, and the visible location promotes the use of renewable energy. Some tree planting has been carried out on the front bank, but additional landscaping could be implemented and/or the height of the wood piles could be limited by condition.

These points are noted, but the fact remains that the use is inappropriate. The harm to the Green Belt by reason of inappropriateness, and the harm to openness have to carry substantial weight, and I do not consider that the circumstances put forward by the applicant are so special that the harm is outweighed. This is not an isolated site which stands alone as it is within a wider spread of development along the road frontage, however, the site is part of a wider paddock which contributes to the openness of the rural area between Oaklands Farm buildings and the dwellings to the east. Given the visual prominence of this site, the grant of this consent could set a dangerous precedent that would make it difficult to resist similar proposals elsewhere with a much lesser visual impact.

RECOMMENDATION

REFUSE, subject to the refusal reasons listed below, and AUTHORISE enforcement action to secure the cessation of the use of the land and removal of all associated timber, equipment, machinery, trailers, caravan(s) and structures with a compliance period of six months.

REFUSAL REASONS

- 1 The site is situated within the Green Belt and Planning Policy Guidance Note 2 states that, within the Green Belt, the rural character of the area will be retained and protected. It also contains a general presumption against "inappropriate" development in Green Belt areas and lists specific forms of development which can be permitted in appropriate circumstances. The proposed development does not fall within any of the categories listed in the Guidance and, in the Planning Authority's view, very special circumstances sufficient to justify departing from this Guidance have not been demonstrated. The proposed use would thereby constitute inappropriate development which would conflict with Green Belt guidance and lead to significant harm to openness.
