

Application No: [W 22 / 0820](#)

Town/Parish Council: Shrewley
Case Officer: Helena Obremski

Registration Date: 25/05/22
Expiry Date: 20/07/22

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Forge Farm, Pinley Lane, Pinley, Claverdon, CV35 8ND

Change of use of existing stables and buildings to farriery and treatment of horses. FOR Mr G & Mrs L Oliver

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 the conditions listed in the report.

DETAILS OF THE DEVELOPMENT

The application seeks planning permission to regularise the site, for the change of use of the existing stables and buildings from a livery to a farriery, with treatment and stabling of horses.

The applicant advises that they currently treat laminitic horses and provide remedial shoeing, with some horses being treated at the site, and others are treated offsite. Two horses are currently kept at the site on a part-livery basis.

The intention of the applicant is to expand the farrier business, however, unlike the previous application which was refused (W/21/1908), this application does not include the provision of any new buildings.

The planning statement advises that the applicant also has a small sheep breeding enterprise of 9 sheep at the site. The agent advises that the site is used for the applicant's "doggy day care" facility when visiting the site. The doggy day care business however does not form part of this application.

THE SITE AND ITS LOCATION

The application site is situated on the northern side of Pinley Lane and is located within the Green Belt. The M40 lies further to the north with the railway line further to the east. The site consists of existing buildings associated with equestrian activities, hard standing, exercise area, mobile home and wider paddocks.

PLANNING HISTORY

W/99/1311 - Erection of a 6 bay stable block together with stable/exercise yard and 1.2 metre high perimeter fencing - granted.

W/14/1657 - Application for Lawful Development Certificate for existing mobile home - withdrawn.

W/15/1639 - Removal of condition 7 of planning application W/99/1311 (Erection of a 6 bay stable block together with stable/exercise yard and 1.2 metre high perimeter fencing) to allow use of site as a riding school/livery yard - granted.

W/21/1890 - Outline planning application for an essential rural workers dwelling - withdrawn.

W/21/1908 - Change of use of the site to sui generis use, including farrier business with forge and use of land for doggy day care. Erection of American barn for farrier and equestrian purposes - refused.

RELEVANT POLICIES

- National Planning Policy Framework

Warwick District Local Plan 2011-2029

- DS18 - Green Belt
- EC1 - Directing New Employment Development
- BE4 - Converting Rural Buildings
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice
- TR2 - Traffic generation
- TR3 - Parking
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources

Guidance Documents

- Parking Standards (Supplementary Planning Document- June 2018)
- Air Quality & Planning Supplementary Planning Document (January 2019)

SUMMARY OF REPRESENTATIONS

Shrewley Parish Council: No objection.

Environmental Health: No objection.

WCC Ecology: No objection, subject to informative note regarding biodiversity enhancements.

WCC Highways: No objection, subject to conditions.

Public Responses:

6 Objections:

- Highway safety: increase in traffic along a fast, narrow, single track lane and detrimental impact on pedestrian, cyclist and vehicular safety; a number of accidents have already occurred along the lane and the development would add additional risk; blind bends, low bridge and few passing places; expansion of the business further would impact on traffic, mud on roads causes dangerous conditions; query on when and where the speed and traffic flows where taken place.
- Green Belt: detrimental impact.
- Character of the area: removal of hedge has had harmful impact on visual amenity.
- Need for development / use: it is not necessary to treat laminitis cases at this site as usually cases are dealt with at the horse owner's property, with the farrier doing remedial foot treatment there; laminitis is normally treated at the horse's location, not off site and with the presence of a vet in attendance; transporting a horse with laminitis would be very uncomfortable and unwise for the health of the horse; no need for the facility in the area - another facility operates nearby.
- Other: query whether the site is operating already without permission; lack of information on doggy day care and concern this will increase traffic; doggy day care already refused at the site.

ASSESSMENT

The main issues relevant to the assessment of this application are as follows:

- Principle of the development - retrospective change of use
- Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which would outweigh the harm by reason of inappropriateness and any other harm identified
- Design and Impact on Landscape Character
- Amenity
- Biodiversity and Ecology
- Highway Safety and Parking
- Other Matters

Principle of the Development

Retrospective Change of Use

The application seeks regularisation of a change of use of the site from a livery stables, to a farriery, with treatment and stabling of horses. The most relevant policies in terms of assessing the change of use are Local Plan policies EC1, directing new employment development and BE4, the conversion of rural buildings.

In rural areas, policy EC1 states that new employment development will be permitted to support the sustainable growth and expansion of existing rural businesses and enterprise. Given that the applicant remains the same as per the previous application in 2015 (W/15/1639), and the applicant has amended their existing enterprise from one predominantly based as a livery, to that of a farrier business with stabling and treatment of horses, Officers consider that the change of use would meet with this part of policy EC1. It is not likely that the change of use would generate significant traffic movements. As the change of use represents the re-use of existing buildings, it is not considered to have a detrimental impact on landscape or the character of the area.

In terms of policy BE4 for the conversion of existing rural buildings, the change of use would meet with its requirements. The buildings are of permanent and substantial construction; are suitable for re-use; no alterations to the building are required; the development would respect the special qualities of any nearby buildings; there would be no changes externally or internally as a result of the change of use.

In principle, the change of use of the site to a farriery, with treatment and stabling of horses is acceptable. This was the same as the conclusion under previous application W/21/1908, for similar development which included the same use, amongst others.

Whether the proposal constitutes appropriate development in the Green Belt and, if not, whether there are any very special circumstances which would outweigh the harm by reason of inappropriateness and any other harm identified

Members of the public state that the development would have a detrimental impact on the Green Belt.

Policy DS18 of the Local Plan states that the Council will apply Green Belt policy in accordance with government guidance as set out in national policy.

Paragraph 137 of the NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and their permanence. Inappropriate development within the Green Belt is harmful by definition. The construction of new buildings should be regarded as inappropriate development, unless it would meet one of the identified exceptions in the NPPF. Under the previous application, a new building was proposed. This however was not considered to meet any of the exceptions to inappropriate development within the Green Belt and the application was refused on this basis.

The current application does not seek the provision of any new buildings. Paragraph 150 of the NPPF states that certain other forms of development are also not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it. One of these forms is the re-use of buildings provided that the buildings are of permanent and substantial construction.

The provision of a farrier business is considered to be a traditional rural enterprise. The associated activities, such as horses being exercised within the adjoining paddocks would preserve openness and do not conflict with the purposes of including land within the Green Belt. The use does attract some additional traffic movements. However, in comparison to the lawful use as a livery, this is unlikely to materially impact on the Green Belt.

Both the stable building and forge building are considered to be of permanent and substantial construction. Both buildings are of timber and block construction, appearing in good condition and well maintained. No physical alterations are required to facilitate the change of use.

On this basis, the proposal is considered to represent appropriate development within the Green Belt and is considered to be in accordance with Local Plan policy DS18 and the NPPF.

Design and Impact on Landscape Character

Local Plan policy BE1 states that development will only be permitted where it would harmonise with, or enhance, the existing settlement in terms of physical form. Local Plan policy NE4 also states that development proposals will be required to demonstrate that they consider its landscape context; development must also relate well to local topography and built form and enhance key landscape features, ensuring their long term management and maintenance; proposals must aim to either conserve, enhance or restore important landscape features; development should avoid detrimental effects on features which make a significant contribution to the character, history and setting of an asset, settlement, or area; proposals must address the importance of habitat biodiversity features, including aged and veteran trees, woodland and hedges and their contribution to landscape character, where possible enhancing these features through means such as buffering and reconnecting fragmented areas.

Members of the public have objected to the development on the basis that the removal of hedgerow at the front of the site adjacent to the highway has had harmful impact on visual amenity.

Concern was raised under the previous application regarding a proposed new building and the impact which this would have on the rural character of the area. The application was refused on this basis. However, under this application, there would only be the reuse of two of the existing buildings on the site, with no external alterations proposed.

Concern was also raised under the previous application regarding works required to achieve the recommended 90 metre visibility splays in either direction of the access to make the development acceptable from a highway safety perspective. This was considered to required substantial pruning/removal of trees and hedgerow and to have a detrimental impact on the landscape character and street scene.

However, following the refusal of the previous application, the required visibility splays have been achieved at the site. The agent has confirmed that no hedgerow were removed to achieve the sightlines and that the applicants only cut back overgrown branches and growth in order to achieve the required visibility splays. The works have thinned the vegetation at the front of the site adjacent to the highway, but much still remains. This retains the green buffer between the highway and site beyond. It should also be noted that this work did not require planning permission.

On this basis, the proposal is considered to be in accordance with to Local Plan policies BE1 and NE4.

Amenity

The site is located in an isolated position away from surrounding residents. The retrospective change of use could potentially create some additional noise impacts, in terms of activities associated with the farrier business in comparison to the previous lawful use. However, the isolated nature of the site means that the change of use is unlikely to impact on amenity.

It is noted that the Environmental Health Officer was consulted and has no objection to the proposal.

The development is therefore considered to be in accordance with Local Plan policy BE3.

Biodiversity and Ecology

The previous application was refused on the basis of an absence of information in order to assess the impacts of the development on protected species and biodiversity gains. However, this primarily related to the impact of the erection of a new building on the site, which is no longer proposed.

WCC Ecology have assessed this application and note that as this application makes no alterations to the existing buildings, proposes no new construction or demolition of buildings, no tree removal and no change of use of the fields, they have little comments beyond the need to provide biodiversity net gain. They recommend a note to encourage the applicant to make biodiversity enhancements. Given the impact of the development and noting that it is a change of use application, this is considered to be reasonable and proportionate.

The proposal is considered to be in accordance with Local Plan policies NE2 and NE3 and the NPPF.

Highway Safety and Parking

Members of the public have objected to the application on the grounds of a detrimental impact on highway safety. They consider that the increase in traffic along a fast, narrow, single track lane is likely to have detrimental impact on pedestrian, cyclist and vehicular safety. They note that there have been a number of accidents already along the lane and the development would add additional risk. They raise concerns that the highway has blind bends, a low bridge and few passing places. They also note that the expansion of the business further would impact on traffic, and that mud on roads causes dangerous conditions. A query was raised regarding when and where the speed and traffic flows were taken place. Officers can confirm that the traffic survey was undertaken in February 2022, nearby to the site.

Under the previous application, a traffic survey, swept path analysis and clarification of whether highways requirements from previous applications had been implemented was provided by the applicant. WCC Highways confirmed that there is sufficient turning space within the site to allow vehicles to leave in a forwards gear. They also noted that they were satisfied that the traffic generated by the formally proposed development (W/15/1639) could be accommodated without severe impact on the network. Although there would, inevitably, be an increase in the probability of vehicles travelling in opposing direction meeting on a narrow section of Pinley Lane, it was considered that, in view of the scale of traffic generation, this will not lead to a severe impact on the public highway.

WCC Highways advised that visibility splays would need to be increased to a minimum of 90 metres in both directions at the access to the proposed development, owing to the relatively high speeds identified by the traffic survey. WCC Highways stated that the 90 metre visibility splay is based on DMRB guidance and represents the "one step below desirable minimum" visibility splay length for a 40 miles/hr road, with the "desirable" visibility splay length being 120m in either direction. The Highways Officer concluded that the 90 metre visibility splay was appropriate in view of the relatively low traffic flows at this location.

Whilst the concerns identified by members of the public are noted, given the conclusions from the Highways Officer under the previous application, and fact that the proposal is for a lower-scale development, in that the expansion of the business and inclusion of the large barn, and doggy day care business are not proposed under this application, it is considered that the development would have an acceptable impact on highway safety. WCC Highways have no objection to the current application, subject to a condition for provision of the aforementioned visibility splays.

Officers queried the need for the other conditions recommended by the Highways Officer for the previous application, as they had suggested two additional conditions, relating to the access being widened and surfaced with a bound material, and a condition for the provision of a turning area. The Highways Officer for the current application has considered this and notes that the access

appears to be sufficiently wide, but not surfaced in a bound material, so the former condition should be added. They note that as the previously proposed building no longer forms part of the development, there is sufficient space for the turning of vehicles, without the need to condition this information. The recommended conditions have been added.

There is no specific parking requirement for the proposed use. It is noted that the change of use is retrospective and it is understood that currently there is sufficient parking within the site which does not spill onto the public highway. The Planning Statement advises that the development would increase the amount of horse box traffic, but only slightly.

There is an area of hardstanding currently within the site boundary and Officers consider it unlikely that all horse box movements would occur at once. Given that the Highways Authority have not raised concerns regarding highway safety and the ample existing parking area serving the site, it is considered that sufficient parking is provided.

Subject to the aforementioned condition, the proposal is considered to be in accordance with Local Plan policies TR1, TR2 and TR3.

Other Matters

Given the low associated additional traffic movements associated with the proposal, there are no air quality mitigation requirements required.

Members of the public have made comments in reference to a lack of need for the development and make comments regarding the nature of the proposed use, including the lack of need to treat laminitic horses at the application site. Members of the public also note that there is a similar facility nearby. The applicants have applied for farriery, with treatment and stabling of horses. As stated above, the use of the site is in compliance with relevant policy EC1, and therefore the provision of a similar business nearby is not a material planning consideration. The intricacies of the proposed use are not a material planning consideration, as the proposed use as a farrier, stabling and equine treatment facility in a rural area is considered to be acceptable.

Members of the public have referenced the fact that the "doggy day care" facility has already refused at the site, and also that there is a lack of information on the doggy day care business operating at the site. They have concerns that this will increase traffic. However, the doggy day care facility does not form part of this application and therefore is not a material planning consideration.

Conclusion

The retrospective change of use of the site is considered to be acceptable in principle. The development comprises of a change of use of existing buildings to a traditional rural enterprise, which constitutes appropriate development within the Green Belt. The development is not considered to have a harmful impact on visual amenity and would have an acceptable impact on the highway network

and protected species. For these reasons, the application is recommended for approval.

CONDITIONS

- 1 The development hereby permitted shall be retained strictly in accordance with the details shown on the site location plan and approved drawings KCC3086/03B 05/22ec (Block Plan Rev B), KCC3086/06 10/21pg (Forge Elevations and Floor Plan), and KCC3086/12 04/22cb (Elevations and Floor Plan - Stables), and specification contained therein, submitted on 16th May 2022. **Reason:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
 - 2 There shall be no further use of the site unless and until visibility splays have been provided to the vehicular access to the site with an 'x' distance of 2.4 metres and 'y' distances of 90 metres to the near edge of the public highway carriageway, in accordance with the details on submitted drawing KCC3086/09 02/22ec. No structure, tree or shrub shall be erected, planted or retained within the splays exceeding, or likely to exceed at maturity, a height of 0.6 metres above the level of the public highway carriageway. **Reason:** In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
 - 3 There shall be no further use of the site unless and until details of the vehicular access to be widened to a width of no less than 5 metres for a distance of at least 10 metres, as measured from the near edge of the public highway carriageway and to be surfaced with a bound material for a minimum distance of 10 metres as measured from the near edge of the public highway carriageway, have been submitted to and approved in writing by the Local Planning Authority. There shall be no further use of the site until the approved aforementioned access details are implemented in full. **Reason:** In the interests of highway safety and the free flow of traffic in accordance with Policy TR1 of the Warwick District Local Plan 2011-2029.
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