

Application No: W 11 / 1621

Town/Parish Council: Lap worth
Case Officer: Penny Butler

Registration Date: 24/05/12

Expiry Date: 19/07/12

01926 456544 penny.butler@warwickdc.gov.uk

Land opposite Heron Brook House, Bakers Lane, Knowle, Solihull

Construction of car park and horse transport manoeuvring area ancillary to adjoining paddock with vehicular access (retrospective) FOR Mrs Susan Smith

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

SUMMARY OF REPRESENTATIONS

Lap worth Parish Council: No objection.

Public response: Five objections received raising the following concerns:

- Green Belt land has been illegally developed for commercial purposes.
- This is a retrospective application and the applicant should be required to return the land to its natural state.
- The development is inappropriate, unsightly and out of character with this rural area and damaging to openness.
- Parking and manoeuvring vehicles would have a detrimental impact on the visual amenity of the countryside and cause harm to highway safety. The access is opposite that to Heronbrook House.
- The scale of the development is excessive in the context of the reasonable use/enjoyment of the property in relation to the proposed use.
- The hard standing is not necessary as other paddocks operate satisfactorily as grazing land without such hard landscaping.
- This should not become a commercial site.

WCC Highways: Following a site meeting it is clear that the development will be subject to a very small number of vehicle movements of a type that are already occurring elsewhere along Bakers Lane. Visibility from the access does not meet standards due to horizontal carriageway alignment but forward visibility on the approaches to the access is good. Furthermore an adjacent field access with similar visibility constraints has operated without any record of highway safety concerns. Notwithstanding this the access should not be brought into any form of residential or commercial use that could generate a significant number of vehicle movements. No objection subject to conditions restricting the use related to grazing only and not livery/riding school/any commercial purpose, appropriate access surfacing, drain protection, gate location, protection of visibility splays and turning area.

RELEVANT POLICIES

- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP8 - Parking (Warwick District Local Plan 1996 - 2011)
- National Planning Policy Framework
- 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)

PLANNING HISTORY

Permission was refused in 2006 for six stables, a riding arena and car park on the grounds that the stables were not reasonably required to support the open use of land for grazing, and the arena and extensive parking area proposed, taken with the stables, would have been detrimental to the amenity of the rural area and Green Belt policy. Later in 2006, a block of two stables with tack/food store, and parking area was approved (W06/1322). A condition was imposed limiting the use of the stables in connection with grazing purposes only and not any livery/riding school/commercial purposes.

KEY ISSUES

The Site and its Location

The application site forms part of an area of agricultural land that was subdivided into five plots about 6 years ago. The site lies opposite the residential development at Heronbrook House on Bakers Lane. The Lane is a quiet single track rural road containing a number of isolated dwellings. The application site comprises the North-East corner of a 1.2 ha parcel of grazing land fronting the Lane. The original field access to the subdivided plots adjoins the Eastern boundary of the site.

Details of the Development

The proposal is to retain a tarmacadam chipped car parking/vehicle manoeuvring area and a new vehicular access which were constructed about seven months ago without consent. The proposed access immediately adjoins the shared vehicular access to the subdivided plots, and is enclosed by lapped fencing panels each side. The parking area has been divided from the adjacent paddock by post and rail fencing, but this fencing and that alongside the access does not now require planning permission since its height has been reduced to comply with permitted development rights.

Assessment

Impact on Green Belt and visual amenity

The proposed works constitute engineering operations which are not inappropriate development within the Green Belt according to the NPPF, providing that they preserve openness and do not conflict with the purposes of including land in the Green Belt (paragraph 90). The proposed hard standing is not considered to impact upon openness, since it does not enclose an area of land or significantly extend the impression of development away from the area

lying immediately adjacent to the road. The fencing that has been installed does impact upon openness somewhat, but this does not require consent and is unlikely to be removed even if the proposals were not approved since it prevents animals escaping when the main access gate is open, in the interests of highway safety. The proposed vehicular access is not considered to harm the visual amenity of the Green Belt since it is not isolated, lying adjacent to and opposite others.

The applicant has offered to landscape the hard standing area by providing planting around the perimeter, but this would reduce available grazing land and also introduce a visually enclosing feature to the landscape which does not follow the historic pattern of road side hedges in the area. It is considered that this would create an unnecessary further subdivision of the paddock which would draw attention to the site. The existing post and rail fencing around three sides of the hard standing is lightweight, rural in character and easily removed if no longer required, so it is not considered that there is any need to screen this from view. The lap fencing each side of the access is inappropriate but this cannot be easily screened from views from the Lane by planting due to its siting behind the existing road side hedge.

In conclusion, it is considered that the proposals would preserve openness and would not conflict with the purposes of including land within the Green Belt which includes safeguarding the countryside from encroachment. The proposal would therefore comply with the requirements of the NPPF.

Impact on highway safety

Following discussion with the applicant regarding the proposed vehicle movements that will be associated with the site, the Highway Authority are now content with the limited visibility from the access point. The adjacent access has also operated without difficulty. Providing there is no intensification in the use of the access above that associated with the use of the land for grazing purposes, the proposal is considered acceptable in highway safety terms. Policy DP6 expects proposals to demonstrate that they do not cause harm to highway safety, and it is considered that this has been done.

CONCLUSION/SUMMARY OF DECISION

For the purposes of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, in the opinion of the District Planning Authority, the development achieves acceptable standards of layout and design and does not give rise to any harmful effects in terms of highway safety or visual amenity which would justify a refusal of permission. The proposal is therefore considered to comply with the policies listed.

RECOMMENDATION

GRANT, subject to the conditions listed below.

CONDITIONS

- 1 The vehicular access hereby permitted shall only be used for purposes in connection with and incidental to the use of the adjacent land outlined in blue and annotated 'Lot 1' on the site location plan

submitted on 19 January 2012 for grazing purposes and shall not be used for the purposes of a livery or riding school or any other commercial purposes. **REASON** : Since the access is of limited visibility and would not be acceptable for a more intensive use and to satisfy Policy DP6 of the Warwick District Local Plan 1996-2011.

- 2 The vehicular access hereby permitted shall be surfaced with a suitable bound material for a distance of at least 15 metres as measured from the near edge of the public highway carriageway by no later than 1st September 2012 unless otherwise agreed in writing by the local planning authority and thereafter the bound surface shall not be removed or altered in any way unless otherwise agreed in writing by the local planning authority. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
 - 3 By no later than 1st September 2012 a plan must be submitted to and approved in writing by the local planning authority showing the visibility splays which must be maintained from the vehicular access to the site. Within these visibility splays, vegetation fronting the limits of the public highway shall be maintained such as to ensure that no tree or shrub shall be 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, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
 - 4 Within the visibility splays approved under condition 3 no structure shall be erected or retained that exceeds a height of 0.6 metres above the level of the carriageway of the public highway. **REASON** : In the interests of highway safety, in accordance with the requirements of Policy DP6 of the Warwick District Local Plan 1996-2011.
-