

**Planning Committee:** 15 August 2017

**Item Number:** 15

**Application No:** [W 17 / 1031](#)

**Town/Parish Council:** Lapworth  
**Case Officer:** Ed Pigott

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**Registration Date:** 21/06/17

**Expiry Date:** 16/08/17

**Land north east of, Tapster Lane, Lapworth, Solihull, B94 5PF**

Erection of stables, manege and store building with formation of new access road, parking area and associated works FOR Mr & Mrs McMullen

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This application is being presented to Committee due to an objection from the Parish/Town Council having been received.

**RECOMMENDATION**

Planning Committee is recommended to grant planning permission for this development, subject to the conditions listed at the end of this report.

**DETAILS OF THE DEVELOPMENT**

Planning permission is sought for the erection of 60 x 20m sand manege with 1.4m post and rail fencing surrounding; timber clad stable building with six loose boxes, foaling box and tack room, and small timber clad storage barn all of which would be for private enjoyment and not for commercial use. The land surrounding the site would be re-graded to facilitate the works and a new access track (using an existing access) and area adjacent to the stables would be laid down. The access track would be created from recycled road planings.

The stable building would be 3.4m tall (2.4m to the eaves) and would have a footprint of 138sq m.

The Storage barn would be 3.8m tall (2.1m to the eaves) and would have a footprint of 46sq m.

**THE SITE AND ITS LOCATION**

The application site lies to the south of Lapworth and the M40 in the West Midlands Green Belt. The application site is within an enclosed field which slopes from north to south surrounded by trees and hedges. The wider field, which is also within the applicant's control is 15.9 acres.

To the west of the site is a country lane and the nearest residential property sits approximately 100m to the south.

The application site is within Flood Zone 1 but parts of the wider site sit within Flood Zone 3.

## **PLANNING HISTORY**

No relevant history

## **RELEVANT POLICIES**

- National Planning Policy Framework

### The Current Local Plan

- 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)
- DP6 - Access (Warwick District Local Plan 1996 - 2011)
- DP7 - Traffic Generation (Warwick District Local Plan 1996 - 2011)
- DP13 - Renewable Energy Developments (Warwick District Local Plan 1996 - 2011)

### The Emerging Local Plan

- BE1 - Layout and Design (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- BE3 - Amenity (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- DS19 - Green Belt (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)
- TR1 - Access and Choice (Warwick District Local Plan 2011-2029 - Publication Draft April 2014)

### Guidance Documents

- Sustainable Buildings (Supplementary Planning Document - December 2008)

## **SUMMARY OF REPRESENTATIONS**

**Lapworth Parish Council:** Objection – concern about traffic impact

**WCC Highways:** No Objection

**WCC Archaeology:** No Objection – would recommend a condition requiring further archaeological work

**WCC Landscape:** Objection – impact on green belt

**WCC Ecology:** No Objection – would recommend conditions regarding further ecological work to be undertaken due to potential harm to protected species

**WDC Tree Officer:** No Objection – would recommend a condition showing that the proposed would not harm any trees

**Environment Agency:** No response received

One letter of objection has been received on the following grounds:-

- Potential impact of additional traffic

## **ASSESSMENT**

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

- Principle of development
- Impact on the Green Belt
- Impact on character and appearance of area
- Parking and highway safety

### Principle of development

The application site is located in the open countryside close to the village of Lapworth. Lapworth is a village that sits approximately 1km to the north of the application site. The development would be small scale in nature and is considered to be appropriate within the rural area. Therefore, providing the proposed is acceptable in green belt terms, it is considered it would be acceptable in principle.

### Impact on the openness of the green belt

Emerging Policy DS19 states that the Council will apply green belt policy in accordance with government guidance as set out in national policy.

Paragraph 79 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. Paragraph 89 includes a list of types of development which are not considered to be inappropriate within the green belt which includes the provision of appropriate facilities for outdoor sport and recreation provided that they preserve openness and do not conflict with the purposes of including land in the green belt. Paragraph 90 includes a further list of forms of development which are also not inappropriate provided they preserve openness and do not conflict with the purposes of including land in the green belt. This includes engineering opportunities.

The proposed development is considered to constitute appropriate facilities for outdoor sport and recreation which by its nature is not considered to materially impact upon openness or the purpose of including land within the Green Belt.

The manege would be constructed from sand and would be surrounded by a 1.4m post and rail fencing. While this would have a very limited impact on the openness of the green belt, it is an outdoor recreational feature which is expected within the countryside. It would also be constructed from a natural

material and would be surrounded by open fencing which would mitigate against the impact on the green belt. The site is also relatively well screened by vegetation. Finally, it is also noted that a form of the fencing could be erected under permitted development.

The stable building has been designed so that it would not be obtrusive within the landscape as it is located within the corner of the field with a modest ridge height. The number of loose boxes and the size of the stable building has been kept to a minimum whilst allowing space for the number of horses the wider field in the applicant's ownership has space for. This reduces the quantum of built development to a minimum and would mean the built form is proportionate to the number of horses to be accommodated. While it is noted that there would be views to the building from the adjacent pathway, these would be tempered by the vegetation and this, with the modest height and bulk, would mean that the erection of stables would preserve the openness of the green belt.

The barn proposed would also be modest in terms of height and size. It would be used to store hay and other items needed to care for the horses and the 19 acres of land owned by the applicant. For the same reasons as the stable building, it is considered to be acceptable within the green belt.

With regards to the access track and the potential earthworks needed to facilitate the development, these would be appropriate development under Paragraph 90 of the NPPF if they preserve openness and do not conflict with the purposes of including land in the green belt. It is considered that, subject to the type of surface treatment, that the track would preserve the openness as it is not overly lengthy and is largely screened by existing vegetation. A material that is non-intrusive could be used to further reduce the impact. The earthworks would, subject to the earth removed not being piled up on the site, preserve the openness also as it would not create any additional built form. A condition could be placed on any permission requiring a landscaping plan prior to the commencement of development dealing with how the earthworks will be undertaken and showing the access track and hardstanding materials.

As a whole, the proposed development is therefore considered to be appropriate within the green belt as the buildings are modest in size, the engineering operations and manege would not be dominant in the landscape, the materials used would reduce the impact and the type of development would be appropriate in a rural green belt area. The proposed is therefore appropriate in nature and complies with Emerging Policy DS19 and Paragraphs 89 and 90 of the NPPF.

#### Conclusions on principle

As the development is considered to be appropriate in nature and would preserve the openness of the green belt and the purposes of including the land within it, it would therefore comply with the relevant national and local plan policies and would be acceptable in principle.

### Impact on character of surrounding area

The proposed development would respect the rural character of the area and landscape by due to the use, materials and design of the proposed. The application site is partially screened by trees and, notwithstanding the track to the west of the site which is used by walkers, is in a relatively secluded location. The stables and barn would be constructed of timber cladding which would be appropriate within the area and would be of a modest and acceptable size. The manege would be ringed by a relatively low level and fence. The proposed sand surface would ensure that the manege is not overly jarring in nature when viewed in the wider landscape. Conditions could ensure there is no floodlighting; the access materials, level of regrading and what is done with the removed soil; and the private use.

With the above conditions in place, the proposed would respect the character of the surrounding area and the wider landscape.

### Access, Traffic and Parking

The proposed would utilise an existing access off Tapster Lane. Within the site there would be space for vehicles to turn and exit in a forward gear. The Local Highway Authority has been consulted as part of the application and has no objection to the application.

The proposal is for a private rather than commercial use of the site, the latter in itself requiring planning permission, and any traffic created would be limited as the site could only be used privately and there could be no renting out of loose boxes or other commercial activity.

As such, the proposed development would be acceptable with regards to access and traffic generation.

## **Other Matters**

### Renewable energy

The Sustainable Buildings Supplementary Planning Document requires residential and non-residential developments, including conversions to provide 10% of the predicted energy requirement to be produced on site, or in the locality from renewable energy resources except in cases where it can be demonstrated that it is not feasible to incorporate such measures.

No statement has been submitted in support of this application. However, in this instance, due to the design, appearance and proposed use of the building, there would be little energy demand. On this basis, it is considered that it would not be reasonable to request energy reduction measures.

### Amenity of neighbouring properties

The nearest resident is over 100m away from the application site. The applicant has confirmed that waste will be collected and spread over the field and not burned. As above, it is also considered that due to the relatively modest size of

the proposed that any increase in traffic would not have a materially harmful impact on these adjacent occupiers. The proposed would therefore be acceptable in this regard.

### Trees and Hedgerows

The site is surrounded by a hedgerow which contains a number of trees. The proposed works may potentially have an impact on these trees due to the regrading that is needed to facilitate the development, however an appropriately worded condition is recommended to ensure that any such work is undertaken in a manner which has no such impact.

### Ecology

There are records of adders and newts near to the site and other Local Wildlife Sites within close proximity and the level of works required for the development would have the potential to harm these species. An assessment has been undertaken by a qualified ecologist and whilst there is a minimal chance of any adverse impact on any protected species, appropriate conditions are proposed to ensure that is the case.

### Drainage

The application site sits within Flood Zone 1. There are parts of the wider site to the south, however, that are within Flood Zone 3. Details of the manage construction have been received and this includes drainage measures. It is therefore considered that the proposed would be acceptable with regards to drainage.

### **Summary/Conclusion**

The principle of development is considered acceptable having regard to both the policies relating to the provision of rural recreational facilities and the to the relevant green belt policies in the NPPF. The proposed development is considered to be appropriate in green belt terms and preserves its openness. There would be no material harm caused to the character of the wider area, the amenity of neighbouring properties or the highway network. Suitable planning conditions can control the use of the proposed and its constructions and therefore, it is considered to represent a sustainable form of development overall. For these reasons, it is recommended that planning permission be granted subject to the following conditions and notes.

### **Conditions**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on approved amended drawings 17-5576-130 Stables Elevations Rev P1, 17-5576-131 Barn Elevations P1, 17-5576-110 Floor Plans P3, 17-5576-120 Sections Rev P3, 17-5576-

121 Sections Rev P3, Block Plan P2, Location Plan P2 and specification contained therein. **REASON:** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Saved Policies DP1 and DP2 of the Warwick District Local Plan 1996-2011.

- 3 The materials to be used externally on the stables, barn and manege hereby permitted shall be constructed of timber or similar. **REASON:** To ensure the proposal is constructed in a sympathetic manner that respects the rural character of the area in accordance with Saved Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.
- 4 No part of the development hereby permitted shall be commenced or equipment, machinery or materials brought onto the site until a scheme for the earthworks to be undertaken has been submitted to and approved in writing by the Local Planning Authority. This scheme shall include, but is not limited to, details such as:
- Plans showing the extent and location of the earthworks
  - Details of how any earthworks will mitigate against and protect any existing trees/hedging
  - Details of how any excavated earth will be disposed of

The development shall then be implemented in accordance with the approved details and retained as such thereafter. **REASON:** To ensure the proposal is constructed in a sympathetic manner that respects the rural character of the area in accordance with Saved Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.

- 5 No development shall commence until a Protected Species Contingency Plan and any subsequent mitigation measures including adequate measures to protect the adjacent and nearby Local Wildlife Site, the River Alne, and potential Local Wildlife Sites, Tapster Lane Verges and Tapster Valley during development have been submitted to and approved in writing by the planning authority. In discharging this condition the LPA expect to see details concerning pre-commencement checks and any subsequent mitigation measures for protected and notable species, such as badger, bats, breeding birds, reptiles and amphibians, along with appropriate working practices and safeguards for wildlife that are to be employed whilst works are taking place on site. The mitigation measures should include, but are not limited to, access, storage of materials, fencing, and buffer zones. The agreed Protected Species Contingency Plan and mitigation measures shall thereafter be implemented in full and retained as needed. **REASON:** To ensure the protection of important habitats and protected species during and after development in accordance with Saved Policy DAP3 of the Warwick District Local Plan 1996-2011.

- 6 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless the tree protection measures identified in the tree survey submitted by Cotswold Wildlife Surveys and dated 27<sup>th</sup> July 2017 have been put into place in full accordance with the approved details and thereafter shall remain in place during any such construction work unless otherwise agreed in writing by the local planning authority. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** In order to protect and preserve existing trees within and adjacent to the site which are of amenity value in accordance with Policy DP3 of the Warwick District Local Plan 1996-2011.
  
- 7 The use of the land, manege and stables hereby permitted shall be limited solely to the private keeping and exercising of horses and shall not be used for any commercial equestrian enterprise or business (including livery). **REASON:** The Local Planning Authority would wish to consider the implications of a commercial or other more intensive use having regard to character of area, residential amenity, traffic generation, highway safety and appropriateness in the green belt in accordance with Saved Policies DP1, DP2, DP6 and DP7 of the Warwick District Local Plan 1996-2011 and Emerging Policy DS19 of the Warwick District Local Plan 2011-2026.
  
- 8 No floodlighting shall be erected or installed to light the manege hereby permitted without the prior granting of planning permission by the Local Planning Authority. **REASON:** To ensure the proposal respects the rural character of the area in accordance with Saved Policies DP1 and DP3 of the Warwick District Local Plan 1996-2011.
  
- 9 There shall be no burning of waste on the site at any time. **REASON:** To protect the amenity of neighbouring properties in accordance with Saved Policy DP2 of the Warwick District Local Plan 1996-2011.