

Planning Committee: 30th March 2021

Item Number: 6

Town/Parish Council: Burton Green

Case Officer: Debbie Prince
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Land opposite 34 Hodgetts Lane, Burton Green, Kenilworth, CV8 1PJ

Application for a Certificate of Appropriate Alternative Development
LAND COMPENSATION ACT 1961, SECTION 17 AS SUBSTITUTED BY SECTION 63
OF THE PLANNING AND COMPENSATION ACT 1991

Change of Use of land from agriculture to land for the grazing, riding and accommodation of horses for amenity/recreational (non-agricultural) purposes together with the storage and use of animal feed, bedding, other materials and equipment all used in connection with such use.

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This application has been made by Andrew and Jenny Jones, where land is being compulsorily purchased by HS2 Ltd.

RECOMMENDATION

Planning Committee are recommended to authorise the issuing of a Certificate of Appropriate Alternative Development.

BACKGROUND

The proposals the subject of this report arise from legislation which has been enacted to facilitate the delivery of the HS2 proposal and in particular are designed to assist homeowners and landowners in realising an appropriate financial return upon the compulsory purchase of a property by HS2 Limited.

A Certificate of Alternative Appropriate Development does not comprise a planning permission and does not permit development to be undertaken. Rather, it is intended to identify development which is considered to be acceptable and likely to obtain planning permission (were an application to be made) in order to assist in the valuation (for the purpose of compulsory purchase) of the property in question.

An application for a certificate can only be made by persons owning the land or property in question or the Authority making the compulsory purchase (in this case HS2). Where a Certificate is granted, it relates to the principle of a proposal only and for that reason the legislation does not require applicants to submit detailed plans.

Similarly, there is no requirement for the Local Planning Authority to undertake any consultation or publicity and the proposal should be considered under "normal" circumstances (i.e. without considering the HS2 proposal) taking into account the relevant material considerations.

THE SITE AND ITS LOCATION

The application site is land owned by Andrew and Jenny Jones on Hodgetts Lane, Burton Green adjacent to the disused railway (which is now the proposed route of HS2) and is also located in the Green Belt. The land comprises established brick built loose boxes, timber shelters and grazing land. The land is being Compulsorily Purchased by HS2 Ltd for the construction of the high speed railway line.

DETAILS OF THE DEVELOPMENT

This is an application for a Certificate of Alternative Appropriate Development for Change of Use of land from agriculture to land for the grazing, riding and accommodation of horses for amenity/recreational (non-agricultural) purposes together with the storage and use of animal feed, bedding, other materials and equipment all used in connection with such use. The application is submitted on the basis that this change of use would be granted planning permission under normal circumstances.

RELEVANT POLICIES

- National Planning Policy Framework.
- Burton Green Neighbourhood Plan 2019
- DS18 - Green Belt
- HS6 - Creating Healthy Communities
- BE1 - Layout and Design
- BE3 - Amenity
- NE2 - Protecting Designated Biodiversity and Geodiversity Assets

ASSESSMENT

The main issue relevant to the consideration of this application is the impact on the Greenbelt.

The use of the land for equestrian purposes would have very little impact on the visual amenity of the rural area. It is not considered that the change of use of the land will reduce the openness of the Green Belt. The provision of loose boxes, timber shelters and storage facilities would replace existing facilities of a similar scale and nature. This would be appropriate development within the Green Belt because it would meet the exception for replacement buildings that are in the same use and not materially larger than the building to be replaced. The buildings and change of use would also meet the exception for the provision of facilities for outdoor sport and recreation. Therefore, the proposed change of use and new buildings would comply with the NPPF.

Turning to other considerations, equestrian-related structures would be in keeping with the character and appearance of the area in principle. Furthermore, in view of the distance from neighbouring properties there are unlikely to be any issues relating to residential amenity.

CONCLUSION

It is therefore concluded that planning permission would have been granted, subject to the condition mentioned in this report for the grazing, riding and accommodation of horses for amenity/recreational (non-agricultural) purposes together with the storage and use of animal feed, bedding, other materials and equipment all used in connection with such use. It therefore follows that a Certificate of Appropriate Alternative Development should be issued.