

Application No: W 11 / 0555

Town/Parish Council: Old Milverton
Case Officer: Jo Hogarth

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Registration Date: 26/04/11

Expiry Date: 21/06/11

Quarry Park, Old Milverton Lane, Old Milverton, Leamington Spa, CV32 6RW

Continued use of agricultural storage building for the storage of fall arrest safety equipment; Retention of concrete hardstanding and change of use of land for the open storage of safety arrest equipment (retrospective application); Formation of new additional concrete hardstanding; landscaping scheme including the formation of a bund. FOR Mr C Markham

This application is being presented to Committee as it is recommended for refusal and to request authorisation to take enforcement action.

RECOMMENDATION

Planning Committee are recommended to refuse planning permission and authorise enforcement action to cease the unauthorised use of land for open storage.

DETAILS OF THE DEVELOPMENT

The purpose of this report is to consider the above application which proposes to retain the concrete hardstanding for the outside storage of fall arrest safety equipment (retrospective) and formation of new additional concrete hardstanding, landscaping scheme and formation of a screen bund.

THE SITE AND ITS LOCATION

The site relates to an area of open Green Belt land to the north of Leamington Spa, positioned between Old Milverton Lane and the River Avon. It is adjacent to the nearby Blackdown Nursing Home. It has vehicular access from Old Milverton Lane which leads to a barn which was converted for use for the storage of fall arrest safety equipment.

PLANNING HISTORY

W94/0580 - Erection of a 3 bay Dutch barn. Granted July 1994.

W03/0090 – Change of use of agricultural storage building to Class B8 storage of fall-arrest safety equipment. Granted April 2003.

W04/0453 – Erection of extension to existing building for agricultural storage. Withdrawn May 2004.

At some point the land associated with the building was brought into use for the open storage of this equipment and the Council were made aware in November

2009 and an Enforcement Investigation commenced. It was argued by the landowner that the whilst the description of development in the 2003 permission related to the building, no conditions were attached which restricted outside storage within the red line of the site. As such legal advice was sought and a report to Planning Committee requesting authorisation to take enforcement action was presented at the meeting held on 10 November 2010. It was resolved at that Committee that an enforcement notice would be deferred to enable discussions to take place between the applicant and planning officers as a means to achieve an acceptable solution. These discussions led to the current application now before Committee.

RELEVANT POLICIES

- DP1 - Layout and Design (Warwick District Local Plan 1996 - 2011)
- National Planning Policy Framework

SUMMARY OF REPRESENTATIONS

Old Milverton and Blackdown Parish Council: "The Parish Council wishes to object to this application on the grounds that storage of fall-arrest safety equipment is not a recognised use of the Green Belt and that the application does not comply with PPG2. The external storage of bags of equipment upto 3 metres high will have a significant and unacceptable impact on the immediate area including the openness and rural character of the countryside and Green Belt. The proposed screening will not reduce this impact".

ASSESSMENT

It is considered the main issue relevant to the consideration of this application is the impact on the openness of the Green Belt. The external storage of the bags of equipment in a manner which is prominently visible from Old Milverton Lane and the adjoining Blackdown Nursing Home has a significant and unacceptable impact on the openness and rural character of the countryside and Green Belt. It is considered therefore that this open storage results in significant harm to the openness of the Green Belt and represents an inappropriate use of land, in conflict with paragraphs 87 and 88 in the NPPF as no very special circumstances have been put forward which would outweigh the harm to the Green Belt. The development is therefore contrary to the NPPF and Policy DP1.

Justification for Enforcement Action

The legal advice recently obtained is that the use permitted by the 2003 planning permission specifically related to a change of use of **a building** to use for storage rather than to the land and building.

The subsequent use of the land for open storage is unauthorised and such that the quantity of equipment stored there in bags has an unacceptable impact on the surrounding area (as above) and if not controlled could potentially escalate further.

The site owners are relying on an informal opinion expressed in a letter dated 16th August 2004 as to the lawful use of the site and have declined to cease the use and remove the bags. Notwithstanding the opinion expressed at that time, the current legal opinion is that the 2003 permission did not grant consent for

open storage. In all of the circumstances of this case, having regard to the current extent of harm and the potential escalation of the external storage, it is considered appropriate to exercise control over this unauthorised use by way of the service of an enforcement notice.

Negotiations have taken place with the applicant's agent in seeking a compromise which included an amended scheme to retain the hardstanding (retrospective) with no additional hardstanding; no storage of bales greater than 2 metres in height (proposal seeks 3 metres), no further open storage of bales and an additional bund/screening. To date this compromise has not been achieved and given the length of time that the application has been undetermined, it is considered that an impasse has been reached and therefore the only way forward would be to refuse permission and pursue enforcement action.

SUMMARY/CONCLUSION

It is considered that the proposal fails to adhere to the above Policies listed and represents inappropriate development within the Green Belt and rural area in which the site is located.

RECOMMENDATION

That planning permission be refused and that enforcement action be authorised to ensure that the use of the open land for storage ceases with a compliance period of six months.

REFUSAL REASONS

- 1 The site is situated within the Green Belt and the National Planning Policy Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances and that the open character of the area should be retained and protected. Policy DP1 of the Warwick District Local Plan 1996-2011 states that development will only be permitted which positively contributes to the character and quality of the environment through good layout and design.

The site is located in open countryside and on Green Belt land, on an elevated site accessed off Old Milverton Lane. The proposals seeks to retain an area of hardstanding, together with an area for outside storage of fall arrest safety equipment up to 3 metres high together with additional hardstanding and bunding/screening.

The proposed development does not fall within any of the categories listed in the NPPF and, in the Local Planning Authority's view, very special circumstances sufficient to justify departing from this Guidance have not been demonstrated which would outweigh the harm to the open character of this part of the designated Green Belt and rural countryside.

It is considered therefore that the proposal is contrary to the objectives of the aforementioned NPPF and Policy DP1 of the Warwick District Local Plan.