

16/00948/FUL

**Mr And Miss R
Bannister**

**Cllr Edwards, Cllr
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KINVER**

Prestwood Farm, Wolverhampton Road, Prestwood DY7 5AQ

**Retention of treatment/complimentary therapy facility, two toilets
and rug drying/washing facility for Prestwood Farm Livery
(retrospective)**

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site Description

1.1.1. Prestwood Farm is located on the junction of Boundary Lane and Wolverhampton Road in Prestwood and comprises of 129 acres of agricultural land. On the site there are a number of agricultural buildings, as well as an American Barn containing 20 lose boxes and a private stable block, all of which are located around a central menage. Beyond the built up portion of the site there is woodland to the north and north-east, and open fields to the south and west.

1.2 Planning History

1981, Erection of a bungalow, Refused (81/01139)
1988, Retention and erection of agricultural buildings, Refused and subsequently dismissed on appeal (88/01136)
1988, New vehicular access, Refused and subsequently allowed on appeal (88/01137)
1991, Alterations to access, Approved (91/01043)
1991, New vehicular access, Approved (91/01179)
1993, Livestock building, Approved (93/01017)
1998, Barn and 2 accesses, Refused (98/00194)
1999, New access, Refused (99/00201)
1999, New access, Appeal Dismissed (99/00201)
2002, Retention of replacement barn, stables, tack room and manege, Approved (02/00570/FUL)
2006, Vets treatment room, toilets and store, Refused (06/00393/FUL)
2006, Retention of switchgear/storage building, Refused (06/00394/FUL)
2006, Retention of menage flood lighting, Approved (06/00395/FUL)
2007, Enforcement Enquiry (application building), Closed (Notice served) (07/00137/FUL)
2008, Detached building for animal isolation/treatment including toilets for the disabled, drying room and trade off for adjacent container, Refused (08/00044/FUL)
2008, Services building including toilet and removal of building (trade off), Refused appeal dismissed (08/00045/FUL)
2009, Retention of detached isolation stable and toilets, Refused appeal dismissed (09/00126/FUL)
2009, Retention of services building, refused (09/00124/FUL)
2010, Retention of mobile home for continued use as a day room, refused (10/00037/FUL)

2016, Hay and feed store, steel and portal framed (16/ 00577/AGR)
2016, Retention of building for housing service supply infrastructure to Prestwood Farm and agricultural chemical and medicine store (retrospective) (16/00706/FUL)
2016, Enforcement enquiry (application building), Ongoing (16/00100/BOC)

2. APPLICATION DETAILS

2.1 The Proposal

2.1.1. The application proposes the retention of an unauthorised brick built structure which is subject to an Enforcement Notice. The structure measures 9.6m in length, 5.1m in width and is finished with a mono-pitched roof to a maximum height of 3.4m. The building has a floor area of 40.8m² and provides a veterinary treatment/complementary therapy room, toilets and a rug washing/drying facility. The structure also serves as a solarium and a facility for clipping and foaling.

2.2 Applicant submission

The applicant has provided the following information in support of the proposal, summarised as follows:

2.2.1. Design & Access Statement:

- o At the time of previous application for the building, there were four horses on site and the livery business had not opened, providing limited justification for its retention.
- o There are now 20 loose boxes within the American Barn, all of which are occupied. In addition the applicant's own horses are stabled within the private barn.
- o The livery yard is now fully established and is considered to be one of the premier livery facilities in the area, providing local employment and supporting local businesses.
- o The building is not considered to impact upon the landscape in comparison to the existing buildings on site.
- o The proposal is a small scale facility supporting a countryside pursuit, does not conflict with the purpose or openness of the Green belt and supports a prosperous rural economy (in line with the aims of NPPF paragraph 28).
- o The establishment of the livery facility has provided employment for 3 people and supports other rural businesses.

2.2.2. Letter from Corner House Vets, received 20/10/16:

- o As the attending veterinary surgeon I frequently require the use of the treatment box. It is invaluable for safely undertaking examinations, diagnostic imaging, treatments and mare and foal work.

2.2.3. Additional Comments submitted on 28/11/16:

- o It would have been fair to suggest that in 2008 (at the time of the previous refusal) the facility could have been accommodated elsewhere on site as the livery business was not established and the farming enterprise was much smaller.
- o The business is now established and the American Barn is consistently full with 20 horses in livery.
- o However, equestrian enterprises tend to work on lower margins than other types of businesses and there is a requirement to keep a full yard for it to work.
- o The equine industry makes a huge contribution to the local economy, but needs to become more competitive and add value to the services being provided.
- o The facilities proposed, such as the rug washing facility, are not uncommon for a high standard facility achieving approval from schemes such as those provided by the British Horse Society.
- o Such facilities as the solarium further diversify the offering at the site, providing extra income to the business.
- o The drying room is essential due to lack of space elsewhere, and the additional toilets allow separate male/female facilities and are necessary at peak times.
- o Without the building, horses would need to be transported to equine hospital even for minor treatments.
- o The structure would provide an additional facility to support the ongoing operation of a business spending thousands of pounds per year with local tradesmen and businesses.

3. POLICY CONTEXT

3.1 Within the Green Belt.

3.2 Core Strategy

GB1 Development in the Green Belt

EQ9: Protecting Residential Amenity

EQ11: Wider Design Considerations

EQ12: Landscaping

Core Policy 9: Rural Diversification

EV5: Rural Development

EV8: Agriculture

Appendix 5: Parking Standards

3.3 National Planning Policy Framework

Chapter 3. Supporting a Prosperous Rural Economy

Chapter 9. Protecting the Green Belt

4. CONSULTATION RESPONSES

Councillors [expired 18/11/16] No comments received

Parish Council [expired 18/11/16] No comments received

Enforcement [received 28/10/16] *there is an extant Enforcement Notice for this building and use. I have no objection if it now accords with planning policy.*

County Highways [received 11/11/16] *No objections on highways grounds*

Arboricultural Officer [expired 18/11/16] *No comments received*

Neighbours [expired 18/11/16] No comments received

Site Notice [expired 25/11/16] No comments received.

5. APPRAISAL

5.1. The application is to be determined by Planning Committee as the development is contrary to policy GB1 of the Core Strategy.

5.2 Key Issues

- Principle of Development
- Previous refusals [06/00393/FUL & 08/00044/FUL]
- Case for Very Special Circumstances
- Impact on the Green Belt/Local Landscape
- Impact on neighbouring amenity
- Highways/access

5.3 Principle of development

5.3.1. The site is located within Green Belt where Policy GB1 of Core Strategy applies. GB1 stipulates that new buildings will only be permitted where they fall within a small number of categories which includes buildings for agricultural or small-scale recreational purposes. Any developments falling outside of these permitted categories would be considered to constitute inappropriate development within the Green Belt.

5.3.2. Whilst modest in size, the building forms part of a larger agricultural and livery enterprise. The building would be required in addition to an existing private stable and large American Barn. For this reason it is considered that the structure could not reasonably be considered as a 'small-scale recreational' facility.

5.3.3. The NPPF paragraph 87 provides that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in Very Special Circumstances. Paragraph 88 states that Very Special Circumstances (VSC) will not exist unless the potential harm is clearly outweighed by other considerations. The applicant has submitted a case for VSG which is considered under section 5.5 below.

5.4 Previous refusals [06/00393/FUL & 08/00044/FUL]

5.4.1. Two planning applications have previously been refused and the building is subject to an Enforcement Notice. It was concluded by the officer that the building (previously proposed for use as an isolation room) was not an essential building needed for outdoor sport and recreation due

to the existing storage space available within the stable blocks and other structures on site.

5.4.2. Since these decisions, the agent has noted the following changes within the site:

1. The livery yard is now fully established and has been for several years, providing local employment and supporting local businesses - at the time of the previous application the livery business was not open and thus the justification was weak;
2. The proposed use of the building has altered to that of previous applications
3. The existing buildings are now at full capacity.
4. The facilities contained within the building cannot be accommodated elsewhere and are essential for the function of the livery business and would allow diversification of the services offered further supporting the business.

5.5 Case for Very Special Circumstances

5.5.1. As detailed within Section 2.2, the applicant has provided a number of considerations which are advanced as very special circumstances as follows:

A) Need - The proposal would provide space for on-site veterinary treatments which would obviate the need for regular trips to a nearby equestrian hospital for minor treatments and examinations. As the use of the site has intensified since the previous refusal there is also a need for additional WC facilities at peak times. The structure also allows other added value services to be offered to support the ongoing operation of the business which cannot be accommodated elsewhere.

B) Contribution to the economy - The applicants have detailed that the economic value of equestrian sector spending across a wide range of goods and services is increasing year on year. However as most equestrian businesses are small to medium in scale recent industry surveys have stressed the importance of enhancing the value of equestrian services offered. The facilities provided within the building would contribute to the continued success of the livery enterprise which has 3 employees and contributes to the local economy through use of local tradesmen and businesses such as feed and bedding suppliers, vets, farriers and tack shops equating to several thousand pounds worth of income per year to each of those businesses.

5.5.2. I consider that the economic benefits of retaining the building should be afforded significant weight in the planning balance. Overall, I consider that the very special circumstances advanced outweigh the harm caused to the openness of the Green Belt by the developments inappropriateness, particularly given the modest size of the structure. The case for other material considerations that weigh in the balance will be discussed below.

5.6 Impact on the Green Belt and Local Landscape

5.6.1. The building is located in the north-western corner of the built up portion of the site in the context of a number of other, much larger, structures. Positioned immediately adjacent to the western elevation is a green flat-roofed porta-cabin structure which has an untidy unmaintained appearance, detracting from the character of the landscape. The applicant proposes to remove the green porta-cabin structure which would increase the openness of the north-western corner of the site whilst improving the appearance of the landscape. Given the context within which the building sits, and given that it is screened from the highway by a number of other buildings on site I do not consider that it would constitute a prominent feature within the local landscape, subject to the removal of the portacabin, which would increase the openness of the Green Belt.

5.7 Impact on neighbouring amenity

5.7.1. Core Strategy Policy EQ9 states that all development proposals should take account of the amenity of neighbouring occupiers when considering development proposals. There are no residential properties within a close proximity of the building, nor is it considered that the nature of the intended/existing use would cause any adverse harm.

5.8 Highways/access

5.8.1. Policy EQ11 and Appendix 5 of the Core Strategy require that highway safety and parking provision are considered as part of development proposals. There are no highways or access issues arising in respect of this application and the County Highways Officer has raised no objections.

6. CONCLUSIONS

6.1. Since the initial refusals there have been clear changes within the site and also for the proposed use of the building. The proposal would constitute inappropriate development within the Green Belt. However I have taken into account the supporting information submitted to justify the retention of this building, and I consider that these circumstances are sufficient to justify the proposal. Core Policy 9 and Policy EV5 of the Core Strategy state that the Council will support the appropriate diversification of the rural economy and recreation uses appropriate to the countryside, providing that the development does not conflict with other planning policies. It is considered that the retention of the structure would have a limited impact upon the openness and purpose of the Green Belt, and the simultaneous removal of the adjacent porta-cabin would lead to an increase in the openness of the north-western corner of the site. Taking into consideration the wider economic benefits offered by this relatively small scale building coupled with the limited impact upon the Green Belt I consider that the development is acceptable. As such I recommend that Members approve the application.

7. RECOMMENDATION APPROVE

Subject to the following condition(s):

1. The development shall be carried out in accordance with the approved drawings: 'PSP 02- (Stable Block - Plan and Elevations)' Block Plan dated July 2016.
2. Unless otherwise agreed in writing by the Local Planning Authority, the structure positioned directly adjacent to the western elevation of the building hereby approved shall be removed within two months of the date of this approval.

Reasons

1. In order to define the permission and to avoid doubt.
2. The site is within the Green Belt within which, in accordance with the planning policies in the adopted Core Strategy, there is a presumption against inappropriate development
3. Proactive Statement

In dealing with the application, the Local Planning Authority has worked in a positive and proactive manner based on seeking solutions to problems in relation to dealing with the planning application, in accordance with paragraphs 186 and 187 of the National Planning Policy Framework, 2012.



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