

17/00032/FUL

Mr Billyjoe Timmens

**Cllr Lin Hingley
Cllr Henry Williams
Cllr Brian Edwards**

KINVER

**Land And Stables At Wolverhampton Road Prestwood South
Staffordshire**

**Change of use from agricultural land to Stables and Equine Use.
Including Stables, Hay Barn, Exercise walker and exercise running
track.**

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site Description

1.1 The site relates to a large site on the east side of the A449. The field slopes gently away to the south with the river Stour bounding the site to the north and west. There is currently a large block of stables and another building at the top of the field at the most southern part and a made up access track leading from the A449 with horses utilising the field. There is currently a mature hedge along the boundary with the road, along with an outer and inner fence.

1.2 Site History

Relevant site history

2009 3 blocks of 4 stables, refused (09/00688)

Various enforcement cases in 2010, 2013 and 2016 all of which are closed.

2. APPLICATION DETAILS

2.1 The Proposal

The application proposes three elements, a circular horse walker, canopy, hay barn and race track.

The site has a large C shaped stable block already in situ, erected without planning consent but immune from enforcement action. The application proposes a concrete base in the space between the two wings and a canopy over.

A hay barn is also proposed which has been reduced in size to 6m by 13m with a ridge height 3.5m.

The horse walker has a diameter of around 11.5m and a height of 2m. Both buildings are located at the top of the hill, either side of the stable block.

The proposed running track will be located towards the centre of the site, where it is more flat.

2.2 Agents Submission

Supporting statement submitted.

3. POLICY CONTEXT

3.1 Within the Green Belt

3.2 Core Strategy

GB1 - Development in the Green Belt

EQ4 - Protecting the Character and Appearance of the Landscape

EQ11 - Wider Design Considerations

CP9 - Rural Diversification

EV7 - Equine Related Development

Core Policy 4 - Promoting High Quality Design

3.3 National Planning Policy Framework

7. Requiring good design

9. Protecting the Green Belt

4. CONSULTATION RESPONSES

No Councillor comments (expired 121/02/2017)

Kinver Parish Council (received 02/03/2017) Recommend Refusal on the grounds that this is an over development in the Greenbelt land and the access is in a very dangerous location (entering and exiting onto a 50mph main road).

County Highways (received 24/03/2017) There are no objections on Highway grounds to the proposed development subject to the following conditions being included on any approval:-

1. Notwithstanding any details shown on the approved plans no development shall be commenced until revised access details indicating the following have been submitted to and approved in writing by the Local Planning Authority:- Existing dropped kerbs to be widened to a minimum of 5.0m. The access shall thereafter be carried out in accordance with the approved details and be completed prior to first use and shall thereafter be retained as such for the lifetime of the development.

2. The development hereby permitted shall not be brought into use until the access drive, parking and turning areas have been provided in accordance with the approved plans.

Environment Agency (received 08/02/2017) *The Environment Agency has no objection to the proposals as submitted, however recommends that the following advice is taken into account.*

The site lies partly within high risk Flood Zone 3 and partly within low risk Flood Zone 1. The applicant has therefore undertaken a brief Flood Risk Assessment in line with national policy. This highlights how the proposed building works are to be undertaken on the area of land in Flood Zone 1, which we support as it complies with the Sequential approach to managing flood risk. The sand-surfaced equestrian exercise track does however lie within the floodplain, on the banks of the River Stour, which is deemed acceptable.

Ongoing discussions have been had with a number of neighbours at the site with regard to accident where two horses from the site were killed after escaping from the site and concerns regarding horses being taken from the site during rush hour. The neighbours employed a specialist highways consultant who considered the existing access dangerous as the correct vis splays could not be met. I would refer members to the Update list for any further comments received after consultation to amended plans.

Site Notice (expired 28/02/2017)

5. APPRAISAL

5.1 The application is referred to committee as the proposal is contrary to GB1.

5.2 Key Issues

- Principle of Development/Green Belt
- Design/landscape
- Impact on neighbouring properties
- Highways/access

5.3 Principle of Development

5.3.1 The National Planning Policy Framework (NPPF), establishes that the construction of new buildings within the Green Belt is inappropriate, subject to a number of exceptions. The provision of appropriate facilities for outdoor sport and outdoor recreation is listed as an exception, providing the openness of the Green Belt is preserved and the development does not conflict with the purposes of including land within it. Furthermore, the extension or alteration of a building is not inappropriate development provided that it does not result in disproportionate additions over and above the size of the original building. The term 'building' refers to any structure or erection, thus fencing and gates fall under this definition. Paragraph 91 of the NPPF also establishes that engineering operations are not inappropriate development provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

5.3.2 There is no definition of what constitutes 'appropriate facilities' within the NPPF. However Policy GB1 states that new buildings will be permitted in the Green Belt provided they are for appropriate small-scale facilities for outdoor sport or recreation. The policy also states that the carrying out of engineering or other operations will normally be permitted. In both cases, development should preserve the openness of the Green Belt and not conflict with its purpose. I consider the use of the land by horses, and the running track would preserve the openness of the Green Belt. Policy EV7 provides further guidance on equine related development in the Green Belt. It indicates that they will be supported providing that new buildings such as stables and field shelters are: sited close to existing rural buildings and are a suitable distance away from dwellings so as not to impact on the amenity of nearby residents; their design, materials and siting, including of associated developments such as manèges are sympathetic to the rural character of the area; they have no adverse impact on the natural environment, and provided that they are located close to the bridleway network and located so as to reduce conflict between road users due to the transportation of horses, deliveries and horses being using narrow lanes.

5.4 Case for very special circumstances

5.4.1 Paragraph 88 of the Framework states that local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations. At paragraph 81, the Framework states that local planning authorities should plan positively to enhance the beneficial use of the Green Belt such as looking to provide opportunities for outdoor sport and recreation. The proposed horse walker would be used to warm up and cool down the horses and would help to rehabilitate injured horses without them being ridden. This would prevent injury during exercising and help develop muscle strength. The horse walker would also be used during poor weather and would provide a controlled training environment for young or boisterous horses which might be a danger on the roads. Whilst it is built development and would have a material impact on openness, it is located between two existing buildings with woodland in the background, lessening any actual impact.

5.4.2 The existing stable block could be extended by a maximum of 40% which equates to around 63 sq m footprint, whilst the canopy would be considered an extension, and is beyond 63 sq m, all the resultant footprint is already in existence, the proposed canopy would not be higher than the existing roof and would require 3 supporting columns to the front elevation, I do not consider this would have any material impact on openness.

5.4.3 The horses kept on site are not fed from grazing the land and are stabled. The applicants need somewhere to store the feed, bedding as well the traps used for racing.

5.4.4 In conclusion, I consider the need for the appropriate equipment for the welfare of the horses clearly outweighs any perceived harm to openness in this instance.

5.5 Design/landscape

5.5.1 The new storage building and horsewalker would be sited at a higher level than the Wolverhampton Road. They would be visible from the highway and the pavement. However they would be read in conjunction with the existing stables and with woodland as a backdrop, would result in them not being overly prominent in the street scene or harmful to the character or appearance of the area. Equine facilities are a characteristic of the countryside. There would be no conflict with the design objectives of Policies EQ11 and EV7 of the Core Strategy.

5.6 Impact on neighbouring properties

5.6.1 The proposed stables are located a suitable distance to ensure that no adverse harm is caused on the neighbouring amenity. Whilst I have every sympathy for the neighbours that had to witness the unfortunate death of the horses that had escaped the site, this is not a valid planning reason to refuse the application before me. I also consider that moving the horses to and from different fields at rush hour traffic is far from ideal, but again I do not consider this is a valid reason to refuse the proposal that is before me now. I can only be guided by the comments from our County Highways officer who has deemed the proposal acceptable subject to a number of conditions. I therefore consider the proposal in compliance with Policy EQ9.

5.7 Highways/access

5.7.1 As mentioned in paragraph 5.6, whilst I sympathise with the neighbours I can only go on the advice given by our highways officer. In that light are no highways or access issues in respect of this application subject to conditions.

6 CONCLUSIONS

6.1 In conclusion the combination of the existing and proposed development would not result in an unnecessary encroachment of development into the open countryside. Whilst I have found the development to be inappropriate, there are material considerations that amount to very special circumstances sufficient to clearly outweigh any perceived harm to openness. It is concluded that the proposed development would be acceptable in landscape and visual terms and would not conflict with the design and landscaping criteria set out in policy EQ4, EQ11, EV7 and EQ9.

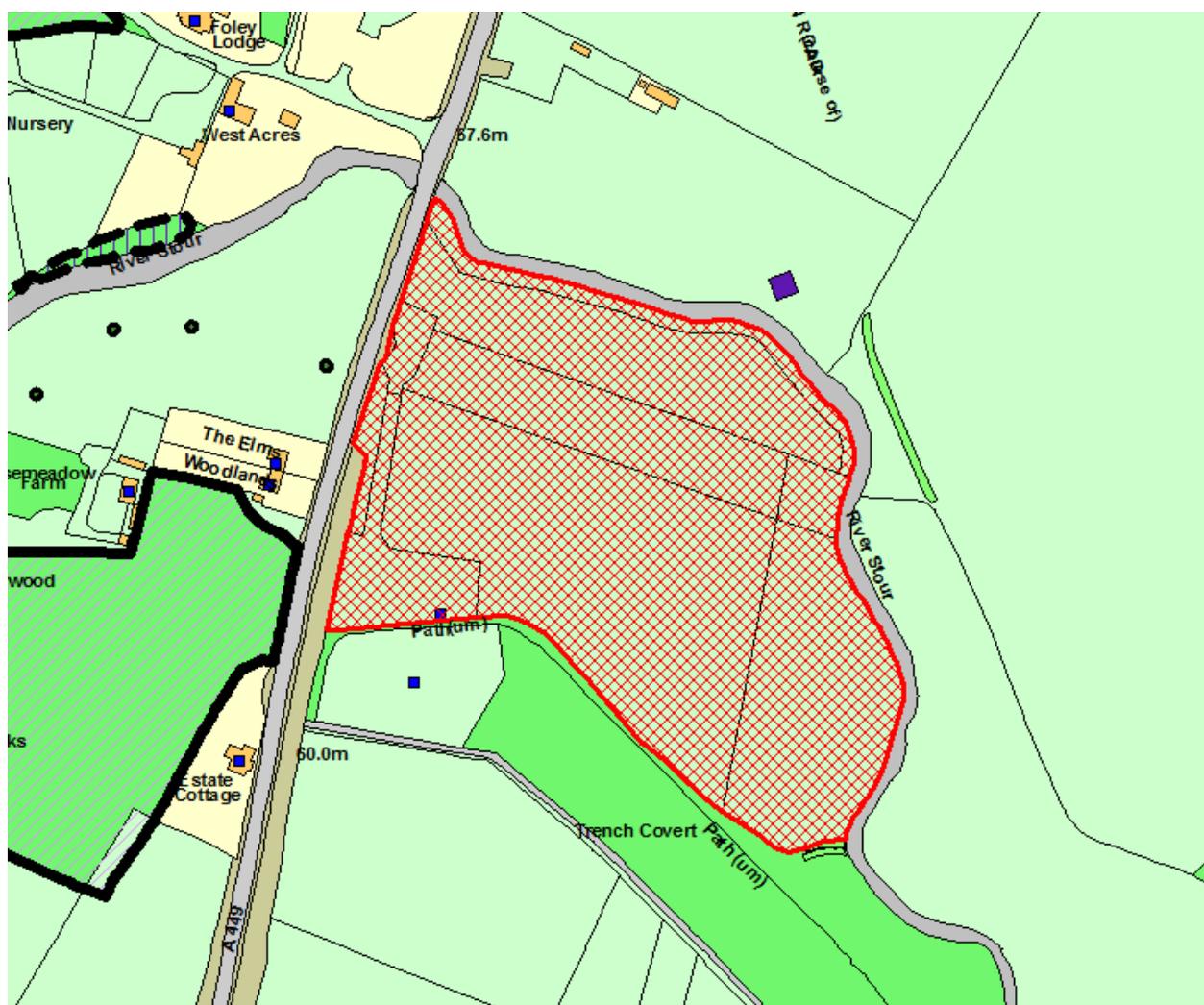
7. RECOMMENDATION APPROVE

Subject to the following condition(s):

1. The development to which this permission relates must be begun not later than the expiration of 3 years beginning with the date on which this permission is granted.
2. The development shall be carried out in accordance with the amended plans received on 1187-Sk 5b and 3b as numbered received 15/04/2017.
3. Before the development commences details of the facing materials to be used for the external elevations shall be submitted to the Local Planning Authority for approval. The development shall be carried out in the approved materials.
4. Notwithstanding any details shown on the approved plans no development shall be commenced until revised access details indicating the following have been submitted to and approved in writing by the Local Planning Authority:- Existing dropped kerbs to be widened to a minimum of 5.0m. The access shall thereafter be carried out in accordance with the approved details and be completed prior to first use and shall thereafter be retained as such for the lifetime of the development.
5. The development hereby permitted shall not be brought into use until the access drive, parking and turning areas have been provided in accordance with the approved plans.
6. The development hereby approved shall not be used for events or commercial gain without the prior written consent of the LPA.

Reasons

1. The reason for the imposition of these time limits is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. In order to define the permission and to avoid doubt.
3. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.
4. In the interests of public and highway safety and convenience and to conform to the requirements of policy EQ11 of the adopted Core Strategy.
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7. Proactive Statement



In dealing with the planning application the Local Planning Authority has worked in a positive and proactive manner by agreeing amendments to the application and in accordance with paragraphs 186 and 187 of the National Planning Policy Framework 2012.

Land And Stables At Wolverhampton Road, Prestwood, South Staffordshire