

**20/01004/FUL
NON MAJOR**

Ms Wendy Sorby

**HIMLEY
Councillor Roger Lees**

Baggeridge Country Park Fir Street Gospel End DUDLEY DY3 4HB

The stationing of a shipping container for use by Breathing Space Therapeutic Services only.

1. SITE DESCRIPTION AND PLANNING HISTORY

1.1 Site description

1.1.1 The site lies within the Baggeridge Country Park on an area of land found to the west of the recent car park and craft village constructed as part of the redevelopment of the Baggeridge Brickworks site. The site has a grassed area but is surrounded by woodland.

1.2 Planning history

1.2.1 No history for this part of the site.

2. APPLICATION DETAILS

2.1 Proposal

2.1.1 The applicants are a Therapeutic Services Community Interest Company (CIC) and use the park to provide their services to the community, providing support for children and young adults with mental health issues and emotional needs. The Children are from both inside and outside the District. They propose the introduction of a metal storage container for a 3 year period.

2.2 Pre-application Discussions

2.2.1 No pre-application discussions have taken place.

3. POLICY CONTEXT

3.1 The site is within the Green Belt

3.2 Core Strategy

Policy GB1: Development in the Green Belt

Policy EQ4: Protecting and Enhancing the character and appearance of the landscape

EQ9: Protecting residential amenity

Policy EQ11: Wider Design Considerations

Strategic Objective 16 - To support the needs of children and young people in South Staffordshire ensure that provision is made for children's play and that teenagers have access to leisure, sport and recreation and learning opportunities.

Core Policy 15: Children and Young People

3.3 National Planning Policy Framework

4. CONSULTATION RESPONSES

No comments were received from neighbours or consultees (expired 10/12/2020)

Site notice expired (10/12/2020)

5. APPRAISAL

5.1 The application is to be heard at Planning Committee as it is contrary to Green Belt policy.

5.2 Key Issues

- Principle of development
- Very Special Circumstances
- Residential Amenity

5.3 Principle of development

5.3.1 The NPPF attaches great importance to the Green Belt with its fundamental aim of preventing urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence.

5.3.2 The siting of temporary metal storage containers has historically been considered as a change of use of the land in policy terms. Paragraph 146 of the NPPF considers that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it, including material changes of use. The siting of a metal storage container, although small and of a temporary nature, will have some impact, albeit limited; there is no conflict with the purposes of including land within Green Belt. I therefore consider the proposal to be inappropriate. Any such development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 in the NPPF states that when considering any planning application, 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.'

5.4 Very Special Circumstances

5.4.1 The applicants are a woodland-based therapeutic provision offering a variety of services. These include:

- one to one therapeutic support and part time intervention to children and young people identified as at risk of exclusion from education or society due to significant mental and emotional health needs.
- Bespoke workshops and training packages on a variety of mental and emotional health related topics to individuals, organisations and professionals.
- School holiday programme aimed at families with young children with behavioural challenges.

5.4.2 South Staffordshire's Spatial Strategy supports the improvement of services and facilities for children and young people. The Council will support proposals and initiatives to improve access to services for children and young people and the provision, improvement and enhancement of facilities for children's play and youth development. The proposal will provide an opportunity for vulnerable people to use the park to improve and develop their mental wellbeing. I consider that these considerations amount to the very special circumstances needed to clearly outweigh the potential harm to the Green belt in this instance. A condition will be placed on the permission requiring the containers removal after 3 years.

5.5 Residential Amenity

5.5.1 In accordance with Local Plan Policy EQ9, all development proposals should take into account the amenity of any nearby residents, particularly with regard to privacy, security, noise and disturbance, pollution, odours and daylight.

5.5.2 Planning Permission has been granted to change of the use of an existing office building to residential on the now redeveloped Baggeridge Brickworks site due east of the application site. This has been implemented. This building is around 85m away from the application site. The site is well screened by trees and existing mature shrubbery. I therefore do not consider there will be impact on the future occupier's amenity.

6. CONCLUSIONS

6.1 The proposal is considered to be inappropriate development in the Green Belt, however very special circumstances apply that clearly outweigh the potential harm. The proposal will not impact on the amenity of neighbouring residential properties. I therefore recommend the application for approval subject to conditions.

7. RECOMMENDATION - APPROVE Subject to Conditions

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 approved drawings: proposed plan, received 29/10/2020 and location plan received 04/11/2020
3. The storage container hereby approved shall be permanently removed from the land on or before the 26th January 2024.
4. The container hereby approved shall be painted dark green and maintained as such throughout the lifetime of the development.

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. 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.
4. To safeguard the amenity of the area in accordance with policy EQ11 of the adopted Core Strategy.

Proactive Statement - In dealing with the application, the Local Planning Authority has approached decision making in a positive and creative way, seeking to approve sustainable development where possible, in accordance with paragraph 38 of the National Planning Policy Framework, 2019.



Baggeridge Country Park, Fir Street, Gospel End, DUDLEY DY3 4HB