

**19/00694/FUL
NON-MAJOR**

Mr Richard Dunkley

**GREAT WYRLEY
Councillor Raymond Perry
Councillor Kathleen Williams**

Land South West South Cannock Farm, Jacobs Hall Lane, Great Wyrley WS6 6AD

Erection of stable block

1.SITE DESCRIPTION, BACKGROUND AND PLANNING HISTORY

1.1 Site Description

1.1.1. The application site is situated off Jacobs Hall Lane and forms part of a much larger area of enclosed grazing land owned by the applicant, Mr. Dunkley and his associate Mr. Steve Kneller. It is understood Mr. Dunkley and Mr. Kneller intend to accommodate up to 12 retired former military horses on the land, which extends to around 5.2 hectares in total (13 acres).

1.1.2 The land currently forms part of an area of hard surfacing in the north-east corner of the applicants' land, with access available into the adjacent paddocks. Immediately to the north is an area of hard standing, beyond which lie residential properties in Jacobs Hall Lane. To the west is a collection of commercial buildings, with the access track serving these premises, the application site and a further commercial building further to the south. The access track also forms a public right of way known as the Timberland Trail.

1.1.3 Planning permission was granted in 2018 (Ref: 18/00631/FUL) for the erection of an 'L-shaped' stable block to be positioned in the south-east corner of the paddock. This building, which has yet to be erected, would provide covered accommodation for up to five horses together with other ancillary facilities. Following a recent enforcement investigation, it became evident that another building had been erected on this part of the site without planning permission instead of the permitted stables. This building was not in accordance with the approval. This structure is a brick building (dimensions 4.3m x 6.3m) with two roller shutter doors in its front elevation and a set of french doors in the side elevation facing the access track.

1.1.4 A planning application has also been submitted to retain this building (Ref:20/00018/FUL), with the applicants, Mr. Dunkley and Mr. Kneller, confirming that the existing structure is used to store feed and equipment in relation to the use of the land for the keeping of horses. This application (20/00018/FUL) has been refused under delegated powers on the basis that the building as constructed is not an appropriate facility for outdoor recreation and therefore represents inappropriate development in the Green Belt.

1.1.5 The site lies within the West Midlands Green Belt.

1.2 Relevant planning history

18/00631/FUL – Erection of stable block in the south east corner of the land – Approved.

20/00018/FUL - Storage building (retrospective) – Awaiting decision.

2. APPLICATION DETAILS

2.1 Proposal

2.1.1 Planning permission is sought to erect an ‘L-shaped’ stable block in the north east corner of the land, to provide additional covered accommodation for the former military horses which the applicant keeps/intends to keep on the land. It would provide stabling for 5 horses, a tack room, hay store and w.c. The proposed stable block would be very similar in size and design to the previously approved structure positioned in the south-east corner of the land, which has yet to be built and which would be located approximately 150m further south. In combination with the previously approved building, the proposed stable block would provide covered accommodation for a total of 10 horses.

2.1.2 The new stable block would have a hipped roof and be clad in fibre cement tiles and timber boarding. An on-site parking and turning area would also be provided, with additional landscaping to be planted along the site frontage and southern boundary of the land.

3. POLICY CONTEXT

Within the Green Belt

Adopted Core Strategy (CS)

Core Policy 1: The Spatial Strategy

Policy GB1: Development in the Green Belt

Core Policy 4: Promoting High Quality Design

Policy EQ1: Protecting, Enhancing and Expanding Natural Assets

Policy EQ4 Protecting and enhancing the character and appearance of the Landscape

Policy EQ9 Protecting Residential Amenity

Policy EQ11 Wider Design Considerations

Policy EQ12 Parking Provision

Core Policy 11: Sustainable Transport

Policy EV7: Equine Related Development

EV11 Sustainable Transport

EV12 Parking Provision

Appendix 5 Car parking standards

A

Appendix 7 Space about Dwellings

South Staffordshire Design Guide (SPD)

Green Belt and Open Countryside Supplementary Planning Guidance (GBOC SPD)

National Planning Policy Framework (the Framework)

Chapters 5, 6, 9, 12, 13 and 15

4. CONSULTATION RESPONSES

Councillor Kath Perry (27.03.2020) – *We should not be giving planning permission on a new application until the previous development on the land has been totally removed. I would therefore like to call the application into committee.*

Great Wyrley Parish Council (05.11.2019) *is very concerned that this application is a precursor to the matters enforced against earlier this year which then became the subject of an unsuccessful enforcement appeal. The Parish Council feels that any decision on a planning application of this nature should take into account the fact that the ongoing matters have yet to be resolved.*

Environmental Health (21.10.2019) - *This Service recommends that stables are to be a minimum of 25 meters from the boundary of neighbouring residential properties. This is to minimise potential noise and odour nuisance.*

County Highways (07.10.2019) – *No objections, subject to conditions*

Arboricultural Officer (04.10.2019) – *No objections, subject to conditions*

Coal Authority (17.12.2019) – *No objections, subject to a condition*

Severn Trent Water (27.09.2019) – *No objections, subject to conditions requiring the submission of details of foul and surface water disposal.*

1 letter of representation received raising the following objections:

- Land not large enough to accommodate all of the horses;
- Impact of the building on the Green Belt and character of the countryside;
- Impact on wildlife.

Site notice expired 15.10.2019

5. APPRAISAL

5.1 The application has been called to Committee by Councillor Kath Perry, who has concerns that planning permission should not be granted on a new application until the previous

development on the land has been totally removed. The application has therefore been called into committee.

5.2 Key Issues

- *Whether the proposal is inappropriate development in the Green Belt;*
- *The effect of the proposal on character and appearance of the area;*
- *The effect of the development on the residential amenities of nearby residents;*
- *Highway safety/parking; and*
- *The effect of historic coal mining operations in the area on the development.*

5.3 Whether inappropriate development in the Green Belt

5.3.1 The application site is situated within the Green Belt where paragraph 143 of the Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the Framework states that local planning authorities should regard the construction of new buildings as inappropriate development in the Green Belt unless they fall under certain exceptions. Included in this list of exceptions, and not therefore to be regarded as inappropriate development, is the

‘provision of appropriate facilities (in connection with the existing use of the land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.’

5.3.2 Although the precise wording of Policy GB1 of the CS slightly differs from paragraph 145, its overall aims concerning the provision of appropriate facilities for outdoor sport and recreation are broadly consistent with the Framework. As such, this policy should be given full weight in the assessment of this case.

5.3.3 The application site is currently used as paddock land for the keeping of horses. This proposal involves the erection of a small stable building to be used in connection with the existing use of the land to accommodate retired former military horses. It is therefore considered to represent an appropriate facility for outdoor recreation. Given the anticipated number of horses that are to be kept on the site and size of the land holding, it is also considered that the proposed and previously approved stable blocks would provide an appropriate level of provision for the proposed use.

5.3.4 Openness is an essential characteristic of the Green Belt. As set out in R. (on the application of Samuel Smith Old Brewery) v North Yorkshire CC [2020] UKSC 3 when assessing impact on openness it is possible to take into account both the spatial and visual impact of a development. In this case I believe it is relevant to look at the visual impact as well as the spatial.

5.3.5 In this case the proposed stable block would be situated on an existing area of hard surfacing, adjacent to residential properties in Jacobs Hall Lane, their associated outbuildings and a larger area of hard standing. It would be a low structure with shallow hipped roof and would only be visible from the private access track on which it is located. The introduction of additional landscaping along the southern and west boundaries of the site would also help to assimilate the development within the surrounding open countryside. As such, the proposal would not have a harmful visual or spatial impact, and therefore preserve openness.

5.3.6 Turning to the purposes of including land within the Green Belt, whilst the proposal would introduce new development on the site, it would be contained by the existing post and rail fencing which define the boundaries of the land. As such, it would also not encroach into the surrounding countryside.

5.3.7 Overall, I find that the scheme would have a minimal impact on the openness of the Green Belt and the purposes of including land within it. Consequently, the proposal would not represent inappropriate development in the Green Belt and would therefore accord with Policy GB1 of the CS and the Framework.

5.4 Character and appearance

5.4.1 The application site comprises of an existing hard surfaced area in the north-east corner of a wider area of paddock land. The new building would be set back from the lane, with new landscaping to be planted along the site frontage. Given its position, modest height and introduction of additional landscaping, the proposed stable block would not appear unduly prominent from the nearby footpath and access track or have a detrimental impact on the public enjoyment of users of the right of way. Indeed, it would be no more prominent than the stable block which has recently been approved in the south-east corner of the site. Thus, the proposal would accord with Policy EV7 of the CS which seeks to, amongst other things, ensure that horse related facilities are sympathetic to the rural character of the countryside.

5.4.2 I am mindful that the Arboricultural Officer has requested that conditions are imposed requiring the submission of hard and soft landscaping details. However, the submitted plans show full details of the new landscaping to be introduced on site, including the species that will be used, their positions and supply sizes. As such, it is only necessary to attach a condition requiring the development to be carried out in accordance with the submitted landscaping details. Subject to the imposition of this condition, and notwithstanding the comments of interested parties, the development would preserve the character and appearance of the

countryside and the landscape. In this respect, it would accord with Policies EQ4, EQ11 and EV7 of the CS and chapters 12 and 15 of the Framework.

5.5 Residential amenity

5.5.1 Rear gardens serving existing residential properties in Jacobs Hall Lane face out towards the site. However, there is a large area of hard surfacing between the existing houses and the proposed stable block. The new structure would also be sited around 50m from the rear boundary of these houses. consequently, any potential fly and odour nuisance associated with the keeping of horses/storage and disposal of manure would not have a detrimental impact on the residential amenities of the occupiers of properties in Jacobs Hall Lane. This is reflected in the comments of the Environmental Health Officer. Therefore, the proposal would accord with Policies EQ9 and EV7 of the CS and paragraph 127 of the Framework which, amongst other things, seeks to provide a high standard of amenity for existing and future users.

5.6 Highway safety/parking

5.6.1 The site is currently served by an existing vehicular access which would be utilised by the proposed stable block. A parking and turning area would be provided on-site, which will enable vehicles to maneuver and exit the land in a forward gear. As the proposed stables would provide covered accommodation for horses which are currently grazed on the land, it would not lead to a significant increase in the number of vehicle movements along the existing access track. Thus, it would not have an unacceptable impact on highway safety and the residual cumulative impacts of the development would not be severe. Consequently, the proposal would accord with the Framework in this respect.

5.7 Coal mining

5.7.1 The application site falls within the Development High Risk Area defined by the Coal Authority. Within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this application. The Coal Authority have raised no objections to the application, subject to conditions requiring site investigations prior to the commencement, to ensure that adequate information pertaining to ground conditions and coal mining legacy is available, enabling appropriate remedial and mitigatory measures to be identified.

5.8 Other matters

5.8.1 Representations have been received relating to concerns that this proposed development will lead to further development in the future and questioning the intentions of the application. While the representations on this application have been reviewed and taken into account, this application has to, and has been, considered on its individual planning merits and has resulted in the conclusion and recommendation below.

5.8.2 There are no material impacts raised with regard to ecology and biodiversity, save for the potential for improvements associated with the additional landscaping proposed. Although concerns have been raised regarding the overall site area and the ability to accommodate the number of horses on the land, with a total area of around 13 acres, the land is clearly large enough to accommodate 12 horses, many of which are elderly and therefore require less grazing land.

5.8.3 Severn Trent Water (STW) have requested that conditions are imposed providing details of foul and surface water disposal from the proposed stable block. The submitted plans indicate that a septic tank would be installed to take foul waste from the proposed WC within the new building, with surface water being disposed of via a soakaway. These are similar arrangements to those approved under the recent permission of the other stable block on the land. I do not therefore consider it either necessary or reasonable to impose the conditions suggested by STW having regard to advice in paragraph 55 of the Framework.

6. CONCLUSIONS

6.1 Accordingly, I find that the proposal would not represent inappropriate development in the Green Belt. It would also preserve the character and appearance of the countryside, residential amenities of nearby residents and highway safety. Therefore, the proposal is in accordance with local and national planning policies set out above and I recommend the application for approval.

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 approved drawing Nos: JMA-XX-S1-A-9001, JMA-XX-S1-A-9002 and JMA-XX-GA-A-001 received on 13 September 2019.
3. The development hereby permitted shall not be brought into use until the parking and turning areas shown on approved drawing no JMA-XX-S1-A-9002 has been provided.
4. This permission does not grant or imply consent for any external lighting on the site or its boundaries.
5. The landscaping and boundary treatment proposals shown on approved drawing JMA-XX-S1-A-9002 received by the Local Planning Authority on 13 September 2019, shall be completed within 12 months of the completion of the development. The Local Planning Authority shall be notified when the landscaping and boundary treatment proposals have been completed. The planting, hard landscaping and boundary treatments shall be retained and maintained for a minimum period of 10 years from the notified completion date of the proposals. Any plant failures that occur within the first 5 years of the notified

completion date of the proposals shall be replaced with the same species within the next available planting season after failure.

6. Prior to the commencement of the development hereby approved, a scheme of intrusive investigation works shall be undertaken to assess the ground conditions and the potential risks posed to the development by past shallow coal mining activity and a report of findings arising from the intrusive investigation works, including the results of any gas monitoring and a scheme of proposed remedial works, shall be submitted to the local planning authority for prior written approval. Any remedial works shall thereafter be implemented in accordance with the approved details as part 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. In the interests of highway safety, in accordance with the National Planning Policy Framework.
4. To preserve the character and appearance of the countryside, in accordance with Policies EQ4, EQ11 and EV7 of the South Staffordshire Core Strategy and the National Planning Policy Framework.
5. To preserve the character and appearance of the countryside, in accordance with Policies EQ4, EQ11 and EV7 of the South Staffordshire Core Strategy and the National Planning Policy Framework.
6. To ensure the safety and stability of the development, in accordance with paragraphs 178 and 179 of the National Planning Policy Framework.

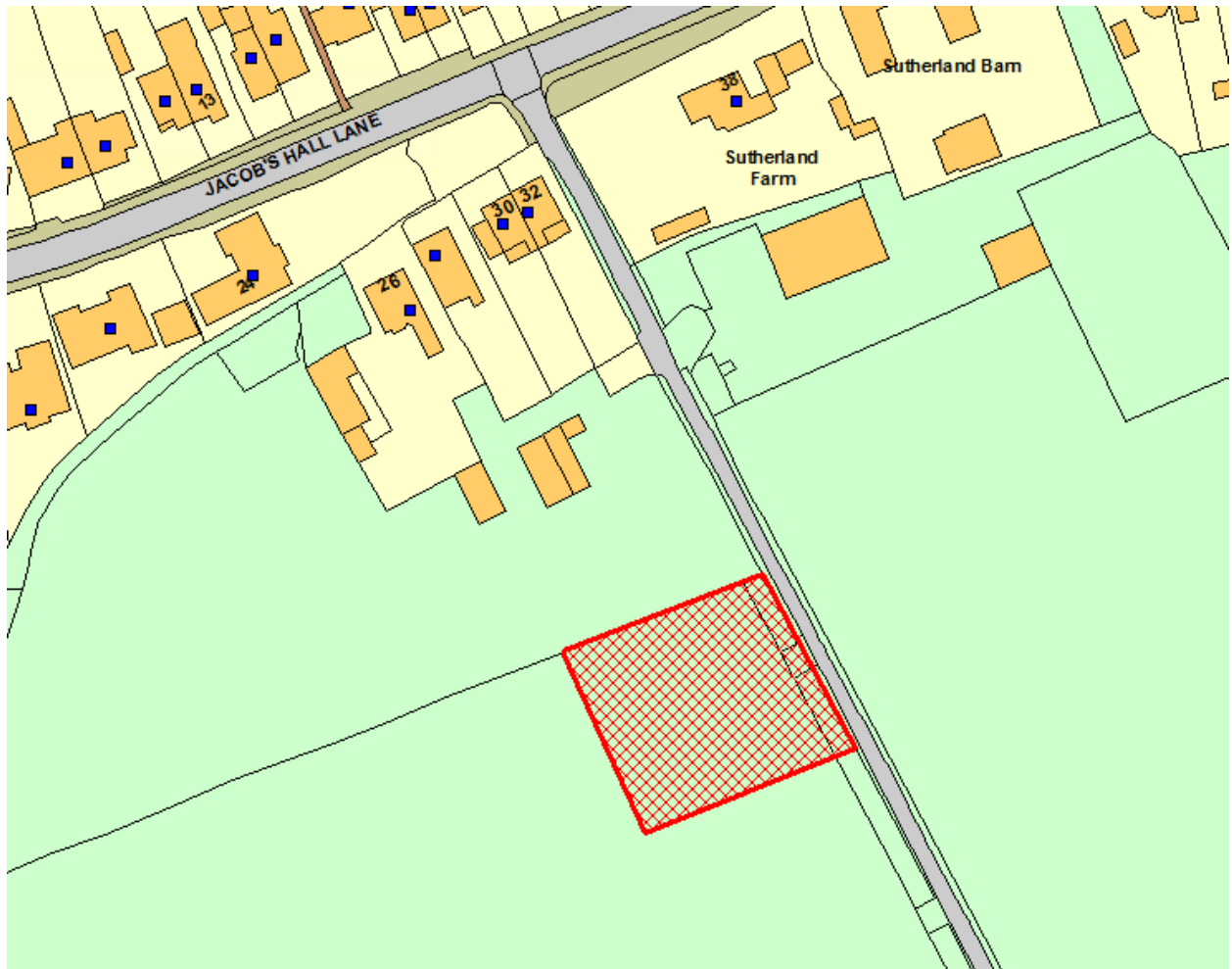
Proactive Statement

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 paragraph 38 of the National Planning Policy Framework.

INFORMATIVE

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such

activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:<https://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property>



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