

Report to Planning Committee 10 November 2022
 Business Manager Lead: Lisa Hughes – Planning Development
 Lead Officer: Laura Gardner, Senior Planner, ext. 5907

Report Summary			
Application Number	22/01769/FULM		
Proposal	Partial change of use of agricultural land to mixed agricultural and equestrian, including erection of timber hay barn (on agricultural land) and new fencing and gates.		
Location	Plot Numbers 6, 7 And 8, Land North of Ricket Lane, Blidworth, NG21 0NG		
Applicant	Mr and Mrs Booth	Agent	Mrs Helen Broadhurst - Vale Planning Consultants
Web Link	22/01769/FULM Partial change of use of agricultural land to mixed agricultural and equestrian, including erection of timber hay barn (on agricultural land) and new fencing and gates. Plot Numbers 6, 7 And 8 Land North Of Ricket Lane Blidworth NG21 0NG (newark-sherwooddc.gov.uk)		
Registered	09.09.2022	Target Date	09.12.2022
Recommendation	Refuse, for the reason set out in Section 10.0		

This application is being presented to the Planning Committee in line with the Council's Scheme of Delegation as Blidworth Parish Council have no objections to the scheme which is contrary to the Officer recommendation and the proposal is a major development.

1.0 The Site

The application site is a rectangular plot approximately 3.9 hectares in extent to the north of Ricket Lane. The Robin Hood Activity Centre is on the opposite side of the lane. Development in the surrounding area is otherwise sparse in nature.

The site is washed over by the Nottingham Derby Green Belt. A public right of way runs alongside the western boundary of the site.

The boundary with Ricket Lane is formed of dense hedgerow with interspersed trees albeit there is an existing access / opening of the hedgerow in the south eastern corner. There is a gentle gradient within the site falling slightly in a southerly direction. There are dispersed trees along the boundaries but the site itself is predominantly laid to pasture.

2.0 Relevant Planning History

There is no planning history to the site itself. Land to the east has recently been granted approval for a change of use to equestrian use including perimeter fencing (22/01146/FULM).

3.0 The Proposal

The proposal seeks permission for various elements including the change of use of approximately half of the site (the eastern half) for equestrian use. The submitted site plan shows that this half of the site would be divided into four paddocks divided by 1.2m high post and rail fences. Fencing would also surround the perimeter of the site at 1.4m in height with gated access in the south eastern corner.

It is also proposed to erect a hay barn towards the south eastern corner of the site to serve the part of the site which would be retained in agricultural use. The barn would be split into three bays; two being open hay stores and the other being an enclosed equipment and tool store. The building would be approximately 5.4m by 9.3m with an overall pitch height of 3.35m. It would have a clad finish.

The application has been considered on the basis of the following plans and documents:

- Location Plan (unreferenced received 8th September 2022);
- Site Plan (unreferenced received 8th September 2022);
- Proposed Floor Plan, Roof Plan and Elevations reference LT dated 31/08/2022;
- Gate Details (unreferenced received 8th September 2022);
- Horse Fence Information – R13/120/5;
- Planning and Design Statement, including Assessment of Flood Risk dated September 2022.

4.0 Departure/Public Advertisement Procedure

Occupiers of 3 properties have been individually notified by letter. A site notice has also been placed at the site and an advertisement displayed in the local press.

Site visit undertaken on 23rd September 2022.

5.0 Planning Policy Framework

Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)

Spatial Policy 1 – Settlement Hierarchy
Spatial Policy 4A – Extent of the Green Belt
Spatial Policy 4B – Green Belt Development

Spatial Policy 7 - Sustainable Transport
Core Policy 9 -Sustainable Design
Core Policy 12 – Biodiversity and Green Infrastructure
Core Policy 13 – Landscape Character

Allocations & Development Management DPD

DM5 – Design
DM7 – Biodiversity and Green Infrastructure

Other Material Planning Considerations

National Planning Policy Framework 2021
Planning Practice Guidance (online resource)
National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019
Landscape Character Assessment SPD 2013

6.0 Consultations

Blidworth Parish Council – No objections.

NCC Rights of Way –There are no public rights of way recorded over the proposed development site. Suggested informative due to site being adjacent to Blidworth Bridleway 9.

Ramblers Association - No comments received.

One letter of representation has been received supporting the application. One letter of objection has been received on behalf of Mansfield and District Scout Council, details of which can be summarised as follows:

- The change of use and building is likely to have no detrimental impact;
- There are concerns re: the arrangements for the vehicle access close to the entrance to the Robin Hood Activity Centre which can be busy during group arrival and departure;
- Horse boxes could reduce visibility and manoeuvrability for vehicles turning in and out of the activity centre;
- There is no reference to the management of surface water drainage.

7.0 Comments of the Business Manager – Planning Development

The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable

development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

Principle of Development

The site is located outside of the main built-up area of Blidworth, within the Nottinghamshire-Derby Green Belt. In accordance with Spatial Policies 1 and 4b, development within the Green Belt will be assessed in line with national guidance.

Chapter 13 of the NPPF (2021) emphasizes the importance which the Government attaches to Green Belts with the fundamental aim to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts being their openness and permanence.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraphs 149 and 150 of the NPPF (2021) list the types of development which may form an exception to the presumption of keeping land open, including buildings for agriculture and material changes in the use of land (such as changes of use for outdoor sport or recreation). However, the latter exception is caveated on the need to preserve the openness of the Green Belt and not conflict with the purposes of including land within it.

The application includes various elements including a proposed building to be used as a hay and equipment store for the part of the site retained for agriculture. It is stated that this part of the site will be used for the production of hay, some of which will be used as additional food for the horses, with the remainder sold locally. The building would store a small tractor and square baler.

The term agriculture is defined within Section 336 of the Town and Country Planning Act 1990 as follows:

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly;

“Agricultural land” is defined within Part 6 of the Town and Country Planning (General Permitted Development) (England) Order 2015, as amended as *“land which, before development permitted by this Part is carried out, is land in use for agriculture and which is so used for the purposes of trade or business, and excludes any dwelling house or garden”*. It is acknowledged that this application has not been advanced as development under Part 6 of the GPDO, however, the statutory definition of “agricultural land” is relevant in so far as it clarifies that there must be a commercial/production aspect in order for land to be considered in use for agriculture.

The agent has been asked to clarify the dimensions of the equipment proposed for storage and also to confirm the proportion of hay to be sold vs the proportion to be used as food for the horses.

It is stated that a tractor has not yet been purchased but an example of a model that would be suitable to serve the needs of the land has been provided which would fit within the dimensions of the building. In terms of the hay bale production the following explanation is offered:

As depicted on the Site Plan submitted with the Application, approximately 4.5 acres of the overall landholding will be cut for hay. On average, this will provide ca. 10 bales per acre each year, thereby equating to 45 bales on an annual basis. Of this, the three horses will consume ca. 2 bales per month (possibly 3 for a couple of colder months) = 24 - 26 bales each year. This leaves ca. 19 - 21 bales each year to be sold to others (an approximate 55 / 45 percentage split)

As you'll be aware, this is not a significant amount, and given the small scale nature of this enterprise, it is anticipated that these 'left over' bales will be sold locally and within the local equestrian 'community'. This will not therefore, create a formal business enterprise or commercial agricultural operation, but rather will form part of an informal equestrian / agricultural exchange type arrangement.

On the basis of the evidence provided, it is not considered that the building would be required strictly for agricultural purposes. The majority of the hay produced would be for feed for the horses and even the excess to be sold would still have connections to equestrian uses rather than being a true agricultural enterprise. The building would therefore fail to meet an exception listed by paragraph 149 and would therefore be inappropriate development in the Green Belt.

The NPPF advises that inappropriate development is, by definition, harmful to the Green Belt and should not be permitted except in very special circumstances. '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. There is no definitive list for what constitutes very special circumstances, but the threshold is high and turns on the facts and circumstances of individual applications.

No very special circumstances have been advanced with this application, nor are any considered to exist therefore, the proposed building is considered contrary to the relevant provisions within the NPPF, and Spatial Policy 4B.

Notwithstanding the above, the proposal also includes the part change of use of part of the site to equestrian purposes. As above, in order to be potentially acceptable in principle this requires an assessment on the impacts of the Green Belt as explored further below.

Paragraph 138 outlines that Green Belts serve five purposes:

- a) *to check the unrestricted sprawl of large built-up areas;*

- b) to prevent neighbouring towns merging into one another;*
- c) to assist in safeguarding the countryside from encroachment;*
- d) to preserve the setting and special character of historic towns; and*
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.*

The closest conflict arising from the change of use would be with point c) relating to safeguarding the countryside from encroachment.

The change of use from agriculture to equestrian is likely to represent a more formalised use of the site. However, as has been described by the information submitted to support the application, the equestrian use would be personal to the applicant. Crucially, the application does not include any stable buildings and it is stated that additional paraphernalia such as horse jumps will not be required. In terms of the equestrian part of the proposal, the actual impacts on the ground are likely to be largely unperceivable compared to land used for grazing horses which would class as agriculture.

It is appreciated that the Local Planning Authority would have no control of features such as horse jumps being brought onto the land at a later date but taken on good faith based on the information provided at this stage, the proposal is not considered to represent encroachment into the open countryside. The proposal would therefore not conflict with the purposes of including land within the Green Belt. It is fully appreciated that permission goes with the land and therefore this could change in the future without the need for planning permission (given that the structures are unlikely to constitute development). Even in this scenario the associated character impacts are likely to be relatively low key in the wider landscape.

The proposal also includes operational development in the form of boundary fences and fences within the site and towards the site access. The type of fencing proposed is post and rail and stock proof fencing of relatively modest heights between 1.2m and 1.4m. These would not be particularly foreign features in the landscape. The plans show that the perimeter fencing would be inside the retained hedgerows.

Given the low key nature of the fences it is not considered that they would adversely affect the openness of the site. It is material that the majority of the fences could be built without planning permission with the exception of the fence at the south eastern corner which exceeds 1m adjacent to the highway. There is therefore a strong fall back position that if the part of this fence which abuts the highway was reduced by 0.4m in height, the fences would not require planning permission.

When taken as a whole, the proposal would represent inappropriate development in the Green Belt on the basis that the building proposed is not considered to be truly required for agricultural purposes.

Impact on Residential Amenity

Policy DM5 of the DPD states that development proposals should ensure no unacceptable reduction in amenity. In the context of this application, an amenity assessment would primarily relate to the potential for increased noise and disturbance.

The nearest neighbouring dwelling is over 175m away to the east. The Design and Access Statement confirms that the proposed use would be for personal equestrian use.

The area is established with walkers / horse riders and cyclists due to the public rights of way network in the area. The movements associated with the proposed use are therefore unlikely to be perceivable to the neighbouring properties and therefore no harm has been identified against the relevant provisions of Policy DM5.

Impact on the Highways Network

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

The proposal relies on the positioning of an existing access towards the south of the site. There is space for on-site turning within the site. It is stated that the equestrian use would necessitate around 2 vehicle movements per day which could be accommodated within the existing highways network without imposing highways safety harm.

There is a public right of way alongside the western boundary of the site but the proposal would not affect the useability or legibility of the footpath and thus there are no concerns in this respect.

Other Matters

Core Policy 12 and Policy DM7 promote the conservation and enhancement of the District's biodiversity assets. The NPPF also seeks to minimise impacts on biodiversity and provide net gains where possible. The starting point for development is that trees and features such as hedgerows should be retained where possible as set out in CP12 and DM7. The access to the site is existing and there is no suggestion to remove any existing trees or hedges. There is an intention to plant additional hedges and trees which would be welcomed in ecological terms. No harm has therefore been identified in respect of the ecological value of the site.

The site is within Flood Zone 1 and at very low risk of surface water flooding. The majority of the site will remain as grassland / porous materials and therefore there are no concerns in respect to flooding or drainage.

8.0 Implications

In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

9.0 Conclusion

The development represents inappropriate development in the Green Belt which by definition is harmful. No very special specific circumstances to outweigh this harm have been identified and therefore the development is recommended for refusal.

10.0 Reason for Refusal

01

The site is located within the Nottinghamshire-Derby Green Belt. Paragraph 149 of the National Planning Policy Framework (NPPF) states that the construction of new buildings in the Green Belt are inappropriate, with some exceptions listed. In the opinion of the Local Planning Authority, the development does not benefit from any of the relevant exemptions outlined in Paragraph 149 of the National Planning Policy Framework (NPPF) in that it is not considered that the proposed building would be for genuine agricultural purposes. The building is therefore considered to constitute inappropriate development in the Green Belt which is harmful by definition. The NPPF states that in such instances planning permission should only be granted where very special circumstances that outweigh the harm exist which have not been advanced or considered to exist in this case.

The application is therefore contrary to the NPPF, a material consideration in addition to Spatial Policy 4B (Green Belt Development); Core Policies 9 (Sustainable Design) and 13 (Landscape Character) of the Amended Newark and Sherwood Core Strategy 2019 as well as Policy DM5 (Design) of the Allocations and Development Management Development Plan Document 2013 and the associated Landscape Character Assessment Supplementary Planning Document (2013).

Notes to Applicant

01

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

02

The application is clearly contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. Working positively and proactively with the applicants would not have afforded the opportunity to overcome these problems, giving a false sense of hope and potentially incurring the applicants further unnecessary time and/or expense.

03

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BACKGROUND PAPERS

Application case file.

Committee Plan - 22/01769/FULM

