

18/00376/FUL

Applicant Mr Brian Shaw

Location The Barn Grange Farm Chestnut Lane Barton In Fabis Nottinghamshire

Proposal Stable and storage shed (part retrospective).

Ward Gotham

THE SITE AND SURROUNDINGS

1. The application relates to a detached timber building situated to the rear of The Barn, which is a single storey traditional red brick barn conversion situated on the northern edge of the village. The dwelling along with the neighbouring barn conversion at Fabis Barn front onto a courtyard with access off the end of Chestnut Lane. There is a private garden area to the rear (west) and north of the dwelling. The site is enclosed by a post and rail fence. The area enclosed by this fence is larger than the residential curtilage of the original barn conversion as granted in 1988. The site of the timber building falls outside of the originally defined curtilage. The site borders open fields to the west and north. The site falls within the Green Belt and is in Flood Zone 3.

DETAILS OF THE PROPOSAL

2. The application seeks retrospective planning permission for the retention of a detached single storey building for use as a stable and store (partially constructed at time of submission of the application). The overall footprint of the building is 12m wide by 4.8m deep with a pitched roof measuring 2.4 metres to the eaves and 3.5 metres to the ridge. The building is faced in timber with Marley Eternit slate roof tiles. The roof overhangs the front of the building to form a canopy, supported on timber posts.

SITE HISTORY

3. Application G1/86/0425/P - Conversion of redundant farm buildings to 2 dwellings. Approved in 1986.
4. Application G1/87/0755/P- Conversion & extension of farm buildings to form dwelling with granny-annexe. Approved in 1987.
5. Application 99/00073/FUL- Single storey rear extension. Approved in 1999.
6. Application 15/00855/FUL- First floor extension. Refused in 2015.
7. Application 15/01734/FUL- Construct first floor extension (revised scheme). Approved in 2015.
8. Application 17/01052/FUL- Retain outbuilding (garage and store shed). Refused in 2017.

REPRESENTATIONS

Ward Councillor(s)

9. The Ward Councillor (Cllr Matthews) objects to the proposal, commenting that following a meeting at the Parish Council he fully supports the reasons for their objections to the application.

Town/Parish Council

10. Barton in Fabis Parish Council object to the proposal commenting, *“The erection of the building is an inappropriate development in the Green Belt and therefore harmful to the Green Belt. The proposed use of the outbuilding does not fall under any of the categories outlined in paragraph 89 of the National Planning Policy Framework (NPPF) where the new buildings might be considered an exception.*
11. *Paragraph 87 of the NPPF states that inappropriate development should not be approved except in very special circumstances. No such special circumstances have been demonstrated by the applicant. The proposed structure has a substantial footprint, some 12 metres in length and is substantially larger in terms of size, scale and massing than the small sheds previously on the site, which were then partially screened by trees (now cut down) as can be seen from the attached aerial images.*
12. *The new building is located in the far corner of the site and adjacent to open fields with no screening and is therefore in a highly prominent position, which is clearly visible from nearby footpaths / bridleways and therefore harms the open character and visual amenity of the area.*
13. *The building is well outside the residential curtilage dwelling at The Barn and of other nearby properties, notwithstanding that planning permission does not appear to have been granted for the land on which it has been constructed, as a domestic garden.*
14. *The application form for the building (Section 12) has answered No to the question "Is the site in an area at risk of flooding?" In fact the site is within Flood Zone 3. The Borough Council's previous decision to refuse planning permission (17/00294/FUL) at the other end of the Village for another outbuilding outside the building curtilage of the Village and suggest that the current application is a similar case.*
15. *The Borough Council is asked to take note of the fact that the original application (17/01052/FUL) was only submitted in July 2017 after the building was substantially erected. Planning permission was refused in September 2017 and yet the building remains in place. The erection of a building initially without any attempt to seek the required planning permission and the extensive time that has already remained in place sets a potentially dangerous precedent that could encourage others to act in a similar manner and undermine the planning process in the Green Belt. The Parish Council strongly urges Rushcliffe Borough Council to again refuse planning permission and if that is the decision to move swiftly to ensure that the structure is removed.”*

Statutory and Other Consultees

16. The Environmental Health Officer has no objection, however, it is assumed that the horse(s) will be kept in the stable, which appears to be located in a domestic garden. There are no details of manure storage or disposal, or details of measures to prevent nuisance (insects, odour, etc.) and to prevent the pollution of water courses. If manure is routinely removed then vehicular access will likely be required to the manure storage location. It is recommended that consent should not be given until the applicant has demonstrated that satisfactory provision has been made for the storage and disposal of wastes/manure arising from the stable or confirmed that the stable will not be used for the keeping of livestock.

Local Residents and the General Public

17. No comments received.

PLANNING POLICY

18. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy and the 5 saved policies of the Rushcliffe Borough Local Plan 1996. Other material planning considerations include the National Planning Policy Framework (NPPF) and the Rushcliffe Borough Non-Statutory Replacement Local Plan (2006).

Relevant National Planning Policies and Guidance

19. The relevant national policy considerations for this proposal are those contained within the National Planning Policy Framework (NPPF) and the proposal should be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF. The proposal falls to be considered under section 7 of the NPPF in terms of promoting good design, particularly the criteria outlined in paragraph 58 of the NPPF. Development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. In line with NPPF paragraph 64, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
20. As the site falls within the Green Belt, the proposal falls to be considered under section 9 of the National Planning Policy Framework (Protecting Green Belt Land) and should satisfy the 5 purposes of Green Belt outlined in paragraph 80 of the NPPF. Paragraph 87 sets out that development in the Green Belt should be regarded as inappropriate which is, by definition, harmful and should not be approved except in very special circumstances. Exceptions to inappropriate development are set out in paragraphs 89 and 90 of the NPPF, including "*provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it*".
21. The site falls within Flood Zone 3 and, therefore, NPPF Section 10 (Meeting the challenge of climate change, flooding and coastal change), is of relevance. Under paragraph 100, inappropriate development in areas at risk

of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.

Relevant Local Planning Policies and Guidance

22. Policy 1 of the Core Strategy sets out the need for a positive and proactive approach to planning decision making that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The proposal should be considered under Core Strategy Policy 10 (Design and Enhancing Local Identity). Development should make a positive contribution to the public realm and sense of place, and should have regard to the local context and reinforce local characteristics. Development should be assessed in terms of the criteria listed under section 2 of Policy 10, and of particular relevance to this application are 2(b) whereby development should be assessed in terms of its impacts on neighbouring amenity; 2(f) in terms of its massing, scale and proportion; and 2(g) in terms of assessing the proposed materials, architectural style and detailing.
23. The site falls within the Green Belt as defined in policy ENV15 of the 1996 Local Plan. None of the other saved policies apply to this application.
24. Whilst not a statutory document, the policies contained within the Rushcliffe Borough Non-Statutory Replacement Local Plan should be given weight as a material consideration in decision making. The proposal falls to be considered under the criteria of Policy GP2 (Design and Amenity Criteria) of the Rushcliffe Non-Statutory Replacement Local Plan. Of particular relevance is GP2(d) whereby development should not have an overbearing impact on neighbouring properties, nor lead to a loss of amenity. The scale, density, height, massing, design and layout of the proposal all need to be carefully considered, and should not lead to an over-intensive form of development. The proposal falls to be considered under policy EN14 (Protecting the Green Belt). The proposal should ensure that in line with Rushcliffe NSRLP policy EN19a) *"there will be no significant adverse impact upon the open nature of the Green Belt or open countryside, or upon important buildings, landscape features or views"*.

APPRAISAL

25. The application relates to an existing detached outbuilding situated to the rear of The Barn. The current proposal follows a previous application to retain the building as a garage and storage shed. Whilst the outbuilding appears to be located within the rear garden of the host property, from researching the planning history it appears that the original planning permission for the residential barn conversion at The Barn was granted permission with a curtilage drawn much more tightly to the rear of this property than the current garden (G1/87/0755/P). Although it appears that the curtilage may have been at its current extent for some time this is not authorised by the grant of any planning permission. The previous application was refused on the basis that it represented a domestic outbuilding falling outside of the residential curtilage of The Barn, therefore amounting to an inappropriate form of development in the Green Belt, for which 'very special circumstances' had not been provided to outweigh this inappropriateness

26. The revised application proposes the retention of the timber outbuilding as a stable. The layout plan shows that the building would incorporate a stable, tack room and store in contrast to the previously proposed domestic garage and store. In considering the exceptions to inappropriate development set out in paragraphs 89- 90 of the NPPF, the building would be for an equestrian use, therefore constituting an appropriate building in connection with outdoor recreation. The building is a low single storey structure located to the rear The Barn and it is not considered to be a prominent location. It is considered that the building would preserve the openness of the Green Belt and that there would not be a conflict with the purposes of including land within it. The retention of the stable building would, therefore, represent an appropriate form of development in the Green Belt.
27. The building is situated to the rear of The Barn and it is, therefore, hidden from the highway with the exception of views from the end of Chestnut Lane. The main view of the building is from the footpath that runs northward from the end of Chestnut Lane. The building is a low structure that is set back considerably from the highway and footpath. It is not considered that the building presents a prominent feature when viewed from the public realm.
28. The building is a lightweight timber structure with the appearance of a typical stable building. It is considered that the appearance of the building is in keeping with the rural character of the surrounding area and that it does not appear as an incongruous feature from the adjacent open countryside.
29. The submission did not include details of waste disposal or measures to prevent nuisance or water pollution. In the event of planning permission being granted, a condition is proposed requiring the submission of details of waste disposal, odour mitigation and measures to prevent run-off into watercourses prior to the development being brought into use.
30. The site falls within Flood Zone 3. The building would be for equestrian and storage use rather than habitable accommodation. The proposal would not present a risk to occupants. To avoid the risk of increasing flood risk elsewhere, in the event of planning permission being granted a condition is proposed requiring the submission of details of drainage.
31. The application was not the subject of pre-application discussions. The scheme is, however, considered acceptable and no discussions or negotiations with the applicant or agent were considered necessary, resulting in a recommendation to grant planning permission.

RECOMMENDATION

It is **RECOMMENDED** that planning permission be granted subject to the following conditions

1. The building shall only be used for the purposes applied for and no other purpose.

[For avoidance of doubt and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan and guidance within the National Planning Policy Framework in respect of development in the Green Belt].

2. The stables hereby permitted shall be used only for purposes ancillary to the enjoyment of the associated dwelling and not as a riding school, livery stables or any other business or commercial use.

[To clarify the extent of the permission and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

3. If the use of the stable building hereby approved for equestrian purposes ceases for a period in excess of 6 months, the building shall be removed from the land within 3 months of the end of the specified period and the land shall be restored to its former condition prior to the erection of the building.

[This permission is granted only on the basis that the building is used for equestrian purposes and if no longer required should be removed to protect the amenities of the area and to comply with policy GP2 (Design & Amenity Criteria) of the Rushcliffe Borough Non Statutory Replacement Local Plan]

4. The development shall not be brought into use until measures for the storage and disposal of manure and other waste arising from the use of the building for equestrian purposes have been submitted to and approved in writing by the Borough Council. Thereafter, the approved measures shall be implemented and retained for the lifetime of the development.

[To ensure an acceptable form of development in the interests of amenity and to comply with policy GP2 (Design and Amenity) of the Rushcliffe Borough Non Statutory Replacement Local Plan].

5. Within three months of this permission, details of surface water drainage shall be submitted to and approved in writing by the Borough Council and the building shall not be brought into use until such measures have been implemented in accordance with the details as approved. Such drainage shall be designed to ensure that there is no increase in surface water run-off to receiving watercourses. Thereafter the approved scheme shall be retained to the agreed specification.

[To ensure that adequate surface water drainage facilities are provided to prevent the increased risk of flooding downstream, in accordance with policy WET2 (Flooding) of the Rushcliffe Borough Non-Statutory Replacement Local Plan and guidance contained within the NPPF].

Notes to Applicant

This permission does not give any legal right for any work on, over or under land or buildings outside the application site ownership or affecting neighbouring property, including buildings, walls, fences and vegetation within that property. If any such work is anticipated, the consent of the adjoining land owner must first be obtained. The responsibility for meeting any claims for damage to such features lies with the applicant.