

19/01767/FUL

Applicant Ms Juliet Donoghue

Location Kilgraney Farm Owthorpe Road Cotgrave Nottinghamshire

Proposal Change of Use of land to allow parking (retrospective).

Ward Cotgrave

THE SITE AND SURROUNDINGS

1. The application relates to a site located with the open countryside, approximately half a mile to the south east of Cotgrave. Access to the site is via a shared driveway from Owthorpe Road, which serves a cluster of residential properties and barn conversions. The application site encompasses a 693 sqm broadly rectangular plot of land extending from the east of the private drive, opposite Manor Cottage. There is an adjacent manege to the north. The front third of the site is hard surfaced, the rear two thirds comprises paddock land. The site falls within the Green Belt.

DETAILS OF THE PROPOSAL

2. The application seeks to regularise the use of the hardstanding for parking. The hard surfaced area appears to comprise of rubble/aggregate covered over with chippings. No new built development is proposed as part of the application. The submitted block plan dated 19 August showed a 33 metre deep area of hardstanding to be used for parking. A site visit was carried out, through which it was ascertained that only the front third of the site was hard surfaced, with the remainder of the site encompassing part of a field. Discussions took place with the agent and the plans were revised on 8 October to reduce the depth of the parking area to 11 metres to reflect the actual situation on the ground. The application therefore now seeks the retention this parking area.
3. A revised 'red line' site plan was received on 14 November 2019. The site plan has been amended to be drawn tight with the area of existing hardstanding.

SITE HISTORY

4. 11/01789/FUL- Conversion of stables to two dwellings; construct garage block. Granted in 2012. Conditions discharged under 12/00490/DISCON
5. 12/00396/NMA - Conversion of stables to two dwellings; construct garage block. Granted in 2012.
6. 13/00737/FUL - Erection of a 10 stall stable block; storage building with staff accommodation above; temporary site access and parking area. Granted in 2013.

7. 15/03061/FUL - Erection of a 10 stall stable block; storage building with staff accommodation above; temporary site access and parking/area. Granted in 2016. Conditions discharged under 18/02916/DISCON
8. 17/02345/VAR - Vary condition 4 of planning permission 11/01789/FUL to allow one garage to be used as a storage unit in connection with Manor House, Kilgraney Farm. Pending consideration.

REPRESENTATIONS

Ward Councillor(s)

9. One Ward Councillor (Cllr Butler) declares an interest.
10. One Ward Councillor (Cllr Healy) does not object.

Town/Parish Council

11. Cotgrave Town Council object to the application on the basis of drainage issues and flooding on the adjacent fields, it is therefore not friendly to the environment.

Statutory and Other Consultees

12. Nottinghamshire County Council as Highway Authority do not object to the proposal, commenting that the parking area is associated with existing permitted development at the site, and as such will not result in any additional impact on the public highway.

Local Residents and the General Public

13. Representations have been received from 20 local residents and the general public in support of the proposal with the comments summarised as follows:
 - a. The hardstanding has been in situ for a long time, the cars parked there do not affect anyone and cause no disruption.
 - b. Allows more space for neighbours and visitors.
 - c. Site has been used for parking for 12 years with machinery on the area before.
 - d. Without the car park the road would become congested, concerns about safety of pedestrians if a build-up of cars were to happen.
 - e. Build-up of traffic could spook horses.
 - f. Without the hardstanding there would be nowhere to park without blocking the access road, the car park avoids cars reversing onto the main road.
 - g. Parking on Owthorpe Road would pose considerable dangers as this is a busy road connecting Cotgrave with the A46.

- h. The proposal enhances the area by avoiding double parked cars.
 - i. Provides a crucial turning space, the space is needed for space to turn horse box and trailer.
14. Representations have been received from three local residents objecting to the proposal with the comments summarised as follows:
- a. The car parking should be in line with the permissions granted, these being: Parking at the Kilgraney Manor House - 7 spaces for a 7 bed house; parking for the two new cottages (11/01789/FUL) - 3 garages and a parking space (none of which are currently used for parking); and the proposed stable block (15/03061/FUL) - 4 spaces and 2 horsebox spaces.
 - b. The application extends the existing unofficial car park 3-4 times, over the whole winter turn out area, the expansion will attract more traffic and the loss of more green areas to unsightly hardstanding.
 - c. If planning permission is granted, the car park should be fenced to ensure safety, landscaping should be agreed in detail, and no additional lighting should be allowed.
 - d. There is already a planning permission for a stables and car park (15/03061/FUL), the area of land in the current application has already been approved and designated as a paddock, and an area planted with trees. The new car park, in addition to that already approved, would take away designated paddock land and trees from the approved stables.
 - e. The Planning Statement claims that the proposed parking area has been used and an overflow car park and refers to the whole area as an area of hardstanding. There is no hardstanding on the area behind the existing unofficial car park, no vehicles (cars/horseboxes) have ever been parked on this area, this is an overgrown field.
 - f. It is untrue that the land has been used for parking for 15 years, woodchip was laid in 2004 to create a winter manege but no hard surfacing was involved.
 - g. The car park was supposed to be a temporary area of hardstanding for builders/deliveries during the stable conversion works, this was never returned to field and is unauthorised. This was laid in 2012.
 - h. Parking standards suggest the extended car park would provide a minimum of 22 spaces, in addition to the parking provision for the new stables, and the provision for Kilgraney Manor, and Manor Cottage/ Broadgate House. The proposal would result in the provision of 38 parking spaces which would be excessive.
 - i. The approved landscaping scheme for 15/03061/FUL proposed the reinstatement of the unauthorized car park to fields and landscaping, the current application would replace the paddock, trees and hedge with an unnecessary car park.

PLANNING POLICY

15. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (referred to herein as 'core strategy') and the Local Plan Part 2: Land and Planning Policies, which was adopted on 8 October 2019. Other material considerations include the National Planning Policy Framework (NPPF) (2019) and the National Planning Practice Guidance (the Guidance).

Relevant National Planning Policies and Guidance

16. The relevant national policy considerations for this proposal are those contained within the 2019 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 12 of the NPPF (Achieving well- designed places) and it should be ensured that the development satisfies the criteria outlined under paragraph 127 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 paragraph 130 of the NPPF, 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.
17. The site falls within the Green Belt and therefore the proposal falls to be considered under section 13 of the National Planning Policy Framework (Protecting Green Belt Land) and should satisfy the 5 purposes of Green Belt outlined in paragraph 134 of the NPPF. Paragraph 143 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 paragraph 145 of the NPPF. Paragraph 146 states that certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. This includes engineering operations and the material change of use of land.

Relevant Local Planning Policies and Guidance

18. Policy 1 of The Rushcliffe Local Plan Part 1: Core Strategy reinforces 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 falls to be considered under Policy 10 of the Core Strategy (Design and Enhancing Local Identity). The 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. Section 2 of this policy sets out the design and amenity criteria that development should be assessed against.
19. The proposal falls to be considered under Policy 1 (Development Requirements) of the Local Plan Part 2. Given the location of the site within the Green Belt, the proposal falls to be considered under Policy 21 (Green Belt). This policy states that decisions should be in accordance with the Green Belt policy set out in the NPPF.

APPRAISAL

20. The application seeks retrospective planning permission for the retention of an area of hardstanding for use as a car park. It should be noted that there would be no extension of the existing hard surfaced area. The block plan originally submitted denoted an area of hardstanding measuring 33 metres in depth, projecting beyond the extent of the adjacent manege to the north. Through on-site observations, it was noted that the area of hardstanding only occupies the front section of the site, beyond which there is an overgrown field. Discussions subsequently took place with the agent and the plans were amended accordingly to show an 11 metre deep area of hardstanding.
21. The main consideration is whether the development represents inappropriate development in the Green Belt. The car parking area constitutes both an engineering operation and a change of use of the land. Both of these types of development fall within the categories of 'other forms of development' that are not inappropriate as listed under paragraph 146 of the NPPF. This is on the proviso that such forms of development preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.
22. The application relates to a level, hard surfaced car park with no means of enclosure. As such, its retention would not impact upon the openness of the Green Belt, although it is acknowledged that the vehicles parked on the area will have some impact, albeit they are clearly temporary and moveable. The consideration then, particularly in considering whether the change of use to a parking area is not inappropriate, is whether the development conflicts with the purposes of including land within it, these being:
 - 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.
23. It is not considered that the proposal conflicts with criterion a, b, d and e. Therefore, the main consideration is criterion c) of the above in terms of whether the development encroaches upon the countryside. Although the cluster of dwellings are all situated to the west side of the shared private drive, there are various forms of development to the eastern side of this drive, notably the site use for the storage of railway sleepers, which extends significantly eastward, in addition to a manege immediately to the north of the application site. Permissions was granted in 2018 for an extension to the hardstanding at the railway sleeper site (planning reference 18/01817/FUL).
24. The car park does not project significantly beyond the front fence line of the manege and thus it results in a fairly minor incursion into the adjacent paddock. It is not considered that the car park results in a significant encroachment to the degree that its retention would be contrary to the criterion c) of the purposes of Green Belt, referred to above. The car park is, therefore not considered to be an inappropriate form of development in the Green Belt.

25. Highways do not object to the proposal, noting that the parking area is associated with existing permitted development at the site, and as such it would not result in any additional impact on the public highway.
26. The comments regarding a potential conflict with approved application 15/03061/FUL for the erection of a stable block, storage and parking are noted. The plans approved pursuant to the conditions of the planning permission (under 18/02916/DISCON) show a gravel drive, grass verge, hedgerow and tree planting on part of the site of the current car park. In the event that planning permission is granted for the retention of the car park, it would not be possible to implement the permission for the stable block as approved and/or the details agreed pursuant to the conditions of the permission. It should, however be noted that this permission lapsed on 23 February 2019 and the development has not been commenced within the time period.
27. The comments regarding the excessive provision of parking are noted. Planning permission was granted in 2011 (11/01789/FUL) for the conversion of stables to two dwellings and the erection of a garage block at Kilgraney Farm. Notwithstanding subsequent amendments to the garage, the original proposal involved the provision of two spaces per dwelling and would have allowed no additional provision for visitors etc. Given the narrow, single track nature of the shared drive, any additional cars parked on the drive could result in the restriction of this access. It is therefore considered that the retention of the parking area is justified.
28. Discussions have taken place with the agent during the consideration of the application to clarify the extent of the car park for which permission is sought. Amendments have been made to the proposal, addressing officers' questions, thereby resulting in a more acceptable scheme and a recommendation to grant planning permission.

RECOMMENDATION

It is RECOMMENDED that planning permission be granted subject to the following condition(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].

2. The change of use hereby approved shall only apply to the area shown within the red line denoted on the revised Block Plan received on 14 November 2019. There shall be no extension of the existing car parking area as denoted on this block plan.

[For the avoidance of doubt and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].