

Item No 05:-

17/03563/FUL

**Agricultural Building
Land North Of
Greenway Lane
Ullenwood
Gloucestershire
GL53 9QB**

Item No 05:-**Change of use of building to stables (Retrospective) at Agricultural Building Land North Of Greenway Lane Ullenwood Gloucestershire GL53 9QB**

Full Application 17/03563/FUL	
Applicant:	Melanie Pitt
Agent:	SF Planning Limited
Case Officer:	Christopher Fleming
Ward Member(s):	Councillor Nicholas Parsons
Committee Date:	14th March 2018
RECOMMENDATION:	PERMIT

Main Issues:

- (a) Principle of Development
- (b) Impact on the openness of the Green Belt
- (c) Impact on the character and appearance of the Area and AONB
- (d) Impact on neighbouring living conditions
- (e) Impact on the safe operation of the Highway Network

Reasons for Referral:

The application has been called to Planning and Licencing Committee by the Ward Member for Members to assess the use of the site and the impact this has on the local highway network.

1. Site Description:

The application site relates to a parcel of land off Greenway Lane just outside Cheltenham in Ullenwood. The application site is also located within the Cotswolds Area of Outstanding Natural Beauty and has a green belt designation.

The site is accessed via a lane of Leckhampton Hill, the lawful use of the site is for agriculture

2. Relevant Planning History:

None for the site in question, although there is an existing building on the land.

3. Planning Policies:

NPPF National Planning Policy Framework
 LPR19 Develop outside Development Boundaries
 LPR31 Equestrian Related Development
 LPR38 Accessibility to & within New Develop
 LPR42 Cotswold Design Code

4. Observations of Consultees:

County Highways no objection subject to condition

5. View of Town/Parish Council:

Objection on highways grounds

6. Other Representations:

4 objections from members of the public with regard to the impact of the proposal on the local highways network, conservation of the area and use of the of the proposed building and site as an equestrian business.

7. Applicant's Supporting Information:

Supporting drawings including access details
Design and Access Statement

8. Officer's Assessment:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.' The starting point for the determination of an application would therefore be the current development plan for the District which is the Cotswold District Local Plan 2001-2011.

Cotswold District Local Plan (adopted) 2001-2011

The weight that can be given to other policies of the adopted Local Plan that do not relate to the delivery of housing is a matter of planning judgement for the Council. While many of the policies of the adopted Local Plan accord with the NPPF, they were adopted before the NPPF came into force and the evidence base behind some of the policies is out of date. For those reasons alone, Officers consider that they cannot be afforded significant weight.

The application site lies in open countryside outside of a development boundary as such; Policy 19 (Development Outside of Development Boundaries) is applicable. The policy does not support new open building housing in areas outside of development boundaries, but does support "development appropriate to a rural area" subject to a number of criteria. However this policy is time expired, and this has been confirmed by numerous appeals. As such, it now has little weight.

National Planning Policy Framework

The National Planning Policy Framework (NPPF) has, at its core, a presumption in favour of sustainable development and this is described in paragraph 14 as the "Golden Thread" that runs through the document. There are three dimensions to sustainable development, set out within paragraph 7, these being economic, social and environmental. The NPPF states that development should, where possible, seek joint and simultaneous gains in all three dimensions of sustainability.

Emerging Local Plan

In addition to the above, the Emerging Local Plan for Cotswold District 2011-2031: has been through the 'Examination in Public' phase of the Local Plan process. At present, the emerging Local Plan (ELP) is a material consideration as it indicates a 'direction of travel' for the Council as a result of assessment of the review evidence base. The draft policies of most relevance to this proposal are SP1 (Cheltenham and Gloucester Greenbelt), EN5 (Cotswold Area of Outstanding natural Beauty), EC6 (Conversion of Rural Buildings), INF4 (Highway Safety), and INF5 (Parking Provision). The weight afforded to these policies will be addressed in the following sections.

(a) Principle of Development

The applicant is seeking permission to convert an existing agricultural building to stables. The stable conversion would house 3 stables and would result in minimal alterations to the external

appearance of the existing building. Alterations would be made to improve the existing access arrangements.

The application site forms part of a larger holding. The grazing of horses on agricultural land does not represent a change of use of agricultural land to equestrian. However, the applicant is now proposing to keep horses on the application site and such the use of land within the application site will change from agriculture to equestrian. The agent has confirmed that the use of the equestrian use on the site would be for private use.

The agricultural building is existing and horses could be grazed on the land without the benefit of planning permission. The applicant's Planning Statement is clear that the venture would be for private use only and no commercial livery or associated activities will be provided at the site. The Highways Officer recommends that a condition is added restricting the use of the site to private, as this would not cause a large increase in vehicle trips. If a commercial venture was to be proposed in the future, then a change of use application would be required and mitigation for the increase in traffic would be required.

Equestrian Development in the Open Countryside

The adopted Local Plan Policy 31 is supportive in principle of equestrian development outside Development Boundaries. As such, it can constitute development appropriate to a rural area and be acceptable. However, Policy 31 includes a number of provisos which can limit the scope of such development.

Para 3.5.63 of the supporting text to Policy 31 states that 'Existing farmsteads and groups of traditional farm buildings provide an ideal base for the establishment of new equestrian enterprises. Such property is likely to become available as a result of the changes occurring in agriculture, both in terms of the restructuring of holdings and the redundancy of traditional buildings unsuited to modern farming methods. New equestrian enterprises should be located in, or based on, existing buildings of this kind, both to help ensure new uses for traditional buildings and reduce the pressure for new, isolated buildings in the countryside, particularly in the Area of Outstanding Natural Beauty.'

Whilst Policy 31 can be supportive of proposals to create new equestrian enterprises, it is of note that the text accompanying the policy states that new enterprises should be located in, or based on, existing buildings. Criterion b) of Policy 31 also states that if new buildings are proposed, they should be located close to or adjacent to existing buildings. In this case the proposed site benefits from an existing building on the site which is for conversion and subject to this application.

Notwithstanding the above, there is no ELP policy that relates specifically to equestrian development. The Council would defer to guidance in Section 7 of the NPPF and of particular relevance to this proposal is Paragraph 56, which states that the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Taking the above into account the principle of the proposed change of use and conversion of the building to stables would be considered compliant with Local Plan Policy 31, given that the application site already benefits from a building on site and that the proposal would utilise the reuse of the existing building and the proposed use would be for private use. As previously stated, it is recommended that a condition is attached to any permission granted for private use only.

(b) Impact on the openness of the Green Belt

The application site is located within the Cheltenham-Gloucester Green Belt. Adopted Local Plan Policy GB.1: Cheltenham and Gloucester Green Belt states:

"Within the area defined as Green Belt on the Proposal Map, development shall not conflict with the advice set out in PPG2 and Gloucestershire Structure Plan Policy GB.1."

It is evident that the above policy relates to revoked policy and guidance and is therefore considered not to carry any weight at the present time. In terms of ELP, draft Policy SP1 Cheltenham and Gloucester Green Belt states:

"Appropriate development within the Green Belt will be permitted, having regard to national planning policy."

The above policy has been subject to examination and therefore carries moderate weight at the present time.

In light of the above, the Council would defer to guidance in Section 9 Protecting Green Belt Land of the NPPF when assessing a proposal for new development on the site.

Paragraph 79 of the NPPF states that 'the fundamental aim of Green Belt policy is prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and permanence'.

Paragraph 80 states that Green Belt serves five purposes:

- (i) To check the unrestricted sprawl of built-up areas;
- (ii) To prevent neighbouring towns merging into one another;
- (iii) To assist in safeguarding the countryside from encroachment;
- (iv) To preserve the setting and special character of historic towns; and
- (v) Assist in urban regeneration, by encouraging the recycling or derelict and other urban land.

Paragraph 87 states that 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances'.

Paragraph 88 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'.

Paragraph 89 states that 'a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are;

- (i) Buildings for agriculture and forestry;
- (ii) 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;
- (iii) The extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- (iv) The replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- (v) Limited infilling in villages, and limited affordable housing for local community needs, under policies set out in the Local Plan; or
- (vi) Limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.'

The conversion of the existing building with no alteration to the external appearance to the building would not have a greater impact on the openness of the Green Belt than the existing

development. In light of the above guidance it is evident that the conversion of the building should be supported.

(c) Impact on the character and appearance of the Area and AONB

The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). Section 85 of the Countryside and Rights of Way (CROW) Act 2000 states that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the AONB.

Section 11 of the National Planning Policy Framework encourages the conservation and enhancement of the natural environment. Paragraph 109 states that the planning system should protect and enhance valued landscapes. Paragraph 115 states that great weight should be given to conserving landscape and scenic beauty in Areas of Outstanding Natural Beauty.

Paragraph 17 of the National Planning Policy Framework states that the planning system should recognise the intrinsic character and beauty of the countryside.

Policy 42 states that development should be environmentally sustainable and designed in a manner that respects the character, appearance and local distinctiveness of the Cotswold District.

Policy 45 of the Local Plan states that high standards of appropriate landscaping should be required in all developments and any attractive, existing landscape features, such as trees, hedgerows and other wildlife habitats should be retained and integrated into all landscaping schemes.

It is also worth noting consideration from the Council's ELP EN5 which states in determining development proposals within the AONB or its setting the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight.

Policies such as Policy EN5 can be accorded some weight at present. However, this may change over time dependant following the result of the examination of the ELP.

The AONB guidelines advise that equestrian developments should be carefully sited and designed to minimize their impact on the landscape and should utilise existing buildings wherever possible. The building is prominent in views from the adjacent footpath. However, given that the external appearance of the building would remain unaltered, it is considered that in landscape terms the introduction of stables would be acceptable.

(d) Impact on neighbouring living conditions

Whilst the application site would be set adjacent to a neighbouring property, given the distance of the property away from the stable building and associated land, there is considered to be no significant impact to neighbouring living conditions in accordance with NPPF Section 7 and Local Plan Policy 46.

(e) Impact on the safe operation of the Highway Network

Policy 38 (Accessibility to and within New Development) from the Council's adopted Local Plan requires the appropriate provision of improvements to access or enhanced transport infrastructure to be provided as part of a development. Sustainable and safe access should be provided with modes for alternative transport to be safe, well-considered and attractive. Traffic arising from the development shall not have an unacceptably detrimental effect on the highway network. This policy can be afforded some weight, subject to the following commentary regarding the NPPF.

The guidance within section 4 of the NPPF sets out that development should be focused in locations where occupants have a real choice over how they travel. The opportunities for sustainable modes of transport should be maximised depending upon the nature and location of the site. To achieve this, developments should be designed to give priority to pedestrian and

cycle movements and have access to high quality public transport facilities. Development that would result in severe impacts should be refused, which is a more permissive test than Local Plan Policy 38.

Emerging Local Plan Policy INF4 (Highway Safety) supports development that is well integrated with the existing transport network and beyond the application site, avoiding severance resulting from mitigation and severe impact upon the highway network. Developments that create safe and secure layouts and access will be permitted. The Council considers that no key issues have been raised regarding this policy and it is considered to have some weight.

Objections have been received from neighbouring properties over the impact of the proposal on the safe operation of the highway network. These include a report submitted from a highway consultant. Following these objections, Gloucestershire County Highways were consulted on the application given the concerns raised within the consultation period.

Having assessed the application, the vehicular access to the proposed development would be via an existing access to the site off Greenway Lane, set off Leckhampton Hill (a Classified Road). Vehicular traffic will enter and exit the site in forward gear and the proposal is not considered to result in an intensification of vehicular movements above the existing use of the site. As such, it is considered that the proposed use and changes would not result in an adverse impact on the safe operation of the highway network. Furthermore, an access plan has been submitted, clearly setting out the requirements made by the County Highways Officer and, as a result, a condition would be added to any permission to ensure that the access is laid out in accordance with these requirements.

The objection from the Parish Council refers to the issues surrounding the access to the site and they make reference to the outline permission for 20 units on the site opposite the application site. A condition was attached to that permission that restricted future access onto Greenway Lane, the reason for which was that the access to or from Greenway Lane from the development would result in an intensification in the use of the lane to the detriment of highway safety and contrary to Local Plan Policy 38.

Whilst these concerns and the condition are noted, this condition and the development related to the outline scheme for 20 units where the level of development and scale were considered to result in a severe impact to the safe operation of Greenway Lane. In current case, it is considered by the Highways Authority that the use and scale of the proposal, given the existing use of the site, would not result in an intensification of Greenway lane that would result in a severe impact on the safe operation of the highway network, and therefore no objection is raised by the Highway Authority.

Local concerns have been raised in relation to potential commercial use of the stables. However, this application must be assessed on the information and details submitted and can only be assessed on the merits of the case, which is the proposal for private use of the stables. The issue relating to any future use of the site as a business would be subject to enforcement investigations, having regard to the recommended conditions. In addition, following the concerns raised through the objections, clarification was sought from County Highways over the assessment between the private use of the stables and the use of the building as a commercial enterprise. The County Highways Officer's response is set out below.

In terms of assessment, "The grazing of horses/ponies already occurs on site and generates vehicle movements to and from the site to provide for their welfare. These trips occur regardless to the provision of the stable block. The provision of the stable block just puts a roof over the heads of the horses/ponies already there. The applicant and those who arrive to ride them do so already without the stable block, the provision of stable block will not change the means and number of vehicles attending site. Therefore, the Highway Authority believe that the number of trips generated to the site are already happening regardless of the stable block and that there will be no difference in number of trips to what currently occurs once the stable block has been constructed."

The County Highways Officer would raise issue if the stable block was to be used as a commercial use/commercial livery as different individuals are required to look after their own horses in regards to feeding, mucking out, vet visits, farriers, feed and other deliveries. This then has the potential to increase vehicle numbers to and from the site. A condition limiting the site to private use was recommended in the County Highways Officer's formal response.

Overall, it is considered that the proposal would be acceptable in terms of its impact on the safe operation of the highway network and that the application would not warrant refusal on these grounds in accordance with guidance contained within section 4 of the NPPF and Local Plan Policy 38. This is, however, subject to the recommended condition limiting the development to personal use only.

9. Conclusion

The small number of stables provided would be used for private use. It is considered that the proposed stables would not be sufficient to generate a significant level of additional traffic movements over and above those generated by the existing use, nor would it result in an intensification of the site that would involve significantly increased use by riders of bridleways or roads in their locality. The proposal is considered to accord with paragraph 32 of the NPPF and Local Plan Policy 31.

Overall it is considered that the proposed stables would not result in a significantly adverse impact within the landscape or on the surrounding area, or have an impact on the openness of the green Belt for these reasons the proposal is considered to be in accordance with policies 31, 38, 42 and GB1 of the adopted Cotswold District Local Plan and Section 7 (Requiring Good Design) and paragraph 115 (which relates to development in AONBs) of the NPPF.

10. Proposed conditions:

The development hereby approved shall be implemented in accordance with the following drawing number(s):

Reason: For purposes of clarity and for the avoidance of doubt, in accordance with paragraphs 203 and 206 of the National Planning Policy Framework.

The application site shall be used only for private equestrian purposes, and for no other purpose, including use as a riding school or for the holding of equestrian shows, events, or demonstrations.

Reason: It is essential that the Local Planning Authority retains control over the use of the development because it is in a remote location and alternative uses could generate levels of traffic movements that could impact unacceptably on highway safety. This condition is imposed in the light of Cotswold District Local Plan Policy 38 and paragraph 32 of NPPF.

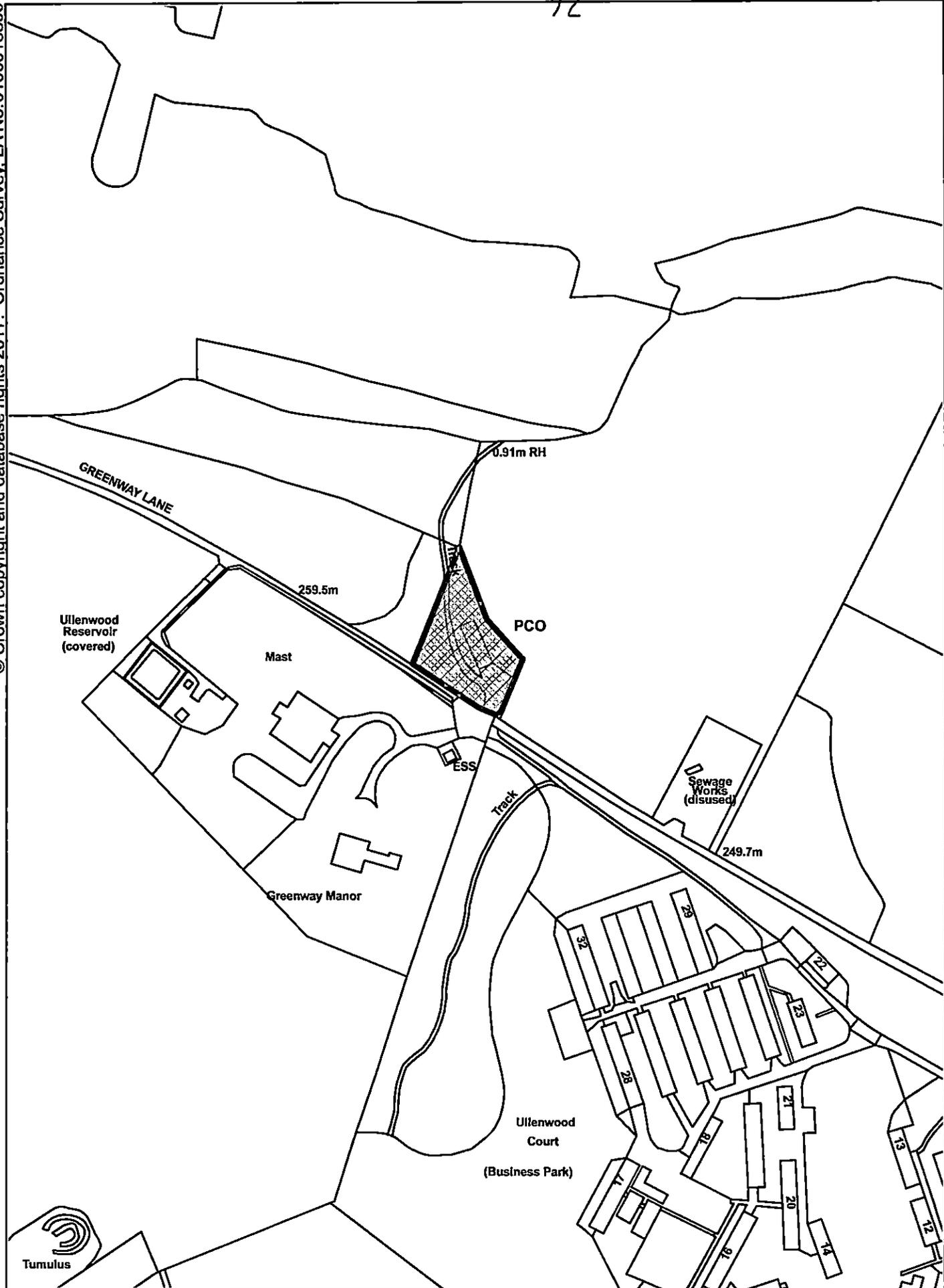
Prior to the use of the building hereby permitted the vehicular access shall be laid out and constructed in accordance with the submitted plan, drawing no. 21736/03/B with a minimum entrance width of 6.0m, kerbed entry/exit radii of [10.0m] [with any gates situated at least 10.0m back from the carriageway edge of the public road and hung so as not to open outwards towards the public highway and with the area of access road within at least 10.0m of the carriageway edge of the public road surfaced in bound material, and shall be maintained thereafter.

Reason: To reduce potential highway impact by ensuring that there is a safe, suitable and secure means of access for all people that minimises the conflict between traffic and cyclists and pedestrians in accordance with the National Planning Policy Framework.

There shall be no burning of any waste or other materials on the site, except in an incinerator, the details of which shall be approved in writing by the Local Planning Authority before the development is brought into use.

Reason: To ensure that, in accordance with Cotswold District Local Plan Policy 5 and the environmental considerations contained in paragraph 17 of the NPPF, any concentration of air pollutants in the vicinity is minimised and/or a nuisance is not caused. The incinerator itself may need planning permission.

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AG BUILDING LAND NORTH OF GREENWAY LANE ULLENWOOD Scale: 1:2500

Organisation: Cotswold District Council

Department:

Date: 02/03/2018



COTSWOLD
DISTRICT COUNCIL





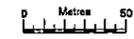
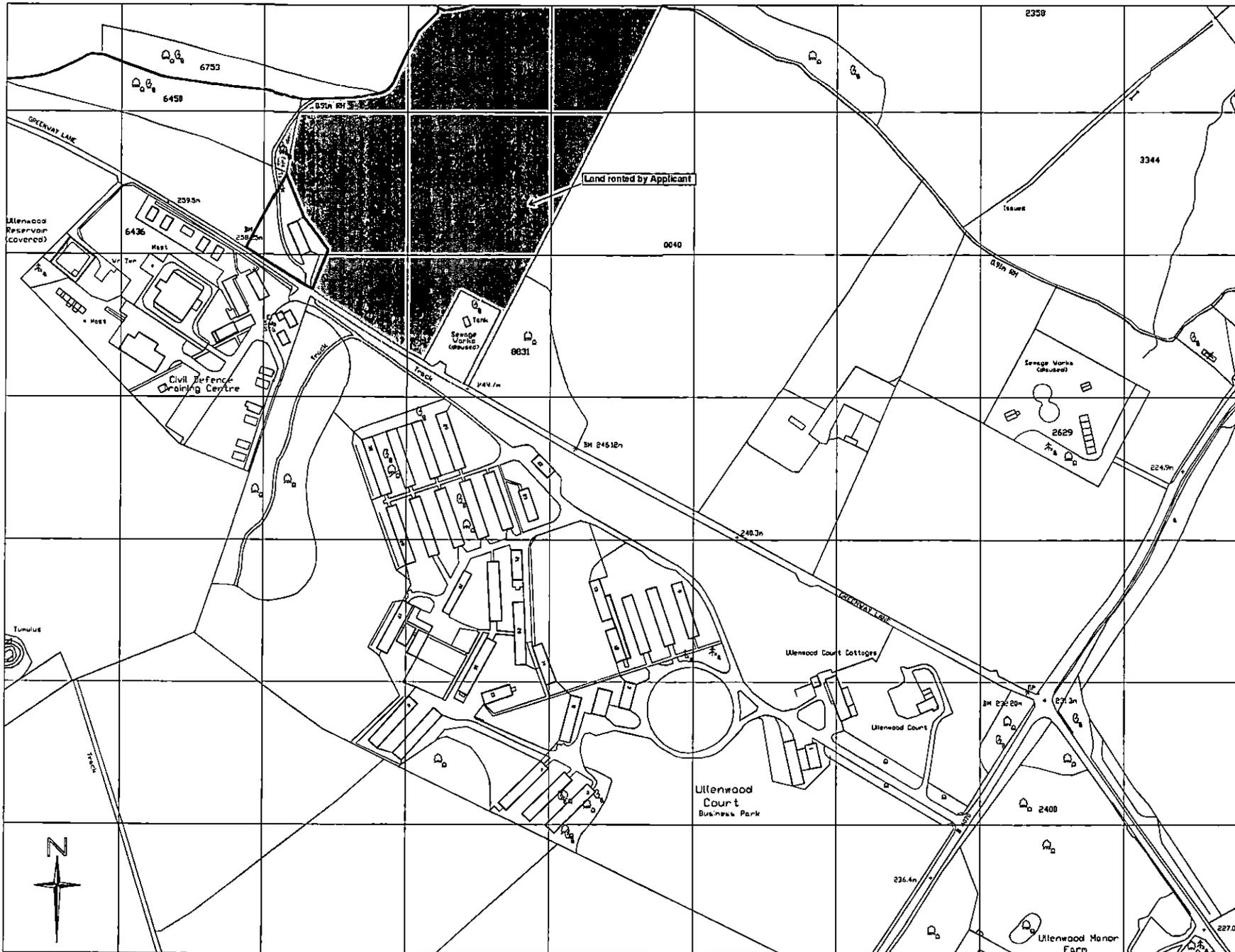
Land North of
Ullenwood Court
Greenway Lane
Ullenwood, Glos

Location Plan

Scale 1:1250 @ A1
Date August 2017
Dwg. No. 21736 / 01



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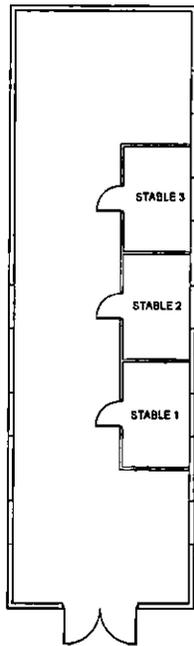
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Location Plan

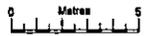
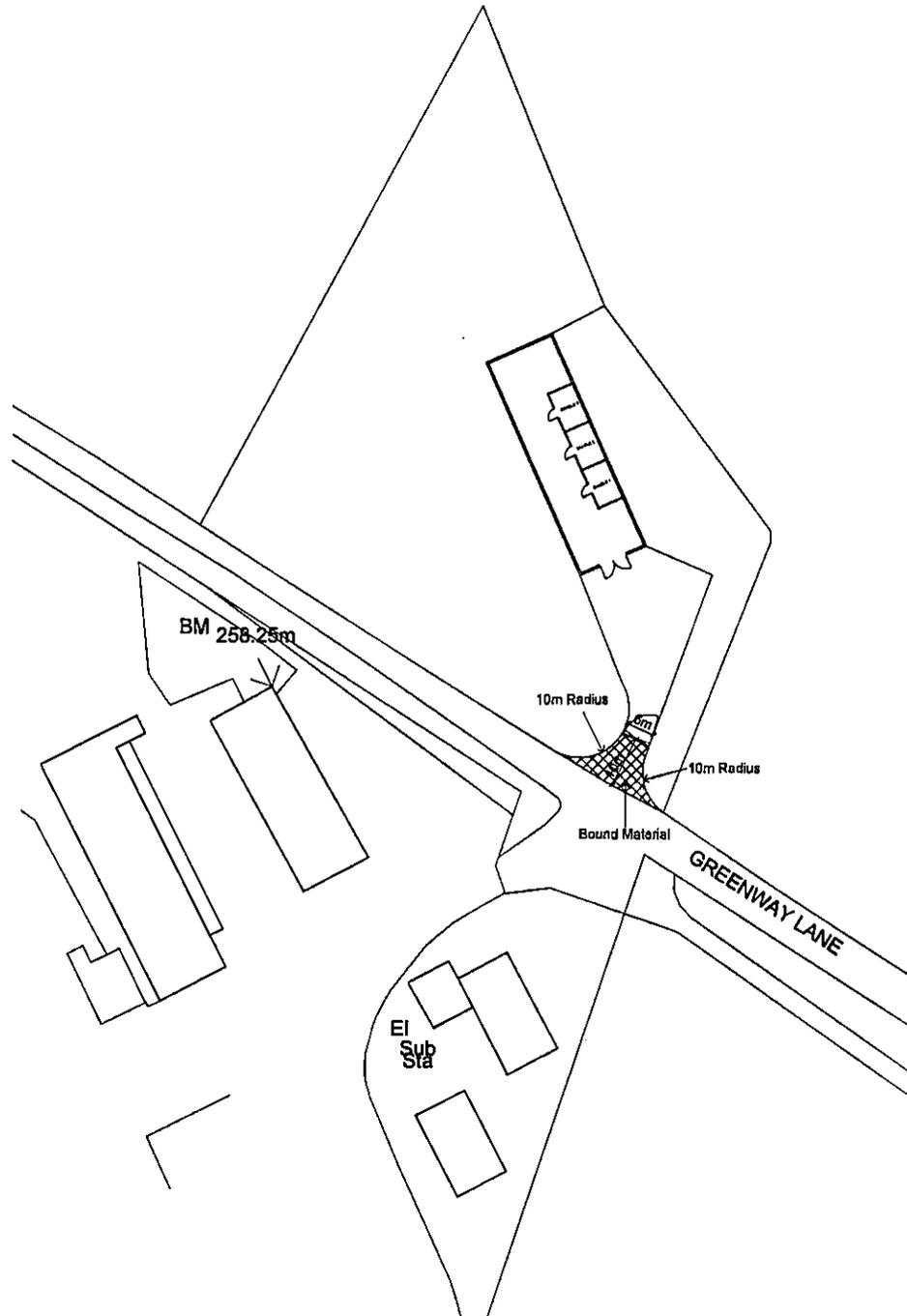
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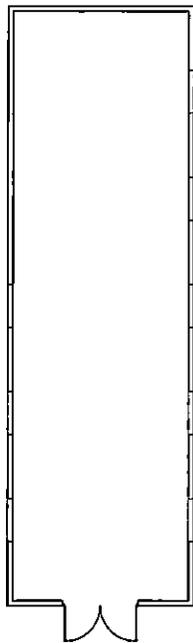
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Plan & Site Plan
 As Proposed

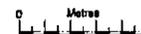
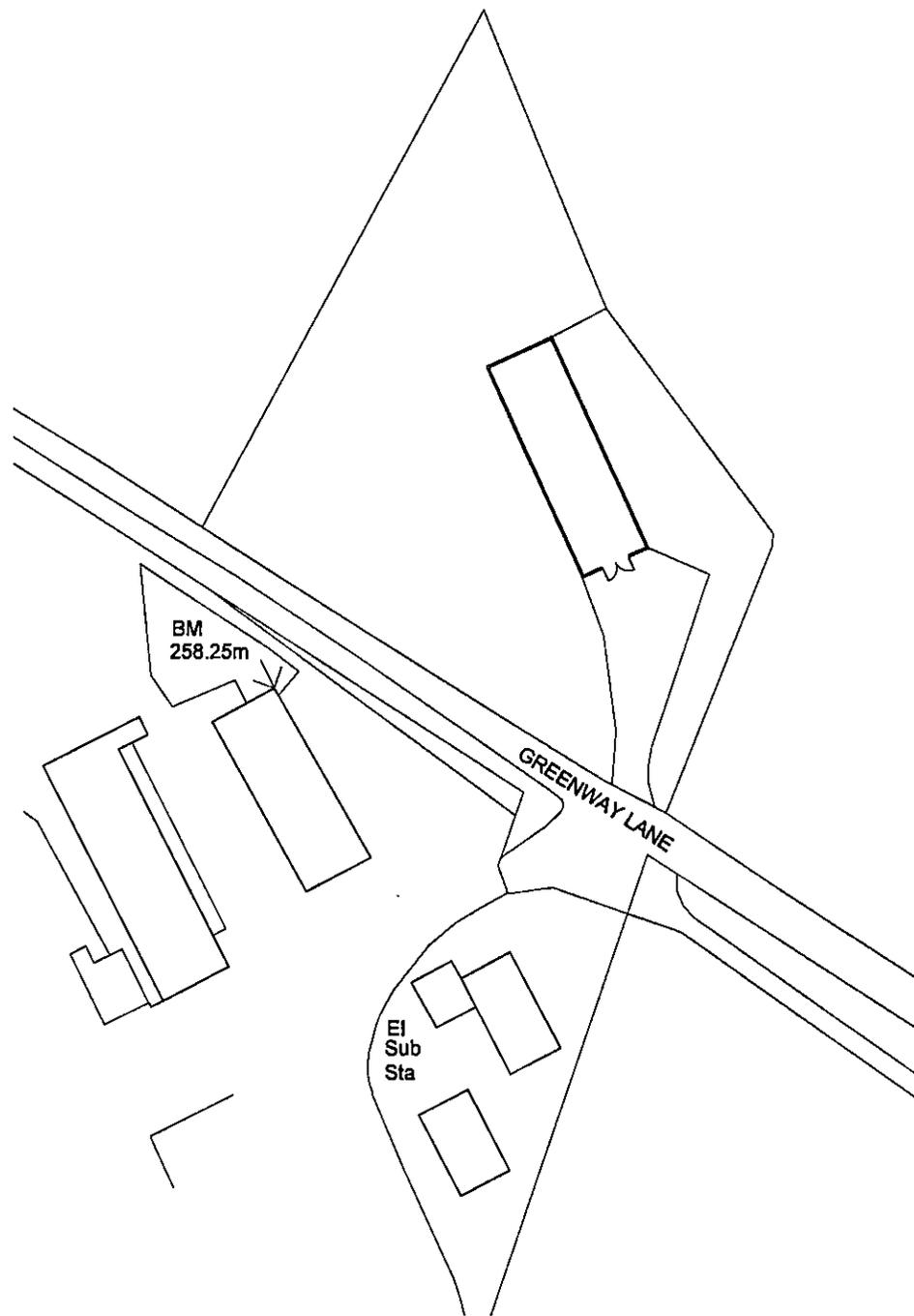
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PLAN



Land North of
 Ullamwood Court
 Greenway Lane
 Ullamwood, Glos

Plan & Site Plan
 As Existing

Scale 1:100 & 1:250 @A1
 Date September 2017
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