

# PLANNING DECISION NOTICE

Mr Philip Michell  
C/O Mr  
Stansgate Planning  
9 The Courtyard (ADM/K/6971)  
Timothy's Bridge Road  
STRATFORD UPON AVON  
Warwickshire  
CV37 9NP  
United Kingdom



**Bromsgrove**  
District Council  
[www.bromsgrove.gov.uk](http://www.bromsgrove.gov.uk)

## Approval of Planning Permission Subject to Conditions

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**APPLICATION REFERENCE:** 13/0657  
**LOCATION:** Newhouse Farm , Lea End Lane, Alvechurch, Birmingham B48 7AX  
**PROPOSAL:** Erection of six new stable blocks (total 20 loose boxes), construction of menage (50m x 20m) and associated works  
**DECISION DATE:** 16th June 2014

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Bromsgrove District Council, as the Local Planning Authority, approves planning permission for the proposal described above. This permission is subject to conditions, which must be complied with and are set out below.

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

Reason: Required to be imposed pursuant to Section 51 of the Planning and Compulsory Purchase Act 2004

2. The development hereby permitted shall be carried out in accordance with the Approved Plans/ Drawings listed in this notice:

Site Location Plan@1:2500 (Ref: 6971 -100C)  
Proposed Block Plan@1:1250 (Ref: 6971 - 201 Rev C)  
Proposed Elevations@ 1:100 (Blocks 1 - 4) (Ref:6971 - 300)  
Proposed Elevations@1:100 (Blocks 5 - 6) (Ref:6971 - 301)  
Planning Statement and Flood Risk Statement (Ref: ADM/K/6971)  
Supplementary Planning Statement in relation to Foundation Method Statement and Drainage (Ref: ADM/K/5407).

Reason: For the avoidance of doubt and in the interests of proper planning.

3. No other development (hereby permitted) shall commence until visibility splays have been provided on each side of the proposed access on a line joining a point 2.4 metres back from the nearside edge of the adjoining carriageway measured along the centreline of the access, to a point 60 metres in each direction measured along the nearside edge of the carriageway from the centre of the new access. Nothing shall be planted, erected and/or allowed to grow which exceeds a height of 0.6metres on the triangular area of land so formed in order not to obstruct the visibility described above.

Reason: In the interests of highway safety and to comply with policy TR11 of the Bromsgrove District Local Plan 2004.

4. No additional barriers including stiles, gates, or fences should be created on, or across, the public right of way (AV-516) without written consent of the Highway Authority.

Reason: In order to protect the public right of way in accordance with policy RAT12 of the Bromsgrove District Local Plan 2004 and the advice of the NPPF.



Ruth Barnford  
Head of Planning and Regeneration

### **Reasons for granting planning permission**

This proposal has been assessed against the following documents:

#### **Bromsgrove District Local Plan 2004 (BDLP):**

DS2 Green Belt Development Criteria  
RAT17 Stabling  
SPG5 Agricultural Buildings Design Guide

#### **Bromsgrove District Plan Proposed Submission**

BDP4 Green Belt  
NPPF National Planning Policy Framework

### The Site and Surroundings

The site of the proposed development is to the north west of Newhouse Farm, a complex comprising a farmhouse, converted outbuildings and an agricultural building now in industrial use. The proposed site is separate from the main complex and is accessed separately from Lea End Lane through an area of woodland. The site is bordered to the north and west by an existing tree line and to the east by an existing industrial building.

The site has been the subject of enforcement action to secure the termination of unauthorised industrial uses, the storage of containers and other materials. The Enforcement Notice was upheld at appeal and the site today still resembles a waste site but is considerably improved upon the situation when the unauthorised use was in place. However, a number of containers and parked cars remain.

### Proposal

The proposal is for the erection of six new stable blocks (total 20 loose boxes), construction of ménage (50m x 20m) and associated hardstanding.

### Assessment

The key issues in the determination of the application are the impact the proposal would have on the openness and purpose of the Green Belt at this location; the acceptability and sustainability of the site for commercial livery purposes and the impact of the proposal on highway safety.

### Green Belt

The consideration of the Green Belt is the starting point. Policy DS2 outlines the types of development which are acceptable in the Green Belt and which do not conflict with the purposes of including land within it. The provision of facilities for outdoor sport and recreation are one of the exceptions to normal GB restraint policies. Policy RAT17 outlines the standards to be applied to the provision of stables and equestrian facilities. The scheme will consist of 6 stables blocks; the application is accompanied by a Business Plan and Budget and therefore it is evident that the proposal is not for personal equestrian use but for commercial letting of the site and stables for the keeping of horses.

There is no specific policy in the BDLP on the provision of commercial livery facilities apart from a reference in the explanatory text of policy RAT17 which states that commercial liveries may not be acceptable in the Green Belt where there would be excessive traffic movement and extensive new buildings associated with the use.

The NPPF refers to appropriate facilities for outdoor sport and recreation contrasted with the 'essential' definition in the BDLP and previous planning policy guidance in PPG2. In terms of the configuration and design of the stables, I consider these to appropriate in the context of the NPPF and the stables are sited within the wider context of Newhouse Farm fulfilling this criterion of policy RAT17. I also note the emphasis within the NPPF of facilitating all types of urban and rural enterprise to support the economy.

Paragraph 28 of the NPPF states that local and neighbourhood plans should support the sustainable growth and expansion of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings. Whilst I consider that sustainable and expansion are contradictions in this statement, the intention of government is clear and overall the provision of the stables and ménage are

appropriate development in the Green Belt in accordance with paragraph 89 of the NPPF.

The application is accompanied by a Planning Statement and Business Plan. The comments from the agricultural consultant are noted. It is concluded that the proposed scheme is economically viable and the diversified enterprise would generate a modest additional income for the farm holding. There was some concern raised about where the hay storage would be. There are feed/ tack rooms within each of the proposed blocks as outlined in the applicants supplementary statement received 17.02.2014.

Whilst it is noted that the previous use of the land for industrial was unauthorised, the Enforcement Notice required the removal of the containers and cessation of the use but not the removal of hardstanding. The use of the some of this area for a ménage and parking/manoeuvring of vehicles and the remainder for a an enclosed paddock is therefore acceptable and would not give rise to any greater harm to the Green Belt with the proposed use more in keeping with its rural surroundings. I am satisfied that there is sufficient land around the site in the ownership of the applicant to enable the horses to graze.

### Highways

The impact of the proposal on the access and on Lea End Lane is relevant and the original comments from WH have sought a deferral of the application pending further information in relation to the visibility splay and the level of traffic movements. This has been received to the satisfaction of WH. Since a DIY livery is proposed, the agricultural consultant was concerned that there would be additional vehicle movements to that envisaged in the planning statement and the suggested 80 movements per week was considered a very conservative estimate. In the supplementary planning statement, the applicant accepts the higher figure of 80 per day as reliable. There is no objection from WH on the basis of highway capacity, only the suitability of the visibility splay at the access in terms of safety. There will be an impact on the GB arising from the vehicle movements and parking. However, a number of factors mitigate this harm, the site is screened by woodland and the existing farm buildings from Lea End Lane, there is existing hardstanding on the site and this type of proposal is supported in the NPPF in paragraphs 28 and 89. In practical terms, it is also unlikely that all of the stables will be occupied at the same time. On the basis of the information presented and the characteristics of the site, I conclude that the overall effect would be satisfactory. There are wider sustainability implications arising from the travel of the patrons of the site to this isolated location. However, this is partly a matter of conscious choice on their part and the lack of clarity in the NPPF of how much emphasis needs to be given to sustainability and carbon reduction versus the 'expansion of rural business' philosophy.

### Consultee responses and conditions

A supplementary planning statement was received on the 17.02.2014 with additional information in relation to vehicle movements and the impact of the proposal on trees and drainage to enable these matters to be dealt with avoiding unnecessary conditions. There is no objection from the Canal and River Trust (no impact on the canal in any event), no objection from the Drainage Engineer or Tree Officer and sufficient information has been supplied in relation to these aspects to avoid additional conditions being applied.

In terms of neighbours, there is a no objection response from the adjoining barn conversions and no objection from Alvechurch PC. Additional consultation was conducted to include properties further along Lea End Lane and the matters of increased traffic and impact on the public right of way were raised. The former has been addressed in the response from WH and in the case of the latter a consultation with WCC Footpaths Officer raised no objection subject to a condition protecting the right of way.

### Conclusion

The proposal relates to the diversification of activity at Lea End Farm which is supported by the NPPF. There are potential negative impacts in relation to additional vehicle movements in the GB and in terms of sustainability. However, more weight is applied to the factors discussed above which favour the scheme.

Permission should be GRANTED, sftc;

### **For your information**

#### **Appealing the planning conditions**

If you feel that the conditions are not acceptable you can appeal to the Secretary of State through the Planning Inspectorate. This appeal should be made by 15th December 2014 unless supported by special circumstances. The appropriate form and further information on how to appeal can be found at

<http://www.planningportal.gov.uk/planning/appeals/planningappeals> or by contacting the planning Inspectorate Customer Services Team on 0303 444 5000.

#### **Purchase Notices**

If Bromsgrove District Council or the Secretary of State has refused planning permission or granted it conditionally, the landowner may claim that the land is incapable of reasonable beneficial use, and for this reason may serve the District Council a purchase notice requiring them to purchase the land. In certain circumstances, a claim may be made against Bromsgrove District Council for compensation. Further information about purchase notices can be found at: <http://www.legislation.gov.uk/ukpga/1990/8/part/VI>