

Name of Applicant

Proposal

Plan Ref.

MR A HART

Land to the south of Stonehouse Lane, Hopwood

17/0077

Change of use of land from agricultural to mixed use consisting of agriculture and a sport fish (angling) rearing facility, including alterations to an existing small lake and immediate curtilage: RETROSPECTIVE

RECOMMENDATION: That permission be **REFUSED**

17/0078

Widening and re-surfacing with granular material of existing farm/lake service road. Alterations to existing lake by remedying undercut banks, removal of noxious weed, removal of small island and dredging to remove noxious silt. Alterations to existing highway access to provide highway compliant visibility and set back and re-surfacing with granular material: RETROSPECTIVE

RECOMMENDATION: That permission be **REFUSED**

17/0079

Erection of open sided over-water structure for the use of housing plant and for the maintaining life support for fish and automatic feeder and docking for punt. (7.9m x 5.9m x 4.8m(h) (including overhanging roof detail)
Block of 4 small log utility cabins, comprising a WC, and ancillary uses. 4.7m x 3.7m x 5.3m (h) and standing on 600mm concrete base: RETROSPECTIVE

RECOMMENDATION: That permission be **REFUSED**

Consultations

Worcestershire Highways

- 3 separate responses.
- No objection to the wc and ancillary buildings and overwater structure
- Concerns that there is no justification for the development as outlined. The access and driveway is over engineered for the purposes as stated and there is no detail with regard to the visibility splays and access arrangements to prove they may be suitable for this road with a 60mph speed limit. Recommend deferral until such detail is provided and has been proven.

Agricultural Advisor

- Appraisal focuses on whether or not the changes and buildings can be considered to be reasonably necessary for an operational perspective. The proposals are set out as forming farm diversification. However there is no information or evidence to indicate that the holding operates as an agricultural enterprise at the present time, and consequently there is no evidence that this is farm diversification.
- In respect of all three applications, the documentation does not provide any explanation about what is proposed. The use of the lake being sought is for a "sport fish (angling) rearing facility". This suggests that the intention is for commercial rearing of fish, rather than a recreational fishing lake.
- It is my understanding that the lakes have a licence as an Aquaculture Production Business. It has a licence as a fishery.
- In terms of each of the applications, there is insufficient information to enable us to conclude that the works are reasonably necessary.
- 17/0077. Without an explanation about the changes made to the lake, we cannot comment upon why they were required. In terms of the change of use of land to a rearing facility, this may not involve any alterations to the lake and so may be acceptable, but without an explanation about what fish will be grown, how they will be managed, how they will be caught and held, how often they will be transferred and how, it is not possible to assess the implications of the proposals.
- 17/0078. Without any explanation about how the lakes will be operated it is similarly not possible, therefore, to conclude that highway alterations were required. There is no explanation about vehicle types, numbers, frequency or need set out in the applications.
- 17/0079. In terms of the provision of a structure to cover plant "for the maintaining life support for fish and automatic feeder", no explanation of what equipment is proposed has been provided. It is common for fisheries and fish production enterprises to operate aerators, but there are normally located out in the lake and would not require a canopy. The proposed building is an ornate canopy and its use appears to be as a boat shed rather than a canopy for equipment. It is not reasonably required for productive fish-rearing.
- In terms of the block of four "toilets", I repeat advice given previously. I can conceive of no operational requirement for more than one toilet to serve a production fish farm.
- Whilst there are planning application reports submitted as part of the three applications, there is no explanation provided about why the buildings or changes are required. It is not possible to determine that any of the works are reasonably required as a consequence.
- Even if there was an explanation of how the lakes will be used, it is unlikely that the open-sided structure would be required, or that more than one toilet would be needed to serve the land.

Ramblers Association

- Object – Footpath has clearly been obstructed and diverted without the necessary consent in place

Alvechurch Parish Council

- Object – Concerned that this change of use/works are not suitable for this Green Belt location.

County Archaeological Officer

- No objections - Records indicate this was an old decoy site. It is unclear as to whether the development has any impact on this given the detail. It is considered unlikely that there would be any adverse impact on any archaeological remains given the history of the site.

Worcestershire County Council Countryside Service (Footpath officer)

- Object - Footpath AV-545 runs along part of the proposed access road it should be noted that under section 34 of the Road Traffic Act 1988 any person who, without lawful authority, drives a motor vehicle on a public right of way commits an offence. The applicant should make themselves satisfied that they, and anyone else who may use public right of way for private vehicular access in connection with the development, has a right to do so. They may wish to seek legal advice on the matter. The County Council is responsible for maintaining rights of way to a standard suitable for their usual public use.
- No disturbance of, or change to, the surface of the path or part thereof should be carried out without our written consent.
- No diminution in the width of the right of way available for use by the public.
- Buildings materials must not be stored on the right of way.
- Vehicle movements and parking to be arranged so as not to unreasonably interfere with the public's use of the right of way.
- No additional barriers are placed across the right of way. No stile, gate, fence or other structure should be created on, or across, a public right of way without written consent of the Highway Authority.
- The safety of the public using the right of way is to be ensured at all times.

Worcester Regulatory Services- Contaminated Land

- No objection - WRS have reviewed the above planning applications for potential contaminated land issues of which none have been identified. WRS therefore have no adverse comments to make in relation to contaminated land.

North Worcestershire Water Management Consulted 02.02.2017

- Object – Lack of detail in submission. Whilst lake will provide run off provision bund affects how run off will occur. No details and permission required to outfall into River Arrow catchment and septic tank is insufficient on its own to deal with foul drainage.

Tree Officer

- No retrospective objections - Sections of the road way do run within the BS5837:2012 recommended Root Protection Areas (RPA) of trees including 5 x mature Oak trees. This being the case I would normally ask for any improvement in the sections of road that fall within the RPA's of trees are carried out using a suitable grade of No Dig Ground support within it construction and that is built over the existing ground levels.
- It is impossible visually on site to validate if there was an original stone roadway so we would have to take the owner word on that one. But the recent road improvements seem to be of a reasonable quality and depth of surfacing. So from where we are now I feel that to remove the new surface to allow an installation of No Dig Ground support material would give more risk to damaging the trees when the new surface should provide an adequate level of protection now it is in place.

Ecology

- Object - works and the alterations of the landscape, certain animals, plants, fungi, invertebrates and birds are protected under the Wildlife and Countryside Act 1981 and NERC Act. :
- As observed in the Ecological Mitigation Strategy, it is necessary to establish the presence or absence of Newts. The presence or absence of Dormouse also needs to be properly established (2.2.3 Other Mammals - Ecological Mitigation Strategy - Focus Ecology January 2017).
- Until further survey works have been undertaken to establish presence or absence, it is difficult to discuss the issues further. The landscape has been significantly altered and much money has been spent on structures and land-forming without the necessary due diligences in place or consents

Worcestershire Wildlife Trust

No Comments Received To Date

Severn Trent Water

No Comments Received To Date

Publicity

5 individual and detailed objections have been raised these include photos and historic aerial shots

These include concerns regarding:

- The principal of the development in terms of Green Belt and this open countryside location given the nature of the buildings and the associated uses
- The proposed use for a fishery and the difference between this an aquaculture
- Numerous inaccuracies in the submissions including site areas. Agent signing as owner signed in application 17/0079
- Parking shown as existing when there was no parking it was a field.
- Inaccurate reference to when this works commenced with in fact started prior to April 2017.
- Impact on footpath
- Concerned about impact on wildlife given this is retrospective and loss of habitat Hedges were removed in days and disposed of in fires.
- Ground water flood risks - ability of capacity of lake.
- The resurfacing with material of an existing track when there is purely a mud track previously creating a road suitable for passing vehicles.
- Encroachment over boundaries on other peoples land
- Misrepresentation of the details of the application.
- Inaccuracy of submission facts in both the submissions when change of use and development commencement is wholly incorrect (see TSN)
- Overdevelopment of Green Belt Fishing lake . Roadway is extensive artificial
- Lighting being used and large marquee now erected along with a static mobile home hidden from view from the highway.

Relevant Policies

Bromsgrove District Plan 2011-2030

BDP1 Sustainable Development Principles

BDP4 Green Belt

BDP15 Rural Renaissance

BDP19 High Quality Design

BDP21 Natural Environment

BDP22 Climate Change

BDP23 Water Management

NPPF National Planning Policy Framework

NPPG National Planning Practice Guidance

Relevant Planning History

None

Site Description

This particular site is located on the southern side of Stonehouse Lane, Hopwood. The site is accessed from an altered/enlarged field gate onto an expansive surfaced drive which is fenced off down its length. After initially gently climbing, the driveway and land slopes down to the south from the entrance area.

Just as the driveway follows a turn to the left following the original hedge line there is a large hardcore surface/car park area and present location of unauthorised marquee and static caravan for residential purposes) before the driveway continues towards the main lake where the site levels out.

The site had been historically been used for grazing and there were separate 4 pools of water. The 2 largest ponds located at the south east area of the site have now been widely excavated, creating one large lake with island. Around the lake area are hard core tracks and fenced areas. Over the lake a large building projects out over the water. This has a low hipped roof and is presently open on all sides. There are also a set of 4 toilet buildings located on the side of the main lake and a small group of containers with a septic tank.

To the immediate north of the main lake and fenced access track and located in the adjacent field there appears to be an extensive area of bunded material shaped up and creating a crescent area. At the time of the visit this bund was retaining water.

The original unmade entrance track is in fact shared with a footpath 545(c) which ran originally down along the driveway and then angled away to the west. This footpath now appears to be diverted and now runs alongside the drive in the adjacent field.

The whole site is located within the Green Belt.

Assessment of Proposal

These 3 retrospective applications for the retention of the following represent:

1. 17/0077: Material change of use to a mixed use (agriculture and sports fish angling) rearing facility
2. 17/0078: Engineering operations for new driveway and lake
3. 17/0079: Erection of over water building and wc's utility cabins

Principal/Green Belt

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.

It is important to note that a material change of use as indicated on application (1) is not on the appropriate 'closed list' of development as defined by the NPPF. Therefore the material change of use of the land is defined as inappropriate development for which there is no planning permission. Therefore even if the provision of engineering operations/facilities would be not inappropriate as there is no permission for the use the proposal is considered in the whole as 'inappropriate development' and does not benefit from any exception as defined.

It appears that in all instances the applicants agent does not consider that the development is inappropriate or considers very special circumstances exist they state the development is for agriculture and rural diversification. It is clear that whilst there have been 3 separate applications made for the developments /use these should be read in strict conjunction with each other as they are clearly inter dependant/parasitic and therefore cannot be considered in isolation.

I have taken into account the NPPF, with particular reference to paragraphs 89 and 90 and also the impact of the development on openness. I consider that this change of use has resulted in building works and engineering operations undertaken (track, car park and bund) that are considered harmful to both openness and more intrusive than the previous grazing field and ponds and have attached considerable weight to this aspect.

Members will note that the change of use results in extensive engineering operations including, extensive hard surfaces to create a driveway access and a car park to facilitate this use, and what appears to be an extensive engineered bund of material/soil running around one field in a crescent shape. These along with the wc and ancillary buildings and overwater building and containers, all have the effect of reducing openness and cause considerable harm to the openness of the Green Belt. I have adopted the sequential test in considering this development as built.

Green Belt and Visual Amenity

I consider that the change of use to a mixed use clearly has had a greater impact on the openness of this locality and visual amenity creating development where previously there was nothing apart from sloping fields and ponds.

Members will note that the change of use has resulted in works that have created extensive engineering operations including extensive hard surfaces to create a driveway access car park to facilitate this is considered way in excess of a standard farm track.

This extensive engineered driveway replaced the simple field gate and simple unsurfaced agricultural track which was only in limited in its original extent and clearly not extend in all of the locations as stated. The extensive new track and car park is considered visually intrusive and inconsistent with any agricultural use associated to the grazing land and conflicts with the purposes of including land within the Green Belt. The extent of this hard surface now allows for parking and the stationing of a marque and static mobile. This is clearly more intrusive than the former condition. Members will also note that no detailed justification for this work have been offered apart from being required for 'access for maintenance' and 'rural diversification', however no details of this diversification has been provided/offered to help justify the works. It is considered that the works as carried out are considered inconsistent with this rural location and fail to meet the tests as outline in the NPPF and Policy BDP4 and Policy BDP15 of the Bromsgrove District Plan.

The extensive engineered bund of material/soil running around one field in a crescent shape has been formed. As stated above there is no justification for this bund or in fact why it was deposited in this manner have been provided apart from the removal of silt and weed. Why the bund was created in such a manner is unclear however the bund is considered to again have a harmful impact on the openness of the Green Belt in this location and no very special circumstances have been offered to justify its retention and again it fails to meet the tests outlined in the NPPF and Policy BDP4 of the Bromsgrove District Plan.

The wc/ancillary buildings, containers and overwater building are considered 'inappropriate development in the Green Belt' for which no very special circumstances have either been offered or in fact exist. The buildings are considered buildings suitable for agriculture or water management and are not considered to meet the test as 'appropriate facilities' for outdoor sport and recreation. Their associated cumulative impact has resulted in considerably reduced openness to the Green Belt in this location and consequently creates considerable harm.

This is linked directly to the visual harm of this development in this location given the extent of the works involved. The agent clearly believes the type of materials can help justify the buildings however no very special circumstances have been provided for their retention when they fundamentally harm the openness of the Green Belt and their associated harm to the originally open rural landscape.

Other Considerations/Justifications

Paragraph 7 of the NPPF suggests there are 3 dimensions to sustainable development which may help provide a case in support of the development

Economic Role

There is no evidence to justify what, if any, economic benefit to either the location or wider rural economy will be from the development as created. Whilst there is reference to workers on site and parking in the applications forms there is no evidence of why the facilities are required any evidence in support of any business model for either the

agricultural element or in the lake management. Whilst rural diversification may be considered as part of the rural countryside uses, is not considered at the expense of the character of the Green Belt and open countryside and this is clearly the case in point consequently is contrary to Policy BDP4 and Policy BDP15 of the District Plan.

Social Role

The use has not been justified in terms of its location. Fishing lakes are normally set within rural areas and this development is no different. The development appears to be developed/devised with access for motorised transport in mind, given the highly over engineered access. The facility is fairly isolated and the associated impact of the use is not characteristic of this location or rural location. Whilst fishing is a recognised leisure pursuit, the proposed use does not positively reflect any social community needs or support any health social or well being benefit and there is no evidential information that has been provided to support this aspect in order for the LPA to draw any differing conclusion that it does not meet the criteria outlined in the NPPF.

Environmental Role

This retrospective use and associated development has not demonstrated how it or they positively protects or in fact enhances the natural or historic environment.

Members will be acutely aware that the change of use and development has already taken place. The applicant's submission considers there are benefits to the natural environment from the development by the potential to create new habitats

It is considered that there is an adverse impact of the lake clearance works /removal of noxious weeds and associated bund. These have localised environmental/drainage impacts on the local environs and the catchment area of the River Arrow LWS which would not be considered beneficial to the environmental conditions of the site in fact the opposite may be the case.

A retrospective ecological survey has taken place and this has been supported by a mitigation strategy. Whilst the area is not an area defined as an SSSI, it is clear that the development has changed the local ecological environs. There is clearly a change to both the topography (bunds and excavations) and the biodiversity that existed prior to the use and associated built development. This may have altered species habitats and foraging routes from other local sites. Historic aerial photos clearly evidence the loss of hedgerows and the removal of materials (as described by the applicant as noxious) is in itself is a concern as this material has, or may, have been deposited as part of the banded material in one of the fields.

Highways and Access

As this application is retrospective, works to the entrance of the site have already been undertaken. The original entrance was a field gates with basic unsurfaced track which followed the line of the hedgerow before disappearing towards the lower field. The track now is a wide gravelled track which has been defined by post rail/wire fencing. When the natural line of the field turns a large area of hardstanding/car park has been created.

The application forms allude to existing parking and lights good vehicles are cars when clearly historic aerial shots show none. The Highways Engineer considers the access

has been over engineered for the purposes as proposed. The access arrangements now appear wider than the lane the access is presently made from. Worcestershire Highways are unclear as to whether the access arrangements do effectively provide adequate visibility and would ensure suitable highway safety conditions or in fact the use and layout as shown can be justified.

The agent has indicated that the driveway does not create an urbanising effect due to natural 'stone' materials. However I would take a contrary view to this as indicated above due to the intensity of the use and the associated materials utilised are no more than road planings.

In the total absence of any supporting evidence layouts/visibility splays, I am unable to properly assess the proposals to determine whether the scheme is acceptable in terms of highway safety and whether it is in accordance with Policy BDP19 of the District Plan are there is no justification for the design and layout as provided.

Public Footpath

Members will note the comments from both the County footpath team and the Ramblers Association. Public footpath 545(c) runs from Stonehouse Lane and historically followed the route of the unmade track until the hedge line doglegged around the edge of the site to the east where the footpath diverges from the track following a route west towards the rear of Lea End Farm.

The LPA is aware of the obligations to protect and enhance public rights of way (para 75 of the NPPF). It is clear however, that despite the comments from the agent that there is 'no impact to the footpath' this is clearly not the case, the footpath has been intentionally diverted on the other side of the new widened driveway and now runs down alongside the new drive /fencing in the adjacent field before the footpath returns to its original route going west. The relocated footpath is accessed from a stile; this has also been relocated from one side of the drive to the other. No permission has been sought to either move the stile or in fact divert the footpath from its original route along the track to the stile into the field running alongside the track newly formed engineered hard surface access by way of a stile.

Members will be aware that applications for development made under the planning acts not do authorise interference with any right of way of access as this this requires separate permission (Section 257 of the Town and Country Planning Act). No application has been made for this to take place and the diverted footpath does not now appear to be within the red line of the application site boundary or in fact the applicant control so any diversion would need to be made under the Highways Acts and is also enforceable under this act and is subject to a current and ongoing investigation. The development as carried out is considered unacceptable and contrary to Policy BDP19 and Paragraph 75 of the NPPF.

Agriculture and Rural Diversification

This submission is described by the applicant's agent as a change of use of the land to agriculture and a sport fish (angling) rearing facility.

The definition of agriculture is set out in S.336 of the Town and Country Planning Act 1990. This includes the breeding and keeping of livestock.

Fish being produced for food falls clearly within the definition of agriculture. Fish being reared for selling on may fall within a separate definition however there are no details relating to this provided by the applicant.

The definition of recreational fishing is not agriculture as defined. This lake (being registered as a fishery) falls within a leisure (D2) use. It is also abundantly clear that the permit issued to the applicant from the Fish Health Inspectorate (FHI) clearly is for the registration of Fishery Waters. The remit of which is for angling and 'untended stocking ponds.' Any other use of the lake for growing and sale of the fish to other fisheries would require a separate permit from the Inspectorate and this is clearly not the case and no evidence/justification has been provided for this.

Agricultural Need for Facility

The applicant's planning application description clearly alludes to agriculture and mixed use sport fish angling rearing facility. Whilst agricultural uses may be acceptable in Green Belt locations, no supporting evidence has been provided by the applicant to justify the level of development as provided. It is clear that there apart from land for grazing there are sheep on the holding. No details /numbers relate to this and how the animals are farmed or managed.

The applicant has failed to outline how the whole development is justified for either the lake or the livestock and how this might be developed. Members will also note there also appears differing information between the submissions with reference to workers on site.

The details that have been provided for the use of the engineered lake do not outline how this may be managed, the type of fish stocked and any supporting justification for the surrounding developments and this is considered contrary to Policies BDP4 and BDP15 of the District Plan.

A letter has been received from a company (dated 13.3.17) who undertook works at the site and whilst it provides some detail of what may have taken place and how fish were and may be managed, it does not justify this mixed use development or the buildings/ancillary facilities as built or developed.

Ecology

Paragraph 165 of the NPPF places an obligation to consider applications based on existing and potential ecological characteristics. There is also a duty to conserve biodiversity under Section 40 of the Natural Environment and Rural Communities Act (NERC) Act 2006.

There are various tests in paragraph 118 of the NPPF which need to be assessed in order to demonstrate compliance with paragraph 109 of the NPPF. The application has been submitted with a preliminary ecological survey and associated mitigation strategy. One of the main issues with the assessment is that it has been made retrospectively. The applicant's ecologist in this case has sought to provide an overview of what might have

been lost. However as Members will appreciate the nature of this retrospective application is that works have already taken place and wildlife/any ecological benefit may have already be damaged/destroyed.

The Council's landscape advisor has raised concerns over the nature of the 3 submissions. This is due to the changes that have already taken place and the associated impacts on the landscape now that it has now been fragmented. The Councils advisor has requested that further surveys should be undertaken at the correct interval to establish once and for all whether protected species are using either on or are utilising the site in order to inform the most appropriate mitigation and strategies. Without further details, I consider the development is contrary to Policy BDP21 of the District Plan.

Drainage

The area is shown on the Environment Agency Maps an area of low risk of flooding from either Main River or surface water flooding. The site area is specifies this as a major application and depending on the level of flood risk a Flood Risk Assessment (FRA) may have be required . As the site as outlined is at low risk of flooding (level 1) it and does not trigger an automatic Flood Risk Assessment as required by the Environment Agency.

The newly cleared lake appears to have an outfall into a system of drains which form part of the River Arrow catchment area. (Members will appreciate that this requires(d) a separate permit from the Environment Agency).

The current lake could also effectively help provide a surface run off location from the neighbouring land given the sloping nature of the site. However there is no information on this and now the crescent shaped bund outlined in application 17/0078 has clearly interfered with the natural drainage of the location as water is now being trapped creating wet areas and water pools where there were clearly none previously. No detailed justification for this bund/alterations has been provided and North Worcestershire Water Management considers the scheme does not justify the engineered bund and do not have the necessary information to find the works as completed are acceptable

Members will also note that NWWM have also not been provided with any details of how any foul water will be disposed of from the WC's on site. These would require a two stage process and a septic tank, as specified is just one of the stages in the treatment of foul water liquid waste as this water cannot just to be allowed to enter the local water environment. Others measure need to be in place alongside and in association with this tank. Currently there are insufficient details to determine whether the proposed facility is acceptable. Detailed permissions are also required to create outfalls to the River Arrow Catchment and the development is therefore considered contrary to Policy BDP19 and BDP23 of the Bromsgrove District Plan.

Design

As noted previously, the buildings are covered in application (17/0079) however they are 'required 'in association with the change of use/agriculture. The buildings appear less utilitarian than expected. Whilst constructed in wooden materials, the design of the ancillary buildings appear 'whimsical' in their design and their form and appearance,

which are wholly inconsistent with this largely undeveloped area and simple utilitarian buildings as connected to agriculture as the applicant claims.

The Councils Agricultural advisor has commented on the buildings and has raised concerns regarding their design and stated associated use and their functionality as outlined, especially the boat house and its associated construction/materials to relate to its function and with no justification to the contrary it is difficult to consider them any differently. The buildings are thus considered contrary to Policy BDP19 of the District Plan.

Historic Environment

The site was historically part of World War II decoy sites which were established after the wholesale bombing of the city of Coventry. They are commonly referred to as 'Starfish sites'. The County Archaeological records contain reference to this and team have considered this in relation to their comments and have not raised any objections with respect to the site and the related change of use to use as a fishery. Given the extent of the works insufficient evidence has been provided in this case to show how or in fact any of the remnants or feature relating to this site still exist or have been affected as the works have already been carried out.

Other issues

Land ownership

After undertaking the works to the driveway the LPA has been made aware that the development may also include land which is not within the control or ownership of the applicant. Members will appreciate that planning applications may be made on land not within the applicants control however in this case the redline boundaries of the site and the ownership indicates land in the applicants ownership and this may not strictly be the case. Land ownership discrepancies should be followed up through the civil processes available.

Conclusions

The development as defined in the three separate applications represents 'Inappropriate development' in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt (Para 87) and should not be approved except in very special circumstances.

The Local Planning Authority considers the development as outlined is harmful to openness conferring substantial weight to any harm to the openness of the Green Belt. Openness is defined in terms of the absence of development or any manifestation of use the developments and use as defined clearly do not preserve openness.

No very special circumstances exist or have been offered unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations which have clearly not be justified or exist in this case.

Furthermore, the application(s) as submitted are considered wholly deficient in terms of detail which do not adequately justify the development in terms of what, why and how any of this development is justified/explained for this rural area and for these reasons I am unable to draw any different conclusion to my concerns as outlined in my report.

RECOMMENDATIONS:

17/0077

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Block of 4 small log utility cabins, comprising a WC, and ancillary uses. 4.7m x 3.7m x 5.3m (h) and standing on 600mm concrete base: RETROSPECTIVE

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REASONS FOR REFUSAL

17/0077

1. The change of use of land does not appear on the 'closed list' of appropriate development as defined by the National Planning Policy Framework, therefore the change of use is considered 'inappropriate development in the Green Belt'.

Inappropriate development is by definition harmful (Para 87 NPPF) and the Local Planning Authority consider the development as outlined is harmful to the openness of the Green Belt in this location and has attributed substantial weight to such harm. Openness is defined in terms of the absence of development or any manifestation of use. The use as proposed does not preserve openness.

No very special circumstances exist or have been offered to overcome the harm to the Green Belt in this instance and the use is considered contrary to policy BDP4 of the District Plan and the advice and guidance contained in the NPPF 2012

17/0078

1. The alterations to the existing highway access, the widening and resurfacing of farm/lake service road and alterations to the lake and environs (bund) do not preserve the openness of the Green Belt. Openness is defined in terms of the absence of development and the development as defined does not preserve openness as the road and bund conflict with the purposes of including land within it

The Local Planning Authority considers the development as outlined is harmful to the openness of the Green Belt in this location and has attributed substantial weight to any harm this may cause to the Green Belt. The development would therefore represent inappropriate development in the Green Belt as it directly linked to the use.

Inappropriate development is by definition harmful and no very special circumstances exist or have been demonstrated to overcome the harm by reason of inappropriateness. The proposed lake access widened track and deposition of material on the land are considered contrary to Policy BDP4, and Policy BDP19 of the District Plan and the guidance contained in the NPPF 2012.

2. The extensive road, parking areas and bund do not positively reflect the character and local distinctiveness of the area by virtue of their associated appearance and their associated adverse impact on visual amenity. The developments are considered contrary to policy BDP1, BDP4 and BDP19 of the District Plan and the guidance contained in the NPPF 2012.
3. There is inadequate information to justify the type and extent of the development undertaken or whether the access affords a suitable and safe access with the appropriate visibility splays suitable for the prevailing road conditions. Without these details there is no evidence to conclude whether the development complies with policy BDP1, BDP19 and the guidance contained in the NPPF 2012 and therefore the development is considered unacceptable.
4. There is no detailed justification provided to support the creation of the engineered bund and the necessary information to understand the local and wider impacts on surface water run-off. Without these details there is no evidence to conclude whether the works comply with Policy BDP1 and BDP23 of the District Plan and the guidance in the NPPF 2012 and the therefore the development is considered unacceptable.
5. There are inadequate details of how any foul water will be disposed of from the WC's on site. Without these details the LPA consider there is no evidence to conclude that the works comply with Policy BDP1 and BDP23 of the District Plan and the guidance in the NPPF 2012 and the therefore the development is considered unacceptable.
6. The development has caused the direct obstruction and resulted in the subsequent diversion of Public footpath 545 (c) which adversely impacts on its setting. No justification for the obstruction and diversion has been made and consequently the

development has failed to protect and preserve this right of way or its setting. The development is considered contrary to policy BDP19 of the District Plan and Paragraph 75 of the NPPF 2012.

17/0079

1. The erection of an open sided water structure for housing plant and 4 small log cabins for a wc and ancillary uses do not represent 'appropriate facilities for outdoor sport and recreation' as they do not preserve the openness of the Green Belt. The Local Planning Authority considers the development as outlined is harmful to the openness of the Green Belt in this location conferring substantial weight to any harm this may cause to the Green Belt. Openness is defined in terms of the absence of development and the development as defined clearly does not preserve openness.

The development would represent inappropriate development in the Green Belt. Inappropriate development is by definition harmful and no very special circumstances exist or have been demonstrated to overcome the harm by reason of their inappropriateness. The proposed buildings are considered contrary to Policy BDP1 and BDP4 of the District Plan and the guidance contained in the NPPF 2012.

2. There is no justification for the retention of the buildings. It is considered that the overwater building, wc/ancillary buildings do not positively reflect the character and local distinctiveness of the area by virtue of their associated appearance and design and their associated adverse impact on visual amenity in their associated locations. The developments are considered contrary to policy BDP1 and BDP19 of the District Plan and the guidance contained in the NPPF 2012.
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