

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Riverside Education	Change of use of land and buildings (units 1 and 2) from agriculture and equestrian use to mixed-use agriculture, equestrian and education, replacement roof to unit 2 (parts 3 and 4), new windows to north-east elevation of unit 2 (part 1) and associated foul drainage works Thornborough Farm, Redhill Road, Kings Norton, Birmingham	08.02.2022	21/01836/FUL

Councillor Hotham has requested that the application be considered by Planning Committee rather than being determined under delegated powers

RECOMMENDATION: That planning permission be **REFUSED**

Consultations

Highways - Bromsgrove

- Worcestershire County Council acting in its role as the Highway Authority has undertaken a full assessment of this planning application and has no objection subject to conditions.
- The site is located in a rural location off a classified road, the site benefits from an existing vehicular access with good visibility in both directions. Redhill Road does not benefit from footpaths and street lighting and no parking restrictions are in force in the vicinity.
- The site has a safe and convenient access to Redhill Road.
- Staff numbers - maximum seven members of staff onsite at one time. On average, only three or four staff attend site.
- It is noted there will be a nominal increase in the traffic which will be generated by the proposed development - acceptable.
- The applicant has failed to provide cycle parking and electrical vehicle charging points and motorcycle parking - conditioned below.
- The applicant has provided parking for staff and also parking for a school minibus on site.
- The Highway Authority has undertaken a robust assessment of the planning application. Based on the analysis of the information submitted the Highway Authority concludes that there would not be an unacceptable impact and therefore there are no justifiable grounds on which an objection could be maintained.

WRS - Contaminated Land

- No objection

WRS - Noise

- No objection

Worcestershire County Council Countryside Service

- The definitive line of Alvechurch footpath AV-508 is adjacent to the application site.
- We have no objection to the proposals provided that the applicant is aware of and adheres to the obligations towards the right of way:

Alvechurch Parish Council

- APC wish to object to this planning application on the following grounds:
- The change of use would have a detrimental effect on residents of the neighbouring property due to noise and disturbance.
- There are no benefits which outweigh the harm in this Green Belt location. There are no valid exceptional circumstances that support this application. This proposal and use is considered inappropriate in this location.
- The location of the car park is considered to have an adverse effect on the 'openness' of this rural location in the Green Belt.
- The access to what will be the designated the car park area involves driving through a narrow gap between the timber stables which is considered to be inappropriate and create a health and safety issue.

Public Consultation

4 letters sent 13.01.2022 (expired 06.02.22)

Site notice displayed 17.01.22 (expired 11.02.22)

Press notice in Bromsgrove Standard published 14.01.22 (expired 31.01.22)

Additional re-consultation letters sent 05.04.22 and 10.08.22 following amendments to the application (expired 27.08.22)

10 representations received objecting to the scheme

11 representations received in support of the scheme

A number of issues raised relate to non-planning matters or matters not related to the current application. These have not been reported.

Objections raised the following concerns:

- Adverse impact on residential amenity
- Loud and disruptive noise during the day and after school hours
- Too close to residential use: loss of privacy / emotional distress and fear reported by residents of neighbouring dwelling, Hazeldene.
- Parking in access drive, blocking entrance/visibility, traffic concerns.
- Foul odour related to shared use of septic tank
- Inappropriate development in Green Belt
- Disturbance due to security light
- 6 feet fences and chickens adjacent to Hazeldene cause disturbance
- Building on site that was required to be removed under Enforcement Notice.
- Retrospective
- Concerns at drainage for proposed sewerage treatment plant
- Sale of eggs means the public visit the site
- Concern at use of site for parties and events
- Inadequate parking facilities for coaches
- Erosion of driveway further along Redhill Road due to water run-off from the site

Supportive comments can be summarised:

- Vehicles and parking are considerate
- Calm and quiet environment; great space for children to learn about animals
- Serves the students and community at large
- Equestrian users report no noise concerns, enjoying visiting site to tend their horses and attending existing livery on site with friends and family
- Neighbours in converted buildings to the east report no problems and zero disturbance
- Supportive letters from parents of children attending the site stating the positive benefits of the experience on the children (and as a result their families) and the opportunity it presents to them. This includes:
 - happiness,
 - looking forward to getting to school,
 - absence of behavioural issues which arose at previous schools,
 - provides a therapeutic environment
 - feeling like a valued member of the community and engagement with education when traditional education and learning environments are not suitable to meet the needs of the children.
 - Provides opportunity for volunteering.

Councillor Hotham

- Due to the planning history of the site and in the interest of public openness it would be best if this application could be decided by the Planning Committee.
- Therefore, please could I formally request to call this before the Committee.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles
BDP4 Green Belt
BDP15 Rural Renaissance
BDP16 Sustainable Transport
BDP19 High Quality Design
BDP22 Climate Change
BDP25 Health and Well Being

Others

NPPF National Planning Policy Framework (2021)
NPPG National Planning Practice Guidance
Bromsgrove High Quality Design SPD

Relevant Planning History

21/00012/ENF	Appeal against enforcement notice	Dismissed at Appeal	16.09.2021
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Plan reference

20/00951/FUL	Erection of replacement lambing shed (retrospective).	Approved	10.11.2020
20/00606/CUP RIO	Change of use of agricultural building to form one dwellinghouse	Refused	20.07.2020
20/00292/CPE	Existing timber building first erected in February 2015	Refused Dismissed at appeal	29.04.2020 12.10.2020
18/01226/FUL	Use of existing building, incorporating caravan to form part of building, as rest/livestock husbandry and storage facility, including office, in association with existing agricultural and equine activities.	Refused Dismissed at appeal	06.02.2019 02.12.2019
B/2006/1390	Demolition of existing stables and associated outbuildings, provision of new stable block	Approved	04.04.2007
B/2006/1389	Lambing shed	Approved	04.04.2007
B/2005/0569	Field Shelter / Lambing Shed - Agricultural Notification.	Permission required	29.06.2005
B/2004/1172	Modification of Condition 2 on B/2002/0327 to permit use of manège and stables for non-personal use	Approved	11.11.2004
B/2004/0965	Notification of erection of Agricultural building 45ftx17ftX10ft	Prior approval not required	31.01.2005
B/2002/0327	To build three new wooden stables and a menage.	Approved	15.05.2002
B/2000/0860	Conversion of existing agricultural building into two private dwellings (as amended by and augmented by plans received 14.09.00).	Approved	16.10.2000

The Site

The address given on the application form is Thornborough Farm. The site also goes by the name of Riverside Farm. Both names have been used in information submitted with the application.

The site is located entirely within the Green Belt. It is accessed via an existing vehicular access off Redhill Road. The red line site boundary includes a number of existing buildings, stables, manege (riding arena) and adjoining land including 2 car parking areas.

It comprises part of what was a larger farm known as Thornborough Farm. The application site boundary is positioned to the south-west and south-east of the former farmhouse, Hazledene, which itself has previously been severed from the farm and is in separate ownership and occupation to the application site. A public footpath runs to the south of the site with other residential dwellings (converted former farm buildings) located beyond and Happyfields animal sanctuary further to the south east. Other land within the control of the applicant is identified in blue on the submitted plans and extends to the west and south of the application site.

Background

The application identifies the site has having both equestrian and agricultural uses.

The planning statement submitted with the application explained that units 1 and 2 have been operated as a riding school by the previous landowner from 2008 to the present. In December 2020 approximately half of Thornborough Farm was sold to Riverside Education and renamed Riverside Farm. An education facility began operating from Riverside Farm in February 2021 while the reduced Thornborough Farm still operates as an agricultural unit by its owner.

An existing timber building within the site is subject to an Enforcement Notice requiring its demolition. The notice was issued on 12 January 2021 and was subsequently upheld on appeal in September 2021. The appellant was Mr Copeland of Riverside Group. Notwithstanding the Enforcement Notice and outcome of the appeal, the building is being used by Riverside Education and its students at the site.

The Proposal

There are two elements to this application:

- 1) Change of use of land and buildings to a mixed use of agriculture, equestrian and education; and
- 2) Operational development – conversion of stables, replacement roof & new windows to unit 2 and drainage works including the provision of a new foul drainage system to serve the mixed use.

The application is part retrospective.

The supporting statement provides the following information:

EDUCATION ELEMENT:

The application states that Riverside Farm is a specialist independent school facility, for Work Based Learning. Students will experience a working farm environment involving feeding, training and looking after the farm animals and their enclosures.

The planning statement explains that Riverside Education offers alternative education to young people aged 14-19 with a wide range of complex neurological and psychological

difficulties. It operates from three sites. The supporting statement states that the education facility 'Riverside Farm' began operating from the application site in February 2021. The planning statement advises that: *Riverside Farm work to transform the lives of vulnerable young people by connecting them with animals and nature as well as being fully supported and guided by our experienced, skilled staff. Our farm will use agriculture and the natural countryside to reach out to youngsters who are experiencing serious issues and who find it difficult to access a traditional education setting. We work to re-engage marginalised young people and instil in them a love of learning and the outdoors.*

UNIT 1

Currently comprising of a block of 6 stables. The proposed education facility operating from unit 1 will be used as a classroom (three rooms, each classroom is 18m²), two animal pens, ancillary storage and office. The total floorspace of unit 1 is 145m², including the floorspace of the three classrooms 54m².

External alterations to the three proposed classrooms comprise the replacement of existing stable door openings with doors to the front and windows to the rear. A new window will be inserted to the proposed office converted from the tack room. No internal or external changes are proposed to the two animal pens and ancillary storage. The external materials will be retained. A structural survey has been submitted.

UNIT 2

The total floorspace of unit 2 is 177m². No change is proposed to the internal and external elevations and floorplan of unit 2. The proposal involves retaining equestrian use and sharing its facilities (kitchen, restroom, toilets and medical room) with the school. Permission is also sought (retrospective) for the part replacement of the roof.

UNITS 3,4,5

These units are to remain in agricultural use, though members are advised that they are included within the red line of the mixed use application.

OUTDOORS

The application states that outdoor teaching may take place on farmland within the red line area, within which school children from Riverside Education may visit, observe and experience the agricultural practices at Riverside Farm. It further states that there is no infrastructure for pupils.

The planning statement explains: Riverside Education is not like mainstream school, where pupils spend all day at school and playing fields and playgrounds are necessary. In this case the limited recreation needs of children at Riverside Farm are met wholly within the red line. The application states that there is no need for formal indoor or outdoor "recreation" space. Other information states that recreation is met at the main Stechford Campus.

FOUL DRAINAGE

Currently there is a shared sewerage treatment plant with Hazeldene. However, permission is sought for the installation of a new sewage treatment plant to serve the site, separate from the existing shared system.

VEHICLE PARKING

The existing car parks located to the front and rear of the application site are unchanged. The application provides the following information regarding daily traffic movements. Currently (January 2023):

- one school minibus transports students from the main school (Riverside School, Stechford, Birmingham) to the application site. It usually arrives between 10-10:30am and departs at 2pm.
- 4 members of staff each drive to site.
- 3 students travel by car, driven by a parent/carer.
- 3 students travel by taxi – their sensory needs mean they are unable to travel on the minibus.

PATTERN OF USE

Supporting information states that:

- the site would be open for educational use Monday-Friday 09:00-16:00; weekends *ad hoc*.
- Children normally attend five days per week (Monday to Friday) during term time and on a part-time basis.
- Different students will attend on different days with a maximum of 20 students each day and an average of 12 students each day. The agent has stated that the applicant would have no objection to a planning condition 'to limit no more than 20 students may visit the premises at a time.'
- Maximum of 7 staff members on site at one time.

Additional information provided by the applicant's agent explains that Mon-Thurs there is a 15 min break + 30 min lunch break. Fridays 15 minute break due to 1pm finish for students. Breaks can occur anywhere on site with the kitchen area in unit 2 identified as a space to eat food. Some students may not like eating in front of others so other options are given. For example, some like to sit with the animals in barns, others like to access the computers in unit 1 for animal research or play cards or board games. Students with sensory needs can have breaks anywhere on the site

Lessons include:

- animal husbandry,
- cleaning and feeding the animals and
- animal research and includes work-experience for disabled children.
- Maths and English education would be provided on site if they have not received these subjects in year 11. (This is mainly a post 16 programme).

The supporting information states that the site is identified as a simulated work environment and does not include formal recreation. Recreation takes place at Riverside School (Stechford), not at the farm. With regard to a complaint of football entering neighbours garden the agent has explained that this was a one-off and that footballs have been banned from the farm due to the risk of ball games causing distress or injury to animals if the ball entered an animal enclosure or field.

The proposed education facility at Riverside Farm will not be open to the public.

Volunteers cover weekends and outside of school hours for feeding animals and other agricultural work. It is estimated that 'two or three volunteers may visit at any one time but only for short periods.'

A staff member waits at the gate to ensure that vehicles are parked in the hard standing area and not the driveway. This is also done between 9-10:30am and 2pm for students arrival and departure. A doorbell at the site entrance gate is currently linked to the timber building subject to the Enforcement Notice and is proposed to be linked to unit 1. All staff have radios to communicate with each other.

Assessment of Proposal

PRINCIPLE OF DEVELOPMENT

The site is located wholly in the Green Belt. The Green Belt is given special protection from development in national planning policy as set out in Chapter 13 of the National Planning Policy Framework (NPPF). This is generally reflected in policy BDP4 of Bromsgrove District Plan.

The application states that no new buildings are proposed. The proposal includes the operational development involved in the conversion and re-use of existing buildings on site. Under paragraph 150 of the NPPF, both the re-use of buildings (provided that the buildings are of permanent and substantial construction) and the material change of use of land can be considered not inappropriate development in the Green Belt if each preserve openness and do not conflict with the purposes of including land within it. Green Belt serves five purposes (NPPF para 138):

- 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.

OPERATIONAL DEVELOPMENT

No detailed specification of the proposed new sewage treatment plant has been submitted with the application. However, details, including water run-off can be conditioned. Such plants are accommodated underground with minimal visual evidence visible above ground. The application advises that the existing sewage treatment plant on site is shared with Hazeldene, a legacy from when these properties formed a single planning unit in common ownership. It is considered that the new sewage treatment plant would constitute an engineering operation and would not be harmful to the openness of the Green Belt. As such it would not be inappropriate development in the Green Belt under paragraph 150 b) of the NPPF. Other legislation is in place to address such matters.

Neighbour concerns have been expressed regarding smell with regard to sewage disposal and concern that the proposed sewage treatment plant may not be suitable for equine purposes. Stables are mucked out – it is not usual practice to connect them to a sewage treatment plant. The agent has confirmed that the proposed plant is for human waste only.

Concerns have been received from Hazeldene regarding a foul odour from the shared use of the existing sewage facility. The management and maintenance of this existing system would be a civil matter to be addressed between the respective parties. A new, separate sewage treatment plant is proposed to serve the development site. Treatment of the sewage would prevent malodour.

Unit 1 was granted planning permission under B/2006/1390. This is pointed out in the submitted planning statement. The stables have been *in situ* for some time and are considered permanent. A structural report has been submitted with the application. The report notes that the floor slab appears sound and there is no indication of bowing in the walls. It recognises that windows would be inserted into the building and insulation installed to facilitate its proposed re-use and advises that the building is suitable for conversion subject to some localised repair to part of the existing brickwork. Therefore, on balance, the building is considered to be of permanent and substantial construction. No extension is proposed to the building. The operational development to unit 1 is not considered to adversely impact openness of the Green Belt.

The material changes to the external appearance of block 1 of unit 2 (former garage building) do not result in any increase in the size of the building and as operational development are not considered harmful to the openness of the Green Belt. The main physical changes to the external appearance of the block in views from Redhill Road are the replacement of a garage door with timber cladding and the introduction of small windows. The change is not considered to be any more harmful to the rural streetscene than the original garage door.

The application is seeking retrospective permission for the addition of a pitched roof with windows to the kitchen in block 2 of unit 2. The windows would not result in any unacceptable loss of amenity to the neighbouring property at Hazeldene given they are high level in the roof. Whilst the roof itself is in-keeping with the building, there is no planning history for the kitchen building (block 3) and 2 smaller stables (block 4) at unit 2, nor for unit 3 or unit 5. The planning statement is silent on the lack of any planning application for these buildings. From Google Earth imagery it appears that the operational development (the buildings themselves) are lawful and immune from enforcement action due to the passage of time.

Unit 4 (lambing shed) was granted planning permission in 2020 subject to a condition that it shall be used solely for agricultural purposes and for no other use whatsoever. Supporting information with the application states that this is still in use.

No operational development is proposed to units 3,4,or 5.

MIXED EDUCATION, AGRICULTURE AND EQUESTRIAN USES

There is evidence of pre-existing agricultural and equestrian uses at the site; education is a new use that has commenced. It is already noted that the NPPF does allow for material changes of use in the Green Belt however this is caveated that these preserve openness and do not conflict with the purposes of including land within the Green Belt. In this instance a mixed use is proposed: education, agriculture and equestrian i.e. none of these will represent a primary use of the land with the others being ancillary.

Although the application is not seeking to limit the extent of education provided, the submission explains that the education use provided by the applicant is for SEN children (aged 14-19). The lessons listed in the supporting statement relate to animal husbandry, cleaning & feeding animals, animal research and work experience. The numbers of animals on site has not been specified. During your officer's site visit a small number of chickens/eggs, 2 small goats and alpacas were seen within the red line. A small pony was also seen at the manege and horses were either in the stables or on the land edged in blue – it is not clear that any of the horses and pony are part of the educational use. No students were tending these animals and it was noted that at least one private horse owner was present. The supporting statement also refers to small petting animals; these are not agricultural. Currently these pets are kept in the timber building that is subject to the Enforcement Notice but the supporting information advises these would be re-located within the site.

Agriculture is defined in s336 of the Town and Country Planning Act 1990:

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly;

Other than reference to the eggs laid by the small number of chickens on site which are sold via an honesty box at the frontage of the site, no information has been provided regarding the extent of the agricultural use taking place, including for example the throughput of livestock or crops. The submission does refer to breeding and exhibiting Alpacas. This does not fall within the definition of agriculture. Therefore, reference to unit 5 (Alpaca shelter) as an agricultural building is inaccurate. No information has been submitted regarding the farming of goats for any agricultural purpose. Therefore, it appears that there is little agricultural activity taking place on the site.

The application states that Riverside Education acquired the site towards the end of 2020 and the education facility began operating in February 2021. An enforcement notice for the removal of the timber building now being used as a classroom facility was issued 12th January 2021. It is noted that following a site visit by the Planning Inspector on 21st June, his decision letter upholding the Enforcement Notice commented that the level of agricultural activity observed did not justify a building of its size and moreover no quantifiable details of proposed agricultural activities were put before him. The enforcement appeal decision notice was issued on 16th September 2021 – before the submission of this planning application. Given the comments of the Inspector it might be expected that such details would be clearly set out in the planning application.

It is not clear that the use that has commenced on site for which planning permission is being sought is a mixed agriculture, equestrian and educational use. There is very little evidence that agriculture is taking place at the site and that the animal related activity is not ancillary to the education provision. Therefore, it is questionable whether the educational facility is predicated on agricultural activity and that it needs to be provided on this Green Belt site or that it is not inappropriate development. A goat shed has been erected on site and an enclosure created. No planning application has been received and there is no

existing planning permission. On the basis of information available it is likely that the goats are ancillary to the educational use. The building and enclosure do not preserve openness and are inappropriate development in the Green Belt. Inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances (VSC). No very special circumstances have been put forward as part of the application. It is not considered that there are VSC to outweigh the harm to the Green Belt.

The letters received from parents whose children attend the site explain that their children benefit from their experiences. The therapeutic benefits which can result from animals is not disputed. However, the information submitted with the application does not justify an educational use in this Green Belt location and one where the children have to travel 30 mins from the main school campus 11 miles away in Stechford, Birmingham. Transport is by means of motor vehicle (an unquantified number of students arrive by the school minibus, 6 students arrive either by private car or taxi). It has not been demonstrated that this is sustainable despite reference in the supporting statement the development is an amenity asset supported by policy BDP25. BDP25 is generally supportive of activities that protect, retain or enhance existing sport, recreational and amenity assets, particularly by non-car modes of transport, including greater access to the countryside. Paragraph 145 of the NPPF advises that planning authorities should plan positively to enhance the beneficial use of the Green Belt. The supporting statement submitted with the application purports that the education facility improves access to the countryside for young people. However, such comments could be made in support of any development or use that was proposed on any site in the countryside simply by being located within that area. The carrying out of education does not warrant or require a countryside or Green Belt location.

BDP15 states that the Council will support proposals that satisfy the social and economic needs of rural communities by encouraging:

a) Development that contributes to diverse and sustainable rural enterprises within the District;...

The supporting statement comments that the education facility will contribute to the diversity of rural enterprises. However, this is not explained at all. Riverside Education is not a rural enterprise itself but an independent special education school based in Stechford. No information has been submitted to explain how the proposal relates to the social and economic needs of rural communities.

RESIDENTIAL AMENITY

NPPF paragraph 174 e) states that planning decisions should contribute to and enhance the natural and *local environment [emphasis added]* by preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of ... noise pollution.

Paragraph 185 states that planning decisions should ensure that new development is appropriate for its location taking into account the likely effects on living conditions, potential sensitivity of the site or the wider area to impacts that could arise from the development., and to mitigate potential adverse impacts to avoid noise giving rise to significant adverse impacts on health and quality of life. They should also identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

Comments have been made by several neighbours of the application site. These are reported in the public consultation section above. Some have been supportive and others express concern at the harmful impact the activities at the site have had on the amenity they could reasonably expect to enjoy at home and have impacted on the peaceful enjoyment of the garden areas. The concerns have primarily been expressed by a number of residents of and visitors to Hazeldene regarding the adverse impact on that property. This includes concerns regarding noise and disturbance both during the day and after school hours. Given the agricultural and equestrian uses it is not unreasonable to expect some level of noise from the site. However, consideration needs to be given to the impact of this on residential amenity and whether or not it would result in harm.

The submitted information identifies that 20 students plus teaching/support staff could be present at any one time at the site. The applicant has expressed a willingness to accept a planning condition restricting the maximum number of students to 20 at any one time. No mention has been made to a maximum number of teaching/support/care staff. Neither would such a condition limit the number of people who could be present on site with regard to agriculture or equestrian uses. The number of people is likely to be materially higher than would be expected on site as part of an agricultural use or equestrian use. The red line within which students/teachers/support/care staff and any agricultural or equestrian persons could be present is relatively tightly drawn and positioned along 2 of the boundaries with Hazeldene. The education use has been on-going since February 2021 and a number of the residents of Hazeldene have expressed concern regarding the adverse impact they have suffered from noise disturbance, and to privacy and amenity since the education use began. Therefore, it is considered that the development would result in a loss of residential amenity, in particular associated with Hazeldene.

The supporting information states that the 'proposed education facility is small-scale and schools are often located next to housing estates. There is nothing unusual about this type of physical relationship. Complaints about noise and disturbance made by the occupier of Hazeldene are refuted.' The site is located in the countryside and designated Green Belt. Whilst the relationship described in the supported information may not be unusual in the urban area, that is not the case in the countryside.

Concerns have been expressed about a football entering the rear garden of Hazeldene from the application site and being retrieved by unauthorised access over the garden fence. The agent has responded to officers questioning this event and how recreational needs of the students would be addressed and accommodated on the site. The response advised that footballs are banned from site and that no recreation areas are required on site. It would be difficult to satisfactorily control by planning means impromptu ball games or other outdoor recreation activities and gatherings during break times/lunch breaks which may take place within the red line area and in close proximity to the private amenity space of Hazeldene. The potential adverse impact on the amenity of that property is a concern.

The proposed site layout does include the erection of a new 2m high fence to the south of the existing rear fence line of Hazeldene. This would create a narrow gravel covered buffer between the 2 fences. NPPF paragraph 185 requires planning decisions to have regard to the protection of tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason. It is reasonable to expect that the rear garden of this dwelling would have provided such a tranquil area. Following

the demolition of the timber building subject to the Enforcement Notice a pre-existing surfaced area would remain. This was a former tennis court to Hazeldene prior to the subdivision of Thornborough Farm: it is within the red line of the planning application site. It would not be possible to restrict the use of the land or limit the number of people present by means of a planning condition. Given the concerns already expressed by the residents of that property, it is likely that the use of this land in such close proximity to the private garden space would result in noise and disturbance, resulting in a harm to the residential amenity of Hazeldene contrary to paragraphs 174 and 185 of the NPPF and policy BDP19 and the High Quality Design Guide SPD.

The supporting information has pointed out that no objection has been received from WRS regarding noise. This represents a consultation response. The impact of noise on amenity is a planning judgement. It is not an assessment under statutory noise legislation. There is no conflict in the identification of harm as a planning judgement and no objection raised by WRS.

Other concerns expressed in public comments:

- disturbance due to a security light blinking on and off during the night. Security lighting does not form part of the planning application. A light on a building is unlikely to require planning permission. Any nuisance caused by a security light can be investigated by WRS and addressed as appropriate under nuisance legislation.
- The erection of 6 feet high fences causes a feeling of being enclosed and trapped. Permitted development rights (PDRs) allow for the erection of means of enclosure (including fences) up to 2m in height when not adjacent to the highway. This PDR applies in both the countryside and urban settings and does not distinguish between what may be appropriate with regard to local character or neighbour preferences.
- Health and safety concerns regarding the proximity of chickens to Hazeldene. WRS has provided the residents with advice on suitable contacts regarding health and safety matters concerning bird flu.
- The application is retrospective. The planning system allows for the submission of retrospective planning applications and the retrospective nature of an application does not influence the planning merits or otherwise to be considered in its assessment and determination.
- Sale of eggs means the public visit the site. This is by means of an honesty box at the site frontage. This is small scale and is not uncommon in a countryside area. The limited extent of the activity currently is not considered to be harmful.
- Concern at use of site for parties and events. Some of the concern relates to land outside of the application site. There are PDRs that allow for temporary uses of land for up to 28 days in a calendar year without recourse to the Local Planning Authority. There is the opportunity to withdraw PDRs for temporary uses of land by planning condition attached to a grant of planning permission.
- Fear – Planning applications can evoke strong feelings. Matters of amenity have been considered above whilst a fear that arises from threat would fall within the remit of the police.
- Erosion of driveway further along Redhill Road due to water run-off from the site. Any damage caused to a property would be a civil matter. The application does not propose any change to site levels and drainage associated with the proposed sewage treatment plant could be addressed by conditions.

HIGHWAY MATTERS

Objections have been raised regarding visits by coach and inadequate parking facilities for such vehicles at the site. Information submitted with the application states that 1 visit was made to the site by a coach. This was a trip for refuge children shortly after lockdown ended. The submitted information states that the site is not open to the public and no other such visits are being undertaken or proposed as part of the application.

Concerns have also been received concerning parking in the access drive, blocking entrance/visibility and traffic concerns with a taxi stopping abruptly at the site entrance. Supporting information explains that the access gate is manned during arrival and departure times for the educational use and that a doorbell at the entrance is to be linked to the proposed office in unit 1. A management plan for access and egress to the site would be required to actively manage the arrangements and ensure no build up of vehicles at the site entrance. This could be conditioned. The vehicular access of Hazeldene and the application site are relatively close together. This relationship is pre-existing. As a result any vehicles accessing/exiting these properties at the same time may impinge upon the visibility of each other until the manoeuvre is completed. Any blocking of a driveway would be a matter for the police to address. Any erratic driving would be a police matter.

Vehicle parking would be located on 2 existing hard surfaced areas. Parking would be transient - waxing and waning with activity on site, whether this be educational, agricultural or equestrian related. The supporting information explains that there are currently 8 liveries on site, this will be reduced to a maximum of 4 as a result of the proposed conversion of unit 1. The application states that a maximum of 20 students would attend site at any one time. It is anticipated in the submission that 7 staff will be adequate. Information submitted suggests staff would be likely to drive to site and therefore would require car parking space. The school minibus would transport students to and from the main campus and park of site during the day. Others would either be dropped off separately by car or arrive by taxi. The sites needs to be accessible 24/7 to meet animal welfare standards. Volunteers will also attend site whilst the students are not present; 2-3 volunteers may attend at any one time at weekends and outside school hours. Whilst there are likely to be an overall increase in comings and goings and an increase in the numbers present at the site compared to an agricultural or equestrian use, the submitted information does not suggest that there would be a lack of parking on site to meet the requirements of the development.

The Highway Authority has raised no objection to the application. It has recommended conditions.

ECONOMIC MATTERS

NPPF paragraph 81 gives significant weight on the need to support economic growth and productivity. The development supports jobs for staff at the site and education to the students which would help towards their future productivity. This does not outweigh the concerns identified elsewhere in this report.

ECOLOGY

Given the siting of the development and that it has been in existing use for equestrian/agriculture, it was not considered necessary for an ecological survey to be carried out.

OTHER MATTERS

I am satisfied that the right of way would not be impacted by the proposal.

Human rights issues relevant to this application have been taken into account. The assessment and recommendation represent an appropriate balance between the interests and rights of the applicant and the interest and rights of those potentially affected by the proposal and the wider interest.

CONCLUSION

The benefit of the development to the students put forward by the applicant and in supporting letters is not disputed. There are also some associated economic benefits as discussed above. However, this is not outweighed by concerns regarding the impact on the countryside, Green Belt, residential amenity and sustainability. As a result, and on balance, it is concluded that the development put forward in the application is not acceptable and therefore is recommended for refusal.

RECOMMENDATION: That planning permission be **REFUSED**

1. The development introduces an educational use to the site. This has resulted in new the erection of a new building and enclosure which are inappropriate development in the Green Belt. These are considered harmful to the openness of the Green Belt and constitutes encroachment into the countryside contrary to the purposes of including land within the Green Belt. The harm is not outweighed by very special circumstances. The proposal would be contrary to policies BDP1, BDP4 of Bromsgrove District Plan and the NPPF.
2. The development is situated outside any defined settlement boundary and has poor access to public transport with no pedestrian footway. Information submitted with the application states that the mode of travel to the site is by motor vehicle. Students arrive by a variety of car, taxi and minibus. Staff arrive by car. Thus students and staff would be likely to rely heavily on motor vehicles. Therefore, the development is not considered to constitute a sustainable form of development, contrary to policy BDP1, BDP12, BDP16, BDP22, BDP25 of Bromsgrove District Plan and the NPPF.
3. The development would be harmful to the amenity of the occupiers and visitors of Hazeldene arising from noise and disturbance from the development, contrary to policies BDP1, BDP19 of Bromsgrove District Plan, the High Quality Design SPD and the NPPF

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Plan reference