

## TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

<b>Committee:</b>	Planning
<b>Date:</b>	22 June 2021
<b>Site Location:</b>	Land To West Of Stump Lane Gloucester Gloucestershire GL3 2LS
<b>Application No:</b>	21/00081/FUL
<b>Ward:</b>	Churchdown Brookfield With Hucclecote
<b>Parish:</b>	Hucclecote
<b>Proposal:</b>	Change of use of part of an existing grazing paddock to provide a fenced manège measuring 41m x 21m for private use.
<b>Report by:</b>	Dawn Lloyd
<b>Appendices:</b>	Site location plan Block Plan Proposed Elevations and Sections
<b>Recommendation:</b>	Permit

### 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application relates to a parcel of agricultural land to the south west of existing agricultural and equine building on Stump Lane. The site has an existing access to the highway, it is level and traversed by electricity pylons. The site has a mature hedgerow the south and eastern boundary with Stump Lane and post and rail fences to the west and north. The site lies within the Green Belt and Special Landscape Area.
- 1.2 The application seeks planning permission for the change of use of land currently used for grazing and the construction of a private use manège. The manège would measure 21M x 41M with a post and rail fence height 1.5m. Details have been submitted regarding the construction of the manège with the top surface material to be controlled by condition. Amended plans have been submitted to indicate the size of the manège and site it closer to the northern boundary and **an update will be provided on the further consultation.**

### 1.3 Relevant planning history:

<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>	<b>Decision Date</b>
18/00648/AGR	Erection of an agricultural building (18m x 6m) to be used as a lambing shed.	Non-Intervention	<b>02.08.2018</b>
13/01292/FUL	Erection of barn for hay and food store, tack room and equipment store and stabling for 4 horses (private use).	Permit	<b>17.03.2014</b>
87/00310/OUT	Outline application for an agricultural workers dwelling. Construction of vehicular and pedestrian access.	REF	05.08.1987

## 2.0 RELEVANT POLICY

2.1 The following planning guidance and policies are relevant to the consideration of this application:

### **National guidance**

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG).

### **Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) - Adopted 11 December 2017**

Policy SD4 (Design Requirements).

Policy SD5 (Green Belt).

Policy SD6 (Landscape).

Policy SD14 (Health and Environmental Quality).

Policy INF 1 (Transport Network).

### **Tewkesbury Borough Local Plan to 2011 - March 2006 (TBLP)**

Policy LND2 (Special Landscape Area).

Policy RCN6 (Horse Riding Facilities).

### **Tewkesbury Borough Plan 2011-2031 Pre-Submission Version (October 2019)**

Policy LAN1 (Special Landscape Areas).

Policy RCN4 (Equine Facilities).

Neighbourhood Plan.

Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life).

The First Protocol, Article 1 (Protection of Property).

### 3.0 CONSULTATIONS

#### **Hucclecote Parish Council** – (in summary) Objection

- Visual impact on the Green Belt and Special Landscape Area and the change of use will continue the trend of development.
- No attempt of soften visual impact with landscaping.
- Potential for increase parking, traffic generation and on a sharp bend impact on highway safety.
- Impact on biodiversity

**Highway Authority** – No objection recommendation of a condition to restrict manège to personal use.

**Environmental Health** – No adverse comments to make in relation to noise or light.

Full copies of all the consultation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>

### 4.0 PUBLICITY AND REPRESENTATIONS

4.1 The application has been publicised through the posting of a site notice for a period of 21 days and one neighbour representation has been received.

4.2 Objection (comments related to this application in summary):

- Character of the area has adversely altered, planning creep has occurred.
- Site is highly visible from public footpaths, in a sensitive landscape and in the Green Belt, need to end planning creep in the Green Belt.
- Contrary to policy RCN4.
- Impact biodiversity, area is understood to be impoverished grass land and supports a wide range of plants and animals.
- Generate more vehicle movements, access off a sharp bend is a traffic hazard.

Full copies of all the representations responses are available online at Insert text <https://publicaccess.tewkesbury.gov.uk/online-applications/>

### 5.0 POLICY CONTEXT

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.

5.2 The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans.

- 5.3 The Pre-Submission Tewkesbury Borough Plan was submitted to the Secretary of State for Housing, Communities and Local Government on 18 May 2020 for examination. On the basis of the stage of preparation it has reached it is considered that the plan can be afforded at least moderate weight. However, the weight to be attributed to individual policies will be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and their degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).
- 5.4 The relevant policies are set out in the appropriate sections of this report.

## **6.0 ANALYSIS**

- 6.1 The main issues for consideration with this application are considered to be the principle of private equestrian uses in this rural location within the Green Belt, its impact on the landscape, natural environment and highway safety issues.

### **Principle of the development.**

- 6.2 Saved Local Plan Policy RCN6 Policy considered that horse riding facilities must be well related to existing group of buildings and have adequate measures to control noise, dust, smell and other nuisance, be generally well related to the existing bridle network, or have an adverse impact on the AONB, Special Landscape Area or Landscape Protection zone nor create traffic problems.
- 6.3 Policy RCN4 of the Emerging Tewkesbury Borough Plan, although not adopted policy due to the stage of the ETBP can be attribute moderate weight and considers equine facilities within the Green Belt. The Policy provides that proposals will only be acceptable where they are essential for the use of the land for horse riding; are small scale; and are designed and sited to have a minimal effect on the openness of the Green Belt and cause no conflict with the purposes of including land within the Green Belt. The policy goes on to consider commercial uses however the proposal under consideration is for private use.
- 6.4 Agricultural land in the Applicant's ownership to the north of the site has consent for agriculture and equine buildings. The manège would be for private use and is considered in close proximity to the existing buildings. The proposed riding arena is sited on the flatter land adjacent boundary hedge on Stump Lane. The proposal would be read in the context of existing development in wider views to the south, maintains the open field character of the rising land to the north and flatter land to the west.
- 6.5 Policy SD6 of the of the Joint Core Strategy sets out that development will have regard to local distinctiveness and historic character of the different landscapes in the JCS area. The site lies within the Special Landscape Area and development should accord with saved policy LND2 of the Local Plan.

### **Special Landscape Area**

- 6.6 This part of the Special Landscape Area (SLA) is relatively flat, and the site would not be highly visible from public vantage points to the east or long ranging views from the west. The site would be visible the adjacent public footpath to the north and from long range views of the northern more sloping fields. However, in these wider views, existing development to the south would provide a backdrop to the proposal and the proposed fencing would be low level and unobtrusive.

- 6.7 The character of this part of the SLA is predominantly agriculture with dispersed residential properties along Stump Lane north with commercial units and the major highways to the south. It is not considered that the introduction of the manège would have an adverse impact on rural character or open fields of the escarpment of Chosen Hill.
- 6.8 No lighting is proposed as part of the proposal and a condition can be imposed prohibiting the provision of lighting without the prior consent of the Local Planning Authority in order to maintain the dark, rural character of the area at night.

### **Green belt**

- 6.9 Section 13 of the National Planning Policy Framework (NPPF) sets out that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.
- 6.10 However, there are exceptions including:
- provision of appropriate facilities (in connection with existing use of land or change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments as long as the facilities preserve the openness of the Green Belt and do not conflict with the policies of including land within it.
- 6.11 Policy SD5 of the JCS similarly advises that within the Green Belt, “Development will be restricted to those limited types of development which are deemed appropriate by the NPPF, unless very special circumstances can be demonstrated”.
- 6.12 A horse riding is an outdoor recreation activity, and riding arena is considered an appropriate facility provided the openness of green belt is preserved.
- 6.13 The site for the manège is close proximity to existing development, in field adjacent to existing post and rail boundaries, and a mature hedgerow. It is considered to be of an appropriate size and design and would have an acceptable impact upon the openness of the Green Belt. It is concluded, therefore, that the proposal would be not be inappropriate development in the Green Belt.

### **Residential Amenity**

- 6.14 Policy SD14 of the JCS requires that new development must cause no harm to local amenity including the amenity of neighbouring occupants.
- 6.15 The proposed manège would be sited over 200m from the nearest residential property located to the south of the site. A condition would be required restricting the use to solely private recreation. Not allowing commercial use and a condition to restrict the provision of lights will safeguard the tranquil nature of the area.

### **Highways Impact**

- 6.16 Policy INF1 of the JCS sets out that permission shall only be granted where the impact of development is not considered to be severe. It further states that safe and efficient access to the highway network should be provided for all transport means.
- 6.17 The site has an existing field access. The Highway authority have no objection to the private use of manège in terms of highway safety.

## Other matters

- 6.18 Objections have been raised with regard to the impact on the biodiversity of the site. The site is not a designated site in terms of protected species, it is existing agricultural land used for grazing. There would be no impact on the existing hedgerow and therefore the proposed use would not be considered of substantial harm in terms of biodiversity of the wider area.

## CONCLUSION AND RECOMMENDATION

- 7.0 It is considered that the proposal would accord with relevant policies as outlined above. Therefore, recommended is to **Permit** subject to the following conditions.

### CONDITIONS:

1. The works hereby permitted shall be begun before the expiration of five years from the date of this consent.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved documents:
- Location Plan received 27 May 2021
  - Block Plan received 27 May 2021
  - Proposed Elevations and Cross Section received 20 January 2021
  - Design and Access Statement

Except where these may be modified by any other conditions attached to this permission.

Reason: To ensure that the development is carried out in accordance with the approved plans.

3. The surface material of the manège shall comprise a sand mix, the details of which shall be submitted to and approved in writing with the local planning authority prior to erection of the boundary fencing in accordance with the submitted Design and Access Statement and Proposed Elevation and Cross Section Plan.

Reason: In the interest of visual amenity.

4. No development shall take place until details of the finished colour of the proposed fencing shall be submitted and approved in writing by, the local planning authority. All materials used shall conform to the details so approved.

Reason: In the interest of visual amenity.

5. The manège shall not exceed the dimensions of 41metres in length and 21 metres in width and shall be used for solely private equestrian purposes of the landowner and his family and shall not be used for livery, commercial riding or breeding, or for any other kind of commercial use without the prior express permission of the Local Planning Authority.

Reason: To ensure that no commercial business is established without the further consideration of the Local Planning Authority in the interests of highway safety.

6. No lighting shall be installed on the site without the prior written consent of the Local Planning Authority.

Reason: To conserve the landscape and scenic beauty of the wider area.

**INFORMATIVES:**

1. In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.