



V/2018/0291
Woodnook Barn
Menage with Fencing
Ashfield District Council
Urban Road
Kirkby in Ashfield
Nottingham NG17 8DA

Map sheet: SK4752

20 Jul 2018



Scale: 1 to 2500

COMMITTEE DATE 20/09/2018 **WARD** Underwood

APP REF V/2018/0291

APPLICANT K Topham

PROPOSAL Manège with fencing and 3x 6m high floodlighting columns

LOCATION Woodnook Barn
254A
Nottingham Road
Selston
Nottingham
NG16 6AD

BACKGROUND PAPERS

App Registered 09/05/2018 Expiry Date 03/07/2018

Consideration has been given to the Equalities Act 2010 in processing this application.

This application has been referred to Planning Committee by Cllr Sam Wilson to discuss the impact of Green Belt and highways safety.

The Application

The application proposes the construction of a manège (outside riding area) for the exercising of horses. The proposal will consist of a fenced area with a sand and rubber mix finish surface measuring approximately 20m x 40m and three, six-metre-high lighting columns. An additional section of track has also been laid to provide access to the field. The manege is intended for private use only.

Consultations

Site Notices have been posted together with individual notification of surrounding residents. A notice was also placed in the local press advertising the application as development which could potentially impact upon a public footpath. Responses from consultees are summarised below:

A.D.C Planning Policy - The proposed development is located within the Green Belt. New buildings are inappropriate in the Green Belt subject to specified exceptions. This includes facilities for outdoor sport and recreation but only as long as it is considered to preserve the openness of the Green Belt and does not conflict with its purpose. The key decision is whether the proposed development meets

this requirement. If it fails to preserve openness, it is inappropriate development. As such, by definition, it is harmful to the Green Belt and should not be approved except in very special circumstances.

Coal Authority – No objections.

Health and Safety Inspectorate – It is considered that the application does not fall within the criteria identified within the HSE consultation list of developments which fall within the statutory distance of a high pressure gas pipeline.

National Grid – No objections; but an informative should be applied making the applicant aware that there is a High Pressure gas pipeline running across adjacent field. The applicant is advised to contact Cadent Gas if the development moves any closer to the High Pressure gas pipeline.

NCC Highways – No objections.

Natural England – No comments.

Nottinghamshire Wildlife Trust (NWT) - The site lies within a designated Local Wildlife Site (Hand stubbing's Meadows LWS 5/904). The NWT originally objected to the application as it contained no Ecological Assessment. This has since been submitted and NWT have raised no objections, subject to a condition in accordance with the ecologists recommendation.

NCC Rights of Way – A Public Footpath (No.37) runs adjacent to the proposed site. The Rights of Way team initially offered no objections, subject to a list of advisory notes to the applicant.

During the processing of the application, the redline boundary of site needed to be amended to include the access, which the NCC Rights of Way queried whether this would affect the footpath. After a site visit was undertaken by a Rights of Way Officer no objections were made, on the basis the footpath is fenced off adjacent to the existing track.

Policy

Having regard to Section 38 of the Planning and Compulsory Purchase Act 2004 the main policy considerations are as follows:

Ashfield Local Plan Review, 2002 (as amended by “Saved policies” 2007)

- Policy ST1: Development;
- Policy ST4: Remainder of the District; and
- Policy EV1; Green Belt Land;
- Policy EV6 Local Nature Reserves and SINCS (Now identified as Local Wildlife Sites).

Jacksdale, Underwood, Selston – Tomorrow Neighbourhood Plan, 2017-2032 (JUS-t NP)

- NP1: Sustainable Development
- NP2: Design Principles
- NP3: Protecting the Landscape Character

The National Planning Policy Framework, 2018 (NPPF)

- Part 4 – Decision-making
- Part 8 – Promoting healthy and safe communities
- Part 9 – Promoting sustainable transport
- Part 13 – Protecting Green Belt land
- Part 15 – Conserving and enhancing the natural environment

Relevant Planning History

The below applications relate to the land north east of the boundary of site. At the time that planning permission was granted for the stables, the fields identified in the currently application were in the same ownership.

V/1996/0244 – Manège for private use only. Condition Consent.

V/2008/0703 – Stables. Conditional Consent.

V/2010/0393 – Stables. Conditional Consent.

Comment:

The main considerations in the determination of this planning application are Green Belt, visual amenity, residential amenity and highways Safety. These are discussed in turn below:

Green Belt

The application site is located within the Nottingham Derby Green Belt as set out in the Ashfield Local Plan Review (2002). The NPPF (2018) at paragraph 145 identifies that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. One exception to this is the provision of appropriate facilities for outdoor sport/recreation ... as long as the facilities preserve the openness of the Green Belt and do not conflict with the purpose of including land within it.

NPPF para 146 sets out that 'Certain other forms of development are also not inappropriate in the Green Belt, provided they preserve its openness and do not conflict with the purposes of including land within it. These include engineering operations and material changes in the use of land (such as changes of use for outdoor sport or recreation.

The proposed manège is considered to represent an appropriate facility for outdoor sport and recreation. The recently laid track is classified as an engineering operation. However, to fall within these exceptions, the proposals have to preserve the openness. The proposed manège measures 20m x 40m, which equates to 800m². It includes 1.8m high rail fencing, three 6-metre-high galvanised steel light columns and an alteration to the ground surface to include the provision of fibre sand and rubber mix. The post and rail fencing would have no impact upon the openness or character of the area. The change in surface would however alter the appearance of the development site from its present grassed state.

The 6-metre-high steel lighting columns would have a detrimental impact upon the openness and character of the Green Belt - both through the metal structures being erected in a presently open green field and through the lighting at night. These metal columns would be readily visible from the adjacent Public Right of Way and create a distinctly urbanising feature on the landscape - to the detriment of the openness and permanence of the Green Belt.

The planning history of the land round this area sets out that since 1996 a ménage and stables have been constructed. At the time that planning permission was granted for the stables, the land was within the same ownership as this current application. Since 2010, it appears the fields have moved into a separate ownership from the stables and manege. The application, if granted, will result in gradual encroachment of development within the countryside, which adversely effects the openness of the Green Belt.

As the proposal fails to preserve the openness of the Green Belt, it represents inappropriate development, which is by definition harmful and should not be approved except in very special circumstances. It is considered the special circumstances do not exist that would outweigh this harm and therefore the proposal is considered to be contrary to Part 13 of the NPPF (2012) and Policy EV1 of the Ashfield Local Plan Review (2002).

Visual Amenity

Under the ALPR, Policy ST1 development should not adversely affect the character of the environment. This is also reflected in the Neighbourhood Plan Policy NP3: Protecting Landscape Character, which sets out provisions where development proposal encroaches on the open countryside. The site is also situated within area NC03 (Selston and Eastwood urban fringe) of the greater Nottingham Landscape Character Assessment (2009).

The site is presently an open field bounded by a hedgerow to the north east, with fencing separating the site from the public footpath to the west. The proposal would involve the loss of an open area of green field, replacing this with a manège including a sand and rubber surface, post/rail fence and lighting columns. The manège would be readily visible from a Public Right of Way and positioned in an

open grassed field, with no other sources of lighting. The proposal therefore has an urbanising impact on a presently open landscape, which would be harmful to the openness and character of the countryside.

Ecology

The proposed development is located within Handstubbings Meadow's Local Wildlife Site (LWS). This area features a series of hay cut species and rich neutral grasslands. Protection for these sites is provided by Policy EV6 of the Ashfield Local Plan Review (2002). This is reinforced by the Neighbourhood Plan policy NP3: Protecting the Landscape Character, which requires sites adjoin the existing settlement to assess the impact of the proposals on local biodiversity.

The applicant has submitted an Ecological report, which recommends that mitigation is provided for the loss of part of the LWS - in the form of improved management to the area outside of the manège. This is proposed to be fenced and managed as a hay meadow. The applicant has submitted information showing the area to be managed, as well as management recommendations for the meadow. This approach is considered to be acceptable by Nottinghamshire Wildlife Trust, who have raised no objections.

Highways Safety

The applicant has stated that the manège would be for private use and as such the proposal would not involve any noticeable increase in traffic to the site. The Highways Authority have referred to standing advice and due to the minor nature of the proposal, there are no highways safety concerns.

Residential Amenity

The proposed manège, is approximately 60m away from the nearest residential property and is partially screened by an existing stable block to the west. It is for private use only and as such there would be no adverse impact upon the living conditions of neighboring occupiers through increased goings and comings, noise disturbance or light pollution.

Other Considerations

Gas Pipeline

There is a High Pressure gas pipeline running across the adjacent field. The National Grid have not objected to the planning application; however, an informative note would be required to make the applicant aware of its presence.

Rights of Way

A Public Right of Way runs adjacent to the western boundary of the site. The footpath is fenced off adjacent to the existing track and as such the proposal would have no impact upon the right of way. Advisory notes would however need to be included to ensure the applicant keeps this free of obstruction at all times.

Negotiations

The Planning Officer attempted to work proactively with the applicant and asked them to remove the floodlighting to substantially reduce the harm to the Green Belt. The applicant was however unwilling to amend the scheme.

Planning Balance:

There would be some environmental benefit through the creation of a wild meadow. However, the flood lit manège, due to its size, scale and siting would result in a harmful impact upon the openness and character of the Green Belt. Overall, the benefits of the proposal are considered not to outweigh the harm to the Green Belt - particularly due to the impact of the lighting columns. The proposal is considered to be contrary to Part 13 of the NPPF (2018) and Policy EV1 of the Ashfield Local Plan Review (2002)

Recommendation: - Refuse

Reason

The proposed flood lit manège due to its size, scale and siting would result in a harmful impact upon the openness and character of the Green Belt at this location. There are no other considerations identified which clearly outweigh this harm, and as such, the necessary very special circumstances have not been demonstrated to justify approval of the application. The proposal is considered to be contrary to Part 13 of the National Planning Policy Framework (2018) and Policy EV1 of the Ashfield Local Plan Review (2002).