

Report of the Chief Executive

18/00794/FUL
CONSTRUCT REPLACEMENT STABLE BLOCK
69 HOBSIC CLOSE BRINSLEY NOTTINGHAMSHIRE NG16 5AX

1 Details of the Application

1.1 This application seeks permission to construct a stable block to replace the existing timber stable on the site. The proposed stable block will have a maximum height of 3.77m and occupy a similar position to the existing stable block, following a similar design style in terms of its footprint.

2 Site and Surroundings

2.1 The application site is an animal rescue centre and adjoins the residential dwelling owned by the applicant. The site sits on the edge of a residential area, with open fields to the north. The application site is partly washed over by Green Belt.

2.2 To the west and south the stables adjoin land owned by the applicant. The north boundary is made up of mature vegetation and adjoins open fields. To the east is the access to the property which is off Whitehead Drive, which is a residential street



Existing stables, taken from 69 Hobsic Close.



East elevation of existing stable and aviary.



Land to the west of the stables.



Rear elevation of existing stables.



Access to site.

3 Relevant Planning History

3.1 In 2008, planning permission 08/00739/FUL was granted for a change of use on the land within which the stables are situated from residential and agriculture, to an animal rescue centre and aviary. In determining the application it was decided that the nature of the work to be carried out on the site, notably the rescuing of and caring for sick and injured animals, represented very special circumstances. It was determined that the use of the site as a rescue centre did not impact the openness of the Green Belt and therefore the potential harm did not outweigh the benefits of the proposal.

4 Policy Context

4.1 **National policy**

4.1.1 The National Planning Policy Framework (NPPF) July 2018, outlines a presumption in favour of sustainable development, that planning should be plan-

led, decisions should be approached in a positive and creative way and high quality design should be sought.

4.1.2 Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 144 states that very special circumstances will not exist unless the potential harm to the Green Belt is clearly outweighed by other considerations.

4.2 Broxtowe Aligned Core Strategy

4.2.1 The Council adopted the Core Strategy (CS) on 17 September 2014.

4.2.2 'Policy A: Presumption in Favour of Sustainable Development' reflects the presumption in favour of sustainable development contained in the NPPF. Applications which accord with the Local Plan will be approved without delay unless material considerations indicate otherwise.

4.2.3 Policy 10 of the Aligned Core Strategy (2014) states that development must have regard to the local context including valued landscape/townscape characteristics, and be designed in a way that conserves locally and nationally important heritage assets and preserves or enhances their settings.

4.3 Saved Policies of the Broxtowe Local Plan

4.3.1 The Part 2 Local Plan has recently been examined. Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved. Relevant saved policies are as follows:

4.3.2 Policy E8 of the Broxtowe Local Plan (2004) states that planning permission will not be granted for development in the Green Belt except where it constitutes appropriate development. The policy identifies criteria that would be considered appropriate development including buildings appropriate to agriculture or forestry and essential facilities for outdoor sport and recreation.

4.4 Part 2 Local Plan (Draft)

4.4.1 The Part 2 Local Plan includes site allocations and specific development management policies. The draft plan has recently been examined, with the Inspector's report awaited. The representations on the plan included 10 and 11 no. representations in relation to Policies 8 and 17 respectively. Given that there remain outstanding objections to Policies 8 and 17 with the Inspector's view on these not yet known pending her report, these policies can be afforded only limited weight.

4.4.2 Policy 8: Development in the Green Belt states that applications for development in the Green Belt will be determined in accordance with the NPPF.

4.4.3 Policy 17: Place-making, Design and Amenity sets out design criteria that all new development must adhere to where relevant.

5 Consultations

- 5.1 The Coal Authority raised no objection to the proposal. They stated that it would be necessary to include the Coal Authority's standing advice in the decision notice.
- 5.2 The Environmental Health Officer raised no objection subject to a condition requiring that all waste associated with the use is removed from the site.
- 5.3 Consultation letters have been sent out to 7 neighbouring properties and a site notice was posted at the site on 12 December 2018. One letter of objection has been received in respect of this application citing impact on traffic generation, mud and oil being left on the road and noise disturbance as reasons for objection.

6 Appraisal

- 6.1 The main considerations for this proposal are whether or not it is appropriate development in the Green Belt, its impact on neighbouring amenity and the design and appearance of the stable.

6.2 Green Belt

- 6.2.1 The proposed development does not meet any of the criteria of appropriate development as set out by Policy E8 of Broxtowe Local Plan (2004). The development is therefore inappropriate development and should not be approved except in very special circumstances, in accordance with paragraph 143 of the NPPF.
- 6.2.2 The applicant has submitted a supporting statement with the application to demonstrate that very special circumstances for this development exist. The proposed stables will be used by the established charity, Brinsley Animal Rescue. The charity rescues between 700 and 1000 pets, farm animals and wild animals annually. The existing stable block is used for many purposes such as providing cover for large animals in winter, hospitalisation pens for caring for injured and ill animals, as well as storage of vital supplies for the rescue centre. The existing stable block is circa 15 – 20 years old and due to its timber construction is at the end of its usable life, with signs of rot clearly visible. The stable block is also not large enough to house the animals as well as store all the equipment required to run the centre. This results in large amounts of hay and straw being kept on the driveway of the property covered in tarpaulin, or small bales being collected regularly from outside of the site. The cumulative impact of all these factors is that the existing stable block is no longer fit for purpose.
- 6.2.3 The proposed stable block is larger than the original stable block, adding 27% volume to the size of the original. It will be built using a combination of bricks and block work to provide a more secure structure. The reason stated by the applicant for the increase in size is to allow for the storage of hay and straw and other supplies that cannot currently be stored appropriately and as previously stated are instead left on the drive, or regularly collected from an off-site source. The solid and secure store for these items will eliminate the storage of goods on the driveway, reducing any potential for rats which have been identified on site in the

past. The number of trips from the site made in tractors will also be reduced and therefore the amount of debris deposited on the road will be reduced. The workshop will also provide a space to carry out maintenance on the rescue centre's machinery and equipment, whilst also providing additional security for the assets.

- 6.2.4 The refusal of this application would have a direct impact on the charity's ability to rescue animals, with the existing stables being in such a condition that large parts of them will require demolition regardless of the outcome of this application. Not being able to replace this will result in the charity having to reduce the number of larger animals they take in. The charity would also not be able to facilitate open days and community events as the stables are required to contain the large animals during these events.
- 6.2.5 Overall it is considered that taking into account the status of the applicant as a charity and the specified need of the replacement stables that very special circumstances have been demonstrated for the proposal. Whilst the proposed stable block is materially larger than that which it replaces, it will occupy largely the same position within the site, on low level ground and will not be prominent from the public realm. Only part of the application site is located within the Green Belt, with the most substantial part of the development being outside of the Green Belt. It is therefore considered that the proposed development will not result in additional harm to the openness of the Green Belt which would outweigh the very special circumstances demonstrated.

6.3 Amenity

- 6.3.1 The proposed stable block adjoins land owned by the applicant to the south and west, therefore not raising any concerns with regards to a loss of amenity. The adjoining land to the north is open fields with a border made up of mature hedgerow and trees providing a good deal of screening. The land to the north rises significantly beyond the rear of the stables, which together with the boundary treatment means the stables will not be prominent from this side. The stable block will be approximately 26m from the east boundary of the site with the nearest neighbours to this side being on the opposite side of Whitehead Drive. It is therefore not considered that the development will result in a loss of amenity for any neighbouring dwellings.
- 6.3.2 One objection to the proposal has been received on the grounds that it will result in an increase in traffic, noise and that vehicles from the site lead to debris deposits on the surrounding roads. The supporting statement from the applicant states that the proposed stables will not result in an increase in the number of animals they are able to care for at the site, which is already limited by the grazing area of the property and financial situation of the charity. The applicant has also stated that the provision of hard standing that will accompany the development will enable tractors used on the site to be stored off the fields, reducing the amount of debris that will be deposited onto the surrounding roads. Notwithstanding these points, the principal of the use on the site was established when permission was granted for the change of use to an animal rescue centre. At this time any impact with regards to noise and pollution were considered and measures taken to ensure this would not result in an unacceptable loss of

amenity for neighbouring residents. Furthermore, the Highways Authority has powers to take action over any debris deposited on the public roads.

6.3.3 Overall it is considered that the proposal will not result in an unacceptable loss of amenity for any neighbouring dwellings.

6.4 Design and Appearance

6.4.1 The proposed stable block follows a similar layout to the existing development. The height of the proposed stable block will exceed the existing block by approximately 1m, and the width of the block will exceed the existing by approximately 2.5m, although including the existing aviary which is to be demolished it will not exceed the existing width. The proposed stable block will be positioned on low level ground and will therefore not be prominent from the public realm or have any impact on the street scene. Whilst it will exceed the size of the existing stable block it is not considered to be of a size and scale that is out of keeping with the character of the surrounding area.

6.4.2 The proposed stable block will be constructed using red facing bricks on the south and east elevations and block work on the north and west elevations. The block work elevations will not be clearly visible on entrance to the site and therefore whilst they are not necessarily in keeping with the surrounding area this will not have a significant impact on the surrounding character. The red facing elevations will be in keeping with the character of the adjoining dwelling, No. 69 Hobsic Close. The roof is to be finished with Staffordshire blue tiles. The materials are not detailed on the plans and will therefore be conditioned to ensure a satisfactory standard of external appearance is achieved. Whilst traditionally stable blocks are timber structures, it is not uncommon to find more substantial structures such as this built using more hard-wearing materials such as block work and bricks.

6.4.3 Overall it is considered that the design of the proposed development is consistent with a traditional stable block, the type of which is not uncommon in rural areas such as this. The development is of a size and style that is in keeping with the character of the surrounding area and it is therefore considered that a satisfactory standard of design has been achieved.

Recommendation

The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions:

- 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.**
- 2. The development hereby permitted shall be carried out in accordance with drawing number KJ2725/02 REV E (1:50, 1:100, 1:200); received by the Local Planning Authority on 23 November 2018.**

- 3. All waste resulting from the development hereby permitted shall be removed from the site. There shall be no long term storage, burning, incineration or any other means of waste disposal on this site. This means of disposal of waste shall continue throughout the duration of the use.**
- 4. The development hereby permitted shall be constructed using red facing brickwork (south and east facing elevations), block work (north and west elevations), and Staffordshire blue tiles.**

Reasons

- 1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.**
- 2. For the avoidance of doubt.**
- 3. To protect the immediate residents from operational odour.**
- 4. To ensure a satisfactory standard of external appearance and in accordance with the aims of Policy 10 of the Broxtowe Aligned Core Strategy (2014) and Policy 17 of the Broxtowe Draft Part 2 Local Plan (2017).**

Note to applicant

The Council has acted positively and proactively in the determination of this application by communicating with the agent throughout the course of the application.

Background papers
Application case file



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Legend

-  Site
-  Green Belt (Local Plan)