

Report of the Chief Executive

APPLICATION NUMBER:	20/00422/FUL
LOCATION:	Land North of Home Farm Cottage and Park View Cottage, Main Street, Strelley, Nottinghamshire
PROPOSAL:	Erect 1.6m high field gates

This application has been called to Planning Committee by Cllr P Owen

1 Executive Summary

- 1.1 This application seeks permission to erect 1.6m high field gates at the existing access at the south of the application site from the bridleway which runs along the east boundary.
- 1.2 The application site is set in the Green Belt and has lawful equestrian use and the proposed gates will provide additional security for the site. It is therefore considered that the proposal is an exception to inappropriate development in accordance with paragraph 145 (b) of the NPPF which states that appropriate facilities for outdoor sport and recreation are exceptions to inappropriate development so long as they preserve the openness of the Green Belt and do not conflict with the reasons for including the land within it.
- 1.3 The proposed gates have a traditional, open design and relatively limited height. It is therefore considered that they will not be harmful to the openness of the Green Belt, or conflict with the purposes of including land within it as set out by paragraph 135 of the NPPF.
- 1.4 It is considered that the gates are acceptable in terms of design and will not result in an unacceptable loss of amenity for the residents of any neighbouring property.
- 1.5 Concerns have been raised regarding the applicant's right to access the land from the bridleway. The access is established and appears to have been in use since at least 2013. The Nottinghamshire County Council Rights of Way Officer raises no objection to the proposal. Any matters regarding private land ownership and how this might affect right of access is a legal matter and not a material planning consideration.
- 1.6 Overall the proposal is considered to be in accordance with the policies set out in the NPPF, Broxtowe Aligned Core Strategy (2014) and Broxtowe Part 2 Local Plan (2019) and the Committee is therefore asked to resolve that planning permission be granted subject to the conditions set out in the appendix.

1 Details of the Application

- 1.1 This application seeks permission to erect 1.6m high field gates at the existing access to the south end of the site from the bridleway which runs along the east boundary of the site. The proposed gates will have a reasonably traditional field gate design with an aluminium section and wheel supports.

2 Site and surroundings

- 2.1 The application site contains a manège with stables to the north. To the north of the stables is the wild cat enclosure which has recently been granted planning permission. The access point for the proposed gates is to the south of the site, accessed via the bridleway.
- 2.2 The site is positioned to the north of the village of Strelley, with two residential dwellings adjoining the south boundary of the site. To the west of the site is the M1 motorway, with the boundary being made up of a substantial hedgerow which is in excess of 2m in height. The north and east boundary of the site is also made up of hedgerow and adjoins a bridleway. A close boarded timber fence with a height of approximately 1.8m has been erected along parts of these boundaries. There is a further residential dwelling neighbouring the site to the north east.
- 2.3 The site is located within the Nottinghamshire Green Belt and adjacent to the Strelley Conservation Area.

3 Relevant Planning History

- 3.1 The application site has a detailed planning history, with the relevant historical applications being summarised in this section.
- 3.2 In 2011, planning permission (11/00200/FUL) was granted for the change of use of agricultural land to land used for the exercise of horses (construction of a manège) and erection of a replacement field shelter. This planning permission established the equestrian use on the site.
- 3.3 In 2013, planning permission (ref: 12/00646/FUL) was granted to construct stables and erect gates at two access points on the east boundary of the site.
- 3.4 In 2013, planning permission (ref: 13/00476/FUL) was granted to retain two poles to erect CCTV cameras.
- 3.5 In 2016, planning permission (ref: 16/00165/FUL) was refused for the construction of a barn and feed store. The applicant appealed the decision and this appeal was dismissed by the Inspector. One of the reasons for refusal was that the proposal represented inappropriate development in the Green Belt and no very special circumstances applied. The proposal would not have preserved, and therefore would cause harm to the openness of the Green Belt.

- 3.6 In 2017, planning permission (ref: 17/00232/FUL) was granted for the extension of the existing stable block, which is positioned to the south of the wild cat enclosure.
- 3.7 Later in 2017 planning permission (ref: 17/00565/FUL) was granted for the enlargement of the approved extension after the building was being constructed larger than the originally approved plans.
- 3.8 In 2018 planning application 18/00123/FUL was refused for the installation of two gated accesses on the east boundary of the site. The access points are already in place however the proposed gates were considered to be of a size and design that did not have regard for the local context and was out of keeping with the character of the area.
- 3.9 In 2019, planning application 19/00243/FUL for the change of use of the site from equestrian to mixed use equestrian and the keeping of fully licensed wild cats, and to retain the secure enclosure, was voted for approval by the Planning Committee. This permission was granted in Jun 2020 and is subject to a unilateral undertaking whereby the owner undertakes to carry out the following obligations:
- Not to use the said Wild Cat Enclosure for any purpose other than the keeping of the three Wild Cats in possession of the owner at the time of the application.
 - On the death or relocation to premises elsewhere of all the Wild Cats to cease use of the Wild Cat Enclosure and to remove it within 3 months of the cessation of use.

4 Relevant Policies and Guidance

4.1 Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:

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

- Policy A: Presumption in Favour of Sustainable Development
- Policy 10: Design and Enhancing Local Identity

4.2 Part 2 Local Plan 2019

- Policy 8: Development in the Green Belt
- Policy 17: Place-making, design and amenity

4.3 National Planning Policy Framework (NPPF) 2019:

- Section 2 – Achieving Sustainable Development.
- Section 4 – Decision-making.
- Section 12 – Achieving well-designed places.
- Section 13 – Protecting Green Belt Land

5 Consultations

- 5.1 **Nottinghamshire County Council Rights of Way Officer:** No objection. Requested an informative note to applicant be added to remind the applicant of their legal responsibilities in respect of the right of way that runs adjacent to the site.
- 5.2 Five properties either adjoining or opposite the site were consulted and a site notice was displayed. Four responses have been received, all of which raise objections to the proposal. The reasons for objection can be summarised as follows:
- Not in keeping with the character of the area or the Green Belt.
 - The access has been widened without permission.
 - The applicant has no right of access to their land through the bridleway.
 - Increased noise and traffic due to use of the bridleway.
 - The number of gateways are unnecessary for an equestrian setup.

6 Assessment

- 6.1 The main issues for consideration are whether or not the proposal is appropriate development in the Green Belt, the design and appearance of the gates, and the impact of the gates on neighbouring amenity.

6.2 **Principle**

- 6.2.1 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 by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Paragraph 145 identifies a range of exceptions to inappropriate development, including (subparagraph (b)) the provision of appropriate facilities for outdoor sport and recreation, as long as the facilities preserve the openness of the Green Belt and do not conflict with the purpose of including the land within it.
- 6.2.2 The application site has lawful equestrian use, and has a manège and stables to facilitate the equestrian use. The proposed gates will provide security for the site and the associated equestrian use and facilities within the site. Gated accesses for fields such as this are not uncommon. The proposed gates have the design of a traditional field gate, providing a good degree of openness whilst providing the security measures required. The height of the gates is relatively limited, set down from the existing hedgerow along the east boundary, and is not considered to be harmful to the openness of the Green Belt. Paragraph 134 of the NPPF sets out the 5 purposes including land within the Green Belt serves. Considering the type of development proposed it is considered that the proposal will not conflict with any of these purposes. Taking this into account it is considered that the proposal can be considered an appropriate facility for outdoor sport and recreation that does not harm the openness of the Green Belt or conflict with the purpose of including the land within it.

- 6.2.3 It is therefore considered that the proposal is in accordance with Paragraph 145 of the NPPF and the principle of development can therefore be supported subject to its design and appearance and impact on neighbouring amenity.

6.3 Design and Appearance

- 6.3.1 The proposed gate has a reasonably traditional design, consistent with field gates that typically serve fields in countryside locations. The gate will have a reasonably open appearance, allowing views into and out of the site, and its height will be set down from the existing hedgerow ensuring it will not be an overly prominent feature that is out of keeping with the character of the area. The gates are proposed to be constructed of aluminium, which is common for a field gate of this style, and will mitigate against deterioration over time which can result from other materials.

- 6.3.2 Overall it is considered that an acceptable standard of design has been achieved and that the proposed gates will not be out of keeping with the character of the area.

6.4 Amenity

- 6.4.1 The nearest residential properties to the proposed gates are Park View Cottage and Home Farm Cottage to the south of the site. The gates will be positioned to the rear of the neighbouring properties, and taking into account the type of development and relatively limited height it is considered that the proposal will not result in an unacceptable loss of light or sense of enclosure as a result of the proposed gates.

- 6.4.2 Some concerns have been raised regarding increased noise and traffic which may result from increased use of the gated access. The access which the gates will serve is well established, and historical mapping shows it has been in use since at least 2013. Given the established nature of the access it is considered that the proposal will not result in increased use and therefore it is not considered to be appropriate to refuse the proposal based on increased noise or traffic generation.

- 6.4.3 Overall it is considered that the proposal will not result in an unacceptable loss of amenity for the residents of any neighbouring properties.

6.5 Other Matters

- 6.5.1 Objections have been raised on the grounds that the applicant does not have a right of way to access the application site from the proposed gated access. As stated above, the access appears to have been in use since at least 2013, and the Nottinghamshire County Council Rights of Way Officer has raised no objection to the proposal. If the right of access is subject to any of the land used being in private ownership, this is not a planning matter and therefore could not be sustained as a reason for refusal at appeal.

7 Planning Balance

- 7.1 The proposal will provide additional security for an established equestrian site and as such is considered to be an exception to inappropriate development in the Green Belt in accordance with the NPPF paragraph 145. Whilst the gates will be reasonably wide, they are designed to fit the space provided, and the impact as a result of this is mitigated by the traditional, open design and relatively limited height which will be set below the height of the existing hedgerow. On balance it is therefore considered that the proposal is acceptable.

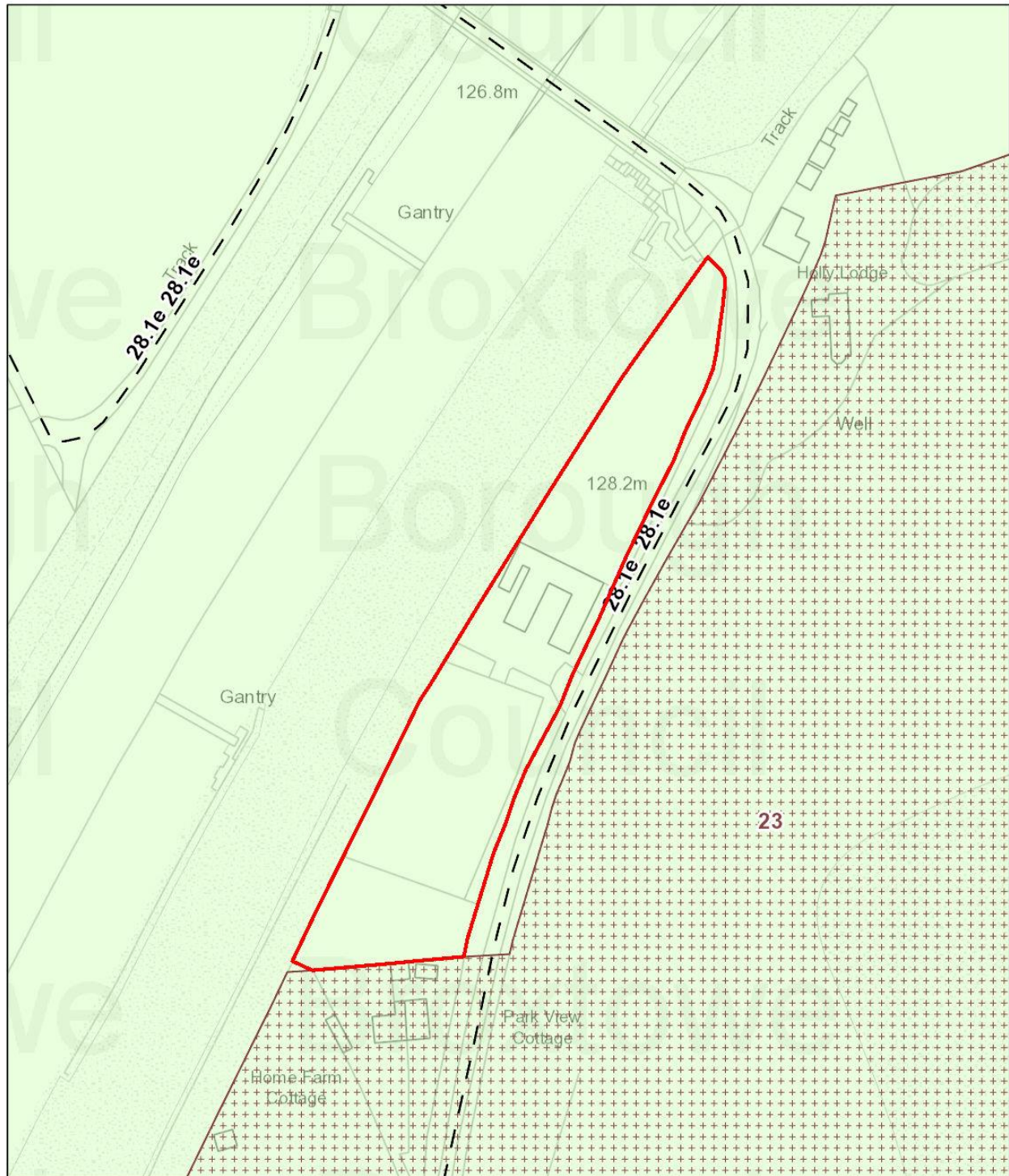
8 Conclusion

- 8.1 It is considered that the proposal meets the criteria of paragraph 145 (b) of the NPPF, and as such is an exception to inappropriate development in the Green Belt. It is considered that an acceptable standard of design has been achieved and that the proposal will not result in an unacceptable loss of amenity for the residents of any neighbouring properties. Overall it is therefore considered that the proposal is acceptable and planning permission should be granted.

<u>Recommendation</u>	
The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions.	
1.	<p>The development hereby permitted shall be commenced before the expiration of three years beginning with the date of this permission.</p> <p><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>The development hereby permitted shall be carried out in accordance with the drawings numbered 18/837/09 (1:500) and 20/837/10 (1:100, 1:1250); received by the Local Planning Authority on 2 July 2020.</p> <p><i>Reason: For the avoidance of doubt.</i></p>
NOTES TO APPLICANT	
1.	The Council has acted positively and proactively in the determination of this application by working to determine it within the agreed determination timescale.
2.	The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

	<p>Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority</p>
3.	<p>The bridleway should remain open, unobstructed and be kept on its legal alignment at all times. Vehicles should not be parked on the RoW or materials unloaded or stored on the RoW so as to obstruct the path.</p> <p>There should be no disturbance to the surface of the bridleway without prior authorisation the Rights of Way team.</p> <p>If the route is to be fenced, ensure that the appropriate width is given to the path and that the fence is low level and open aspect to meet good design principles.</p> <p>If a structure is to be built adjacent to the bridleway, the width of the right of way is not to be encroached upon.</p> <p>The existing boundary hedge/tree line directly bordering the development/boundary etc is the responsibility of the current owner/occupier of the land. On the assumption that this boundary is to be retained it should be made clear to all new property owners that they are responsible for the maintenance of that boundary, including the hedge/tree line ensuring that it is cut back so as not to interfere with right of way.</p> <p>If a skip is required and is sited on a highway, which includes a RoW then the company supplying the skip must apply for a permit. http://www.nottinghamshire.gov.uk/transport/licences-and-permits/skip-permit and also ensure that the RoW can still be accessed appropriately by the users permitted by its status i.e. equestrians if a on bridleway, motorised vehicles if on a byway open to all traffic</p>

20/00422/FUL - Land North of Home Farm Cottage, Strelley



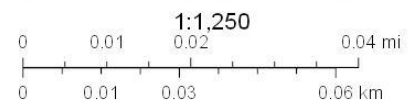
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INTERNAL: PCO Applications

Green Belt

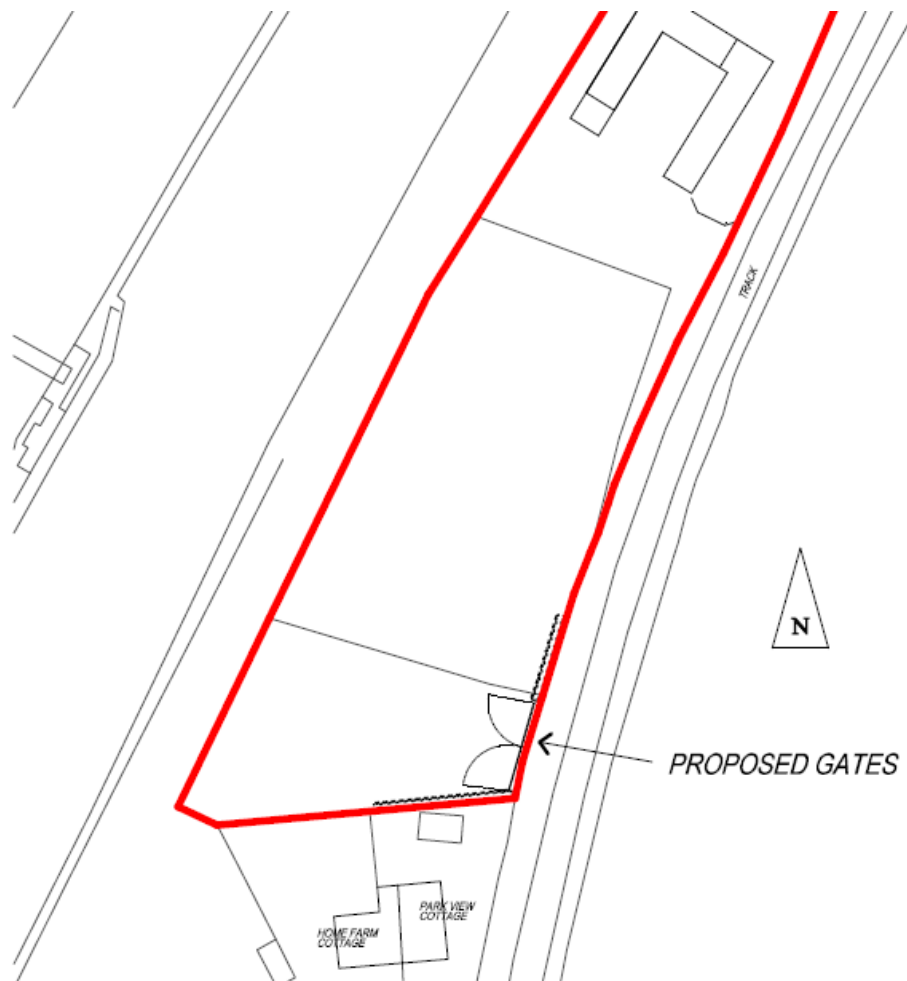
Conservation Areas

Recreational Routes

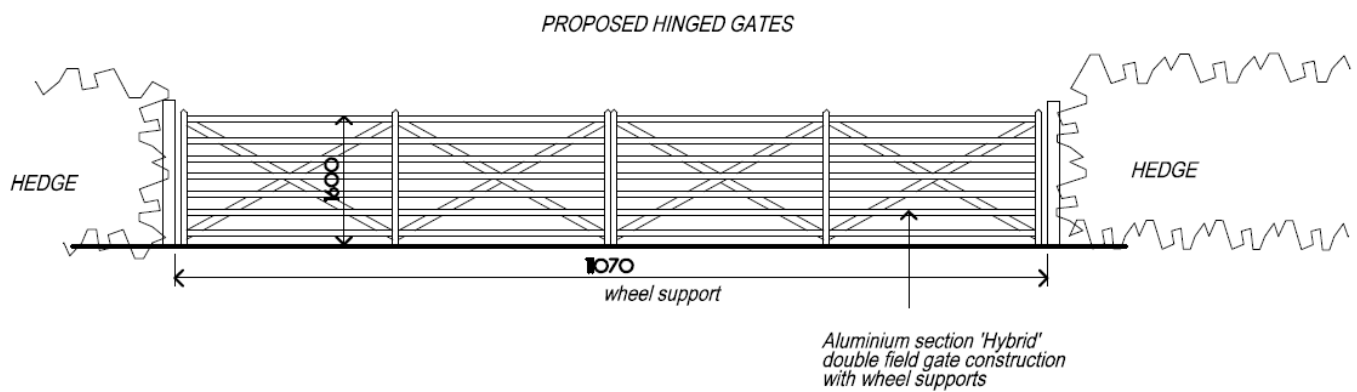


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Ordnance Survey 100019453

Plans (not to scale)



LOCATION PLAN 1:1250



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