

**PLANNING  
COMMITTEE**

24th May 2023

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**Planning Application 22/00918/FUL**

**Retrospective application for a menage and removal of floodlighting.**

**Old Yarr, Blaze Lane, Astwood Bank, Redditch, Worcestershire, B96 6QA**

**Applicant: Mrs Julie Millard**  
**Ward: Astwood Bank And Feckenham Ward**

**(see additional papers for site plan)**

The case officer of this application is Sarah Hazlewood, Planning Officer (DM), who can be contacted on Tel: 01527881720 Email: sarah.hazlewood@bromsgroveandredditch.gov.uk for more information.

**Site Description**

The site forms part of the wider land holding at Old Yarr. The site itself is described as an area of derelict land which was formerly hardstanding and used by previous occupiers of the site for waste transfer and storage. The site is broadly flat and is bounded to the west by the Swans Brook, which is a local wildlife site. It is separated from the main dwelling by a narrow, steeply sided ridge formation. The site lies in the Green Belt.

**Proposal Description**

The application seeks retrospective permission for the construction of a menage and the removal of floodlighting from the site. The change of the use of the land to equestrian use is considered under application 22/00915/FUL. The plans show that the manege is bounded by a post and rail fence with timber boarding at lower level. The surface of the manege comprises a mix of silicone sand, wax and carpet fibres.

**Relevant Policies:**

Borough of Redditch Local Plan No. 4:  
Policy 1 Presumption in Favour of Sustainable Development  
Policy 8 Green Belt  
Policy 16 Natural Environment  
Policy 17 Flood Risk Management

Other:  
National Planning Policy Framework

**Relevant Planning History**

2013/288/CPE	Application for a Certificate of Lawfulness for an existing use -	Approved	07.02.2014
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**REDDITCH BOROUGH COUNCIL**

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	Swimming pool timber frame enclosure		
2013/290/COU	Retrospective application to convert existing (unauthorised) live/work unit to domestic dwelling	Approved	23.10.2014
22/00915/FUL	Retrospective application for the change of use from agricultural land to Equine (Sui Generis)	Pending consideration	
22/00916/FUL	Retrospective application for an equine/agricultural store.	Pending consideration	
22/00917/FUL	Retrospective application for a garage for 5 no. vehicles.	Pending consideration	
22/00919/CPE	Use of the land for siting a mobile home for use ancillary to the main dwelling	Pending consideration	
22/00929/FUL	Retrospective application for a stable block.	Pending consideration	
22/01562/FUL	Retrospective application for a tractor store and manure clamps	Pending consideration	
22/01563/FUL	Retrospective application for temporary permission for children's play equipment	Pending consideration	
22/01564/FUL	Retrospective application for a Horticultural/Agricultural Store	Pending consideration	
22/01565/FUL	Retrospective application for an Agricultural Store	Pending consideration	
22/01566/FUL	Retrospective application for the erection of a Residential Dwelling	Pending consideration	

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**Consultations**

**Worcestershire Archive And Archaeological Service**

Local planning authorities have a responsibility to protect, either by preservation or record, the historic environment in a manner appropriate to its significance and should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible (National Planning Policy Framework 16, paragraph 205). In order to comply with policy, we recommend that a programme of archaeological works should be secured and implemented by means of a suitably worded condition attached to any grant of retrospective planning permission.

**Feckenham Parish Council**

Feckenham Parish Council's Objection to Retrospective application for a menage and removal of floodlighting. Old Yarr Blaze Lane Astwood Bank Redditch Worcestershire B96 6QA

This application is yet another example of the failure of an applicant / developer to comply with planning legislation and submit the proposals to the LPA for consideration prior to commencing works. In particular the policies of the Borough Council, and the N.P.P.F, in relation to proposals in the green belt.

The approach appears to be "I'll build what I like and then apply retrospectively, as RBC unlikely to enforce action against me",

The question that should be raised is, "would an application for this use have been granted if submitted prior to the works being undertaken and completed"

Historically, our experience is that applications such as this, when submitted prior to works being undertaken, are difficult, and rarely supported by case officers.

The applicant relies on several points within the policies of R.B.C. and the N.P.P.F to try and justify the retrospective application, by means of exceptions allowed in the NPPF

*a) buildings for agriculture and forestry*

*b) the provision of appropriate facilities (in connection with the existing use of land or a 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 purposes of including land within it;*

*c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*

*d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;'*...

This is not an application for agriculture or forestry, it is an application for a private menage for the use of the applicant. The land is quite clearly in equine use at the time of the application.

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The building is not for leisure use it is for the private benefit of the land owner, and is detrimental to the openness of the green belt

The proposal is for a disproportionate addition to the original dwelling

The proposal is not for the replacement of an existing building

*Paragraph 137 of the NPPF states that ... 'The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'...*

*Paragraph 138 of the NPPF defines the five purposes of the Green Belt*

*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*

This application, together with the additional parallel applications comes within the category of "unrestricted sprawl ", of development in the green belt.

The application fails to comply with the "safeguarding" of the countryside from encroachment

The application is not for the "recycling of derelict and other urban land.

There are no "exceptional" reasons for this application, it is simply unlawful development for the use of the applicant. There is no public gain, and there are serious detrimental effects on the openness of the green belt.

As lifelong residents of Redditch, and being close friends with the Newbold's who originally restored and converted "Old yarr", we are aware of the property in the late sixties / early seventies, and the scale of additions and new builds makes a mockery of green belt policy.

How can the LPA justify the recommendation for refusal to a dormer window at " Parklands nursing home" on green belt policy, as they did in recent past, and then even consider approval of a significant development such as this. However, we are aware that extensions come under a separate policy.

This application is within the designated green belt and the relevant policies regarding such is set out below

*R.B.C. Policy 8 Green Belt 8.1 Designated Green Belt benefits from protection through national planning policy (the NPPF) meaning it will be protected from inappropriate development. The preparation of this Plan has led to the removal of some land from the*

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*previously designated Green Belt. Continued protection of the Green Belt can contribute to the Vision and Objectives of this Plan for the Borough to have a high quality rural environment and to protect, promote enhance the quality of the Borough's landscape.*

*Policy 8 8.2*

*The designated Green Belt, located predominantly in the south west of the Borough is identified on the Policies Map. The exceptional circumstances required to amend the Green Belt Boundary have been demonstrated through the preparation of the Borough of Redditch Local Plan No.4.*

*8.3 Applications for development in the Green Belt will be determined in line with national planning guidance on Green Belts and other relevant policies within the development plan.*

*Reasoned Justification*

*8.4 The Borough's Green Belt boundary was originally defined by the Borough of Redditch Local Plan No.2 (adopted 1986) and was maintained in the Borough of Redditch Local Plan No.3. The preparation of the Borough of Redditch Local Plan No.4 and associated evidence has justified the removal of certain sites from the previously designated Green Belt. Reference should be made to the Redditch Green Belt Study for the location of land removed from the Green Belt and the BORLP4 Policies Map for the extent of the revised Green Belt boundary.*

*8.5 Inappropriate development is, by definition, harmful to the Green Belt (NPPF para 87). Applicants will be required to demonstrate 'very special circumstances' to justify their proposal. New buildings in the Green Belt will be considered inappropriate unless they are for a purpose, defined in the NPPF, as not inappropriate in Green Belt (paragraphs 89 and 90). Specifically, providing the openness of the Green Belt and the purposes of including land in the Green Belt are not compromised, appropriate facilities for outdoor sport and recreation may include facilities such as small changing rooms or unobtrusive spectator accommodation for outdoor sport, or small stables for outdoor sport and outdoor recreation.*

**3.2 Extensions in the Green Belt**

**3.2.1 Extensions in the Green Belt will be assessed against Policy 8 of BORLP4 which complements the NPPF**

*The extension must also meet the following size requirements:*

*Extensions to existing residential dwellings up to a maximum of 40% increase of the original dwelling or increases up to a maximum total floor space of 140m<sup>2</sup> ('original' dwelling plus extension(s)) provide that this scale of development has no adverse impact on the openness of the Green Belt*

**3.2.2 For the assessment of residential extensions in the Green Belt the above requirement is divided in to two separate elements:**

- i) Either the extension is considered under the first part of the requirement - a maximum 40% increase of the original dwelling; OR**
- ii) The total floor space increases to a maximum of 140m<sup>2</sup> made of the original floor space of the dwelling plus the floor space of the proposed extension.**

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3.2.3 *In the same way that a 'proportionate addition' is not defined in the NPPF, there is not a definitive guide to how a 40% increase should be calculated. It can be calculated either as floor space or volume.*

3.2.4 *All measurements must be taken externally.*

3.2.5 *An assessment to consider the impact of the proposal on the openness of the Green Belt can be undertaken in a number of ways. Generally, openness is considered to be the absence of buildings and development. However, positioning, mass, height and topography can all have an impact on this; in addition, openness is a wider concept than that of the visual impact of the development on the Green Belt.*

*Paragraph 137 of the NPPF states that ... 'The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'... Paragraph 138 of the NPPF defines the five purposes of the Green Belt*

- 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*

*Paragraph 149 of the NPPF outlines ... 'A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:*

- a) buildings for agriculture and forestry*
- b) the provision of appropriate facilities (in connection with the existing use of land or a 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 purposes of including land within it;*
- c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;*
- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;'*...

**North Worcestershire Water Management**

Recommends a condition is attached to any permission.

**Environment Agency**

Flood Risk: The ménage site is shown to lie within Flood Zone 3 of the Swans Brook (a statutory main river) on our Flood Map for Planning (Rivers and Sea). This is the High Probability zone defined in Table 1 of the NPPG where land has a 1 in 100 or greater annual probability of river flooding. Outdoor sports/recreation use would be considered as

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water compatible in terms of vulnerability and appropriate for all flood zones providing the development is safe over its lifetime including the impacts of climate change and does not act to increase flood risk elsewhere. Flood Risk Assessment: A Flood Risk Assessment (FRA) has been produced by Rappor Consultants Ltd (Ref: 22-0271 Revision 2 dated June 2022). We have no concerns with the document which does discuss other works at the site in addition to the ménage. The FRA has obtained modelled data from the Environment Agency for the adjacent Main River watercourses and has applied 300mm for climate change impacts to the 100 year modelled level in line with our guidance which is appropriate for these watercourses (Section 4). Section 4.14 of the FRA confirms that this would result in a 1% plus climate change level of 77.04mAOD and that this level would flood the ménage area. Providing ground levels have not been raised, we have no issues with this given the water compatible nature of the application. In terms of third party impacts, the property is isolated with no other properties in the floodplain in the vicinity. There appears to be a solid wooden section at the bottom of the ménage perimeter in the Photographic Survey submitted but the access gates would allow floodwater to enter the area.

Environmental Permit: Unlike planning permission, we would point out that any permits for works within the floodplain/within 8 metres of a Main River which may have been required under the Environment Permitting (England and Wales) Regulations 2016 cannot be issued retrospectively.

**Public Consultation Response**

The application was publicised in the Redditch Standard 22.07.22 which expired 08.08.22  
A site noticed was displayed at the site 13.07.22 which expired 06.08.22

No public comments have been received.

**Assessment of Proposal**

**Green Belt**

The site lies in the Green Belt. Policy 8 of the Borough of Redditch Local Plan No 4 (BoRLP) states that applications for development in the Green Belt will be determined in line with national planning guidance on Green Belts and other relevant policies in the development plan.

The National Planning Policy Framework (NPPF) at paragraph 149 sets out a closed list of development which is not inappropriate development in the Green Belt. One such exception, at paragraph 149 c), is the provision of appropriate facilities (in connection with the existing use of land or as a change of use) for outdoor sport or recreation as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land in it.

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The change of use of the land on which the menage is sited to equestrian use is considered under application 22/00915/FUL. This is recommended for approval as it is considered to comply with one of the exceptions for development permitted in the Green Belt as set out at paragraph 150(e) of the NPPF.

The provision of a menage for private equestrian purposes is reasonably considered to be an appropriate facility for outdoor sport or recreation and therefore is acceptable in principle. It therefore falls to consider whether the menage would preserve the openness of the Green Belt and not conflict with the purposes of including land within it.

With respect to the purposes of the Green Belt, these are set out at paragraph 138 of the NPPF. It is considered that the development would not conflict with any of these purposes.

With respect to openness, it is an essential characteristic of the Green Belt and has both spatial and visual aspects. In practical terms it means that land so designated should remain, on the whole, free from development. The development has already taken place, so it is difficult to establish the state of the site prior to the works being undertaken. The application documents explain that this area of the site was formerly used for storage and waste transfer. Aerial photographs show the presence of the track way to the application site and disturbed ground. From visiting the site it is not obvious that ground levels have been significantly altered in order to form the level surface for the menage.

The provision of the menage essentially takes the form an altered surface for the riding of horses. The provision of the fencing surrounding the menage would not ordinarily require planning permission. As such, spatially, it is considered that the impact on openness of the Green Belt is negligible. This is particularly in view of the characteristics of the site as outlined above.

Visually, public views of the site are extremely limited. Whilst a number of public rights of way cross the wider Old Yarr site, views of the menage are completely obscured by the raised ridge feature to the south of the menage. The only other view of the site is possible from the nearest residential property, Foxpits, which is to the north east and accessed off Blaze Lane. This property sits in an elevated position relative to the application site however, views from this property are long range, at a distance of nearly 200m, and are tempered by the existing tree screening and backdrop to the development. As such it is considered that the visual impact of the development is similarly negligible and therefore overall the openness of the Green Belt is preserved.

**Flood Risk**

The site lies adjacent to the Swans Brook, defined as a main river, and is within Flood Zone 3. No objection is raised by the Environment Agency to the proposal and, following the submission of additional information from the applicant, North Worcestershire Water Management are not objecting to the application. A condition is recommended with



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respect to the submission of scheme of surface water drainage in order to not exacerbate flood risk on the site or in the surrounding area.

## **Ecology**

The application is supported by a baseline ecological survey. It comments that the menage has been constructed on an area which was mainly waste material and therefore of low ecological value. The report considers it unlikely that a roosting habitat for bats or birds has been lost as part of the proposed works and no evidence of badger activity was found on the site. A number of recommendations have been made with respect to the removal of lighting and planting of native hedgerow around the edges of the menage. It is considered that the implementation on site can be reasonably controlled by planning conditions.

## **Archaeology**

Worcestershire Archive and Archaeology Service have provided comments on the application, noting that Old Yarr is a non designated heritage asset. The County Historic Environment Record (HER) described the dwelling and surrounding features:

*This was one of the original needle mills in the Redditch area. The old needle factory, built about 1800, was remodelled about 1870, and its original purpose is now hardly recognisable. Needles were brought here from Redditch for pointing and finishing on machinery driven by waterpower from an adjoining mill. During the 1939-45 War the buildings were used as a war factory, then fell into dereliction. Perhaps not exclusively an "industrial" mill. Documentary evidence exists for agricultural regime in the immediate vicinity, and this site may originally have been a corn mill. The oldest part of the brickwork dates from about 1720 and the mill wheel is dated 1825 leaving a doubt about the mill's original purpose.*

With respect to the site of the menage subject to this application, it is noted that the 1<sup>st</sup> edition OS map records a large linear earth bank retaining an area of wet ground. This is the site of the menage and is recorded as being called Bunker's Hole. The HER records Bunker's Hole as part of a more extensive Mill Pond on the Swans Brook:

*Pond, next to Old Yarr Mill. The current mill is c.1800, but this is probably the site of an earlier mill, and the pond may be as early as the medieval period.*

The HER also notes;

*Bunker's Hole, large earthwork, probably constructed to form a dam for the Old Yarr needle factory. The name probably derives from the victory over the American colonists in the War of Independence.*

Given the information above it is considered that the site is archaeologically sensitive and warrants a programme of archaeological work. This would include boreholes to examine

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any surviving archaeological deposits and an evaluation trench to identify the profile of the former pond on the site.

This programme of work can be adequately controlled through a suitably worded planning condition.

**Other matters**

No comments have been received from members of the public regarding the proposal.

An objection has been received from Feckenham Parish Council. Despite the retrospective nature of the development proposed, application of the policies of the Development Plan, NPPF and any other material considerations does not differ. Careful consideration has been given, in particular, to the impact of the proposed development on the Green Belt. In this case, for the reasons given above this specific development is considered acceptable.

**RECOMMENDATION:**

**That having regard to the development plan and to all other material considerations, planning permission be GRANTED subject to the following conditions:**

**Conditions:**

1. The development hereby approved shall be carried out in accordance with the following plans and drawings:

2206-2a Proposed plans and elevations  
2211-10 location plan and site plan

Reason: To provide certainty to the extent of the development hereby approved in the interests of proper planning.

2. A programme of archaeological work shall be submitted to and approved by the local planning authority within 3 months of the date of this permission. This will include a Written Scheme of Investigation. The scheme shall include an assessment of significance and research questions; and:

- 1) The programme and methodology of site investigation and recording.
- 2) The programme for post investigation assessment.
- 3) Provision to be made for analysis of the site investigation and recording.
- 4) Provision to be made for publication and dissemination of the analysis and records of the site investigation.
- 5) Provision to be made for archive deposition of the analysis and records of the site investigation.
- 6) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

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Reason: To understand the significance of the non designated heritage asset in accordance with paragraph 205 of the NPPF.

3. The site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 2 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

Reason: To understand the significance of the non designated heritage asset in accordance with paragraph 205 of the NPPF.

4. Within 3 months of the date of this permission the floodlights shall be permanently removed from the application site.

Reason: In order to protect the openness of the Green Belt and protected species.

5. During the first planting season following the grant of this permission the mixed native species hedgerow shown on plan 2206-2a shall be planted on site.

Reason: In order to provide biodiversity enhancement to the application site.

6. Within 3 months of the date of this permission a finalised scheme for surface water drainage shall be submitted to, and approved in writing by the Local Planning Authority. The scheme shall include the results of an assessment into the potential of disposing of surface water by means of a sustainable drainage system (SuDS). There shall be no increase in runoff from the site compared to the pre-development situation up to the 1 in 100 year event plus an 40% allowance for climate change. The surface water drainage scheme shall be fully implemented within 3 months of its final agreement with the Local Planning Authority and thereafter maintained.

Reason: In order to ensure satisfactory drainage conditions that will not create or exacerbate flood risk on site or within the surrounding local area.

**Procedural matters**

This application is being reported to the Planning Committee because objections have been received from the Parish Council and the recommendation is for approval.