

**PLANNING
COMMITTEE**

24th May 2023

Planning Application 22/01563/FUL

Retrospective application for temporary permission for children's play equipment

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 David Kelly, Planning Officer (DM), who can be contacted on Tel: 01527 881666 Email: david.kelly@bromsgroveandredditch.gov.uk for more information.

Site Description

The site comprises land surrounding the dwelling known as Old Yarr, located on the northern side of Blaze Lane and bounded on the west by Clayfields. The site is in open countryside and within the designated Green Belt. The Swans and Wixon Brooks runs through the wider application site. The play equipment is located approximately 40m to the east of the original dwellinghouse within an area which appears to be maintained as a domestic garden.

Proposal Description

The application seeks retrospective approval for the provision of children's play equipment for a temporary three year period. It is accompanied by a Planning Statement, Flood Risk Assessment, Baseline Ecological Survey and Landscape and Visual Appraisal.

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

Others

Redditch High Quality Design SPD

NPPF National Planning Policy Framework (2021)

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**PLANNING
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Relevant Planning History

2013/288/CPE	Application for a Certificate of Lawfulness for an existing use - Swimming pool timber frame enclosure	Approved	07.02.2014
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	
22/00918/FUL	Retrospective application for a menage and removal of floodlighting.	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	
22/01564/FUL	Retrospective application for a Horticultural/Agricultural Store	Pending consideration	

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PLANNING COMMITTEE

22/01566/FUL	Retrospective application for the erection of a Residential Dwelling	Pending consideration
22/01567/FUL	Retrospective application for a Horse Walker	Pending consideration

Consultations

Highways Redditch

No objection.

Feckenham Parish Council

This application is part of yet another series of retrospective applications following the failure of the applicant to comply with planning legislation and submit the proposals to the LPA for consideration prior to commencing works. In common with previous applications the approach appears to assume that the LPA will not take any enforcement action. Again the question that should be considered is, "would an application for this use have been granted if submitted prior to the works being undertaken and completed"

The applicant relies on 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. The Applicant quotes Paragraph 8 of the NPPF which identifies the three key dimensions to achieve sustainable development: economic, social and environmental:

Economic role - contributing to building a strong, responsive and competitive economy.

Social role - supporting a strong, vibrant and health community; and

Environmental role - contributing to protect and enhance our natural, built and historic environment.

This is an application for a child's play area which will benefit no one other than the occupants of the property. It will make no contribution to the community. The construction will be detrimental to the natural built and historic environment. The construction is detrimental to the openness of the green belt. The proposal is not for the replacement of an existing building. It is noted that this is described as a temporary structure even though the materials used appear to contradict that description.

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;

PLANNING COMMITTEE

- 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. This application is within the designated green belt and the relevant policies regarding such are 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 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.

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.

PLANNING COMMITTEE

Paragraph 149 of the NPPF outlines that '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

The proposed development site is situated in the catchment of the Swans Brook. The site falls within flood zone 1 and it is not considered that there is any significant fluvial flood risk to the site. Risk to the site from surface water flooding, based on the EA's flood mapping risk, is indicated on the site as a whole, but around the proposed development this is proposed as low risk. That said, correctly designed drainage will mitigate any flood risk from surface water on the site and in the surrounding area.

Based on the available information there is no reason to withhold approval of this application on flood risk grounds and it is not considered necessary to attach a drainage condition.

Public Consultation Response

A site noticed was displayed at the site 09.01.23 which expired 02.02.23.
No public comments have been received.

One public comment has been received from a Councillor at the time (Cllr Michael Chalk) expressing concern in relation to the number of retrospective applications and requesting consideration by Planning Committee.

Assessment of Proposal

Green Belt

The site is located in the Green Belt. Policy 8 of the Borough of Redditch Local Plan No. 4 (BoRLP4) 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.

Paragraph 149 of the National Planning Policy Framework (NPPF) sets out a closed list of development which are not regarded as inappropriate development in the Green Belt. Criterion (b) allows for the provision of appropriate facilities (in connection with the

PLANNING COMMITTEE

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. The play equipment comprises a wooden frame with slides and ladders located on an apron of hardstanding with a coloured soft play surface base. It is located to the side and rear of Old Yarr with limited public vantage points. The play equipment amounts to an appropriate facility for outdoor recreation, and whilst technically there is localised impact on the openness of the Green Belt, the equipment is within an enclosed location, with a spatial relationship to the dwellinghouse Old Yarr and would have limited impact on the wider area. The temporary nature of the proposal would also count in its favour. It should be noted that such play equipment could be installed under permitted development rights within the curtilage but the equipment includes raised platforms and therefore permission is required. Overall, the proposal would comply with policy 8 of the BoRLP4 and paragraph 149 of the NPPF.

Other matters

The application is accompanied by Flood Risk Assessment since parts of the wider site fall within Flood Zones 2 and 3. The site of the play equipment falls within Flood Zone 1 (low risk) and there are no objections from North Worcestershire Water Management. The retrospective proposal is not considered to have any significant impact in terms of ecology or landscape character. There have been no objections raised by Worcestershire Highways.

The objection put forward by Feckenham Parish Council has been considered and the concern expressed in relation to the retrospective nature of the application is noted. Paragraph 149 does not provide for a prescriptive list of appropriate facilities. There is no evident distinction between the provision of private and public recreation facilities. It is considered that the play equipment would fall into the category of an appropriate facility for outdoor recreation and it is not considered that a conflict would arise in terms of the purposes of the Green Belt.

In terms of planning conditions, a time limit has been imposed requiring the removal of the play equipment and the reinstatement of the land to its original condition by 30th May 2026.

RECOMMENDATION:

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

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

PLANNING COMMITTEE

Drawing No. 2211 - 16 Site Location Plan, Site Plan, Illustrative Plan and Elevations

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

- 2) The play equipment hereby approved shall be permanently removed by 30th May 2026 and the site shall be restored to its original condition following the removal of the equipment.

Reason: In order to protect the openness and visual amenity of the Green Belt in accordance with policy 8 of the Borough of Redditch Local Plan No. 4.

Procedural matters

This application is reported to Planning Committee for determination because an objection has been received from the Parish Council and the recommendation is for approval. As such the application falls outside the scheme of delegation to Officers.