

**PLANNING  
COMMITTEE**

**21st June 2023**

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**Planning Application 22/01562/FUL**

**Retrospective application for a tractor store and manure clamps**

**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 and the retrospective proposal is located within an area of Flood Risk, classified by the Environment Agency as Flood Zone 3.

**Proposal Description**

This is a retrospective application for a tractor store and manure clamp, located approx 130m to the north of Old Yarr. The tractor store, as constructed, has a floor area of 20sqm and is 3.5m high, 5m wide and 4m deep. The walls comprise wooden cladding with a roller shutter front door and tiled hipped roof. The application site has been laid out for equestrian use with a manage surrounded by fencing with access, hardstanding and enclosed brick walls. The submission includes a Planning Statement, Flood Risk Assessment, Baseline Ecological Survey and Landscape and Visual Appraisal.

There have been a number of retrospective applications for developments on this immediate area of the site including for a manage and removal of floodlighting (Ref: 22/00918/FUL) approved on 01.06.2023 and retrospective application for the change of use from agricultural land to Equine (Sui Generis) (Ref: 22/00915/FUL) approved on 01.06.2023.

**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

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Policy 17: Flood Risk Management

**Others**

Redditch High Quality Design SPD

NPPF National Planning Policy Framework (2021)

**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)	Approved	01.06.2023
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.	Approved	01.06.2023
22/00929/FUL	Retrospective application for a stable block.	Pending consideration	
22/00919/CPE	Use of the land for siting a mobile home for use ancillary to the main dwelling	Approved	02.06.2023

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22/01564/FUL	Retrospective application for a Horticultural Store	Refused	01.06.2023
22/01565/FUL	Retrospective application for an Agricultural Store	Refused	01.06.2023
22/01566/FUL	Retrospective application for the erection of a Residential Dwelling	Refused	01.06.2023
22/01567/FUL	Retrospective application for a Horse Walker	Refused	01.06.2023

### **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

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;

This is an application for a tractor store and manure clamps which are intended to service equine facilities that are themselves the subjects of retrospective planning applications.

The building is detrimental to the openness of the green belt.

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;

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- 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. 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. 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*

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*include facilities such as small changing rooms or unobtrusive spectator accommodation for outdoor sport, or small stables for outdoor sport and outdoor recreation.*

*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**

Most of the site falls within flood zone 1 but the tractor store and manure clamps that are proposed under permission 22/01562/FUL fall within flood zones 2 & 3.

This site has previously been commented on under the following planning applications: 22/00916/FUL, 22/00917/FUL, 22/00918/FUL, 22/00929/FUL. The following comments generally reflect what has already been said for these previous applications, where the site was looked at as whole.

The buildings and associated hard standing that are the subject of these applications are in principle acceptable from a flood risk perspective. This is subject to retrofitting of attenuation and if this is undertaken, we would consider their retention acceptable. The drainage strategy proposes the use of cellular attenuation to provide adequate attenuation, however we would require that above ground features are proposed before below ground options. There is an existing pond located just to the south of the mobile home on site. There looks to be ample space around this feature to increase its size to provide the volumes required and subject to the modification of its overflow this could be utilised to provide attenuation for the development. Looking at the supplied topographical survey all the buildings have ground levels higher than the invert level of the outfall from this feature so there seems no practical issues with utilising it.

The proposal to provide attenuation to the 100 year event + 40% allowance for climate change proposed in the FRA is acceptable. However, section 5.12 concludes that the additional hard surfacing around the buildings on the application site is permeable, we would contest this. We would require confirmation of the level of surfacing before and after development and all increase in surfacing should be included in the area that will be attenuated.

If these applications are approved, we would request the following condition is added to any permission.

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*Within 3 months of the approval date of the application a finalised scheme for surface water drainage has been 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.*

**Environment Agency**

The EA has dealt previously with RBC and the LLFA regarding other retrospective development on this site.

The proposed development (tractor shed and manure clamps) is sited within Flood Zone 3 (the high risk zone) of the Swans Brook (a statutory main river). We would consider the tractor store and manure clamps to be 'less vulnerable development'. Our Flood Risk Team are satisfied that the development appears to be more than 8 metres from the Main River. 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.

The development occupies a relatively small area (19sqm). The calculated floodplain volume loss is approximately 8.74cuM as confirmed within section 5.11 of the submitted FRA. The submitted Flood Risk Assessment (section 5.11) states that "it is considered that the works undertaken would not cause any measurable increase in flood risk to third party land to necessitate specific floodplain compensation earthworks to be carried out. If, however, such works were required then the requirement for floodplain compensation could be conditioned as part of the planning approval granted". In accordance with our standing advice, and the attached FRA guidance note (which includes, on pages 4 and 5, specific detail on compensatory storage), it is recommended that you seek confirmation of Flood Plain Compensation to offset the minor development.

**Arboricultural Officer**

Since this is a retrospective application, therefore any impact on trees will have already been caused.

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## **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**

### **Background**

Members will recall that at the Planning Committee Meeting held on May 24th last that planning permission was granted for the retrospective change of use of the land from agriculture to equestrian (Ref: 22/00915/FUL) and for a manage and removal of floodlighting (Ref: 22/00918/FUL) on the same land which is the subject of this application.

### **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 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 tractor store and manure clamps are located within an area immediately adjacent to the menage and would be used in association with its management and upkeep.

The manure clamps amount to fenced enclosures approximately 2m in height with a concrete floor. The use of the manure clamps is considered appropriate for the equestrian facilities approved under application 22/00915/FUL. These would benefit from permitted development rights as means of enclosure by virtue of the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The tractor store, as constructed, amounts to an appropriate facility to serve the approved equestrian use and therefore would not be in conflict with paragraph 149 (b) of the NPPF. It is considered to be a modest, pitched roof, timber clad building and which would not conflict with the purposes of including land in the Green Belt in the context of criterion (b) of paragraph 149 of the NPPF.

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Flood risk

The proposed tractor store and manure clamps are sited within Flood Zone 3 (the high risk zone) of the Swans Brook (a statutory main river). They are classified by the EA as 'less vulnerable development'. The development is located more than 8 metres from the Main River. It should be noted 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.

The development occupies a relatively small area (19sqm). The calculated floodplain volume loss is approximately 8.74cuM as confirmed within section 4.2 of the submitted FRA. The submitted Flood Risk Assessment. Section 5.11 of the FRA states that "it is considered that the works undertaken would not cause any measurable increase in flood risk to third party land to necessitate specific floodplain compensation earthworks to be carried out. If, however, such works were required then the requirement for floodplain compensation could be conditioned as part of the planning approval granted. However, the EA recommend that Flood Plain Compensation to offset the minor development is secured through further information or a planning condition.

Other matters

In terms of the visual impact of the tractor store and manure clamps, the Landscape and Visual Appraisal accompanying the application are noted. The building is located in an enclosed position surrounded by mature trees and vegetation with limited public vantage points. 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. The objection has referred to the cumulative nature of the retrospective applications but it is an important planning principle that each application should be considered on its individual merit. As outlined above, the tractor store and manure clamps are considered to fall into the category of appropriate development in the Green Belt. A condition has been imposed to ensure that the use of the building remains available for agriculture and equestrian purposes to serve the needs of the menage and site operation.

**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:



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Drawing No. 22-0271-C001B Drainage Strategy

Drawing No. 2211 - 18 Tractor Store Elevations, Floor Plan, Location Plan and Site Plan

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

- 2) Within 3 months of the approval date of the application, 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.

- 3) Within three months of the date of this decision, a plan showing where flood waters are being displaced and where the compensation area is located along with a cut and fill table showing floodplain compensation on a level for level, volume for volume basis shall be provided to and approved in writing by the Local Planning Authority. The calculations must include the upper and lower levels over which the compensation works will apply, the slice thickness to be used and the location of the works. Flood Storage should be designed up to the 1 in 100 plus climate change (design) flood level for the site.

Reason: In order to mitigate any impact on the functional floodplain on site or within the surrounding local area in accordance with policy 17 of the Borough of Redditch Local Plan No. 4.

- 4) The building hereby approved shall be used solely for the purposes of agriculture or equestrian activities carried out on the adjoining land.

Reason: In order to ensure that the building remains available to serve the needs of the approved equestrian use of the land and associated menage.

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**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.