

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Development and Conservation Control Committee 4th January 2006

AUTHOR/S: Director of Development Services

S/2187/05/F - Landbeach

Retention and extension of shed to form stables at paddock land r/o 43a High Street for B. York

Recommendation: Approval/Delegated Approval

Date for Determination: 10th January 2006

Conservation Area

Site and Proposal

1. The site is a former paddock, lying to the rear of nos. 45 - 53 High Street that front the High Street and is on the edge of the village of Landbeach, outside of the village framework and within the Green Belt. The Conservation Area ends along the western boundary of the site. It is generally flat with a vehicular access from off Banworth Lane, which is an unadopted road that ends at the site.
2. The eastern site boundary adjoins fields beyond the site. A field hedge including a number of trees marks this boundary and provides a pleasant green edge to the village when viewed from the closest public vantage points on Waterbeach Road and the A10. The southern boundary does not benefit from this screening. To the north of the site is a treed area at the end of Banworth Lane, which separates the site from bungalows at Matthew Parker Close. The countryside beyond is characterised by open fields up to the A10. To the south of the site further paddocks are found, with post and rail fences such that an open, rural character is maintained up to the village edge in this area.
3. This full planning application, received on the 15th November 2005 seeks permission to retain and extend a store building that has been erected close to the access off Banworth Lane. The building is subject to enforcement action under which the building is to be removed. This measures 7.50 metres (length) by 4.85 metres (width). The building is 3.1 metres high to the ridge. The application proposes to increase the building in length to 10.0 metres for use as stables. The land will be returned to use as a paddock, with a fence separating it from the garden.

Planning History

4. **S/0445/04/F** – A retrospective application for the change of use of paddock to residential garden associated with 43a High Street and the erection of mower and tractor store was refused by Committee at the July 2005 Committee, following a site visit by Members. An enforcement notice was subsequently served requiring garden structures; including the store that is the subject of this application, to be removed, fences to be reduced to 2.0 metres in height, and the land to be returned to its former condition. An appeal against the refusal was dismissed and the enforcement notice upheld.

Planning Policy

5. **Policy SE9 ‘Village Edges’** of the South Cambridgeshire Local Plan 2004 (‘The Local Plan’) requires development on the edge of villages to be sympathetically designed and landscaped to minimise the impact upon the countryside and to ensure that harmony with the prevailing landscape character is achieved.
6. The site is located within the Green Belt. **Planning Policy Guidance Note 2 (Green Belts), Policy P9/2a** of the Cambridgeshire and Peterborough Structure Plan 2003, (‘Structure Plan’) and **Policy GB2** of the Local Plan seek to restrict inappropriate forms of development within the Green Belt. The siting of buildings providing essential facilities for outdoor recreation are considered appropriate providing the character and openness of the Green Belt is not adversely affected.
7. **Policy GB5 ‘Recreational Role of the Green Belt’** of the Local Plan sets out the Council’s approach to proposals for outdoor recreation where large numbers of participants or spectators may result. Such proposals will not be supported.
8. **Policy RT1 ‘Recreation and Tourism Development’** of the Local Plan sets out criteria against which proposals for recreational development will be considered.
9. **Policy P1/2 ‘Environmental Restrictions on Development’** of the Structure Plan seeks to restrict development in the countryside unless the proposals can be demonstrated to be essential in a particular rural location.
10. **Policy P1/3 ‘Sustainable Design in Built Development’** of the Structure Plan states that a high standard of design and sustainability should be adopted for all new forms of development.

Consultations

11. **Landbeach Parish Council** objects to the proposal and recommends refusal. It is of the opinion that the conversion of the store into stables conflicts with the enforcement notice, which should have been complied with in a three-month period. It should not be asked to give a ruling on a building that should have been removed as a result of the Planning Inspector’s decision. Any comment would be a contradiction of the appeal decision that should have been enforced.
12. **Old West Internal Drainage Board** has no objection from a drainage point of view.
13. The **Environment Agency** has no objection to the proposed development but makes comments, which should be added as informatives if permission is granted.

Representations

14. No representations have been received. However the consultation period does not expire until 20th December 2005. Any representations received will be reported verbally at Committee.

Planning Comments – Key Issues

15. The retention and extension of this garden building that is the subject of enforcement action has been raised as the key issue in determining this planning application. The

planning application itself must be considered as development in the countryside and Green Belt.

Enforcement Action

16. The building is subject to enforcement action and should have been removed by 30th September 2005. This has not been complied with but is not a reason in itself to refuse the proposal to retain it. The application must be considered on its planning merits.
17. The issue with approving the application would be the effect on the extant enforcement notice. Issuing a decision approving the application does not prevent the Council from taking legal action, however it would potentially affect the expediency of such action. Details have been sought from the applicant to confirm that the building is capable of conversion and written details are to be submitted as to the time frame required by the applicant in which to implement the permission, if granted, and how long the works to convert the building would take. If approved, the applicant would have three years in which to implement the planning permission. This would be in clear contradiction to the extant enforcement notice; therefore, the applicant would have to be advised that a period of longer than six months to implement and complete the works is unlikely to be viewed favourably. If not completed the matter would be referred back to the Legal Department to consider evidence in relation to prosecution.
18. The benefit of this approach is that the applicant would have a standard planning permission in terms of the 3-year time limit and as such would be unable to apply to vary the condition. In addition, as he has already appealed the extant enforcement notice he is unable to make a further appeal. In my view it would be reasonable to postpone legal action for up to six months if this application is approved.

Green Belt

19. In considering the appeal against refusal of the change of use of the paddock to garden land and the erection of the garden store, the Inspector noted "...the building is...not required in relation to any agricultural use and is solely required in connection with the use of the land as a garden. In my view the building is a clear encroachment into the Green Belt and there is no justification for its retention" (para. 10).
20. The site has a history of use as a paddock and had stables sited on it previously. The use of the land, which is well related to the village, for keeping horses is not contrary to countryside or Green Belt policy. The retention of the building for use as stables is not an inappropriate development within the Green Belt, as defined by policy GB2 of the Local Plan. The building is suitable for conversion into stables and the building, being modest for the purpose, will not materially alter the character or appearance of the Green Belt.
21. Amended details have been requested in order to clearly set out how the building is to be altered, as the submitted plan does not, for example, show individual stalls; which it is reasonable to expect if the building is to be used for stabling horses.

Recommendation

22. Subject to the receipt of amended drawings detailing the layout of the building as stables, delegated powers are sought to approve the application, subject to:
- a) Written confirmation by the applicant of the time frame in which the permission is to be implemented if granted and how long the works will take;
 - b) The conditions and informatives set out below.
 1. Standard Condition A – Time limited permission (Reason A);
 2. Sc5a – Details of materials for external walls and roofs (Rc5a ii + and in accordance with the requirements of Policy P1/3 of the Cambridgeshire and Peterborough Structure Plan 2003);
 3. The stables, hereby approved, shall not be used other than for purposes incidental to the enjoyment of occupiers of the dwelling at 43a High Street, Landbeach and no business or trade, including a commercial livery, or public events shall be carried out from the premises. (Reason - To safeguard the openness of the Green Belt within which informal recreation is permitted and to safeguard the amenities of the adjacent properties in accordance with Policies GB5 and RT1 of the South Cambridgeshire Local Plan 2004);
 4. No external lighting shall be installed on the application site unless expressly authorised by planning permission granted by the Local Planning Authority in that behalf. (Reason – To protect the amenities of the surrounding residential properties and to avoid excessive intrusion within the surrounding Green Belt in accordance with policies RT1, GB2 and GB5 of the South Cambridgeshire Local Plan 2004).

Informatives

1. The applicant is reminded that enforcement notice ref. E484 is extant. The Local Planning Authority retains its right to take legal action in respect of any part of the enforcement notice that has not been complied with. The applicant has stated in writing that it is intended to undertake the works of conversion, hereby approved, by *(insert date)*.
2. The applicant is reminded that development in association with the stable hereby approved, such as ménages and hardstandings will require planning permission.
3. *As recommended by the Environment Agency.*

Reasons for Approval

1. The development is considered generally to accord with the Development Plan and particularly the following policies:
 - **Cambridgeshire and Peterborough Structure Plan 2003:** P1/2 'Environmental Restrictions on Development', P1/3 'Sustainable design in built development', P9/2a 'Green Belt' and P7/6 'Historic Built Environment';
 - **South Cambridgeshire Local Plan 2004:** SE9 'Village Edges', GB2 'Green Belt – General Principles', GB5 'Recreational Role of the Green Belt', and RT1 'Recreation and Tourism Development'.

2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:
 - Impact on the Green Belt
 - Drainage
 - Pollution Control

Background Papers: the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning file Ref. S/0445/04/F and S/2187/05/F

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