

DELEGATED REPORT

Reference:- 16/00211/FUL

Parish:- Twycross Parish Council

**Applicant:- Mr & Mrs A Cook
c/o agent**

Location:- Winnowing Barn Main Street Orton On The Hill

Proposal:- Erection of agricultural storage and livestock building

RECOMMENDATION:- Refuse planning permission.

Introduction:-

Full planning permission is sought for the erection of an agricultural storage and livestock building at land to the rear and south east of Winnowing Barn, Main Street, Orton on the Hill.

The land is currently in equestrian use, with permission granted in 2013 (ref: 13/00030/FUL) for the change of use of the land from agricultural to equestrian and for the formation of a ménage.

The proposed building would measure 12.9 metres in width by 22.8 metres in length and 5 metres in height. The building would be constructed from concrete panels, timber boarding and fibre cement roof sheets. The building would be sited parallel and directly adjacent to the field boundary at the bottom of the rear garden of No. 10 Main Street and opposite a stables and hay store which was granted consent in 2006.

Following concerns raised by officers the applicant has provided a statement to confirm the following:-

- The proposed building is 3,000 sq ft and once the central 12ft passageway is deducted the actual usable floor area is 2100 sq ft.
- The applicants sheep flock is 14 ewes in number and using the ABC costing book for livestock housing requirement, 14 ewes and lambs each require 20ft² giving a total of 280 sq ft with the addition of the ram which is owned, would give a requirement of 300 sq ft.
- It is the applicants plan to double the size of the sheep flock in the next 12 months, so the storage requirements would then be 600 sq ft.
- At present the applicant has no fodder storage on the holding.
- The applicant makes 14 acres of hay a year, which is 2.8 tons/acre would yield 40 tons and a storage requirement of 220 sq ft/ton would require 8,800 cubic feet, which at 12ft high would use up 730 sq ft of floor area.
- The applicant does not have any machinery storage and at present she has a Kubota grassland tractor which is housed in the household garage, a paddock cleaner, chain harrows, flat roll and sheep handling equipment.
- At present the sheep are located on the southern end of the site because the applicant doesn't have alternative housing on the building and the proposed building will mean that equipment will not have to be housed in temporary storage, such as vans.

The applicant also provided an additional floor plan showing the proposed internal layout of the building.

Land levels rise from the south east of the site to the north west and there are the presence of mature Ash trees on site.

The site is located outside of the settlement boundary, but within Orton on the Hill Conservation Area, as defined by the adopted Hinckley and Bosworth Local Plan (2001).

Planning History:-

13/00030/FUL	Change of use of land from agricultural to equestrian use and formation of ménage	Approved	07.03.13
04/01104/FUL	Erection of private stables and hay store	Refused and dismissed at appeal	06.01.05
06/00447/FUL	Erection of 4 no. stables and hay store	Approved	14.09.06

Consultations:-

No objection has been received from:-

Leicestershire County Council (Highways)
Environmental Services (Drainage)
Environment Agency

The Conservation Officer has commented that due to the scale of the proposed building and its location adjacent to the conservation area boundary it is likely to have some detrimental visual impact on the setting of the conservation area. Therefore it would be preferable if the building could be located further away from the conservation area boundary to limit its impact.

A neighbouring resident has objected to the proposal on the following grounds:-

- a) Given the relative distance between the proposed building and his property it is accepted that there is unlikely to be any material impact on his residential amenity, however concerned about the need for and use of the proposed building and its impact on the character and appearance of the surrounding rural area.
- b) Application no. 04/01104/FUL for the erection of stables and hay store was refused and dismissed at appeal as the proposed building would be seen as a substantial isolated building in the otherwise open landscape and would materially detract from the character and appearance of the area and the Inspector noted that the location and sheer size of the building would mean that it would be seen as an unduly intrusive feature that would cause significant harm to the character and appearance of this area of countryside. It is therefore considered that the land to the rear of Main Street is sensitive to new development.
- c) Application no. 06/00447/FUL was submitted following the appeal decision which was subsequently approved. Conditions were attached that the stables should remain ancillary to the main dwelling and there would be no commercial use and the temporary stables and structures were to be removed from the land. This permission establishes the domestic scale and use of the stables on this land.
- d) It was noted in the case officers report for planning application no. 13/00030/FUL that there were still a number of shelters and structures associated with the equestrian use on the land. Either the original condition has not been complied with or new buildings have replaced those referred to in the original planning condition. This proliferation of temporary structures is clearly contrary to the objectives of the planning permission and harmful to the overall character of the area.
- e) Application no. 13/00030/FUL granted consent for the change of use of the land to the rear of Main Street from agricultural to equestrian along with the construction of a ménage which has been constructed. This establishes the use of the land as equestrian and not agricultural and reinforces the private use of this land.
- f) The need for the building has not been set out given that this is a private equestrian facility.
- g) The plans are not sufficiently detailed or accurate.
- h) The substantial scale of the building goes beyond what is necessary or reasonable for private/personal keeping of horses and that this development may lead to the introduction of more commercial equestrian uses on the site.

- i) The proposal is contrary to Policy NE5 and BE1 of the Local Plan and Policies DM4 and DM11 of the Site Allocations and Development Management DPD.
- j) The site of the proposed development lies in an area of open countryside outside the settlement boundary of Orton on the Hill and adjacent to the designated conservation area. The objectives of the local plan policies seek to ensure that new development safeguards and enhances the existing environment policy BE1 and that permissible new development in the countryside does not have an adverse impact on the appearance or character of the landscape (Policy NE5).
- k) The scale, design and location of the building would harm the prevailing character of the rural landscape on the east side of the village and given that the building is to serve a private equestrian use, the proposed development is unable to offer any benefits that would offset the serious degree of harm caused by the development as proposed by Policy DM4.
- l) In any assessment of the impact of the proposed development on this rural area, regard has to be given to the views of the previous Inspector who clearly recognised that the development of a substantial building on this land had the capacity to be seen as an unduly intrusive feature in the landscape causing harm to its character and appearance.
- m) Paragraph 132 of the NPPF requires LPAs to have regard to new development on the setting of designated heritage assets, such as the Orton on the Hill conservation area and Policy DM11 seeks to protect, conserve and enhance the historic environment. The undeveloped land to the rear of Main Street provides an attractive and open setting that contributes to the rural character and appearance of the conservation area. The development of a substantial and isolated building on the edge of the conservation area would seriously erode the open character and appearance of this area harming the overall setting of the conservation area.

Development Plan Policies:-

The National Planning Policy Framework (NPPF)
The National Planning Practice Guidance (NPPG)

Local Plan 2006-2026: Core Strategy 2009

None relevant

Hinckley & Bosworth Local Plan (2001)

Policy NE5: Development in the Countryside
Policy BE7: Development in Conservation Areas
Policy BE1: Design and Siting of Development

Emerging Site Allocations & Development Management Policies Development Plan Document

Policy DM4: Safeguarding the Countryside and Settlement Separation
Policy DM10: Development and Design
Policy DM11: Protecting and Enhancing the Historic Environment

Supplementary Planning Guidance/Documents

None relevant

Other Material Policy Guidance

Orton on the Hill Conservation Area Assessment

Appraisal:-

The main considerations with regard to this application are the principle of development, impact upon the countryside, impact upon the conservation area and impact upon residential amenity.

Principle of Development

The overarching principle of the NPPF is to protect the countryside but to allow sustainable development where appropriate. The NPPF states that there are three dimensions to sustainable development:- economic, social; and environmental.

The NPPF recognises the intrinsic character and beauty of the countryside and aims to support thriving rural communities within it.

The site is located outside of development limits, and therefore falls to be considered against Policy NE5 of the Local Plan. Policy NE5 of the Local Plan is supportive of development in the countryside, providing that it is important to the local economy and cannot be provided within or adjacent to an existing settlement and providing it does not result in any material harm to the existing character of the landscape. Policy DM4 of the emerging Site Allocations and Development Management Policies DPD is broadly similar to this policy.

Paragraph 28 of the NPPF seeks to support sustainable development in rural areas through well designed new buildings that promote the development and diversification of agricultural and other land-based rural buildings.

Planning permission 13/00030/FUL granted consent for the change of use of the land from agricultural to equestrian. The ménage has been constructed and a site visit confirmed that the land where the building is proposed to be sited currently being used for equestrian purposes. The applicant has provided limited justification to demonstrate why a building of such a size and scale is required in the location proposed. It is not evident that the applicant currently has an agricultural business and presently only has a small flock of sheep that from a site visit were seen to be grazing on land to the south east of the application site. It is accepted that some form of shelter might be required for sheep, particularly if they are being used for breeding. However, it is considered that such a building would be better located directly where the sheep are being grazed on agricultural land and not land that is being used for equestrian purposes.

The applicant states that part of the building is also required to store hay gathered from land within the applicant's ownership. The land immediately surrounding the building is currently used for equestrian purposes as stated above and not for the growing of grass to be turned into hay. If such a requirement exists for hay to be stored (following adequate justification for its need) this would more appropriately sited on land that is more closely related to where the hay is being gathered from.

It is considered that the applicant has failed to demonstrate adequately why such a building of the size and scale proposed is required on land being used for equestrian purposes and as such the principle of this development is considered unacceptable in this location contrary to Policy NE5 of the Local Plan and Policy DM4 of the emerging Site Allocations and Development Management Policies DPD. The proposal would also fail to meet the aims of Paragraph 28 of the NPPF in so far as it is not evident that it is required to support the sustainable growth and expansion of business and enterprise in rural areas and nor has evidence been provided to state that the building would help promote the development and diversification of agricultural or an other land based rural business.

Impact upon the Countryside and the Character and Appearance of the Conservation Area

The proposal is located within Orton on the Hill conservation area. Policy BE7 of the Local Plan states that any new development should preserve or enhance the character of the conservation area. Policy DM11 of the emerging Site Allocations and Development Management Policies DPD reflects this requirement.

Section 72 (1) of the Planning (Listed Buildings and Conservation Area) Act 1990 provides that where an area is designated as a conservation area "...special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area" in the exercise of any of the provisions of the Planning Acts. This statutory requirement is reflected within Policy BE7 which is also consistent with the intentions of the NPPF and as such this policy remains a relevant consideration in the determination of this application. Policy BE1

Paragraph 17 of the NPPF also states that planning should recognise the intrinsic character and beauty of the

countryside and supporting thriving rural communities within it, and Paragraph 109 states that the planning system should protect and enhance valued landscapes.

The design criteria of Policy NE5 of the Local Plan and of Policy DM4 of the emerging Site Allocations and Development Management Policies DPD are relevant to development within the countryside and are similar to those requirements of Policy BE1. Policy BE1 (criteria a) of the Local Plan and Policy DM10 of the emerging Site Allocations and Development Management Policies DPD requires development to complement or enhance the character of the surrounding area with regard to scale, layout, mass and design.

The land to the rear of Winnowing Barn comprises relatively open land that is subdivided by post and rail fencing and mature hedgerows interspersed with trees. A ménage has been sited to the east of the existing stables adjacent to a ditch running to the east of the periphery of the site and the site is bordered to the south east by mature woodland planting. A stable block exists to the south west corner of the site which is reflective of the equestrian use of the land. It is located close to the boundary of the site and existing landscape screening. A temporary field shelter exists to the site where the proposed building is to be located.

Whilst the design of the proposed building may well be typical of agricultural buildings that are commonly found within the countryside it is considered that the proposed building would be substantial in size and scale and would be located in a prominent position on the land. The building would be viewed as an unduly intrusive feature that would cause harm to the character and appearance of the countryside which would conflict with Policies NE5 and BE1 of the Local Plan and Policies DM4 and DM10 of the emerging Site Allocations and Development Management Policies DPD.

The Conservation Officer has commented that that due to the scale of the proposed building and its location adjacent to the conservation area boundary it is likely to have some detrimental visual impact on the setting of the conservation area. Therefore it would be preferable if the building could be located further away from the conservation area boundary to limit its impact. Whilst it is not considered that the proposed building would pose a significant detrimental impact to the character of the conservation area, it is considered that the harm as set out above emanating from the building's scale, size and siting would add further strength to the inappropriate nature of the building in this location.

Impact upon Residential Amenity

Policy BE1 of the Local Plan and Policy DM10 of the emerging Site Allocations and Development Management Policies DPD states that planning permission will be granted where the development does not adversely affect the occupiers of neighbouring properties.

The proposed building would be located some 70 metres from the nearest residential property No. 10 Main Street and whilst the building would be directly viewed from No. 10 Main Street given its relationship with the property, the distance is sufficient enough to ensure that there are not any significant material impacts upon the occupiers of this dwelling and the right to a view is not a material planning consideration.

In summary, the proposal is considered to have minimal impacts upon amenity of neighbouring residents.

Other Matters

The views and objection from the neighbouring resident have been carefully considered through the determination of this application.

Conclusion

In conclusion, the applicant has not demonstrated adequate justification for the proposed building based on an agricultural need and therefore the principle of this development is considered unacceptable in this rural location. In addition the siting, scale and size of the building proposed would have a detrimental impact on the character and appearance of the area. The proposal is considered to be contrary to Policies NE5 and BE1 of the Local Plan and Policies DM4 and DM10 of the emerging Site Allocations and Development Management Policies DPD. The proposal also conflicts with the NPPF in so far as it would not constitute sustainable development in a rural area. Regard has been had to both the views of the neighbouring resident and the impact of the proposal on the adjacent Orton on the Hill conservation area as a heritage asset.

RECOMMENDATION:- Refuse planning permission.

In dealing with the application, through ongoing negotiation the local planning authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application.

Reasons :-

1. The applicant has failed to demonstrate adequate justification for the proposed building based on an agricultural need and therefore the principle of this development is considered unacceptable in this rural location. In addition, the siting, scale and size of the building proposed would have a detrimental impact on the character and appearance of the area. The proposal is considered to be contrary to Policies NE5 and BE1 of the Local Plan and Policies DM4 and DM10 of the emerging Site Allocations and Development Management Policies DPD and Paragraph 28 of the National Planning Policy Framework.

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