Item: **07**

Reference: **11/00557/FUL**

Applicant: **Mrs Springthorpe**

Location: **1 Grange Road Nailstone**

Proposal: **ERECTION OF HAY BARN AND IMPLEMENT STORE**

Target Date: **22 September 2011**

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it constitutes the erection of an agricultural building on a holding of 10 hectares or less.

Application Proposal

This application seeks full planning permission for the erection of a hay barn/implement store for the storage of hay, grass, machinery, implements, compost and logs. The dimensions of the proposed building are 13.6 metres x 18.25 metres with a ridge height of 6.5 metres. The height to the eaves is 2.2 metres. This provides an internal floor area of 248 square metres. The building will be sited 25 metres to the north of an existing agricultural building and three poly tunnels at the site.

The Site and Surrounding Area

The land is generally flat. The applicants holding consists of a detached dwelling located on the frontage to Grange Road with a detached garage block to the rear of the property. An agricultural building and three large poly tunnels are located along the northern boundary to the dwelling. The site is well screened by a line of mature trees to a height of 2.5 metres along the northern and eastern boundaries of the site and by a 2m high hedge along the southern boundary. The existing vehicular access to the site is to the east of the applicant's dwelling off Grange Road.

With the exception of the applicant's property the nearest residential properties are 3-5 Grange Road which are a pair of semi-detached houses located 85 metres to the south of the proposed building. The applicant's agricultural holding extends to 2.97 hectares. The site is located within the National Forest.

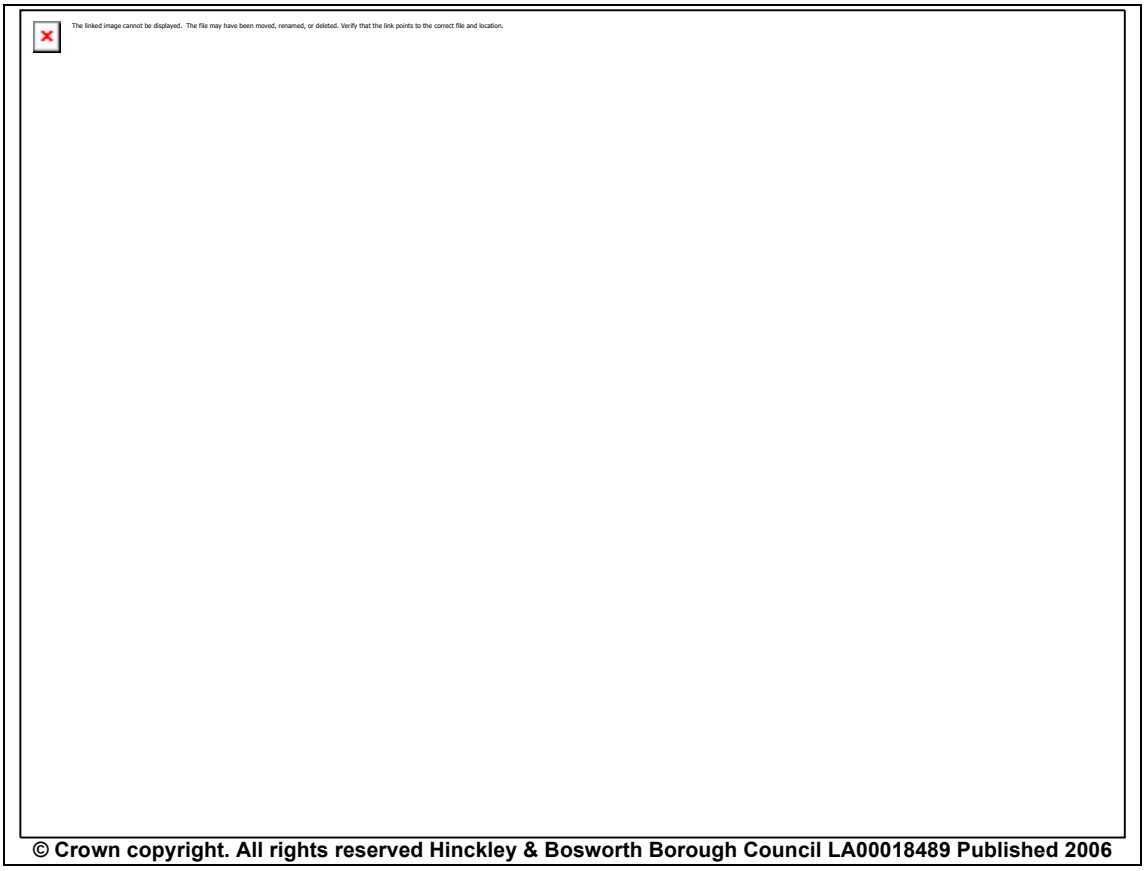
Technical Document submitted with application

A design and access statement has been submitted with the application which states that the proposed building is required for the storage of grass/hay, machinery, compost, fence posts and logs cut from the National Forest. The statement briefly sets out the applicant's case stating that the site is used for the growing of hay which is sold on for use as fodder and the growing of plants within the poly tunnels. It goes on to state that the proposed agricultural building is utilitarian in its use and the materials of construction have been chosen to allow the building to assimilate into the countryside.

Additional information was received from the applicant's agent on 25 August 2011 providing further clarity in respect of the agricultural operations at the site and justification for the scale of building. The information provided includes an outline of the use and capacity of the existing and proposed agricultural buildings together with a breakdown of the agricultural operations.

History:-

11/00138/GDO	Erection of Portal framed Agricultural building	Refused	03.05.11



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Consultations:-

No objection subject to note to applicant has been received from the Head of Community Services (Land Drainage).

A site notice was displayed and neighbours notified.

At the time of writing the report no comments have been received from:-

Director of Environment and Transport (Highways)
Nailstone Parish Council
Neighbours.

Policy:-

National Policy Guidance

Planning Policy Statement 7 (PPS7): 'Sustainable Development in Rural Areas' sets out the Government's planning policies for rural areas. One of its objectives is to promote sustainable, diverse and adaptable agriculture sectors where farming achieves high environmental standards, contributes both directly and indirectly to rural economic diversity and is itself competitive and profitable. Paragraph 1 states that all development in rural areas should be well designed, in keeping and scale with its location and sensitive to the character of the countryside. Paragraph 16 states that when determining planning applications for development in the countryside, local planning authorities should support development that delivers diverse and sustainable farming enterprises. Paragraph 27 states that support should be given to development proposals that will enable farmers to become more competitive, sustainable and environmentally friendly and comply with changing legislation and associated guidance.

Regional Policy Guidance

The Court of Appeal, in May 2011, gave judgment on an appeal by CALA Homes in relation to their continuing challenge to the SoS's proposal to abolish regional strategies. The Court confirmed that the Government's proposal to abolish regional strategies is a material planning consideration, but that is up to the LPA to decide what weight to give to the proposal in considering planning applications. The Localism Bill is still going through the Parliamentary process and the SoS has now confirmed that the actual revocation of any regional strategy will be subject to a Strategic Environmental Assessment. The view taken currently is that little if any weight should be given to the proposal to abolish regional strategies. This advice may change as the Bill progresses and officers will monitor the progress and report appropriately to committee.

East Midlands Regional Plan 2009

There are no policies specific to this planning application.

Local Policy

Local Development Framework Core Strategy 2009

There are no policies specific to this planning application.

Hinckley and Bosworth Local Plan 2001

Policy NE5 states that the countryside will be protected for its own sake. However, planning permission will be granted for built and other forms of development provided that it is either: important to the local economy, and cannot be provided within or adjacent to an existing settlement; for the change of use, re-use or extension of existing buildings or for sport or recreation purposes, and only where it does not have an adverse effect on the appearance or character of the landscape, is in keeping with the scale and character of the existing buildings and general surroundings, will not generate traffic likely to exceed the capacity of the highway network or impair road safety and is effectively screened by landscaping.

Policy NE21 states that permission will only be granted for built development in the National Forest where development is of a high quality. The design and materials of construction of buildings and the layout and planting of open space between them should reflect the local architecture and the setting of the proposal in the forest.
Policy BE1 seeks to safeguard and enhance the existing environment and states that planning permission will be granted where the development: complements or enhances the character of the surrounding area with regard to scale, layout, mass, design, materials and architectural features; avoids the loss of open spaces, important gaps in development and features which contribute to the quality of the local environment; has regard to the safety and security of individuals and property; incorporates landscaping to a high standard where this would add to the quality of the design and siting; ensures adequate highway visibility for road users and adequate off street parking and manoeuvring facilities; is not adversely affected by activities within the vicinity of the site which are likely to cause a nuisance to the occupiers of the proposed development; does not adversely affect the occupiers of neighbouring properties.

Other Policy Documents

Design of Farm Buildings Supplementary Planning Guidance (SPG) (2004) states that the position of a new farm building or structure is usually dependant on its function and the space available. There are other factors that should be taken into account, such as the visual importance of the building, both in the wider landscape, and within the farm complex itself. The function of building will influence the scale and type of building and the long term agricultural requirements of the building should also be considered.

Appraisal:-

The main considerations with regards to this application are the principle of development and impact on the countryside, neighbour amenity, highway safety and other issues.

Principle of development

Whilst both Planning Policy Statement 7 (PPS7) and policy NE5 of the adopted Local Plan seek to protect the character and appearance of the countryside for its own sake, they are generally supportive of agricultural development in the countryside providing that it is necessary for the operational requirements of the holding and that it does not result in any material harm to the existing character or appearance of the landscape.

Whilst the applicants holding is relatively small, comprising 2.97 hectares the additional information submitted by the applicant's agent on 25 August 2011 provides the justification for the use of the proposed building for agricultural storage. The information states that the hay is currently stored externally at the site and that in the past year 75 bales were derived from agricultural contracting work and 45 bales from on site activities. A break down of the implements and machinery that are stored at the site has also been provided and the supporting statement highlights the requirement for 2 tractors and a tele-handler to be re-located within the proposed building as they are currently stored outside, where they pose a security risk. The storage of the compost within the proposed building is considered acceptable in principle as this material is used in connection with the existing horticultural operations established at the site. It should be noted that horticulture is included within the definition of agriculture.

Whilst some of the justification put forward for the erection of the agricultural building is related to the applicant's contracting work of cutting grass within the National Forest it is considered that these operations are of a quasi-agricultural nature and it is reasonable in this case for them to be considered as a form of agricultural diversification which helps to sustain the agricultural enterprise established at the site. Therefore based on the additional information provided it is considered that sufficient justification has been put forward to demonstrate that the proposed building will be used in connection with existing agricultural operations at the site, including the horticultural activities and with the farm diversification activities taking place within the National Forest. As a result, the proposed development is considered to comply with the guidance within Planning Policy Statement 7 and policy NE5 of the adopted Local Plan.

Design and Impact upon the Character and Appearance of the Countryside

The site is located in a rural landscape and is largely characterised by a mix of open and closed fields with hedge planting to the boundaries. The design, scale, massing and proposed materials of the proposed agricultural building is characteristic of most modern agricultural buildings with concrete block work and metal profile sheeting to the upper floors and roof. The design has a low pitched roof and an appearance not untypical of modern agricultural buildings and is therefore consistent with advice contained in the Council's Supplementary Planning Guidance on the Design of Agricultural Buildings. Therefore in terms of its design and appearance the proposed agricultural building is not considered to be detrimental to the character and appearance of the countryside or to its setting within the National Forest therefore is considered to comply with policy NE5 and NE21 of the adopted Local Plan.

In terms of its siting the proposed agricultural building will be positioned 25 metres to the north of the existing agricultural building and poly tunnels. This will result in the proposed agricultural building being screened to an extent by the existing buildings to the south when viewing the site from Grange Road. It is considered that the proposed agricultural building will be sited within suitable distance of the existing buildings for it to be viewed as being part of the same agricultural complex. The supporting information received from the applicant's agent on 25 August 2011 stated that the reason for siting the proposed building 25 metres to the north is that the area to the north of the existing agricultural building is used for the turning of vehicles and for the hardening of plants.

Neighbour amenity

With the exception of the applicant's property, the nearest residential properties to the site are 3-5 Grange Road located 85 metres to the south. As a result of the siting of the building, separation distances and existing agricultural operations within the site, the proposals will not have an adverse impact on the amenities of the occupiers of neighbouring properties in respect of noise, odour or visual amenity and are therefore considered to comply with policy BE1 of the adopted Hinckley and Bosworth Local Plan.

Highway issues

The site is accessed from Grange Road via a gated access which is set back 5 metres from the edge of the highway. No alterations are proposed to the existing vehicular access to the site.

Conclusion

In conclusion, taking into account the additional supporting information the principle of a building for agricultural use in this location is considered acceptable in line with PPS7 and policy NE5 of the adopted Local Plan. The proposed agricultural building is well related to the existing farm holding and its design and proposed materials are characteristic of typical modern farm buildings and it is considered that the proposals will not result in any adverse impact on the character or visual appearance of the countryside. Given the separation distance to the nearest residential properties and the existing farming operations on the site the proposal will not have an adverse impact on residential amenity. Overall the proposal is considered to comply with Planning Policy Statement 7 and policies BE1 and NE5 of the adopted Local Plan and is therefore recommended for approval subject to conditions.

RECOMMENDATION:- Permit subject to the following conditions:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. Resultant of the design, scale, siting and materials proposed, there are considered to be no material impacts on visual or residential amenity, on the character of the countryside or on highway safety. Accordingly the scheme is considered acceptable.

Hinckley and Bosworth Borough Council Local Plan (2001):- Policies BE1, NE5 and NE21

1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

2 The development hereby permitted shall be carried out in complete accordance with the submitted application details, as follows:- Drawing 27/1/2011 and site location plan received on 28 July 2011.

3 The development hereby permitted shall be carried out in complete accordance with the schedule of materials stated in the planning application form.

Reasons:-

1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2 For the avoidance of doubt and in the interests of proper planning.

3 To ensure that the building is in keeping with its surroundings in the interests of visual amenity, in accordance with Policies BE1, NE5 and NE21 of the adopted Hinckley and Bosworth Local Plan.

Notes to Applicant:-

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

5 No contaminated water shall pass to a watercourse.

Contact Officer:- Scott Jackson Ext 5929