

27/14/0015/AGN

MR C PASSMORE

**PRIOR NOTIFICATION FOR THE ERECTION OF AN AGRICULTURAL BUILDING FOR THE STORAGE OF GRAIN AT FORD FARM, THE GRAIN STORES, OAKE GREEN, OAKE**

Location: FORD FARM, THE GRAIN STORES, OAKE GREEN, OAKE

Grid Reference: 316082.125396

Notification - Agricultural

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Prior Approval (Conditional)

**RECOMMENDED CONDITION(S) (if applicable)**

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

- (A4) Site Plan
- (A4) Location Plan 1:2500
- (A4) DRNo FF2 Floor and Roof Plan
- (A4) DrNo FF1 Elevations
- (A4) Cross Sections A-A & B-B
- (A4) Landscaping
- (A4) Proposed Levels

Reason: For the avoidance of doubt and in the interests of proper planning.

2. The roof material shall be anthracite grey unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

3. (i) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of the building being brought into use.

(ii) For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow, shall be

replaced by trees or shrubs of similar size and species or other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

#### Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. Note at request of Landscape Officer:  
Care should be taken when lowering soil levels on site, to ensure that the roots of the existing hedges are not severed.

#### **PROPOSAL**

The site lies at Oake Green to the south-east of Oake. It is a small enclosure, on a higher level than the road, currently used for the storage of machinery and surrounded by well established hedges to the north-east, south-east and south-west. The roadside boundary is a post and wire fence and a wide gateway provides access to the site. The site is accessed by a country lane (a no-through road), which also provides access to a scattering of dwellings. Once the lane has passed the site, it serves a further property, Oake Green House, before coming to an end and continuing as a footpath crossing a field. A further footpath also passes to the south-west and south-east of the site, separated by the well established hedges.

Opposite the site, separated by the country lane, is a large grey clad building, understood to be utilised as a grain store, with an area of concrete standing to the front. This is shown to be within the control of the applicant, along with a large block of land to the north. There are further separate blocks of land to the south and east.

This Agricultural Notification seeks to erect a 30m long by 15 metre wide grain store building of dark grey cladding, with a large sliding door to the front. It would be 6 metres to the eaves and 7.2 metres to the ridge with an anthracite fibre cement roof. The agent states that the building is required for additional grain storage, in association with the 600 acres of land cultivated in the locality and wishes to group it with existing grain store.

During the processing of the notification, it was considered that prior approval was required. The applicant posted a site notice and submitted details of levels/sections and landscaping. It was also confirmed that the roof material would be amended to anthracite sheeting.

It is now proposed to reduce the levels of the site and it is understood that the soil

excavated will be used to grade a disused railway embankment and bring it back into agricultural use. The agent confirms that permission has been obtained from Somerset County Council for this operation, along with an exempt waste operating licence from the Environment Agency. It is also proposed to undertake additional Maple tree planting on the south-western boundary, with the retention of the existing established hedge to the sides and rear of the site.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*LANDSCAPE* - The new agricultural building is to be located immediately opposite a similar grain store. It will be well screened by existing hedgerows, so will have minimum landscape impact. The proposed planting of field maple trees will reinforce the existing screening. Care should be taken when lowering soil levels on site, to ensure that the roots of the existing hedges are not severed. Query where excavated soil will be deposited.

*OAKE PARISH COUNCIL* - Objects on the grounds of:

- Size of the building is too big for the area of land where it is being proposed, over-development of the site.
- Existing tarmac road is recognised as a Class D adopted road, and understand any proposed development should be 25 metres away from this road.
- Several flooding issues at the site opposite the main tarmac road from the large grain store currently sited. This has severely impacted on the neighbours in the lane.
- No adequate drainage system in this area and the plans do not show how excess water will be managed. This will make the situation worse especially during the winter months.
- Excess noise from the drying machines for the grain which will impede on the near neighbours. Already a large diesel engine working daily for many hours in the existing building during the drying process and disturbing the neighbours. This noise level will increase if there are two buildings drying corn.
- Health issues have been raised regarding the increase in dust and other fungal spores being permitted into the air, through the transporting and drying process with the grain.
- Increase in traffic of the large grain lorries having to use the route through the village of Oake, over the traffic calming humps as lorries can't go through Bradford on Tone. The turning out of Oake Green is restricted with poor visibility, numerous accidents along this section of road over the years.
- The Parish Council will be requesting a report from SCC Highways which details the number of accidents that have occurred along this stretch of road.
- The Parish Council would also like to know whether an Environmental Report has been carried out and any impact in this area, as it is understood Great Crested Newts are present. Any other protected species also need to be identified.
- It is understood this area is not the applicant's central business operation and would like to know why he wants to develop this particular area.
- The Parish Council are in full support of the letter forwarded to the Clerk from

Bondstones (Chartered Surveyors) who have acted on behalf of a resident in Oake Green.

- With these points raised, we trust the planning authority will refuse this application.

## **Representations**

10 letters of objection received from 8 different households on the grounds of:

- Not considered to be permitted development as parcel is 0.17ha and separated from remainder of land by public highway. Site plans submitted are extremely misleading. Development not permitted if carried out on a separate parcel of land less than 1 hectare in area.
- Oake Green is a council lane, therefore this needs planning permission. Road is Class D, bulk of proposed development falls within 25 metres of the metalled edge of a classified road. Development not permitted if any part of development would be within 25 metres of a classified road.
- Query reasonable necessity for a building of size and scale on applicant's unit in this location. Query need for away from centre of farming operations (Ford Farm). Siting at Oake Green would increase haulage/road miles, labour demands, management burden and risk of negotiating dangerous road junctions. Already a grain store opposite, which is generally understood to be adequate for crops grown in area. Already generates significant traffic but prospect of doubling traffic is alarming. With land elsewhere, a better site could be found.
- Query need, due to grain having to be transported in from another farm and hauled away. Query whether a building of this size is required to store the amount of grain produced on 600 acres. Concerns that existing grain store should have greater capacity than that stated by agent, which could be increased by internal alterations. Theoretical storage capacity of proposed building not reasonably necessary for the existing unit.
- Part of grain store has been converted to a dwellinghouse within last 4 years. If correct, this may well have reduced useful capacity, contributing to need for additional storage.
- Oake Green is dangerous, particularly exiting where visibility would not allow large vehicles/tractors to exit safely, particularly as it is a 60mph zone with traffic often exceeding this. Road has much increased traffic since completion of developments at Cotford St Luke and Norton Fitzwarren. On several occasions, written to County Council to complain about residents of Norton Fitzwarren using the road as a rat run, speeding to reach M5. Have been accidents in the past and these would become more frequent. Oake Green is a narrow, single track road with minimal turning/avoidance areas and a sharp turn into the lane from a fairly narrow and busy road. Lane used by walkers, runners, horseriders, and carriage drivers, three footpaths enter the lane directly onto the roadway, often large groups of walkers. HGVs cause disruption to passing traffic and also erode banks and damage drains, contributing to flooding. Would increase large vehicles passing through village with concentration of roadside houses, village shop, school and playground, over speed bumps and around dangerous corner adjacent to school, where cars are often parked, requiring lorries to occupy other side of road. Often unaccompanied children use roadway between school and playground on foot or on bikes, increased danger from lorries and tractors to pedestrians including children and elderly.

- Extra building may increase risk of flooding to the dwelling/building at the bottom of the lane. Drawing indicates rain water down pipe to go into existing drainage system, there is no existing drainage there. It all comes down a ditch and will flood buildings at Oake Green House. If flooding occurs will look for compensation from TDBC.
- Levels of airborne grain and dust will increase, adversely affecting dwelling down road 75 metres away, due to prevailing winds, causing health problems with fungal spores. Diesel engine and fan blower would be a continuous noise. Existing blower and engine in operation 7 days per week, 15 hours per day. An additional blower would be unbearable, would be unable to have windows or doors open due to noise and dust.
- Concerned about size, which would be an ugly and prominent eyesore in the landscape, out of proportion to area of site, little room for loading. Will overlook adjacent properties at Oake Green House.
- Query why local residents were not told about application. Concerns that TDBC have decided to ignore the relevant General Permitted Development Order.

## **PLANNING POLICIES**

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
 DM2 - TD CORE STRATEGY - DEV,  
 CP8 - CP 8 ENVIRONMENT,  
 NPPF - National Planning Policy Framework,

## **DETERMINING ISSUES AND CONSIDERATIONS**

### Procedural matters

The erection of an agricultural building on a holding of over 5 hectares is permitted development under the Town and Country Planning (General Permitted Development) Order 1995 (as amended), Schedule 2, Part 6, Class A and does not require express planning permission. It is permitted subject to a condition that, before beginning development, the applicant must apply to the Local Planning Authority for a determination as to whether their prior approval is required to the siting, design and external appearance of the building. If prior approval is not required, then the building can simply be erected; if prior approval is required, then the applicant must provide full details of the siting, design and external appearance and the Local Planning Authority must assess whether these are acceptable.

Some of the representations have challenged whether the building is, in fact, permitted development, suggesting that the parcel of land is less than 1 hectare and as it lies within 25 metres of a Class D road.

The legislation clarifies that the development is not permitted if it would be carried out on a separate parcel of land forming part of the unit which is less than 1 hectare in area – this site is on a small parcel on the opposite side of the lane to the main farm holding. However, case law indicates that separate pieces of land can be treated as part of the same parcel provided that the component parts are not separated by a substantial distinguishing feature and that this is a matter of fact and

degree. Taking into account the nature of the narrow, no-through, Class D road, this is not deemed sufficiently substantial to give rise to a separation. As such, in this instance, the site is considered to form part of a parcel exceeding 1 hectare.

It is also noted that development is not permitted by Class A if any part of it would lie within 25 metres of a metalled part of a trunk road or classified road. It is not disputed that the highway passing the site may be a Class D road. However, a Class D road is not regarded as classified and Department of Transport guidance on the classification of roads supports this view.

Based on the supporting information supplied by the applicant stating that additional land has been acquired to result in the farming of 600 acres of arable land, the building is considered to be reasonably necessary for the purposes of agriculture, for the storage of grain.

Your officers have considered the matter, in conjunction with the Council's Legal Services Manager and is satisfied that the development is permitted development and the application can be considered.

In this case, the Local Planning Authority, under delegated authority, have already determined that prior approval is required to the siting, design and external appearance of the building. On this basis, it is pertinent to note that the matters for consideration are siting, design and external appearance. Permitted development, by its very nature, accepts the principle of the building and does not give provision to take into account whether or not a building can be erected on this holding. The issues for consideration in this application, therefore, relate only to the design, siting and external appearance and any impacts arising from these.

#### Assessment of siting, design and external appearance

The proposed building would be closely related to an existing building and would be of similar gabled design with a low pitched roof and similar materials. The site lies on a higher level than the adjacent road and slopes upwards to the north-west and south-west of the site. During the processing of the application, details of levels were submitted confirming that land levels within the site would be lowered to result in the base of the building being approximately 300mm above road level, similar to that of the grain store opposite.

The site is bounded on three sides by well established hedges, which already provide a significant element of natural screening to the proposed building. Whilst these hedges would lie close to the proposed building, it is important to note that where new buildings are permitted, landscaping to this effect would generally be sought, whereas in this instance, it is already present. In addition, the further planting of trees along the south-western side of the proposed building would help to further integrate the proposal into the surrounding landscape. Whilst a public footpath, passes to the south-west and south-east of the site, this passes to the other side of the hedge and is not therefore considered visually intrusive to users of the public right of way.

It is acknowledged that the building would exceed the height of the hedges, although the reduction in ground levels would assist in reducing this impact and the use of

dark grey cladding to the walls to match the building opposite is considered acceptable. Whilst the roof of the grain store would be clearly visible, the use of anthracite grey fibre cement sheeting is considered an appropriate material that would reduce the prominence of the building within the landscape.

A number of issues have been raised, largely relating to highway safety and the use of the lane by tractors and large goods vehicles. In view of the presence of the existing grain store and the lane providing access to adjacent arable land, the lane is already used by numerous tractors and large goods vehicles, which can take place at any time of the day or night, without any restrictions. A number of the issues raised in terms of traffic appear to relate to an existing situation, which could intensify without the need for any further consent. They also appear to relate to highway safety concerns on the main Bradford on Tone to Oake road, rather than the no through road giving access to the site.

As noted above, only the impacts arising from the siting, design and external appearance can be taken into consideration. In this case, the land and existing operations appear to be accessed from the no through road. Whilst the main holding is on the opposite side of this road to the proposed grain store, this lane would likely be used for access regardless of the siting of this building within the holding. As the principle of a building is established as permitted development, it is not considered that additional traffic on the main through road can be given any weight in this case. The actual access from the site onto the no through road is acceptable.

A number of concerns have also been raised regarding potential flooding, noise and dust and the consequent impact upon the residential amenities of nearby properties, the potential impact upon wildlife and whether other sites would be more appropriate. The proposed grain store would be slightly, but not significantly closer to nearby residential properties and, therefore, it is not considered that the siting would cause unacceptable harm to the amenities of nearby properties. Any nuisance that arose from excessive noise or dust could be investigated by environmental health, but there is nothing to suggest that this would likely occur.

Under the prior notification procedure, there is unfortunately no provision to take flooding or the potential impact upon wildlife into consideration, although it is important to note that other legislation seeks to safeguard protected species and it is for the applicant to satisfy themselves that they comply with such legislation.

A further concern has been raised that part of the grain store has been converted to a dwellinghouse within the last 4 years. This is a separate issue that would need to be investigated by the Council's Planning Enforcement section. The query has also been raised as to whether there are better sites available. The applicant has submitted a prior notification to the Local Planning Authority for this particular site, therefore it is this site that must be given consideration.

With regard to the above, it is considered that proposed building is acceptable in terms of siting, design and external appearance and is not deemed to result in a significant adverse impact on the rural appearance of the landscape. Having assessed the proposal under the prior notification procedure, taking into account the relevant matters it is, therefore, deemed that prior approval for this site can be granted.

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.**

**CONTACT OFFICER: Mrs K Walker Tel: 01823 356468**