

10/09/0024

MR E SLATER

**ERECTION OF AGRICULTURAL STORAGE SHED AT VENCROFT FARM,  
CHURCHSTANTON (RETROSPECTIVE - RESUBMISSION OF 10/08/0023)**

319099.115107

Full Planning Permission

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**PROPOSAL**

The proposal is a storage building located some 70m from the farm yard complex and within 25m of the River Culm. The building has been erected without consent and the application seeks to regularise the situation. The roof is a currently a light green onduline and the existing structure measures 6m x 3.6m and 3.3m high. The applicant has submitted a Flood Risk Assessment and a Visual overview of the building by a landscape architect.

**SITE DESCRIPTION AND HISTORY**

The storage building has been erected on land within 19m of the river bank and some 67m from the farmhouse on farm land within the floodplain. A previous planning application for retention of the building in this location was refused and dismissed on appeal and is currently subject to an enforcement appeal.

**CONSULTATION AND REPRESENTATION RESPONSES**

**Consultees**

*SCC - TRANSPORT DEVELOPMENT GROUP* - No observations.

*CHURCHSTANTON PARISH COUNCIL* - The proposals address every requirement addressed at Appeal. The comprehensive 'visual overview' by a Chartered Landscape Architect indicates the proposed shed has minimal (if any) impact on the AONB and the possibility of flooding appears negligible in the opinion of local (long time) residents. The Council has been given to understand that TDBC has been asked to specify the colour of any paint to be applied.

*HERITAGE AND LANDSCAPE OFFICER* - Given the location within the Blackdown Hills AONB landscape and the recently refused planning appeal my concerns are:

- a) the shed is not well related to other farm buildings and would be better closer to the house and on the other side of the stream.
- b) the shed is visually prominent from the public footpath and the proposed roof, although matching the colour of the house roofing would in my opinion be incongruous.

*ENVIRONMENT AGENCY* - The Environment Agency OBJECTS to the proposed development, as submitted, on the following grounds:

The structure is located within Flood Zone 3 of the River Culm and constitutes an

obstruction to flow within the rivers floodplain. An inevitable increase in flood risk would occur which is deemed contrary to the overall philosophy of PPS25. We consider the Flood Risk Assessment (FRA) as being in part inadequate mainly because it contains a lack of quantification of the risk and hazards at this site, and tends, to a degree, towards dismissing the risk. In light of this we refer your Authority to paragraphs 22 and Annex E of PPS25 which highlight the applicant's responsibilities in terms of quantifying the flooding risks and minimum requirements in terms of production of a FRA.

On a second issue we do not entirely agree with the Sequential Test as carried out by WYG Planning and Design in particular the conclusion which states 'It is concluded that there are no reasonably available sites in the search area with a lower probability of flooding that would be appropriate to the type of development or land use proposed. On this basis the requirements of the 'Sequential Test' are considered to be passed.' This does somewhat contradict paragraph 5.2 of the applicants Sequential Test statement which states that 'The agricultural shed could be positioned on the fields to the north west or south west of which are within Flood Zone 1.'

Representatives of the Environment Agency visited the site on the 28th May 2009, including Ian Hooper, our Development and Flood Risk Engineer. It was quite evident that there are areas of land at a lower risk from flooding, including areas of Flood Zone 1 and 2, upon which the structure could be repositioned. Of material consideration is the fact that the south western corner of the hardcore compound area, within which the structure has been built, is at a higher ground level and thus at a lower risk of flooding than the location where the structure has been built.

In light of the above we draw to the LPA's attention to the following Paragraph 17 of PPS25 which states.

'In areas at risk of river or sea flooding, preference should be given to locating new development in Flood Zone 1. If there are no reasonably available sites in Flood Zone 1, the flood vulnerability of the proposed development (see TableD.2, Annex D) can be taken into account in locating development in Flood Zone 2 and then Flood Zone 3. Within each Flood Zone new development should be directed to sites at the lowest probability of flooding from all sources (see Annex C) as indicated by the Strategic Flood Risk Assessment.'

In this instance there are alternative sites at a lower risk of flooding reasonably available to the applicant, and consideration to failing the Sequential Test in terms of their location of the structure in question could quite reasonably be given. The 'less vulnerable' classification of the development is somewhat irrelevant given areas at a lower risk of flooding are reasonably available.

In light of the above we strongly recommend that the application be refused. Alternative locations that are at a lower risk of flooding should be explored.

## **Representations**

5 Letters of support on the grounds of the shed is small, unobtrusive in the landscape, the roof colour will be changed, there is no other suitable site and planting will further screen the building.

## **PLANNING POLICIES**

PPS7 - Sustainable Development in Rural Areas,  
PPS25 - Development and Flood Risk,  
STR6 - Development Outside Towns, Rural Centres and Villages,  
S&ENPP3 - S&ENP - Areas of Outstanding Natural Beauty,  
S&ENPP60 - S&ENP - Floodplain Protection,  
S1 - TDBCLP - General Requirements,  
S2 - TDBCLP - Design,  
S7 - TDBCLP - Outside Settlement,  
EN10 - TDBCLP - Areas of Outstanding Natural Beauty,  
EN28 - TDBCLP - Development and Flood Risk,

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main consideration with the proposal is the impact on the character of the AONB and the flood risk issue. The previous application was refused on three grounds, the impact on the AONB in light of the location, the roof colour and the location of the building in the floodplain. The applicant intends to alter the roof colour of the building and subject to this being a slate grey colour this would address this reason for refusal.

The Inspector on appeal considered the location away from farm buildings and visible from the road and public footpath. He considered the proposal to be contrary to PPS7 and to harm the character and appearance of the AONB. The current submission does not relocate the building but proposes landscaping as part of a Visual Assessment. The Inspector could have imposed a landscaping condition if the location was otherwise thought to be acceptable, however he did not do so and dismissed the appeal. The building is in the countryside where strict control over development is undertaken particularly in an AONB. The building does not relate well to other buildings and appears an isolated intrusion into this part of the AONB and is considered contrary to policies STR6 and policy3 of the Somerset and Exmoor National Park Joint Structure Plan Review and policies S7, S1(D) and EN10 of the Taunton Deane Local Plan.

The location is still one within Flood Zone 3 and the Environment Agency object to the development. It is not considered that the Sequential Test has been passed as there are other locations within lower flood risk areas that the building could be located without having an adverse visual impact. In the circumstances therefore there is no ground to reverse the previous decision of both the Growth and Development Manager and the appeal Inspector. Consequently the proposal is considered to fail the Sequential Test of PPS25 and would be contrary to policy 60 of the Somerset and Exmoor National Park Joint Structure Plan Review and policy EN28 of the Taunton Deane Local Plan.

In light of the above circumstances the application is recommended for refusal on the grounds of impact on the AONB and Flood Risk

## **RECOMMENDATION AND REASON(S)**

Recommended Decision: Refusal

Refuse Permission for reasons of building prominent in the countryside not well related to others and detrimental to the character of the AONB contrary to policy

STR6 of the S&ENPJSR and TDLP policies S7, S1(D) and EN10 and sited in a location in a floodplain where the development could constitute an obstruction to flow and it fails the sequential test and is contrary to PPS25, Policy60 of the Joint Structure Plan Review and policy EN28 of the Local Plan.

- 1 The proposed development by reason of its location unrelated to other farm buildings and its prominence within the landscape of the Area of Outstanding Natural Beauty is considered to be detrimental to the character of the area and contrary to policies STR6 and Policy 3 of the Somerset and Exmoor National Park Joint Structure Plan Review and policies S7, S1(D) and EN10 of the Taunton Deane Local Plan.
- 2 The proposed development by reason of its location in a flood plain where the development could constitute an obstruction to flow and an inadequate sequential test is considered contrary to PPS25 and policy 60 of the Somerset and Exmoor National Park Joint Structure Plan Review and policy EN28 of the Taunton Deane Local Plan.

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

Notes for compliance

**In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.**

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