

35/10/0001

MR J LUARD

ERECTION OF BARN AT STAWLEY WOOD FARM, STAWLEY (RETENTION OF DEVELOPMENT ALREADY UNDERTAKEN)

306471.123162

Retention of Building/Works etc.

PROPOSAL

Permission is sought for the erection of an agricultural building on land to the north of Stawley Wood Farm. Works commenced on 01/06/2009 to build this replacement agricultural storage and livestock building. The building is constructed from block walls clad in local stone and will be finished with a pitched natural slate roof. The building has a number of openings including a main open fronted entrance to allow access for machinery; 2 doorways and 5 no. windows that will be boarded up. The building will measure a maximum of 9.5m x 18.5m with a ridge height of 8 metres.

SITE DESCRIPTION AND HISTORY

The site is located on open agricultural land approximately 80 metres north of Stawley Wood Farm, holding an elevated position along a steep hillside. The site currently contains a partially erected structure with all works to the walls completed and water/electricity services installed. To the south of the proposed building is a small water storage pond. To the northeast corner of the proposed building is a mature Oak tree which is set above the building, further up the hillside. The field within which the building is to be located is bound by mature hedgerows and trees.

The site is accessed off of a private track to the north of the main farm house. Along this access track there are two public footpaths, with a number of other footpaths running across neighbouring fields in the area. At its nearest point, the proposed building is some 80 metres from the footpaths running along the access track at Stawley Wood Farm. There are a number of buildings within the area, including Stawley Wood Farm house itself; converted barns for holiday accommodation adjoining Stawley Wood Farm and a detached dwelling known as The Old Rectory, some 160 metres to the west. The applicant has stated, verbally, that the farm has approximately 66 Ewes at present together with 40 remaining Lambs 8 pigs and poultry birds. The farming enterprise, whilst only modest in scale, is said to be an important factor in attracting holiday makers to the location by the applicant.

There is evidence to suggest that since the late 19th century, a building of some form has been present within this location. The latest available aerial photography shows a building present within this location in 2006; however it is difficult to perceive accurately the scale of the said building. The application states that the works are carried out as a repair to this building with a small extension to it.

The development for which retrospective planning permission is now sought was first brought to the attention of the Enforcement Officer by a member of the public. A subsequent site visit was made by a Planning Officer to ascertain what works were being undertaken. A letter and Planning Contravention Notice was served upon the

applicant, which was completed and returned as necessary. This planning application has subsequently been submitted to the LPA seeking to regularize the development.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP - No objections but raised concern with regard to scale and style of development and similar application(s) within the Borough relating to new agricultural buildings of a traditional construction and attempts to gain permission to convert to residential use years later.

STAWLEY PARISH COUNCIL - Object to the proposed development – building could have been more sympathetically located to reduce landscape impact and not convinced that the scale of the building is an accurate representation of the original building.

NATURE CONSERVATION & RESERVES OFFICERS - No wildlife survey carried out prior to these works. Local area appears to be good bat foraging territory but it is impossible to say if the works disturbed bats.

Diversions Order Officer - No observations to make.

Representations

2 letters raising no objection, stating that the proposals broadly represent the scale of the previous building; the use of natural materials will enable the building to blend into the landscape.

2 letters of support – proposed building will enhance the local environment; a derelict barn was present in this location under sycamore trees; retaining character of previous buildings.

4 letters of objection – building very visible within the local area; not aware that a building ever existed in this position over the past 50 years; barn is of a type and size out of proportion with current level of farming activity here; scale of building more than twice that of the previous building built in 2005/06; question whether the proposal is a 'repair'; the two storey building with doors and windows is more in keeping with a dwelling than an agricultural building devoted to animal husbandry and feed storage; the location in an open field and away from the main farm complex is impractical for storage; grand design for open field shelter; how can a repair to the building be undertaken when one never existed? Unreasonable to more than double the size of an original building; why does an animal shelter and store require 2 storeys and windows; prominent feature on a conspicuous site; size and style with boarded up windows and landscaping represent a 5 bedroom dwelling more than agricultural building; proposal would set a precedent.

PLANNING POLICIES

EN12 - TDBCLP - Landscape Character Areas,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,
S7 - TDBCLP - Outside Settlement,
PPS7 - Sustainable Development in Rural Areas,

DETERMINING ISSUES AND CONSIDERATIONS

The pertinent issues that require consideration in determining the proposed development are the visual impact of the building upon the local landscape character and whether such a building of such a scale and design is appropriate and reasonably necessary for modern agricultural purposes.

A number of matters have been put forward within representations to suggest that there has never been a building in this location, however it is clear to me from aerial photography and historic OS maps that since 1945, a number of buildings have been located on the application site. It has also been questioned whether the proposal should be dealt with as a repair; I do not consider it appropriate to do so as quite clearly the building that was previously in this location has been completely demolished and the proposed building, which has had significant works to its structure carried out already, is a new build and will be therefore be determined as such. The building has no cavity wall but this is not to say that one could not be created internally if necessary; the external stone is clad onto concrete block walls.

Having regard to the landscape impact of the proposed building, I have viewed the site from a number of positions within the wider landscape, including along highways and public footpaths that run across surrounding fields. This was necessary given that the building is positioned in an elevated position along part of a steep hillside and objections have been received over the detrimental visual impact. The building is cut and set into the hillside which significantly reduces its prominence and lowers the ridge line to an acceptable degree. Notwithstanding the objections received and the fact that the scale of the building is larger than the original here, I am satisfied that the proposed building will have a limited impact upon the landscape character of the area when works are completed. Whilst the proposed building is visible within its immediate vicinity, including the neighbouring property, there will be no significant material detriment to the landscape character of the area when viewed from wider vantage points with which to warrant a refusal. Nonetheless I consider it appropriate and necessary to attach a landscaping condition to any recommendation of approval to help assimilate the building into the local landscape.

A number of questions and objections have been received with regard to the intended use of the building, principally as a result of the scale and design of the proposal. These common concerns suggest that the building would appear more akin to a traditional agricultural building such as the type that has commonly been converted to residential use in rural locations over the past thirty years or so, and not one which is more commonly associated with modern agricultural practices. Today, the majority of modern agricultural enterprises require modern steel portal framed buildings with which to store goods and improve general animal husbandry. Notwithstanding the comments received, the applicant states that the reason for adopting such a design is to ensure compatibility between the new building, the farm house and its outbuildings to the south, where there are a small number of traditional stone and slate buildings, and given the location this is, to an extent, understandable. The plans clearly indicate that the building is to be used for agricultural storage and animal/livestock housing, and whilst it is understandable that there is concern amongst the public with regard to the provision of domestic style windows, doorways and the like, there is no reasonable argument nor evidence to suggest that the building will not to be used for its described purpose by the applicant - the housing of livestock and storage of feed/machinery.

Whilst there have been a number of cases, some recently, where attempts have been made to get round restrictive planning policies, specifically with the building of traditional style agricultural buildings for animals, only for an application to be made for a domestic conversion scheme a short period of time later. Whilst the long term intended use of the building has been questioned by the objectors, I am confident that the recent shift in central government and local authority planning policy will ensure that the building, as proposed, is unlikely to be viewed favourably for conversion to a residential dwelling house or any ancillary building of such nature in the future. The site is located within an isolated location and distant from day to day services. As such there would be a strong 'in principle' objection to any such proposal. This is further strengthened by a number of recent planning decisions to refuse planning permission on sustainability grounds for the conversion of rural buildings to dwellings, and such decisions have been upheld at appeal. Similarly, attempts to work the planning system in the described format have also been unsuccessful in the past.

Given the above considerations, and notwithstanding the observations and objections received from the public, the proposal is considered to be necessary for agriculture as described and that there will be no material detriment to the visual amenity of the surrounding landscape. It is therefore recommended that planning permission be granted subject to a landscaping condition and advisory note to the applicant regarding the proposed and future use of the building. The application is made retrospectively in part and therefore conditions for time limit and materials are not considered necessary.

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposed agricultural building is considered not to have a detrimental impact upon visual or residential amenity and is therefore considered acceptable and, accordingly, does not conflict with Taunton Deane Local Plan Policies S1 (General Requirements), S2 (Design), S7 (Outside Settlements) and EN12 (Landscape Character Areas).

RECOMMENDED CONDITION(S) (if applicable)

1.
 - (i) Within three months of the date of this permission, a landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
 - (ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.
 - (iii) For a period of five years after the completion of each 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 the appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

2. The building shown the submitted plan shall be used for the purposes described on the application form only and for no other purposes without the prior written consent of the Local Planning Authority.

Reason: In the interests of maintaining the character of this rural area in accordance with Taunton Deane Local Plan Policy S7.

Notes for compliance

1. Planning permission has been granted on the basis that the building will be used solely for agricultural purposes. You are advised that the building hereby permitted is unlikely to gain planning permission for any other use should an application seeking a change of use be received by the Local Planning Authority at any point in the future, particularly one involving a domestic residential scheme.

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

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