

Supplementary Item

46/18/0007

Erection of agricultural building for lambing, storage of machinery and fodder, erection of hay barn and siting of caravan at Moonview, Manleys Farm, Calways Lane, West Buckland (part retention of works already undertaken)

Introduction

The above application was recommended for approval and approved by the Chair on 25 June 2018. The conditional approval was issued on 26 June 2018. A copy of the report and decision are attached in Appendix 1.

However under the Taunton Deane Borough Council Delegated Powers the application should have been reported to Planning Committee for consideration and determination as four submissions and an objection from West Buckland Parish Council were received.

Update of Report

Submissions

Four submissions were received objecting to the application on some or all of the following grounds:

- number of buildings appear excessive for the use of land for keeping of sheep
- height of the building for the storage of tractor unnecessarily high
- manure pile located close to residential properties and is unpleasant
- increase noise from machinery and lambing
- land is used for agriculture and equine
- buildings are located in a visually prominent location with no natural screening
- overshadowing resulting in loss of light
- poor visibility at point of access
- proposal is contrary to a number of planning policies

Two submissions were received from residents following the receipt of amended plans with the following comments:

- amendments bring to light rather extensive omissions from the first application
- plans not updated to reflect amended proposal
- Environmental Health should be re-consulted
- Damage to the highway has occurred
- Agree with the comments of the AONB

Recommendation

That Planning Committee endorse the recommendation to approve the application.

Appendix 1 – Report and decision

CASE OFFICER'S REPORT AND RECOMMENDATION

Application No: 46/18/0007

Applicant: MR & MRS MOON

Erection of agricultural building for lambing, storage of machinery and fodder , erection of hay barn and siting of caravan at Moonview, Manleys Farm, Calways Lane, West Buckland (part retention of works already undertaken)

Grid Reference: 316951.119371

Retention of Building/Works etc.

Recommendation

Recommended decision: Conditional Approval

Recommended Conditions (if applicable)

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

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

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

(A3) DrNo AC23/1A Location Plan
(A3) DrNo AC23/2B Site Plan
(A4) DrNo AC23/4 Proposed Floor Plans
(A3) DrNo AC23/2D Plan of Proposals
(A3) DrNo AC23/3A Proposed Elevations

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

3. (i) A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority within six months of the date of this approval. The scheme shall include details of the species, siting and numbers to be planted.

(ii) The scheme shall be completely carried out within the first available planting season following the granting of the approval.

(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.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

4. The caravan shall not be used for overnight occupation except during the lambing season.

The caravan shall not be used for a permanent residential dwelling without further consideration and approval by the Council.

Reason: The site lies in area where new development is generally restricted to that for which there is a proven need.

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 entered into pre-application discussions to enable the grant of planning permission.

Proposal

The application, submitted partly in retrospect, proposes the erection of buildings for the purposes of agriculture and the keeping of horses. The application has been amended to include all buildings on the site which do not appear to have the benefit of planning permission and includes two general purpose sheds for the storage of machinery, fodder and lambing, a hay barn, a sheep shelter, stables, a small timber shed and the stationing of a caravan.

The amended application includes:

- the reduction in the height of the building for the storage of the tractor
- the siting of a caravan. The applicant has stated that the caravan is solely for the purpose of being available for lambing.
- plans to show that the shed is the only building with a concrete floor
- the change of use of land for the keeping of horses

Site Description

The site, outside a defined settlement boundary and in an area of open countryside, is a small landholding, located on the lower slopes of the Blackdown Hills, approximately 600m from the boundary of the Blackdown Hills Area of Outstanding Natural Beauty (AONB). The site is accessed from the public highway to the south. A public footpath crosses the site to the north at the point where the site narrows.

Relevant Planning History

None

Consultation Responses

WEST BUCKLAND PARISH COUNCIL - The location plan is not included online. There is a lack of information with this application to make a considered comment. Is it possible for the applicant to provide information about the number of agricultural livestock and amount of land farmed. I understand that horses are also kept and these are not agricultural livestock.

Further comments received: Recommend refusal for the following reason:

- over development of the site
- the close proximity of livestock housing and dung heap to residential accommodation which will cause problems with noise, odour, flies and rodents
- the site is very visible and the change of use is considered to be detrimental to the visual amenities and landscape character of the area adjacent to an Area of Outstanding Natural Beauty
- the change of use has resulted in part domestication of an area of land resulting in the introduction of additional domestic paraphernalia causing a detrimental impact upon the character and appearance of the area. A caravan is permanently sited and not just for lambing

SCC - RIGHTS OF WAY - No comments received

PLANNING ENFORCEMENT - No comments received

SCC - TRANSPORT DEVELOPMENT GROUP - No observations to make on this application

ENVIRONMENTAL HEALTH - NOISE & POLLUTION - No comments received

ENVIRONMENT AGENCY - No comments received

LANDSCAPE - The site is elevated and so can be clearly viewed from the public road to the NW. However a new building will store agricultural implements and machinery which may be more intrusive in the landscape than the building. I would like to see some limited landscaping to the immediate north of the new structure.

BLACKDOWN HILLS AONB SERVICE - I note that the site is several hundred metres outside the AONB, and do not wish to comment in detail. However, I do note that the countryside around the site is open and elevated, and as such it would be important that any development is not unduly prominent in local views on approach towards the Blackdown Hills or in views out from the AONB.

Representations Received

Three letters of objection from two local residents have been received making some or all of the following comments:

- number of buildings appear excessive for the use of land for keeping of sheep
- height of the building for the storage of tractor unnecessarily high
- manure pile located close to residential properties and is unpleasant
- increase noise from machinery and lambing
- land is used for agriculture and equine
- buildings are located in a visually prominent location with no natural screening
- overshadowing resulting in loss of light
- poor visibility at point of access
- proposal is contrary to a number of planning policies
-

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

DM1 - General requirements,
DM2 - Development in the countryside,
CP8 - Environment,

This takes into account the recent adoption of the SADMP.

Local finance considerations

Community Infrastructure Levy

The development does not attract an infrastructure levy.

Determining issues and considerations

Policy DM2 sets out the requirements for development in the countryside. Part 4 relates to agriculture, forestry and related and requires that new non-residential agricultural buildings are commensurate with the role and function of the agricultural unit.

The additional information submitted includes all the works of development carried out on the site without planning permission.

The site area measures approximately 2.7 acres (1.1 hectares) of grass keep for the grazing of sheep. The site is also used for the keeping of horses. The application also includes the stationing of a caravan.

Letters from four landholders in the Wellington area have been received stating that the applicants graze sheep on land in their ownership during the year. However no confirmation of tenancy agreements have been received.

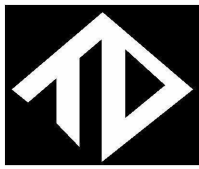
It is considered that whilst the buildings do not appear to be commensurate with the role and function of the agricultural unit, the buildings are required to facilitate lambing from September through to February when sheep are brought onto the land from other locations. The caravan is also required to provide accommodation whilst lambing. One of the proposed buildings would also be of sufficient size to accommodate the tractor which is currently stored outside. The height of the building has been reduced by approximately 1m thereby reducing its visual impact. The agricultural buildings would be constructed in timber and are of a design appropriate to a rural area. It is considered that the development would not cause demonstrable harm. A condition requiring appropriate landscaping to the north is considered appropriate.

The use of the buildings and the land would be used primarily for agricultural purposes appropriate to the rural location. The use of the land for the keeping of horses would not be an inappropriate use in the countryside and would have no greater impact on the visual amenity of the locality.

The proposal complies with the relevant policies and approval is recommended subject to conditions.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.

Contact Officer: Denise Grandfield



**TAUNTON
DEANE
BOROUGH
COUNCIL**

Tim Burton BA(Hons) BTP MRTPI

Assistant Director, Planning & Environment

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email: t.burton@tauntondeane.gov.uk

Our Ref: **46/18/0007** (please quote on all correspondence)

26 June 2018

MR BILL HANSFORD
W HANSFORD LTD
17 ORCHARD CLOSE
LOWER WESTFORD
WELLINGTON
TA21 0DR

Dear Mr Hansford

TOWN AND COUNTRY PLANNING ACT, 1990 (AS AMENDED)

Proposal: Erection of agricultural building for lambing, storage of machinery and fodder , erection of hay barn and siting of caravan at Moonview, Manleys Farm, Calways Lane, West Buckland (part retention of works already undertaken)

Application Type: Retention of Building/Works etc.

Grid Reference: 316951.119371

Please find enclosed the decision notice for your planning application **46/18/0007**. It is very important that you carefully read the entire notice including the conditions. No further reminder letters will be sent.

Planning Conditions

Planning permission is conditional on the compliance with any attached conditions. Failure to adhere to the requirements of a condition can result in unauthorised development taking place and enforcement action being taken against you.

It is your responsibility to ensure that you have complied with all the requirements of all conditions.

Approval of Details Reserved by Condition

Some conditions can require the submission of information or further details prior to any works commencing. Failure to comply with the requirements of any such condition could result in the planning permission becoming null and void.

Should you be required to submit further information for approval by any condition there is a charge £34 for householder applications and £116 for all others. The fee

is payable for each request, which can include details of more than one condition. Cheques should be made payable to Taunton Deane Borough Council and must be submitted with the request to the Conditions Monitoring Officer. Application forms for the approval of details reserved by condition are available from the Planning Portal website.

There are no national requirements for applications for the approval of details reserved by condition except that they should be made in writing and that the authority should determine them within 12 weeks of the application being validated. It is therefore important that any request is made in a timely manner to avoid any delays in works commencing on site.

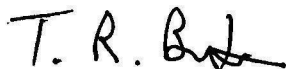
Building Regulations

Building Regulation approval is a separate matter from obtaining planning permission for the work that you are intending to carry out. Most building work whether new, alterations, extensions or change of use requires Building Regulations approval. For more information about the Building Regulations, from what they are to what is covered by them, please contact the Somerset Building Control Partnership at somersetBCP@sedgemoor.gov.uk or telephone 0300 303 7790. Additional information can be obtained at - www.sedgemoor.gov.uk/SomersetBCP

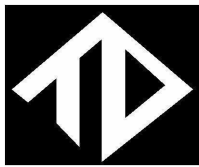
Site Notice

The Local Planning Authority may have erected a Site Notice on or near the application site to advertise this development proposal. Could you please ensure that any remaining notice in respect of this decision is removed from the site and suitably disposed of. Your co-operation in this matter is greatly appreciated.

Yours sincerely



ASSISTANT DIRECTOR, PLANNING & ENVIRONMENT



**TAUNTON
DEANE
BOROUGH
COUNCIL**

PLANNING & ENVIRONMENT

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TOWN AND COUNTRY PLANNING ACT, 1990 (AS AMENDED)

Application No: 46/18/0007
Proposal: Erection of agricultural building for lambing, storage of machinery and fodder , erection of hay barn and siting of caravan at Moonview, Manleys Farm, Calways Lane, West Buckland (part retention of works already undertaken)

Application Type: Retention of Building/Works etc.
Grid Reference: 316951.119371

Taunton Deane Borough Council under the above Act hereby GRANT PERMISSION for the above development.

The development must be carried out in accordance with the application and accompanying plan(s) submitted to the Council and is only valid subject to compliance with the following condition(s):

- 1 The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

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

(A3) DrNo AC23/1A Location Plan
(A3) DrNo AC23/2B Site Plan
(A4) DrNo AC23/4 Proposed Floor Plans
(A3) DrNo AC23/2D Plan of Proposals
(A3) DrNo AC23/3A Proposed Elevations

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

- 3 (i) A landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority within six months of the date of this approval. The

scheme shall include details of the species, siting and numbers to be planted.

(ii) The scheme shall be completely carried out within the first available planting season following the granting of the approval.

(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.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

- 4 The caravan shall not be used for overnight occupation except during the lambing season.

The caravan shall not be used for a permanent residential dwelling without further consideration and approval by the Council.

Reason: The site lies in area where new development is generally restricted to that for which there is a proven need.

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 entered into pre-application discussions to enable the grant of planning permission.

T. R. B. [Signature]

ASSISTANT DIRECTOR, PLANNING & ENVIRONMENT

Date: 26 June 2018

N.B. Notes of the applicant's rights are overleaf.

NOTES

(1) If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision then you must do so **within 6 months of the date of this notice**. Appeals can be made online at <https://www.gov.uk/planning-inspectorate> If you are unable to access the online appeal form please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000. The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

In practice, the Secretary of State does not refuse to consider appeals solely because the local planning authority based their decision on a direction given by him.

If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against your local planning authority's decision on your application, then you must do so within 28 days of the date of service of the enforcement notice, or within six months [12 weeks in the case of a householder appeal] of the date of this notice, whichever period expires earlier.

(2) If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances, the owner may serve a purchase notice on the Council (District Council, London Borough Council or Common Council of the City of London) in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

(3) In certain circumstances, a claim may be made against the Planning Authority for compensation, where permission is granted subject to conditions by the Secretary of State on appeal or on a reference of the application to him. The circumstances in which such compensation is payable are set out in Section 114 of the Town and Country Planning Act, 1990.

(4) Having regard to the powers of the Highway Authority under the Highways Act, 1980, you should consult the Planning Liaison Officer, County Highways, Somerset County Council, County Hall, Taunton, TA1 4DY (Telephone: 0845 345 9155) in respect of a proposal within or immediately adjacent to a public highway (e.g. footpath and margin crossings, piping of ditches, construction of waiting bays etc.).

(5) This permission does not authorize you to stop up or divert a public right of way in order to enable the development permitted to be carried out. Separate legal steps are necessary for this, and, if required, further information can be obtained from the Diversion Order Office The Deane House, Belvedere Road, Taunton, TA1 1HE (Telephone 01823 356300).

(6) You are advised to investigate the possible existence of apparatus of Statutory Undertakers before commencing the development.

(7) In the case of development which will result in (1) buildings or premises to which the public are to be admitted whether on payment or otherwise, or (2) office premises, shop premises and railway premises to which the Office, Shops and Railway Premises Act, 1968, applies; premises which are deemed to be such premises for the purpose of that Act, or factories as defined by Section 175 of the Factories Act, 1961: being premises in which persons are employed to work, attention is drawn to Sections 4 and 7 of the Chronically Sick and Disabled Persons Act, 1970, in connection with (1) and to Sections 8 and 8A of that Act and the Code of Practice for Access for the Disabled to Building (i.e. British Standards Institution Code of Practice referred to as BS 5410:1971) in connection with (2).

(8) In the case of development which will result in the provision of a building intended for the purposes of (1) a university, university college or college or a school or of a school or hall of a university; or (2) a school within the meaning of the Education Act, 1944, a teacher training college maintained by a Local Education Authority in England or Wales or any other institution providing further education pursuant to a scheme under Section 42 of that Act, attention is drawn to Sections 7 and 8 of the Chronically Sick and Disabled Persons Act, 1970, and Design Note 18 "Access for the Physically Disabled to Educational Buildings", published on behalf of the Secretary of State for the Environment.

(9) This decision notice Certificate does not purport to convey any approval or consent which may be required by any byelaw, order, regulation or any enactment other than the Town and Country Planning Act, 1990. In particular it may be necessary to submit an application for approval under the Building Regulations, advice on which may be obtained from the Building Control Officer, The Deane House, Belvedere Road, Taunton. (Telephone: 01823 356470).