

Planning Committee – 24 February 2010

Report of the Growth and Development Manager

Miscellaneous item

Erection of agricultural storage building and track at land at Appley, Stawley as amended by letter and plans received on 22 January 2010

Background

An Agricultural Notification was received on the 15 December 2010 regarding the above proposal. The Local Planning Authority (LPA) has a statutory 28 days to determine if their Prior Approval is required for the siting, design or external appearance. If the Applicant is not notified within 28 days of receipt of the application they have the right to carry out the proposal.

The Planning Officer consulted Stawley Parish Council, SCC Transport Development Group and the Heritage and Landscape Officer, and in conjunction with their comments concluded that Prior Approval was required.

The Agent was notified of this decision on the 7 January 2010, and requested to provide details of landscaping and elevation and floor plans of the agricultural storage building, and to display a site notice on or near the land where the development is proposed.

The appropriate information was received on the 21 January 2010, validating the Prior Approval application and setting a decision target date of the 18 March 2010. During that time, the Local Planning Authority is required to consider the siting, design and external appearance of the proposal. The principle of whether the development should be permitted is not for consideration.

Consultees, Parish and Neighbours were notified on the 22 January 2010. Amendments were received on the 22 January 2010 and amendment notification letters sent on the 26 January 2010.

The public consultation period, as stated on the Taunton Deane Planning website, was the 25 January until 15 February 2010.

The Officers' report was completed and signed off by the Area Manager on the 9 February 2010 (attached).

The report was forward to the Planning Committee chair on the 9 February for consideration and returned to Planning Administration the same day.

Issue

An administration error occurred as the 'Granting of Prior Approval' decision was issued on the 9 February 2010, whilst the public consultation period did not conclude until 15 February 2010.

The Parish informed the officer of the error and stated their concerns.

Five further letters of objection were received from neighbours between the 9 and 15 February 2010 which raised the following issues:

- Building situated well back from the road
- Excessive in terms of height for purely agricultural use
- Building should be sited on a lower point in the field
- Visual impact of such a large agricultural building would be detrimental
- Possible forerunner for an application for a residence on the site

The valid issues raised have been previously addressed and acknowledged in the attached officer's report (please refer to "determining issues and considerations") and it is considered that no new valid issues have been received which alter the considerations, recommendation and decision made.

The arrangements for Agricultural Notifications do not impose full planning controls over the developments to which they apply. Those developments remain 'permitted development' under the General Permitted Development Order. The principle of development is not relevant providing the Order conditions are satisfied, nor are other planning issues.

Recommendation

The Committee is therefore recommended to endorse the decision of the Development Control Manager to grant Prior Approval for the erection of agricultural storage building and track at land at Appley, Stawley as amended by letter and plans received on 22 January 2010

Contact Officer Bryn Kitching Telephone: 01823 358695

**CASE OFFICER'S REPORT AND
RECOMMENDATION**

Expiry Date: 18 March 2010
Earliest Decision Date: 15 February 2010
Final Decision Level: Chair/Vice Chair Decision
Decision Type: Prior Approval (No Conditions)

35/09/0008/AGN

MR S OWEN

**ERECTION OF AGRICULTURAL STORAGE BUILDING AND TRACK AT
LAND AT APPELEY, STAWLEY AS AMENDED BY LETTER AND PLANS
RECEIVED ON 22 JANUARY 2010.**

307370.121189

Agricultural Notification

PROPOSAL

This is an Agricultural notification application for the erection of a storage building and track. The building would be used to store hay/silage and machinery, would be some 30.5 metres by 15.2 metres in ground area, 7.5 metres to ridge height, and would be constructed of timber boarding and profiled grey sheeting. Additional and amended landscaping details have been submitted which include the replanting of a former hedge to the east of the building, the planting of 3 new oak trees to the west of the building, and the provision of grass in the middle of the access track.

SITE DESCRIPTION AND HISTORY

The proposal is accompanied by planning application 35/09/0009, relating to the formation of a replacement agricultural access.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

SCC - TRANSPORT DEVELOPMENT GROUP -No observations.

STAWLEY PARISH COUNCIL - letter of 24/1:

1. We repeat our concerns about the size and location of this proposed building in this sensitive landscape - part of the Brendons Landscape Character Area.
2. The GPDO could authorise only a building that is reasonably necessary for this 8.58 hectare agricultural unit. Mr Curtis points out that the application contains no detailed or significant business plan in support. Will a business plan be supplied justifying how a barn would be used for farming a unit of this modest size? If the building is larger than necessary for farming the agricultural unit, the GPDO does not apply and an ordinary application for planning permission should instead be made for this proposal.
3. The proposed building would be 30.5 metres by 15.2 metres and would cover 463.6 square metres, i.e. just short of the 465 square metres maximum covered ground area permitted under the GPDO. But this maximum does not apply to the building alone. Under the GPDO the area is defined as the "area

which would be covered by the proposed development, together with the ground area of any building (other than a dwelling), or any structure, works, plant, machinery, ponds or tanks within the same unit which are being provided or have been provided within the preceding two years and any part of which would be within 90 metres of the proposed development.”

4. Any chicken sheds within the 90 metre radius would be “buildings or structures” within the definition. If the automatic condition preventing use of the building in the proposed location for housing livestock is observed, where will any chicken sheds be sited?
5. The adjacent hardstanding is within the 90 metre radius, as is part of the proposed track. Both are surely “works” within the definition. If so, the proposal (with or without the chicken sheds) falls well outside the defined maximum area permitted by the GPDO and an ordinary application for planning permission is required.
6. Further we believe that the building in the proposed location would be within 400 metres of the garden of a protected building, namely the home of Mr and Mrs Curtis, a former farmhouse known as Frogs Farm.
7. We recommend that, if the approved siting is still within this distance, a note attached to the approval records that the GPDO permission is subject to the automatic condition that the building may not be used for housing livestock except only in the special circumstances specified by the GPDO, e.g. sickness, quarantine or extreme weather. It could be that Mr Owen is not aware of this. In a recent letter to our councillors he includes among his potential options the keeping of livestock including pigs, poultry and beef. If he wishes to keep livestock in the proposed building, he would need to site it further away from Frogs Farm.
8. For all these reasons we recommend that, consideration is given to reducing the size of the building and siting it significantly further down the hill, cut into the slope. We ask that we are given a fair opportunity to respond on any further plans and specifications that are supplied to the TDBC, including as to the colour of the timber and concrete walls (Roof would be “anthracite grey”) and the type of surface materials on the track, presently referred to merely as “hardcore” “self-coloured”.
9. Further, in view of the expressed concerns about the potential unauthorised development, we also recommend that, if (despite the points mentioned above) the development is treated as proceeding under the GPDO, the attached note clarifies to everyone the scope of the permitted development. We suggest that it states that the GPDO permission is only for a building that is reasonably necessary for the purposes of agriculture within the agricultural unit, not for a dwelling or other purposes, and that the development is authorised only if it is carried out in accordance with the approved details.
10. Including the notes on the approval would make the situation clearer to all concerned.
11. As mentioned above we accept that Mr Owen and his successors can make planning applications for other uses in due course if desired. The planning merits can be considered then, and any permission can be subject to conditions that are appropriate at that time.

Letter of 3/02/10:

Stawley Parish Council notes that whilst some points made in their letter concerning this proposal have been noted, they reiterate that despite the WYG letter, and Ian Clarkes recommendations, this Council still recommends re-siting the building to a less prominent position. Therefore they object to the proposal in its present form.

HERITAGE AND LANDSCAPE OFFICER - the addition of the hedgerow and additional tree planting along with the cart track proposals will help integrate the proposals into the rural area.

Representations

1 letter of objection has been received on the grounds that the building would be sited on the highest point of the field boundary and will be able to be viewed from considerable distances; and the building could be sited in a corner of the field where it would not be viewed and which would save 75 yards of track construction.

PLANNING POLICIES

EN12 - TDBCLP - Landscape Character Areas,
S1 - TDBCLP - General Requirements,
S2 - TDBCLP - Design,

DETERMINING ISSUES AND CONSIDERATIONS

The Parish Council's concerns include the size of the building; that it is just within the size authorised by the GPDO; that the building of chicken sheds would not allowed within 90 metres of the building unless an application is submitted; that the building could not be used to house livestock in accordance with the GPDO; that for these reasons consideration should be given to reducing the size of the building and relocating it; that they want a fair chance to respond to proposed colour of materials; and that a note should be added which restricts the use of the building as a dwelling.

Whilst acknowledging these points, the sole and relevant consideration with AGN applications relates to the impact of the development on visual amenity, and given that additional landscaping is proposed, and given the support for the scheme from the Landscape Officer, I consider that there would be limited impact and certainly no adverse impact on visual amenity. Accordingly, the proposal is considered acceptable.

RECOMMENDATION AND REASON(S)

Recommended Decision: Prior Approval (No Conditions)

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.