

35/14/0021

MRS S OWEN

**ERECTION OF EXTENSION TO AGRICULTURAL BUILDING AT APPLEBY ORCHARD FARM, STAWLEY**

Location: APPLEY ORCHARD FARM, BISHOPS HILL, STAWLEY,  
WELLINGTON, TA21 0HH

Grid Reference: 307379.121181 Full Planning Permission

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**RECOMMENDATION AND REASON(S)**

Recommended Decision: Conditional Approval

**RECOMMENDED CONDITION(S) (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:

(A1) DrNo 200-01 Location and Site Plans  
(A1) DrNo 200-02 Survey Plan  
(A1) DrNo 200-03 Existing Elevations and Floor Plans  
(A1) DrNo 200-04 Proposed Plan, Elevations and Section

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

3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building 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 building and surrounding 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. The means of escape in the case of fire should comply with the Building Regulations 2000 and as such should satisfy the provisions contained in either Approved Document B (ADB) or some other suitable and accepted standard. Detailed recommendations pertaining to these matters will be made later at the Building Regulations consultation stage.
3. Access and facilities, which should include where necessary the provision of private fire hydrants for Fire and Rescue Service appliances, should comply with provisions contained within ADB, part 5 of the Building Regulations 2000
4. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

## **PROPOSAL**

Permission is sought for an extension to the existing approved barn at the site to enable the storage of biomass material (wood chippings) that will be used on the farm. Felled timber is currently stored on the farm holding, chipped and taken off site commercially. This activity is the subject of an ongoing enforcement investigation. This facility would enable approximately 250 - 300 tonnes of woodchip to be stored for use on the farm to feed the biomass boilers required to heat the proposed poultry units.

The proposed extension has a floorplan of approximately 27.6 x 7.62. It has a roof that joins on to and continues the slope on the eastern side of the existing approved barn structure. Materials are shown as being pre-cast concrete panels at ground level (equivalent to the open portion of the existing barn) with timber boarding above starting at 1.8 metres above ground level and extending up to eaves level. This will match the existing barn except 1) it is not as long, and 2) it is not open at ground level.

The extension to the barn is designed for the agricultural purposes of an agricultural holding, on agricultural land and is considered to be reasonably necessary for the purposes of agriculture (assuming the poultry units are authorised).

## **SITE DESCRIPTION AND HISTORY**

It is proposed to extend an existing approved barn which is located in the north-western corner of the agricultural holding at Appley Orchard Farm. The farm is situated on fields lying to the east of the Hamlet of Appley. The land is served by one vehicular access off the public highway where a large splayed entrance has

been laid. This was granted permission in February 2010. The entrance is laid to compacted hard core with the access track being of compacted stone. The track turns sharply west at the bottom of the hill and leads onto a stone yard area that contains a mobile home which is currently occupied by the applicant and his family and an adjacent ancillary timber building used as a utility room and domestic storage area. The mobile home and timber shed are the subject of another application also on the agenda for this committee.

With regard to planning history, the following applications are relevant –

35/09/0008AGN - Prior approval granted for the erection of the storage building and formation of the track (Feb 2010).

35/14/0015 - Change of use of land for the storage of felled timber at Appley Orchard Farm (retention of works already undertaken), first presented to members last year and deferred for further investigation on noise issues. Now an application also on this committee.

35/14/0022 - Change of use of land for the siting of a mobile home and storage/utility room, concurrent application also on this agenda. There is ongoing enforcement action regarding the unauthorised occupation of the mobile home and the storage of timber.

35/14/0023 - formation of poultry building with associated infrastructure (unit 1), concurrent application also on this agenda.

35/14/0024 - formation of poultry building with associated infrastructure (unit 2), concurrent application also on this agenda.

35/14/0025 - formation of poultry building with associated infrastructure (unit 3), concurrent application also on this agenda.

## **CONSULTATION AND REPRESENTATION RESPONSES**

### **Consultees**

*STAWLEY PARISH COUNCIL* – Comment as follows:

The purpose of this extension is to provide storage for biomass material required for the new biomass boilers proposed for each of three new poultry buildings on this site which are the subject of separate planning applications: 35/14/0023; 35/14/0024; and 35/14/0025. In view of the number, size and inter-relationship of these applications, and because no pre-application community consultation has been undertaken by the applicant, Stawley Parish Council has convened an Extraordinary Meeting of the Parish Council on Monday 19th January 2015 to consider all these related planning applications together with application 35/14/0022 for a mobile home on the site. The Parish Council will respond formally to all these applications once it has had a chance to hear the views of the local community and consider the proposals as a whole at this Extraordinary Meeting. We intend to submit our comments by Friday 23rd January at the latest before the close of public

consultation on the three poultry shed applications.

We believe that application 35/14/0021 can only be approved by Taunton Deane Borough Council if permission is granted for the poultry farm and we therefore suggest that the Borough Council should consider all these five applications, and preferably also 35/14/0015, together."

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

*LANDSCAPE* - Only minimal landscape impact so no objections.

*BIODIVERSITY* - Observations awaited.

*DEVON AND SOMERSET FIRE & RESCUE SERVICE* - The means of escape in the case of fire should comply with the Building Regulations 2000 and as such should satisfy the provisions contained in either Approved Document B (ADB) or some other suitable and accepted standard. Detailed recommendations pertaining to these matters will be made later at the Building Regulations consultation stage.

Access and facilities, which should include where necessary the provision of private fire hydrants for Fire and Rescue Service appliances, should comply with provisions contained within ADB, part 5 of the Building Regulations 2000

## **Representations**

1 letter of OBJECTION has been received in connection with this application. It makes one point that this application is of no merit on its own and should not be considered by the Planning Committee without first considering the other outstanding planning applications and the enforcement notice on this site (relating to erection of poultry buildings and storage/processing of timber).

## **PLANNING POLICIES**

CP8 - CP 8 ENVIRONMENT,  
DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,  
DM2 - TD CORE STRATEGY - DEV,

## **LOCAL FINANCE CONSIDERATIONS**

This application is for an extension to an agricultural barn on an agricultural holding. It is not therefore liable for a CIL contribution nor will it result in payment to the Council of the New Homes Bonus.

## **DETERMINING ISSUES AND CONSIDERATIONS**

The main determining factors in this case are -

- Planning policy;
- Visual amenity;
- Residential amenity; and,
- Landscape and biodiversity issues.

### Planning policy considerations

At the heart of the NPPF is a presumption in favour of sustainable development. This is explained as meaning that Local Planning Authorities should positively seek opportunities to meet the development needs of their area, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF. To assist in this regard, paragraph 28 of the NPPF states that planning authorities should support economic growth in rural areas in order to create jobs and prosperity and promote the development and diversification of agricultural and other land-based rural businesses. Paragraph 56 clarifies the need for good design as a key aspect of sustainable development. Paragraph 109 talks about the need to enhance the natural and local environment.

It is Officer's opinion that all of these criteria can be met by this application and that therefore there would not be any breach of the national policy framework guidance.

The NPPF and planning law makes clear that planning applications for planning permission must also be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the relevant policies within the Adopted Core Strategy are

- CP8 - (Environment);
- DM1 - (Development Management general requirements); and
- DM2 - (Development in the countryside).

These policies support new non-residential buildings in the countryside which are commensurate with the role and function of the agricultural unit, so long as the natural environment is not harmed and basic development management requirements are met. It is considered that the use of the proposed extension (for agricultural use) within an agricultural holding is appropriate in this rural setting. The design matches, as far as is practical the building already approved at this point. The extension is not within view of any residential properties or other interests of acknowledged importance and is in any event hidden from the development within the hamlet of Appley by virtue of being set down (lie of the land) and on the eastern side of the existing barn, away from other development, shielding it from view. For all of these reasons, the proposal is considered to meet the tests of the policies within the Core Strategy.

### Visual amenity

The extension, indeed the existing barn itself, is not visible from any public vantage point or from any nearby property, because it is located down in a dip, is well

screened from view by boundary hedging and trees, and is not unduly tall. In addition, the new extension would be on the eastern side of the existing approved barn and would have a lower roof height, being a continuation of the existing roof slope on this side. Therefore, it would be entirely screened by this from the direction of the hub of Appley. There are no Public Rights of Way or footpaths in the vicinity from which the new extension could be seen. Therefore, no one or any interest will suffer any form of visual detriment as a result of this proposed extension. In any event the structure is well designed to fit in with the rural area, comprising precast concrete panels at ground level and timber boarding above. This will match in with the existing. Thus, there are no issues with detriment to visual amenity and the proposal is acceptable on this ground.

#### Residential amenity.

As stated above, no one will suffer any form of visual detriment as a result of this proposed extension because it would simply not be visible from any residential property. It is located down in a dip, well screened from view by boundary hedging and trees, and is not an unduly tall structure. In addition, the new extension would be on the eastern side of the existing approved barn and would have a lower roof height, being a continuation of the existing roof slope on this side. Use of the extension is not an issue, because it is an agricultural barn in an agricultural farm holding, meaning that any agricultural use would be a permitted use. Any use that does not fall within the definition of agriculture might need permission, but as the use has been specified as being the storage of biomass material to be used on the farm, this is not an issue in this instance.

It is noted that there has only been one letter of representation during the consultation period, and this did not make reference to amenity detriment. Instead it referred to the need to consider all of the Appley Orchard Farm applications together.

On the basis of all of this, it is reasonable and appropriate to conclude that this proposal is in accordance with policy DM1e (which includes residential amenity). There are no reasonable grounds for refusing the proposal on this ground.

#### Landscape and biodiversity issues

The extension is proposed on a piece of flat muddy track, which contains no plants, hedges or trees and does not appear to have any benefit to fauna or flora. The Landscape and Biodiversity Officer has offered no objections on the basis of impact upon landscaping issues, as in her view the impact is minimal. At the time of writing this report, her views on issues relating to biodiversity were still awaited. However, the existing structure, to which the extension is proposed, is new and open at ground floor level, and is not suitable for, or known to be inhabited by bats, birds or other fauna. It is thus reasonable to conclude that the proposal will not have any adverse impact upon landscape or biodiversity issues. However, it would be appropriate to obtain the views on biodiversity from the relevant council Officer first and her views will be reported to Members at their meeting.

## Conclusions

On the main issues of planning policy, visual amenity, residential amenity and landscaping, it is concluded that there are no reasonable or justifiable grounds for concern or for refusing the proposal. The same is likely to be the case for the other main issue of biodiversity, but this has yet to be verified by the relevant officer. Therefore, subject to the views of the Landscaping and Biodiversity Officer (in respect of biodiversity), the recommendation is one of conditional approval.

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

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