

Application No: 12/4309N

Location: 1, Checkley New Farm, TURNCOCKS LANE, WRINEHILL, CW3 9DD

Proposal: Proposed steel portal framed building for the housing of grain

Applicant: Neil Moore, EWH Moore

Expiry Date: 07-Feb-2013

**SUMMARY RECOMMENDATION:**

**APPROVE subject to conditions**

**MAIN ISSUES**

- **Principle of Development**
- **Essential for Agricultural Purposes**
- **Drainage**
- **Highways**
- **Design**
- **Amenity**
- **Ecology**

**1. SITE DESCRIPTION**

The application relates to Checkley New Farm, which is situated to the south of Checkley Lane at Wrinehill and is accessed via an unclassified road. The farmstead comprises a farmhouse, overlooking the driveway to the site, with two large modern portal framed agricultural buildings to the rear, and a disused silage clamp to the side.

**2. DETAILS OF PROPOSAL**

This is a full planning application for a Steel Portal Framed Agricultural Building for the storage of grain which will replace the redundant silage clamp. The proposed building will measure 54.33m wide x 49.44m long and have an eaves height of 7.78m. The building will cover a footprint of 2686m<sup>2</sup>.

**3. PREVIOUS RELEVANT DECISIONS**

There are no relevant previous relevant decision notices relating to this site.

**4. PLANNING POLICIES**

**National policy**

National Planning Policy Framework

## **Local Plan policy**

- BE1 (Amenity)
- BE2 (Design Standards)
- BE3 (Access and parking)

## **5. OBSERVATIONS OF CONSULTEES**

### **Highways Authority:**

The Strategic Highways Manager has no comment or objection to make regarding this development proposal.

### **Environment Agency**

The Environment Agency has no comments to make on the proposed development.

### **Environmental Health**

No comments received at the time of report preparation

## **6. VIEWS OF THE PARISH / TOWN COUNCIL:**

The Parish Council have visited the applicant and site and also spoken to a number of neighbours who in general have no issues with the application. Whilst the PC have no objection to this application it would like to make the following comments.

- The height and scale of the building is much larger than existing and this needs to be taken into consideration.
- A site visit to be made by planning to view the scale of this grain store and how this fits within the surrounding landscape.
- A number of properties will be able to see the structure from a distance restricting view of the open countryside and it is recommended that landscaping in numerous areas is made a condition in order to mask the building especially due to it's height.

## **7. OTHER REPRESENTATIONS:**

- None received at the time of report preparation

## **8. APPLICANT'S SUPPORTING INFORMATION:**

- Design and Access Statement

## **9. OFFICER APPRAISAL**

### **OFFICER APPRAISAL**

#### **Principle of Development**

The application site is situated within the Open Countryside where policy NE2 (Open Countryside) provides that development which is essential for the purposes of agriculture will be permitted. Policy NE14 (Agricultural Buildings Requiring Planning Permission) relates specifically to agricultural buildings and seeks to ensure, amongst other things, that proposals are: essential for agricultural purposes; appropriately sited and design; provision is made for the drainage of foul, surface water drainage and animal wastes; there is adequate provision for access and movement of machinery and livestock; not detrimental to neighbouring amenity; and should not be readily convertible to residential use.

Recent government guidance, in particular the Planning for Growth agenda, and the National Planning Policy Framework, all state that Local Planning Authorities should be supportive proposals involving economic development, except where these compromise key sustainability principles.

The NPPF states that, the purpose of planning is to help achieve sustainable development. *“Sustainable means ensuring that better lives for ourselves do not mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world.”* There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles including, an economic role – contributing to building a strong, responsive and competitive economy, as well as an environmental role – contributing to protecting and enhancing our natural, built and historic environment.

At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. The document states that for decision taking this means, inter alia, approving development proposals that accord with the development plan without delay.

According to paragraph 17, within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. According to the 12 principles planning should, inter alia, proactively drive and support sustainable economic development. The NPPF makes it clear that *“the Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.”*

According to paragraphs 19 to 21, *“the Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century. Investment in business should not be overburdened by the combined requirements of planning policy expectations.”*

*The NPPF places particular emphasis on supporting a prosperous rural economy.* It states at paragraph 29 that “Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
- promote the development and diversification of agricultural and other land-based rural businesses;
- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres;

Another important material consideration is the Written Ministerial Statement: Planning for Growth (23 March 2011) by The Minister of State for Decentralisation (Greg Clark). Inter alia, it states that, *“the Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.*

Furthermore, it states that when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate economic development. Local Authorities should therefore, inter alia, consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession; take into account the need to maintain a flexible and responsive supply of land for key sectors; consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits and ensure that they do not impose unnecessary burdens on development.

The proposal is therefore considered to be acceptable in principle as it is in accordance with adopted Local Plan policy and the provisions of the NPPF.

### **Essential for Agricultural Purposes**

The proposed building will be used for the storage of grain and given that this is an established working farm site, it is considered to be essential for the purposes of agriculture. It is not of a design that would make it readily convertible to residential use.

### **Drainage**

In the absence of any objection from the Environment Agency, it is not considered that a refusal on the grounds inadequate provision for foul and surface water drainage or disposal animal wastes could be sustained.

### **Highways**

The Highways Officer has examined the application and raised no objection. Therefore, it is considered that the proposal is acceptable in terms of having adequate provision for access and movement of machinery and livestock.

### **Design**

The proposed building will measure 54.33m wide x 49.44m long and have an eaves height of 7.78m. Although the proposed building is large, the form, scale and appearance are similar to existing agricultural buildings located within the farm unit. The building would be sited to the west of the farm yard within an area occupied by a redundant silage clamp. Therefore the proposal would be sited adjacent to existing buildings, would be seen in the context of the farm complex and would not result in further encroachment of the farm yard into the Open Countryside.

The walls of the building would be constructed of slate blue pvc coated box profile steel sheets and the roof would be finished in fibre cement sheets. Doors would be galvanized steel. With the exception of the doors, the materials that have been selected are dull, natural, colours which will ensure that there is no reflection from the building and that it will blend in with its surroundings. Consequently, the visual prominence will be reduced. The proposed materials are also in-keeping with other newer buildings on the farmstead and the surrounding area generally.

As such it is not considered that the proposal which is for agricultural purposes would be harmful to the character and appearance of the Open Countryside.

### **Amenity**

The proposed development would be some 90 metres from the nearest dwelling 'Cherry Tree House'. There is an existing level of activity from the adjacent agricultural operations and it is not considered that the proposed grain storage building would be any further detrimental to neighbouring residential amenity over and above the existing site arrangements and use. The proposal would comply with Local Plan policies BE1 (Amenity) and NE14 (Agricultural Buildings Requiring Planning Permission).

### **Ecology**

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places

(a) in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment, and provided that there is

(b) no satisfactory alternative and

(c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Local Plan Policy NE.9 states that development will not be permitted which would have an adverse impact upon species specially protected under Schedules 1, 5 or 8 of the Wildlife and Countryside Act 1981 (as amended), or their habitats. Where development is

permitted that would affect these species, or their places of shelter or breeding, conditions and/or planning obligations will be used to:

- facilitate the survival of individual Members of the species
- Reduce disturbance to a minimum
- Provide adequate alternative habitats to sustain the current levels of population.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England's standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In this case the council's ecologist has examined the application and commented that a pond is located 120m to the South West of the site. From the supporting plans it would appear that there will be no encroachment into the grassland beyond the current hand standing storage area. He is therefore prepared to accept that the risk to GCN is low. If there is to be loss of any current grassland habitats or storage of building materials on current grassland, then an appraisal of the pond and assessment of risk to GCN will be required. However, the submitted plans indicate that this will not be the case.

## **10. CONCLUSION**

The application proposes an acceptable form of development within the Open Countryside which is for agricultural purposes. The proposal would comply with the provisions of Local Plan policies NE2 (Open Countryside), NE9 (Protected Species), NE14 (Agricultural Buildings Requiring Planning Permission), BE1 (Amenity), BE2 (Design) as well as the provisions of the NPPF and is therefore recommended for approval.

## **11. RECOMMENDATION**

**APPROVE subject to the following:**

- 1. Standard Time**
- 2. Approved Plans**
- 3. Materials as Application**

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