

Application No: 13/5053C

Location: THE BARN, Brook Farm, NEWCASTLE ROAD, BETCHTON, CW11 2TG

Proposal: Erection of timber clad gatehouse, access steps and underground sewage treatment plant. Resubmission of 13/4292C

Applicant: Denise Coates, and Mr Richard Smith

Expiry Date: 22-Jan-2014

SUMMARY RECOMMENDATION

Refuse

MAIN ISSUES

Principle of Development
Impact on Character of the area
Impact on Amenity
Forestry implications

1. REASON FOR REFERRAL

The application was called-into committee by Cllr Wray for the following reasons; "1) The gatehouse is essential for security purposes, 2) The structure is modest and will not be inhabited, 3) The construction is of wood and therefore could be considered of a temporary nature, 4) The police consider it a very necessary measure for security purposes since the family have been subjected to threats etc"

1. DESCRIPTION OF SITE AND CONTEXT

The application site is comprised of an agricultural field located to the south east of the access road to The Barn and Brook Farm.

The site falls within an area of Open Countryside as defined within the Local Plan.

The existing site area is comprised of a compound area and portacabin which do not have the benefit of planning permission.

2. DETAILS OF PROPOSAL

The application seeks planning permission for the construction of a gatehouse with external access staircase and the addition of an underground sewage treatment plant.

3. RELEVANT HISTORY

13/4292C	2013	Erection of a timber clad gatehouse, access steps and underground sewage treatment plant Withdrawn 25/11/2013
12/0964C	2012	Extension to form training room, plant room and enclosure
12/0966C	2012	Listed Building Consent for Extension to Form Training Room, Plant Room and External Plant Enclosure Approved
11/2485C	2011	Approval for replacement of link building
11/2372C	2011	LBC for replacement of link building Approved
11/1555C	2011	LBC for new external openings Approved
11/1554C	2011	Approval for new external openings
10/2455C	2010	Approval for refurbishment of garage and barn
10/2459C	2010	LBC for refurbishment of garage and barn Approved

4. POLICIES

National Planning Policy

National Planning Policy Framework (2012)

Congleton Borough Local Plan (2005)

Local Plan Policy

PS8	Open Countryside
GR1	New Development
GR2	Design
GR4	Landscaping
GR6	Amenity and Health
BH3	Listed Buildings

BH4 Effects of Proposal

5. CONSULTATIONS (External to Planning)

Environmental Health – No objections to the proposal

Environment Agency - No objections, request that their advice letter is forwarded to the applicant.

Highways – No objection to the proposal

6. VIEWS OF THE PARISH COUNCIL

No comments received

7. OTHER REPRESENTATIONS

None received

8. APPLICANT'S SUPPORTING INFORMATION

A Planning, Design and Access Statement submitted with the application and can be viewed on file.

9. OFFICER APPRAISAL

Policy

As one of its Core Planning Principles, Para 17 of the NPPF affirms the need to '*recognis[e] the intrinsic character and beauty of the countryside*'; choosing land of lesser environmental value for development; encouraging the effective use of land by reusing land that has been previously developed provided that it is not of high environmental value; promoting mixed use developments; managing patterns of growth. This is consistent with the aims of Policy PS8 Open Countryside which seeks to protect the countryside (i.e. land outside Settlement Boundaries) from development.

As stated, it is a Core Planning Principle of the NPPF to take account of the different role and character of different areas, recognising the intrinsic character and beauty of the countryside. The NPPF therefore requires us to recognise the very essence of the countryside in our plan-making and decision taking. The defining characteristic that exemplifies the countryside is that it is not developed: it is distinct from the built and the urban. The notion is deep-seated and the countryside is inherently a place set apart from the town, principally by virtue of the fact that it is free from significant built development.

Policy PS8 seeks to protect the countryside from most forms of new development, limiting the scale and type of buildings that can be constructed within it. Amongst other things, it states that only 'facilities for outdoor sport, recreation and tourism, cemeteries and other uses of land which preserve the openness of the countryside and maintain or enhance its character' will be permitted. Accordingly, it corresponds to the Core Planning Principles by recognising the intrinsic character and beauty of the countryside. Its function goes beyond the containment of settlements. All of this is predicated by the need to secure sustainable development and maintain the openness of the countryside. Accordingly, it supports and enhances the principles established in paragraph 17. If protection of the countryside was not an important consideration, then there would be no need to avoid isolated building in the rural areas.

Under the heading 'The Presumption in Favour of Sustainable Development', it is stated (para 14) that *'for decision taking this means (unless material considerations indicate otherwise) (1) approving development proposals that accord with the Development Plan without delay (2) where the Development Plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

- *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *Specific policies in this Framework indicate development should be restricted.'*

In this case, the Development Plan is clearly not absent: the saved policies of the Congleton Borough Local Plan are in place and remain part of the Development Plan. Equally, the Plan is not silent on the subject of open countryside.

Adopted in 2005, the Congleton Borough Local Plan was intended to cover the period to 2011. The NPPF emphasises that Plans should not be considered out-of-date simply because they pre-date the NPPF and then goes on to apply two principal tests as to whether a policy is 'out-of-date'.

The second test arises in paragraph 215, which indicates that 'due weight' should be given to policies in existing Plans according to their degree of consistency with the Framework. Indeed, the closer the policies are to the NPPF, the greater the weight that can be attributed to them. As stated above, Policy PS8 is consistent with the NPPF.

Policy PS8 should be viewed as being up-to-date and accorded due weight in line with the advice of the Framework. The final bullet point of paragraph 14 is not engaged. The Development Plan is neither absent, silent nor is it out-of-date.

Given that this is the case, the correct course of decision-making is to determine the application in accordance with the Development Plan.

Principle of Development

The application site is situated within an area of Open Countryside (PS8) as defined within the Local Plan, as such, development will only be permitted for the following types of development;

- Agricultural & forestry

- Facilities for outdoor sport, recreation, tourism and cemeteries which preserve openness
- New dwellings in accordance with policy H6 & alterations and extensions to dwellings in line accordance with policy H16
- Limited infilling in settlements in accordance with H6
- Affordable Housing
- Development for employment purposes
- The re-use of existing buildings in accordance with policies BH15 & BH16
- The re-use or re-development of an employment site

The justification to policy PS8 states that development in the Open Countryside will normally be unacceptable unless it can be shown to be essential to local needs and the rural economy and cannot be accommodated within existing settlements.

The proposal seeks permission for the construction of a timber clad gatehouse with a 15sqm footprint, located approximately 50m into the site. Due to the increasing land levels, a staircase to the building is also proposed providing access between the gatehouse and access drive to the residential properties. The boundary also includes boundary fencing within the agricultural field, and an underground sewage system.

The Planning Statement submitted with the application states that the gatehouse is required in order to enhance the security on site. An email has been submitted from the Police regarding security. The Planning Statement submitted says that the gatehouse is required to be positioned outside the curtilage of The Barn in order to provide maximum security for the applicants. The gatehouse itself would contain an office area, kitchen and toilet facilities. The proposed development does not fall into any of the exception criteria listed within policy PS8 of the Local Plan. The development would result in the addition of a new building within an agricultural field, which in principle is not acceptable. The fact that the applicant seeks additional security measures on site is noted, however little weight is attributed to this in assessing the acceptability of the principle of the proposal. Whilst the application states that the gatehouse has to be located within the field to provide 'maximum security', no details have been provided in order to state why this location is the only suitable location.

The development does not fall into any of the exception criteria listed within policy PS8 (Open Countryside) as listed above. Whilst it is appreciated that the occupiers of the properties may seek additional security measures to both properties, it is not considered that the addition of a gatehouse within an agricultural field is the only option available to them. The personal circumstances of the applicants do not offer sufficient weight to agree that the principle of development is acceptable, or that the benefits to the applicant would out-weigh the harm to the character of the rural area.

Impact upon the Character of the Countryside

The gatehouse would be small in scale with a footprint of approximately 15sqm. The appearance of the building would be a single storey flat roofed structure, fabricated in timber. The building would be set towards the edge of an agricultural field, adjacent to the existing private driveway which is lined with mature trees and vegetation. Steps would provide pedestrian access to the structure from the existing access. The gatehouse would be located within an existing compound

area with grasscrete surfacing and fencing. The compound was created without the benefit of planning permission, and is considered to be an encroachment into the countryside and would have a detrimental impact upon the character and appearance of the Open Countryside. Taking into consideration the building, compound, railings and stairs, it is considered that the original character of the agricultural field would be altered.

The site itself is well screened from the A533 (Newcastle Road), however as the compound area, that does not have the benefit of planning permission, is used for the parking of vehicles. When viewing the site from the A533, the vehicles parked with the compound and portacabin located to the front of this area can be viewed from public vantage points. The character of the original rural field has now been altered, with the encroachment of development into it.

Impact upon setting of the Listed Building

Brook Farm within the site complex is a Grade II Listed building. The siting of the building is over 100m from the Listed Building on site, as such it is unlikely that the development would adversely affect the setting of the Listed Building.

Impact on Residential Amenity

The site is set within substantial grounds surrounded by agricultural fields, as such the proposed development would not adversely affect the amenities of neighbouring residents.

Forestry Implications

The impact on trees relates to possible construction impact damage only with no trees scheduled for removal to facilitate the proposed security hut. The recommendation has been made to make provision for a ground beam and pile foundation to avoid deep trench excavation within the Root Protection Areas (RPA) as identified within BS5837:2012. This is an acceptable approach enabling the construction of the proposed security hut without detracting from the trees which are visible from the adjacent Newcastle Road. No post development issues are envisaged given the proposed usage.

The proposed underground sewage treatment plan has been located outside the respective RPA of the adjacent trees. The access pipe can be facilitated in a linear form in a direction which it is envisaged that negligible impact will be accrued in respect of T5 identified on the submitted plan.

Other Issues

Pre-application advice was sought with regards to the development, limited information was submitted for the assessment. Even so, advice was given from the Local Planning Authority that the proposal would be unacceptable, and an application was not invited.

11. CONCLUSIONS

The proposed development has a significant impact upon the character of the rural field where the building as associated paraphernalia would be located. The visual impact of the development is considered to out-weigh the benefits provided to the owners of the property with regards to personal safety. The application is therefore recommended for refusal.

12. RECOMMENDATIONS

Refuse approval on the following grounds:

The proposed development by reason of its isolated siting and design would have a detrimental impact upon the rural character of this site. Furthermore there is not considered to be an essential need for this development and the proposal is contrary to policy PS8 (Open Countryside) and GR1 (New Development) of the Congleton Borough Local Plan First Review 2005 and guidance within the NPPF which states that planning should recognise the intrinsic character and beauty of the countryside.

