

Retention of agricultural building, track, hardstanding and earth bunds

Report Item No
A2

Land At Coleorton Lane Packington Leicestershire LE65 1WR

Application Reference
21/01132/FUL

Grid Reference (E) 436396
Grid Reference (N) 315008

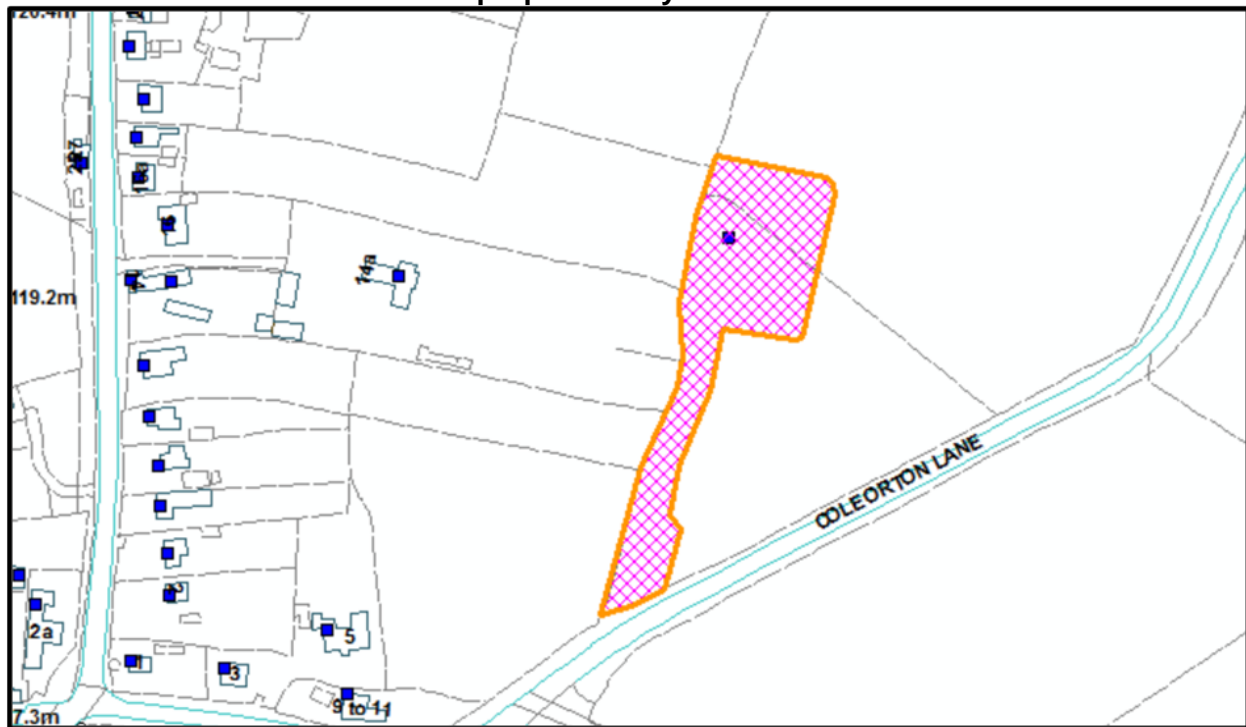
Date Registered:
9 June 2021
Consultation Expiry:
9 July 2021
8 Week Date:
4 August 2021
Extension of Time:
3 September 2021

Applicant:
Mr Eaton

Case Officer:
Sarah Booth

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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Executive Summary of Proposals and Recommendation

Call In

The application is brought to the Planning Committee as the planning agent is related to a serving councillor (Councillor Blunt) and contrary representations to the recommendation to permit the application have been received.

Proposal

Planning permission is sought for the retention of an agricultural building, track, hardstanding and earth bund on land at Coleorton Lane. An agricultural building was approved in this location last year (20/00677/AGP) however the building was not built in accordance with the approved plans, as such this application seeks permission to retain the building and associated development as built on site.

The site is situated outside the Limits to Development on the Policies Map to the adopted Local Plan with the surrounding area being rural in character.

Consultations

No neighbour objections have been received to date however Packington Parish Council have objected to the application. All other statutory consultees who have responded have raised no objections.

Planning Policy

The application site lies outside Limits to Development, as defined in the adopted North West Leicestershire Local Plan. The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance.

Conclusion

In conclusion, the site is situated outside the Limits to Development and given that the building would be used for agricultural purposes this would be acceptable in principle and would comply with Policy S3 of the adopted Local Plan and Paragraph 84 of the NPPF.

The scheme is not likely to give rise to any harmful impacts upon the occupiers of neighbouring dwellings, visual amenity and the character of the area, highway safety or ecology. The proposal would also not be detrimental to the River Mease SAC. Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

RECOMMENDATION - PERMIT SUBJECT TO CONDITIONS.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies and the Officer's assessment, and Members are advised that this summary should be read in conjunction with the detailed report.

Main Report

1. Proposals and Background

Planning permission is sought for the retention of an agricultural building, track, hardstanding and earth bund on land at Coleorton Lane. An agricultural building was approved on this application site last year (20/00677/AGP) however the building was not built in accordance with the approved plans and, as such, this application seeks permission to retain the building and associated development as built on site.

The building on site has almost been completed, however it was incorrectly erected in a different location to that approved under 20/00677/AGP. The orientation of the building has also altered from the previously approved plans. When comparing this application to the 2020 approval this shows that the building has been sited approximately 10 metres further to the north and has been rotated 90 degrees. The building has also been amended to have a dividing wall internally so that it can house both hay and agricultural machinery in separate sections.

The site is situated outside the Limits to Development as per Policy S3 of the adopted Local Plan with the surrounding area being largely rural in character. The application site is also within the catchment of the River Mease Special Area of Conservation.

The application building has been constructed in concrete panels with box profile sheeting and covers a ground area of approximately 250 square metres with an overall height of 7.3 metres.

The submitted supporting statement advises that the applicants holding spans 34 acres. The farm income is primarily derived from the sale of hay and haylage. Other income is from agricultural subsidies. Agricultural processes that take place as part of the agricultural business are; chain harrowing, rolling, fertilising of the land, spreading of manure, spraying, hay cutting, hay turning, hay bailing, hay carting, sowing, hedge cutting and pasture topping. In addition to this, following haymaking season the land is grazed by a local farmer's flock of sheep. The barn will provide the applicant sufficient storage space to store both his hay and his range of agricultural machinery.

Recent planning history:

20/00677/AGP - Prior notification for erection of a new agricultural building and installation of a new access track (Permitted 03.06.2020).

2. Publicity

11 Neighbours have been notified.
Site Notice displayed 18 June 2021.

3. Summary of Consultations and Representations Received

No objections from the following:

Council's Environmental Protection Section
Leicestershire County Ecologist
Leicestershire County Highways
Natural England

Packington Parish Council - Have raised the following concerns:

They are concerned that the barn was built against the plan and is in the wrong place and rotation but are aware that it is unlikely that planning officers will insist on this being put right.

They are very concerned about the aspect of the building and the surrounding area and in particular the unsightly container by the gate and request that this should be moved away from the entrance.

The bunds and the fact that this is supposed to be an agricultural building for the storage of hay and therefore should not need the excessive security of these enormous bunds and the extent of hardstanding in what was an open field. The Parish Council would like the bunds removed.

Third Party Representations

No letters of neighbour representation have been received during the course of the application

All responses from statutory consultees and third parties are available to view in full on the Council's website.

4. Relevant Planning Policy

National Planning Policy Framework (2021)

The following sections of the NPPF are considered relevant to the determination of this application:

Paragraphs 7, 8, 9 and 10 (Achieving sustainable development);
Paragraph 11 (Presumption in favour of sustainable development);
Paragraphs 55, 56 and 57 (Decision-making);
Paragraph 84 (Building a Strong Competitive economy);
Paragraphs 104, 105, 110, 111 and 112 (Promoting sustainable transport);
Paragraphs 126, 129, 132 and 134 (Achieving well-designed places);
Paragraphs 152, 154, 157, 159 and 167 (Meeting the challenge of climate change, flooding and coastal change);
Paragraphs 174, 182, 183, 184, 185 and 187 (Conserving and enhancing the natural environment).

Adopted North West Leicestershire Local Plan (2021)

The North West Leicestershire Local Plan forms part of the development plan and the following policies of the Local Plan are relevant to the determination of the application:

Policy S2 - Settlement Hierarchy;
Policy S3 - Countryside;
Policy D1 - Design of New Development;
Policy D2 - Amenity;
Policy IF4 - Transport Infrastructure and New Development;
Policy IF7 - Parking Provision and New Development;
Policy En1 - Nature Conservation;
Policy En2 - River Mease Special Area of Conservation;
Policy Cc3 - Sustainable Drainage Systems;

Other Policies and Guidance

National Planning Practice Guidance.

Leicestershire Highway Design Guide (Leicestershire County Council).

Good Design for North West Leicestershire SPD - April 2017.

The Habitats Regulations (The Conservation of Habitats and Species Regulations 2017).

Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System.

River Mease Water Quality Management Plan - August 2011.

5. Assessment

Principle

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the development plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2021).

Planning permission is sought for the retention of an agricultural building, track, hardstanding and earth bund on land at Coleorton Lane.

The applicant's holding spans 34 acres. The farm income is primarily derived from the sale of hay and haylage. Other income is from agricultural subsidies. Agricultural processes that take place as part of the agricultural business are; chain harrowing, rolling, fertilising of the land, spreading of manure, spraying, hay cutting, hay turning, hay baling, hay carting, sowing, hedge cutting and pasture topping. In addition to this, following haymaking season the land is grazed by a local farmer's flock of sheep. The barn will provide the applicant sufficient storage space to store both his hay and his range of agricultural machinery.

The principle of an agricultural building being erected on this site has already been previously established under a prior notification application 20/00677/AGP, which was approved at Planning Committee last year. However, the building was not constructed in accordance with the approved plans and therefore this application seeks permission to retain the building on site as per its built location.

The overarching principle of the NPPF is to protect the countryside but to allow sustainable development where appropriate. Paragraph 84 of the NPPF states that planning decisions should enable, amongst other things, the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings and the development and diversification of agricultural and other land-based rural business.

The site is located outside Limits to Development as defined by the adopted Local Plan. Given that the use of the building would be agricultural the scheme is considered to be in accordance with Policy S3 criterion (a). Policy S3 goes on to state that development in accordance with criteria a-s would be supported, subject to satisfying criteria i-vi as set out below:

(i) The appearance and character of the landscape, including its historic character and features such as biodiversity, views, settlement pattern...

For the reasons discussed later in this report, it is considered that the appearance and character of the landscape would be safeguarded.

(ii) It does not undermine, either individually or cumulatively with existing or proposed development, the physical and perceived separation and open undeveloped character between nearby settlements...

(iii) it does not create or exacerbate ribbon development.

The site does not create or exacerbate ribbon development, nor undermine the physical or perceived separation between nearby settlements.

(iv) built development is well integrated with existing development and existing buildings

There are no other buildings on site, however it is considered that the location of the application building is suitable due to it being adjacent to existing boundary hedgerows rather than somewhere more exposed and isolated.

(v) the development will not seriously undermine the vitality and viability of existing town and local centres.

Given the nature of the proposal, this criterion is not considered to be relevant.

vi) the proposed development is accessible, or will be made accessible by a range of sustainable transport.

The building would be used in association with an established agricultural use on site. As such it is not considered that the proposal would lead to an increase in vehicular movements and therefore does not need to be accessible, or to be made accessible by a range of sustainable transport.

In summary, the principle of development is considered to be acceptable, subject to all other planning matters being addressed.

Design and Impact on the Character of the Landscape

The need for good design in new development is outlined not only in adopted Local Plan Policy D1, as well as the Council's adopted Good Design for North West Leicestershire SPD, but also Paragraphs 126, 129 and 134 of the NPPF.

Objections have been received from the Parish Council raising concerns with the building's impacts on the character of the area, the bunds and the amount of hardsurfacing. These matters will be considered below.

When comparing this application to the 20/00677/AGP approval this shows that the building has been sited approximately 10 metres further to the north and has been rotated 90 degrees. The building has also been amended to have an internal dividing wall so that it can house both hay and agricultural machinery in separate sections.

The application building has been constructed in a mixture of prefabricated concrete panels, green box profile sheeting, roller shutter doors and a grey box profile sheeting roof. It covers a ground area of approximately 250 square metres with an overall height of 7.3 metres. The materials of construction for the building are consistent with a typical agricultural building and the green colour softens its appearance and allows it to assimilate into the wider rural landscape.

The building is partly visible from Coleorton Lane however it is largely well screened from public vantage points by mature boundary hedges. The building has also been sited adjacent to an existing boundary hedgerow to limit its impact on the wider landscape.

Permission is also sought for some new earth bunds that have been created adjacent to the access track and around the building. The bunds are no higher than 2 metres and are up to 4 metres in width. The planning agent has advised that the bunds have been installed to improve security for the building as vehicles would then only be able to access the site via the main site entrance and via the newly installed track. The bunds were created by excess topsoil from within the site and are natural in appearance with them now being covered in vegetation, which enables them to assimilate into the countryside setting and landscape.

The hard surfacing comprises an area of approximately 1,730 square metres around the building. This includes an area to the rear of the building to provide parking for a hay trailer. The amount proposed is considered reasonable for the use of the building and would be mostly screened from wider views of the landscape and from the open countryside by the new earth bunds.

The Parish Council have also raised concerns with an unauthorised storage container that has been sited close to the site entrance. This application does not include the container, however the applicant has been advised that planning permission is required for it and has been requested to remove the container from the application site; this will be followed up separately by the Council's enforcement team.

This application would not be significantly, or adversely, different from the previously approved development (20/00677/AGP). As such it is not considered that the building's revised siting or orientation, or the additional of the bunds and hard surfacing, would be harmful to the character of the rural landscape and it is recommended that the application is approved.

On the above basis it is considered that the proposals impact on the visual amenities of the wider landscape and character and appearance of the streetscape would be no more significant than that of the approved situation. Thereby the proposal is considered to accord with Policies D1 and S3 along with the Council's adopted Good Design SPD and Paragraphs 126 and 130 of the NPPF.

Residential Amenity

The neighbouring properties in closest proximity to the application site are No's. 14a, 16a and 18 Ashby Road, Packington. Whilst the building is close to the rear boundary of the gardens for these properties, the nearest dwelling is at least 100 metres away. Given this distance, it is not considered that the proposal would result in any adverse overbearing, overshadowing or overlooking implications.

Furthermore it is noted that the building is only proposed for storage purposes and no objections have been raised by the Council's Environmental Protection Officer. It is therefore not considered that this development would result in any detrimental smell or noise impacts to neighbouring residential properties.

Overall, the proposal would accord with Policy D2 of the adopted Local Plan and Paragraph 185 of the NPPF.

Highway Safety

The application utilises an existing access from Coleorton Lane and a new track has been installed within the site to provide vehicular access to the new building. The track was previously approved under application 20/00677/AGP. The County Highway Authority have been consulted on the application and have no objections to this development.

This development would not intensify the use of the site, and would not result in any highway safety concerns. Therefore, the development would accord with Policies IF4 and IF7 of the adopted Local Plan and Paragraphs 110 and 111 of the NPPF.

River Mease Special Area of Conservation/SSSI - Habitat Regulations Assessment

The site lies within the catchment area of the River Mease Special Area of Conservation (SAC). Discharge from the sewage treatment works within the SAC catchment area is a major contributor to the phosphate levels in the river. Discharge into the river from non-mains drainage systems and from surface water disposal can also result in an adverse impact on the SAC, including in relation to impacts on water quality and flow levels.

In this case it is considered that the proposal could result in an impact on the SAC, which may undermine its conservation objectives, as it could result in an increase in foul or surface water drainage discharge. Therefore, an appropriate assessment of the proposal and its impacts on the SAC is required.

The development is required for storage purposes and does not include any foul drainage. As such no mitigation measures are required for this.

With regard to surface water drainage much of the access track and hard standing is constructed in crushed stone and would be permeable. However, it is accepted that the proposal overall increases areas of impermeable hard surfacing. It is recommended that a condition be attached to ensure that a sustainable surface water drainage method is implemented. Subject to this condition there would be no adverse impact on the River Mease SAC.

Therefore it can be ascertained that the proposal would, either alone or in combination with other plans or projects, have no adverse effect on the integrity of the River Mease SAC, or any of the features of special scientific interest of the River Mease SSSI, and would comply with the Habitat Regulations 2017, the NPPF Policies S2, En1 and En2 of the adopted Local Plan.

Ecology

No objections have been received from the County Ecologist. It is therefore considered that the proposal would comply with Policy En1 of the adopted Local Plan.

Conclusion

The site is situated outside the Limits to Development, however the building is required for agricultural purposes and is therefore acceptable in principle in accordance with Policy S3 of the adopted Local Plan and Paragraph 84 of the NPPF. The proposal is considered to not have any significantly detrimental design, residential amenity, ecology or highway safety impacts nor would there be any implications to the River Mease SAC/SSSI. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the adopted Local Plan and the advice in the NPPF. It is therefore recommended that the application be permitted.

RECOMMENDATION - PERMIT, subject to conditions;

1. Approved Plans
2. Materials
3. Sustainable drainage scheme