
Hay and agricultural machinery store

Report Item No
A9

Land To The Rear Of 56 Main Street Swannington Coalville
Leicestershire LE67 8QN

Application Reference
16/00743/FUL

Applicant:
Mr Ray May

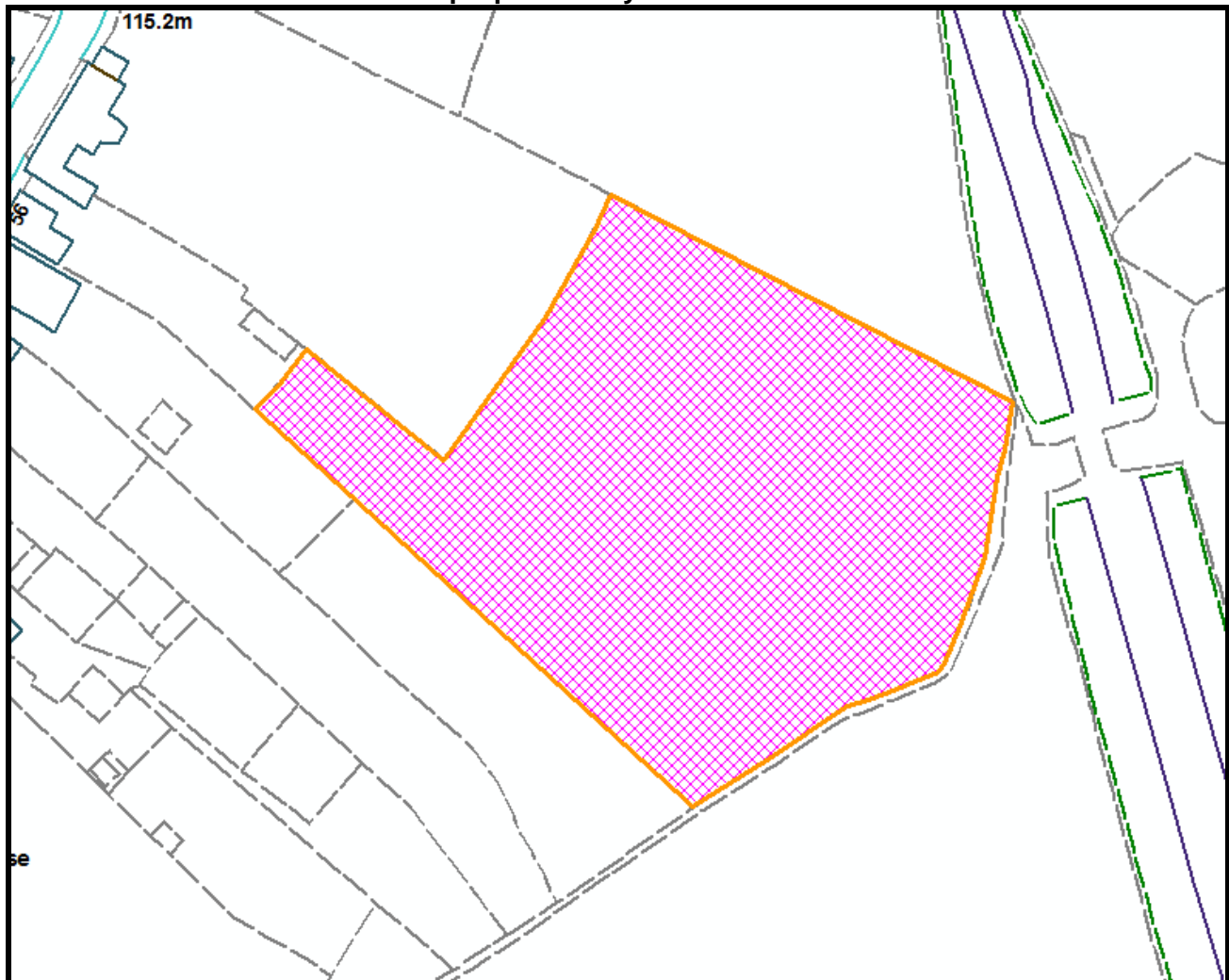
Date Registered
10 June 2016

Case Officer:
Hannah Exley

Target Decision Date
5 August 2016

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



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EXECUTIVE SUMMARY OF PROPOSALS

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

Full planning permission is sought for the erection of an agricultural building to be used for the storage of hay on land to the rear of 56 Main Street, Swannington.

The site is located outside the Limits to Development and within land defined as Green Wedge on the North West Leicestershire Local Plan Proposals Map 2002 and is outside the Limits to Development on the Policy Maps to the Publication Version Local Plan.

Consultations

No letters of neighbour representation have been received but Swannington Parish Council raises concern about the use of the small access for the proposed and existing developments. All other statutory consultees have raised no objections subject to the imposition of conditions on any permission granted.

Planning Policy

It is considered that the development would remain compliant with all relevant Paragraphs of the National Planning Policy Framework (NPPF) as well as the relevant Policies of the current and Publication Version of the North West Leicestershire Local Plan and other guidance.

Conclusion

In conclusion, the NPPF supports the development and diversification of agricultural and other land-based businesses. The site is situated outside the Limits to Development, however the building proposed has been justified to be reasonably necessary for the long term operation of the agricultural holding and would therefore be in accordance with Saved Policy S3 of the Adopted Local Plan, Policy S3 of the Publication Version of the Local Plan and Paragraph 28 of the NPPF. The proposal would not adversely affect or diminish the present open and undeveloped character of the Green Wedge and would accord with Policy E20 of the Adopted Local Plan.

The scheme is not likely to give rise to any significant material impacts upon the occupiers of neighbouring dwellings, visual amenity and the character of the area, heritage assets, highway safety or trees. The proposal would thereby accord with saved Policies S3, E3, E4, E7 and T3 of the adopted Local Plan and Policies D1, D2, IF4 or He1 of the Publication Version of the Local Plan. There are no other material impacts identified, that would indicate that the proposal is not in compliance with the NPPF or local development plan policies. 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, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. Proposals and Background

Full planning permission is sought for the erection of an agricultural building to be used for the storage of hay on land to the rear of 56 Main Street, Swannington. Precise measurements of the proposal are available to view on the submitted plans.

The site is located outside the Limits to Development and within land defined as Green Wedge on the North West Leicestershire Local Plan Proposals Map 2002 and is outside the Limits to Development on the Policy Maps to the Publication Version Local Plan.

Recent Planning History:

None found.

2. Publicity

2 neighbours have been notified (Date of last notification 24 June 2016)

Site Notice displayed 4 July 2016

Press Notice published 29 June 2016

3. Consultations

Swannington Parish Council consulted 24 June 2016

County Highway Authority consulted 24 June 2016

Head of Environmental Protection consulted 24 June 2016

NWLDC Conservation Officer consulted 24 June 2016

4. Summary of Representations Received

The following summary of representations is provided:

Swannington Parish Council raises concern about the use of the small access to the site for both the proposal and the existing dwelling on the site and ask whether the County Highways Authority has been consulted. Otherwise the Parish Council has no objection.

County Highways Authority refers the District Council to current standing advice, recommending the imposition of conditions.

NWLDC Environmental Protection team raises no objections.

Third Party Representations

No third party letters of representation had been received at the time of writing this report.

5. Relevant Planning Policy

National Planning Policy Framework (NPPF)

The NPPF (Paragraph 215) indicates that due weight should be given to relevant policies in existing development plans adopted before 2004 according to their degree of consistency with the Framework. The closer the policies in the development plan to the policies in the Framework, the greater weight they may be given.

Save where stated otherwise, the policies of the Adopted North West Leicestershire Local Plan

as listed in the relevant section below are consistent with the policies in the NPPF and, save where indicated otherwise within the assessment below, should be afforded due weight in the determination of this application.

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

Paragraph 14 (Presumption in favour of sustainable development)
Paragraph 28 (Supporting a prosperous rural economy)
Paragraph 57 (Requiring good design)
Paragraph 64 (Requiring good design)
Paragraph 118 (Conserving and enhancing the natural environment)
Paragraph 131 (Conserving and enhancing the historic environment)

Adopted North West Leicestershire Local Plan (2002)

The application site is outside Limits to Development as defined in the adopted North West Leicestershire Local Plan. The following Local Plan policies are relevant to this application:

Policy S3 (Countryside);
Policy E3 (Residential Amenity);
Policy E4 (Design);
Policy E7 (Landscaping);
Policy E20 (Green Wedge)
Policy T3 (Highway Standards)

Publication Version North West Leicestershire Local Plan

On 15 September 2015 the District Council's Full Council approved a draft Local Plan for consultation. That consultation has now ended and the publication version of the Local Plan was agreed by Council on 28th June 2016 with a view to its submission for examination in September 2016. Given the more advanced stage that has now been reached by way of agreement of a Publication Version of the Local Plan, it is considered that more weight can be attached to the following policies:

Policy S3 - (Countryside)
Policy D1 - (Design of new development)
Policy D2 - (Amenity)
Policy IF4 (Transport infrastructure and new development)
Policy He1 (Conservation and enhancement of North West Leicestershire Historic Environment)

Planning (Listed Buildings and Conservation Areas) Act 1990

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that when considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Other Policy/Guidance

National Planning Practice Guidance - March 2014.

6Cs Design Guide (Leicestershire County Council)

6. Assessment**Principle of Development**

The overarching principle of the NPPF is to protect the countryside but also to allow sustainable development where appropriate. Paragraph 28 within the NPPF states 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 promote the development and diversification of agricultural and other land-based rural business.

Policy S3 of the Adopted Local Plan outlines that development is permitted if it can be demonstrated that the building is essential for the efficient long term operation of agriculture with Paragraph 28 of the NPPF emphasising that planning policies should support economic growth in rural areas which includes, amongst other things, promoting "the development and diversification of agricultural and other land-based rural businesses." Policy S3 of the Publication Version Local Plan also supports small scale employment generating development or farm diversification .

The building would be used in connection with an agricultural holding comprising 31 acres of grassland both owned and let on a long term lease by the applicant in Swannington and Griffydam. The building is required to store hay which currently has to be sold upon harvesting as the applicant does not have a facility to store hay bales. Therefore, the applicant has to sell at harvest time when the hay market is at its lowest price and cannot take advantage of fluctuations through the winter months to attain a better price and make the farming enterprise more profitable. The building would also be used to store a range of agricultural machinery. From the information provided in support of the application, it is clear that the proposed agricultural building would be required for the efficient long-term operation of agriculture, and as such the development is considered compliant with Policy S3 of the adopted Local Plan and Policy S3 of the Publication Version of the Local Plan, as well as Paragraph 28 of the NPPF.

The site also falls within land designated as Green Wedge within the Adopted Local Plan and Policy E20 provides that development that would adversely affect or diminish the present open and undeveloped character of the Green Wedge will not be permitted. The policy identifies agriculture as an appropriate land use and requires built development to be limited to minor structures and facilities which are strictly ancillary to the use of land for this purpose.

The proposed building would be located on land to the rear of No.56 Main Street and would be sited adjacent to an existing building of similar height, and there are other existing developments sited at similar distances from properties fronting Main Street. The proposal would be well related to and would be viewed against the backdrop of the existing development and, therefore, would not appear out of keeping in this location in the context of the wider settlement. Overall, it is not considered that the proposed rural building would adversely affect the present open and undeveloped character of the Green Wedge and therefore, would comply with the provisions of Policy E20 of the Adopted Local Plan.

In summary, there is no in principle objection to the erection of an agricultural building on this agricultural land, subject to all other matters being adequately addressed. These are discussed in turn below:

Impact on Historic Environment

Consideration has been given to the design of the development and whether it would have an

acceptable impact upon the setting of a listed building. In determining any planning application, special attention shall be paid to the desirability of preserving listed buildings as set out in sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Paragraph 131 of the NPPF states that planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and the desirability of new development making a positive contribution to local character and distinctiveness. Paragraph 132 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, that significance can be harmed or lost through alteration or destruction of the heritage assets or development within its setting and any harm or loss should require clear and convincing justification.

No.58 Main Street is a Grade II listed building fronting the public highway with a large garden to the rear. The proposed development would be approximately 45m from the listed building and would be sited on land to the rear of the neighbouring garden. There are existing buildings on intervening land between the site and the listed building and land levels drop gradually from Main Street, such that the proposed building would be lower than the neighbouring listed building. The Conservation Officer has been consulted on the application and has no observations to make with respect to the impact of the proposed development on the setting of the listed building. Overall, it is not considered that the proposed development would adversely affect the setting of this listed building and

On balance, in the wider context of the site, this application would not have any significant impacts on the designated heritage assets owing to its size, scale, design, setting and location within the site. This would therefore accord with Paragraphs 131 & 132 of the NPPF, section 66 of the Listed Buildings and Conservation Areas Act 1990 and Policy He1 (Conservation and Enhancement of the Historic Environment) of the Publication Version of the Local Plan.

Design:

Paragraph 17 of the NPPF also states that planning should recognise the intrinsic character and beauty of the countryside and supporting thriving rural communities within it, and paragraph 109 states that the planning system should protect and enhance valued landscapes.

It is considered that wherever possible, new buildings should be located close to existing buildings or landscape features. The building is to be positioned adjacent to an existing building ensuring that it is viewed in association with and against the backdrop of the existing development within the settlement.

The function of the proposed building has influenced the scale and type of the building and it is considered that it is required for the long term agricultural requirements of the site. The building design will be an open fronted, single span steel portal framed building; the roof proposed to be constructed of plastic coated box profile sheets and the walls proposed to be clad in Yorkshire boarding, which are considered to be common materials in the construction of modern farm buildings.

In summary, the design, appearance and materials of the proposed building reflect the use and functional requirements of the applicant and would not appear out of keeping within this rural setting. It is therefore considered that the proposals do not significantly impact upon the appearance and amenity of the surrounding countryside. As such, the application would accord with Paragraph 61 of the NPPF which states that planning policies and decisions should address the connections between people and places and the integration of new development

into the natural, built and historic environment, Saved Policy E4 of the Adopted Local Plan and Policy D1 (Design) of the Publication Version of the Local Plan.

Impact upon Residential Amenity

The nearest residential properties that could be affected by the proposals are No.s 54 and 58 Main Street, which both front the public highway with long rear gardens which extend down to the site of the proposed development. The neighbouring dwellings are located over 35 and 45 metres from the proposed building and therefore, the physical building would not give rise to any overlooking, overbearing or overshadowing impacts upon the dwellinghouses. The gardens to these neighbouring properties straddle the application site and the proposal would be sited adjacent to the south-western boundary which is shared with No.54 and is currently occupied by a post and rail fence. The proposed development would extend 18 metres along this boundary and would clearly be visible from the rear garden of No.54. However, when having regard to the length of the garden and the position of the building towards the bottom end of the neighbouring garden, it is not considered that the proposal would result in any significant overbearing impacts that would be detrimental to the amenities of the occupiers of this neighbouring dwelling. Furthermore, the south-westerly position of the garden in relation to the building is such that there would be no significant overshadowing of the neighbouring garden and there would be no additional overlooking as a result of the proposal as the building would restrict views into the neighbouring garden.

The garden to No.58 Main Street is occupied by a 2m high brick wall and the building would be sited away from the boundary. Therefore, glimpses of the proposal building would be visible from the garden above the wall and overshadowing would be limited. As a result, it is not considered that any significant overbearing, overshadowing or overlooking impacts upon this neighbouring property would ensue as a result of the proposal.

Access to the application site would be via an existing domestic access to No.56 Main Street which is owned and occupied by the applicant. Vehicles would pass through the rear garden to this property and therefore, in order to protect the amenities of the occupiers of this dwelling, the proposal would need to be ancillary to the occupation of this dwelling. The side elevation of No.58 abuts the access drive to No.56 and contains two side windows, one at first floor level and one at ground floor which serves an outbuilding connected to the development with external access via the application site. The applicant's agent has provided additional information during the course of the application about vehicular movements to the proposal, and advises that it is expected that there will be 8 movements to and from the site during June-July when hay is brought onto the site and a further 8 during August-February when hay is sold and transported off the site. Outside the haymaking period, a further 4 movements per month can be expected for general grassland maintenance including fertiliser spreading, topping etc. When having regard to the low-key nature of the vehicular movements associated with the proposed development, it is not considered that the noise and disturbance as a result of comings and goings would be significantly detrimental to the amenities of the occupiers of the neighbouring dwellings. Should the proposed building be separated from No.56 Main Street, it is likely that there would be an unacceptable level of disturbance and loss of amenities to the occupiers of this dwelling and therefore, a condition tying the building to the dwelling would be required in the interests of protecting residential amenities.

All other properties along and off Main Street are located further away and the District Council's Environmental Health team have raised no objections.

Overall, it is considered that the development would not have any significant detrimental impact upon the amenity of neighbouring residential properties and the proposal is considered to be

acceptable in relation to Saved Policy E3 of the Adopted Local Plan and Policy D2 (Amenity) of the Publication Version of the Local Plan.

Highway Considerations

As referred to above, access to the site would be via the existing domestic access to No.56 Main Street and the level of activity, in terms of comings and goings, would be low-key. The application and neighbouring dwellings which front Main Street abut the access drive and the width between these properties varies between 2.9m at the front (due to the presence of a gate post) and 3.2m at the rear in front of the access gates. The development would not impinge on the facilities available within the site for the manoeuvring of vehicles and, as such, any vehicle exiting the site would do so in a forward direction. The Parish Council has been consulted on the application and has raised concern about the small size of the access to the site.

The scheme has been considered by the County Highways Authority who has referred the District Council to 'Standing Advice' and recommends that conditions be imposed relating to the building remaining ancillary and not sold, leased, or otherwise disposed of separately from the agricultural use of the dwelling and the building not being used for any other commercial or business use.

When having regard to the low-key nature of the business that would be operating from the site, and the fact that no highway safety objection has been raised by the County Highways Authority, it is not considered that a highway objection on the ground of the existing access being unsuitable could be warranted in this case.

In terms of the particular stipulations of the County Highways Standing Advice, it is considered that the condition preventing the building being used for commercial purposes would be unreasonable from a highway safety viewpoint in the context of that whilst the Town and Country Planning (General Permitted Development) Order 1995 (as amended) has introduced measures which allow agricultural buildings to be converted to alternative uses, subject to a prior notification process, these rights only apply if the building was built prior to the 3rd July 2012. If the building was constructed after this time then it would need to be used continuously for a period of 10 years before these rights would apply and, in any case, as part of the prior notification procedure highway safety impacts have to be taken into account. The same protocol would also be applicable should the applicant wish to convert the building to a residential dwelling using permitted development rights.

A condition preventing the sale or leasing of the building from the wider agricultural use of the site would also be considered unenforceable given that it would be difficult to demonstrate the difference between different agricultural operations undertaken by tenants, and given the fact that planning permission would be required to utilise the building for any other purpose than agriculture. Currently there is only access to the site through the garden of No.56 Main Street and therefore, in order to prevent loss of amenities to the occupiers of this dwelling, a condition requiring the proposed development to remain ancillary to the occupation of this dwelling would be required. Should ownership change in the future, it would be necessary for an alternative means of access to the site to be found.

For the reasons discussed above, and subject to a condition requiring the building to remain ancillary to the occupation of the existing dwelling, it is not considered that the proposals would have any significant detrimental impact on highway safety accord with Saved Policy T3 of the Adopted Local Plan or Policy IF4 (Transport infrastructure and new development) of the Publication Version of the Local Plan.

Impact on Trees:

There are no trees on the site of the proposed development but there is a large Sycamore within the neighbouring garden to the north-east of the site which overhangs the site and could be affected by the proposal. Although a mature specimen, the tree is not protected and therefore, could be removed at any point. There are a number of trees in the rear garden of the neighbouring property and to the rear of the proposed site and therefore, against the backdrop of these trees, should the tree be adversely affected by the proposal, it would not be detrimental to the visual amenities of the locality.

Conclusion

In conclusion, the NPPF supports the development and diversification of agricultural and other land-based businesses. The site is situated outside the Limits to Development, however the building proposed has been justified to be reasonably necessary for the long term operation of the agricultural holding and would therefore be in accordance with Saved Policy S3 of the Adopted Local Plan, Policy S3 of the Publication Version of the Local Plan and Paragraph 28 of the NPPF. The proposal would not adversely affect or diminish the present open and undeveloped character of the Green Wedge and would accord with Policy E20 of the Adopted Local Plan.

The scheme is not likely to give rise to any significant material impacts upon the occupiers of neighbouring dwellings, visual amenity and the character of the area, heritage assets, highway safety or trees. The proposal would thereby accord with saved Policies E3, E4, E7 and T3 of the adopted Local Plan and Policies D1, D2, IF4 or He1 of the Publication Version of the Local Plan. There are no other material impacts identified, that would indicate that the proposal is not in compliance with the NPPF or local development plan policies. Accordingly the application is recommended for planning permission, subject to the imposition of planning conditions.

RECOMMENDATION - PERMIT, subject to the following condition(s):

- 1 The development shall be begun before the expiration of three years from the date of this permission.

Reason- to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 (as amended).

- 2 The proposed development shall be carried out strictly in accordance with the following plans, unless otherwise required by a condition of this permission:
 - Site Location Plan (Scale 1:1250) received by the Local Planning Authority on 10 June 2016;
 - Drawing ref: FFBMAY-01 (Plan) received by the Local Planning Authority on 10 June 2016;
 - Drawing ref: FFBMAY-02 (Side Elevations) received by the Local Planning Authority on 10 June 2016;
 - Drawing ref: FFBMAY-03 (Typical Gable Elevation) received by the Local Planning Authority on 10 June 2016.

Reason -To determine the scope of this permission.

- 3 The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application unless alternative materials are first

agreed in writing with the Local Planning Authority.

Reason- To ensure a satisfactory standard of external appearance.

- 4 The proposed development shall be used in connection with the occupation of No.56 Main Street only.

Reason- In the interests of protecting residential amenities due to the requirement for access through the curtilage of the existing dwelling.

Notes to applicant

- 1 Planning permission has been granted for this proposal. Discussion with the applicant to seek an acceptable solution was not necessary in this instance. The Local Planning Authority has therefore acted pro-actively to secure a sustainable form of development in line with the requirements of the National Planning Policy Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.