

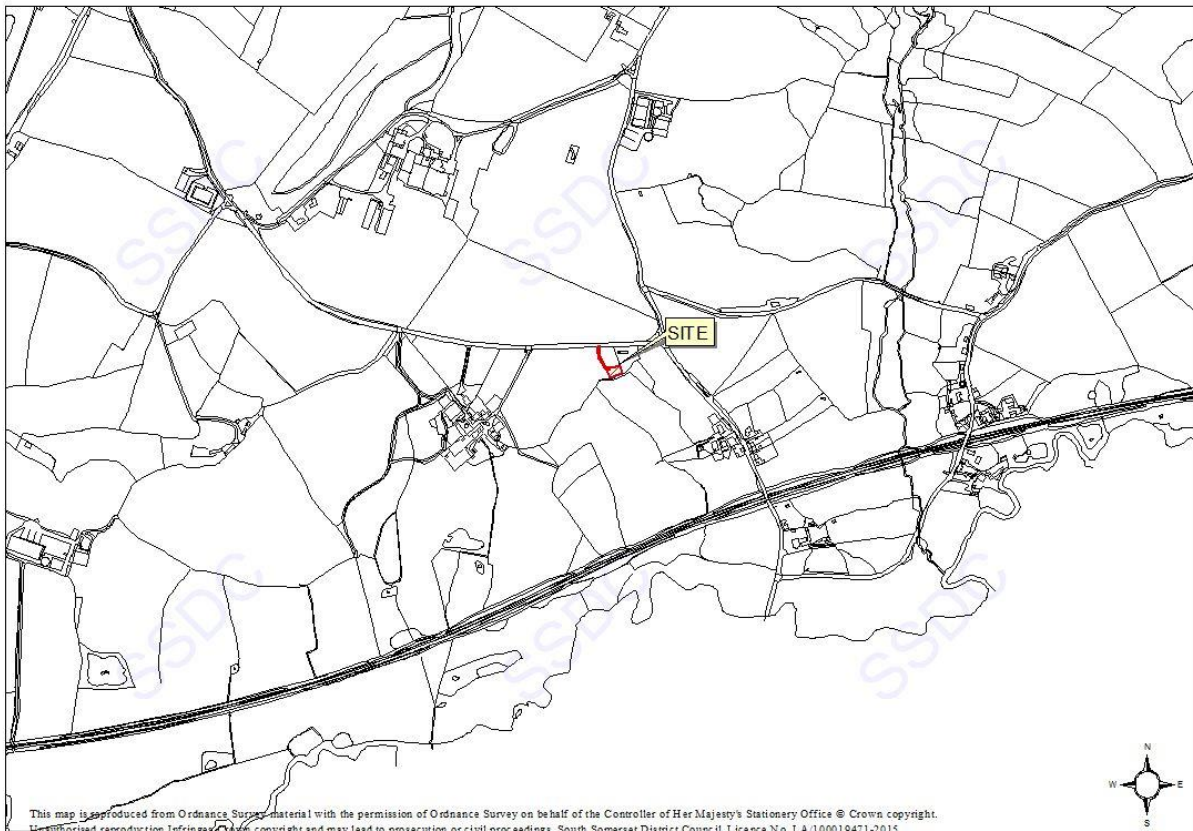
Officer Report on Planning Application: 15/02959/FUL

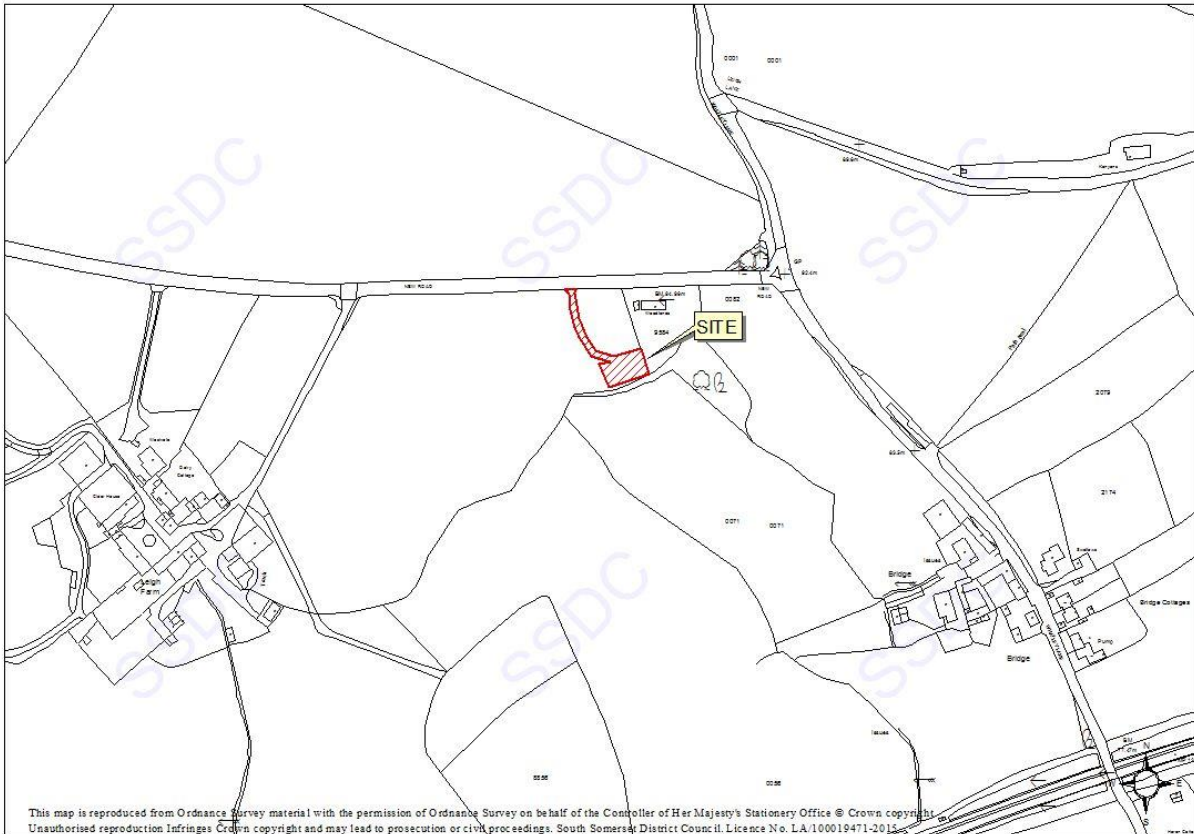
Proposal :	Formation of vehicular access track and erection of agricultural building (GR 335902/105831)
Site Address:	Land Adjoining Woodlands Leigh Winsham
Parish:	Winsham
WINDWHISTLE Ward (SSDC Member)	Cllr S Osborne
Recommending Case Officer:	Mike Hicks Tel: 01935 462015 Email: mike.hicks@southsomerset.gov.uk.
Target date :	3rd September 2015
Applicant :	Mr And Mrs M Gummer
Agent: (no agent if blank)	Paul Dance Foxgloves 11 North Street Stoke Sub Hamdon Somerset TA14 6QR
Application Type :	Minor Other less than 1,000 sq.m or 1ha

REASON FOR COMMITTEE CONSIDERATION

To assess the agricultural need and landscape impact.

SITE DESCRIPTION AND PROPOSAL





The site consists of an agricultural paddock which shares its eastern boundary with a detached dwelling known as 'Woodlands'. The highway is located alongside the northern site boundary. The paddock forms part of a unit of land totalling 2.7 acres. There is further 3.3 acres of land which the applicants rent located alongside the subject land that is rented. There is a vehicular access alongside the rented land located to the west of the subject site.

The application includes the provision of an access onto the highway from the northern site boundary, provision of an access track, hardstanding and agricultural building. The access track would measure approximately 55 metres in length leading to the proposed building which would be located within the south eastern corner of the paddock. The proposed hard standing would be located to the northern and eastern sides of the proposed building and would project 10 metres from the eastern gable elevation and 7 metres from the northern elevation of the building. It would have a total area of approximately 150 square metres.

The proposed agricultural building would measure 14 by 8.3 metres. It would have a dual pitched roof with a maximum height of 5 metres. The building would have timber clad elevations and green metal sheeting to the roof. The submitted floor plans indicate that the floor space would be used for two lamb stalls, storage for a tractor, topper and trailer and hay storage.

HISTORY

15/00840/COL- Application for a lawful development certificate for the proposed formation of vehicular access track from highway across agricultural land to residential curtilage of Woodlands and creation of hardstanding within this curtilage- refused

14/03006/FUL- The creation of an agricultural access and change of use of land from agriculture to residential- Application withdrawn.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

South Somerset Local Plan (2006-2028)
Policy SD1 - Sustainable Development
Policy EQ2 - General Development
Policy TA5- Highway Safety

National Planning Policy Framework
Core Planning Principles
Chapter 3: Supporting a Prosperous Rural Economy
Chapter 7: Requiring Good Design
Chapter 11. Conserving and enhancing the natural environment

ENVIRONMENTAL IMPACT ASSESSMENT

None required

CONSULTATIONS

Parish Council:

No objection, although concern was raised with regard to the impact on the surroundings. It was suggested a relevant archaeological or landscape study be considered to be undertaken to ensure that no valuable historical or environmental information is lost.

County Highways:

No objections subject to conditions. Comments as per letter dated 26th August 2015.

SSDC Highway Consultant:

Refer to SCC comments. Extent of visibility splays at proposed access need to be shown, commensurate with vehicle speeds on New Road. Suggest more details are submitted in respect of the means of access, such as the consolidation and proper surfacing of the access (not loose stone/gravel) for first 12m, entrance gate to be set back from the carriageway at a point equivalent to the longest vehicle likely to visit the site, surface water drainage measures, ensure gradient is not steeper than 1:10, etc.

Economic Development (agricultural advisor):

First response:

The applicant owns just 2.7 acres, with a further 3.3 acres rented. However, there is no indication on what terms the rented land is made available. Is this a simple arrangement with the landowner or is there a formal agreement such as a farm business tenancy? If the

former, I would have to work on the holding size being just 2.7 acres. If the latter, I would appreciate for my own peace of mind seeing the legal documents that would prove continued access to the land for a defined period.

The design of the shed is somewhat baffling. There is seemingly no ventilation other than the open door. I am to assume that the pig rearing is using outdoor pig arcs, as no mention of the need for pigs to be housed within the building has been stated. There is mention of the need for 2 x isolation and lambing pens, which for just 15 sheep seems excessive. Similarly, for the density and type of livestock the applicant is looking to support, I would question the need for such a large amount of space for the storage of fodder, as sheep are year round grazing animals and pigs would only require small quantities of straw for bedding.

Finally, the costs associated with building this shed will take a very long time to recoup from the profits from such a low number of livestock. I am not comfortable with this application for the reasons stated and would be unable to support it.

Second response:

It is my view that the amount of hardstanding provided for with this building is excessive for the number of livestock and density of agricultural operations taking place at this location.

Landscape Officer:

The above application seeking the construction of a 14 x 8 metre building, along with extensive associated hardstanding, is noted. I believe the application raises 3 issues:

1) Justification: Is there a genuine agricultural need? For example, is there a farm business that justifies a new building in this location? I assume we need to be convinced of this before we consider the potential for development on the site.

2) Scale of holding: It would appear that the scale of the holding is only circa 2.7 acres. I am wary of encouraging the consent of a single building to service a small agricultural unit, particularly where there is no apparent relationship with a home farmstead. Such a position encourages the proliferation of built form. In landscape terms, unless the local landscape is characterised historically by a high ratio of single agricultural buildings relative to field numbers within the landscape pattern - which in this instance it is not - then such a proposal is incongruous when considered against landscape character considerations (local plan policies EQ2) and could be refused on these grounds.

3) Landscape character: The recently published PPG (Natural Environment) re-iterates one of the NPPF core principles that planning should recognise the intrinsic character and beauty of the countryside. The application site lays to the west side of 'Woodlands,' a singular residential plot within a farmland surround, that lays within the wider context of the Axe valley. This is a natural landscape of mature hedgerows; specimen trees and woodlands; and the varied field patterns, are the core components of local character, which express the 'intrinsic character and beauty of the countryside' that the NPPF seeks to protect. I also note that the field that is subject of this application is anciently enclosed land, pre-17th century, which has particular historic interest to the county. This proposal would introduce a substantive development form to the open fields to the west of, and slightly disassociated from, the house. In setting the building back from the road, a lengthy driveway is formed along with extensive hardstanding, which is viewed as a sizeable intervention upon the local landscape, and significantly aggregates the development footprint. The formalised access arrangement is a further subtle erosion of the character of this rural lane. Consequently I consider the proposal to negatively impact upon the character and local distinctiveness of the local landscape contrary to the objective of policy EQ2, to thus provide landscape grounds for objection.

REPRESENTATIONS

Following consultation 5 representations have been received, three supporting and 2 making representations. The following comments are made:

- Support for smallholding venture- will provide a good quality product for local people.
- Agricultural building seems large for intended purpose.
- Question loss of hedgerow to form new opening. The land can already be accessed.
- The quiet lane does not need any more opening onto it.

CONSIDERATIONS

Principle of development:

The provision of agricultural buildings in the countryside is acceptable in principle subject to compliance with the relevant development plan policies. In this instance the principle considerations relate to the justification for the building and its impact on landscape character.

There is some relevant history to the application site. The applicant has previously attempted to carry out the construction of the access track linking the road to the rear garden of Woodlands via a certificate of lawfulness. This application was refused. Prior to this, the applicant applied for the change of use of the paddock to domestic garden in association with 'Woodlands'. This application was withdrawn following advice from the planning officer that the application would be refused. Whilst the proposal is for agricultural development, the current application and the recent planning history indicates that the intention is to join the proposed access driveway to the curtilage of Woodlands, thereby extending the residential planning unit. However, this element of the application was withdrawn at the validation stage following advice that it must either be included within the development description or withdrawn from the proposal. It is however noted that it is mentioned within the planning statement that the track will provide access to the hardstanding within the curtilage of Woodlands. This is a material consideration as it is considered to relate to the justification and also is considered to have informed the layout and scale of the development.

Where a building is generally designed for agricultural purposes it does not necessarily follow that it is appropriate in planning terms. The comments by the Councils agricultural advisor note that in terms of the size of the current holding and limited extent of the agricultural activities is insufficient to justify an agricultural building of this size. Additional information has been submitted by the applicant regarding the justification for the building and the status of the rented land. In terms of items to be stored the councils advisor considers that the areas for hay storage and lamb stalls are greater than one would require for a land holding of this size. In addition, a large portion of the building would contain a tractor, topper and trailer. The use and storage of this range of equipment is not considered essential for the running of such a small piece of land. A similar situation was considered at another site by an appeal inspector. The site was located within an AONB and involved the construction of a building for equestrian purposes measuring 13.7 by 9.5 metres and serving an area of land measuring 2.4 hectares. The appellant maintained that the building was required for a range of equipment including a tractor, topper and trailer. In considering this issue the inspector stated:

"I saw at my site visit that the land is carefully maintained. I am not convinced, however, that the small acreage involved necessitates the storage on the site of the full range of equipment proposed, some of which might be used infrequently. I note that the appellant has engaged agricultural contractors in the past but the arrangement has not proved satisfactory. To my mind, however, other arrangements such as the hiring of equipment as and when required

might be explored. Even if this were to prove unsatisfactory I believe that the cost in terms of the visual harm to the landscape resulting from the proposed built development would outweigh the benefit in respect of the maintenance of the land itself".

(Para 11; APP/H3320/A/13/2190094)

Further to the size of the building it is considered that the scale of the hardstanding is similarly unnecessary in relation to the functioning of the small scale agricultural activities on site. No justification has been submitted other than to access the proposed building. The Councils agricultural advisor has commented that an area of hardstanding of this size is; "excessive for the number of livestock and density of agricultural operations taking place at this location".

Character and Appearance:

The proposed building would be set away from the adjoining highway and would be set against a mature boundary. However, given the considerations above, it is considered that the scale of the building in conjunction with the hardstanding and access track would be harmful to local landscape character. Of note the landscape officer states:

"In landscape terms, unless the local landscape is characterised historically by a high ratio of single agricultural buildings relative to field numbers within the landscape pattern - which in this instance it is not - then such a proposal is incongruous when considered against landscape character".

"In setting the building back from the road, a lengthy driveway is formed along with extensive hardstanding, which is viewed as a sizeable intervention upon the local landscape, and significantly aggregates the development footprint. The formalised access arrangement is a further subtle erosion of the character of this rural lane. Consequently I consider the proposal to negatively impact upon the character and local distinctiveness of the local landscape".

Whilst it is acknowledged that the creation of an agricultural access onto a highway does not need permission on its own, in this instance, the creation of the driveway, hardstanding and construction of the building would cause harm to local landscape character. It is clear that the intention of the current applicants is to merge the planning units; that of the residential planning unit of Woodlands with the agricultural land to the west given the application history outlined in this report. This would result in a mixed use of the land between that of residential access and agricultural. The application was amended at the validation stage so that this is no longer part of the proposal and conditions could be put in place to ensure that access into the curtilage is not provided and that the existing hedge remains.

Highway Safety:

It is noted that the highway authority do not object subject to a condition relating to visibility being imposed. The relevant visibility splay standards are contained within the County Council. These are visibility splays of 2.4 metres by 43 metres either side of the access.

The submitted plan indicates a visibility splay drawn 2 metres from the edge of the carriageway. Having regard to the guidance within the Highways Standing Advice document, an agricultural access should have a splay drawn 2.4 metres from the carriageway edge. In addition the submitted plan illustrates the edge of the hedge as being 1.6 metres from the edge of the carriageway. From the site visit is noted that the hedge is located between approximately 1 and 1.3 metres from the carriageway edge and having regard to these

discrepancies it is considered that in order to provide the required visibility, a relatively substantial section of hedge of around 45 metres would need to be removed. This would be detrimental to local landscape character.

Residential Amenity:

The nearest residential occupiers are of sufficient distance from the site and as such there would be no impact on the amenities of these nearby occupiers.

Conclusion:

The proposed building, hardstanding and access track are not justified out of agricultural need. The proposed layout of the development appears contrived and rather than being designed through genuine agricultural need, appears to have been informed by the intention of joining the agricultural land to the adjoining residential planning unit. This is indicated by the recent planning history under the same applicant, including details submitted under the current application.

In addition to the lack of justification, the resulting layout, scale of the building, the access, track and hardstanding would appear contrived and the resulting scale of the development footprint would harm local landscape character contrary to Local Plan Policy EQ2 and Chapter 11 of the National Planning Policy Framework (2012).

RECOMMENDATION

Refuse Permission

SUBJECT TO THE FOLLOWING:

01. The proposed agricultural building, hardstanding, access and track by reason of the lack of genuine agricultural need, contrived design and layout would be an inappropriate development in the country side and would harm local landscape character contrary to Policy EQ2 of the South Somerset Local Plan (2006-2028) and Chapter 11 of the National Planning Policy Framework (2012).

Informatives:

01. In accordance with paragraphs 186 and 187 of the NPPF the council, as local planning authority, takes a positive and proactive approach to development proposals focused on solutions. The council works with applicants/agents in a positive and proactive manner by;
offering a pre-application advice service, and as appropriate updating applications/agents of any issues that may arise in the processing of their application and where possible suggesting solutions

In this case, the applicant/agent did not take the opportunity to enter into pre-application discussions. During consideration of the application the agent was informed of the issues and the content of responses from consultees.
