

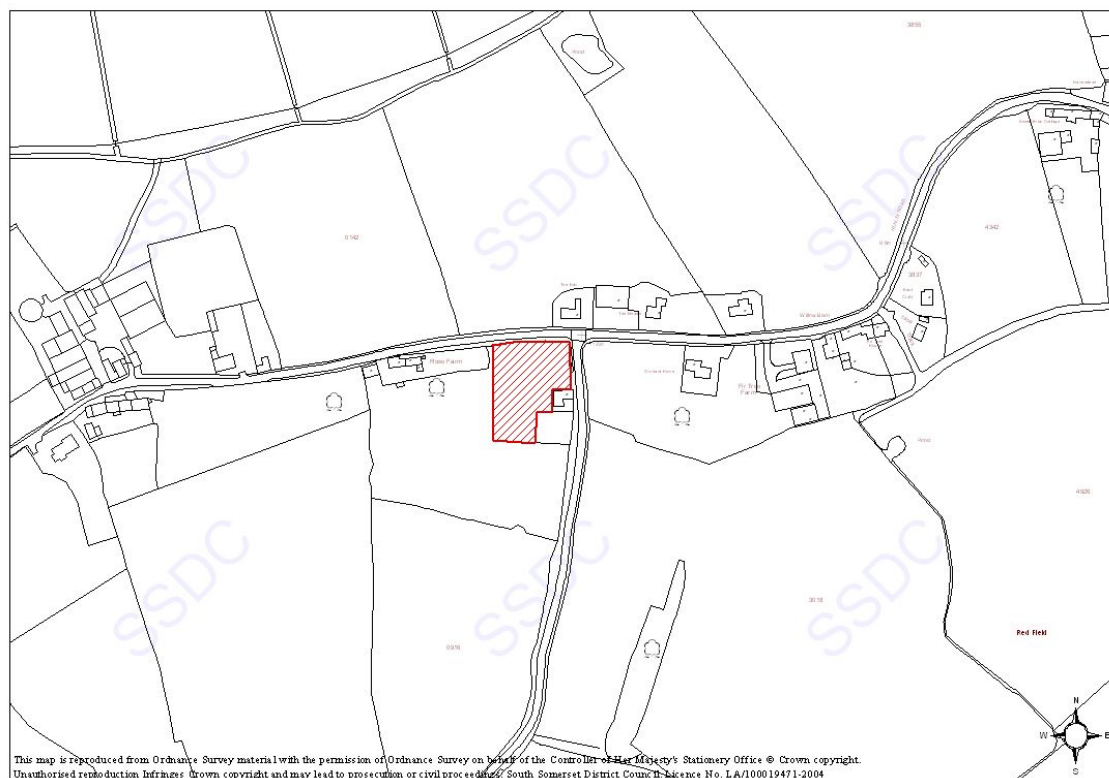
Officer Report on Planning Application: 10/01915/COU

Proposal :	Retrospective change of use of land from agricultural to business use together with variation to condition 8 of 06/02183/COU to allow the inclusion of the sale of ancillary tractor goods/tractor accessories (GR: 343153/132316)
Site Address:	Bridge Horn Barn, Henley, Langport
Parish:	High Ham
TURN HILL Ward (SSDC Member)	Mr Rupert Cox (Cllr)
Recommending Case Officer:	Claire Alers-Hankey Tel: 01935 462295 Email: claire.alers-hankey@southsomerset.gov.uk
Target date :	29th June 2010
Applicant :	Mr S Cowling
Agent: (no agent if blank)	Paul Dance Ltd Foxgloves, North Street, Stoke Sub Hamdon, Somerset TA14 6QQ
Application Type :	Other Change Of Use

REASON FOR REFERRAL TO COMMITTEE

This application has been forwarded to the Area North Committee with the agreement of the Chairman due to the controversial nature of the site.

SITE DESCRIPTION AND PROPOSAL



The site is located just outside the hamlet of Henley, and accommodates a live/work unit comprising a converted residential barn and two outbuildings, which are used for the work element. The dwelling is a detached two storey building constructed from blue lias stonework with red clay double Roman roof tiles. The outbuildings are constructed from concrete blockwork, one of which is rendered, with fibre cement sheeting on the roof and sides. The outbuildings are used in relation to the business of maintenance and sale of classic, compact and vintage tractors, and ancillary implements/accessories.

This application seeks retrospective planning permission for the change of use of agricultural land to business curtilage, to be used by the existing business at the site. An area of land measuring approximately 15m x 26m located to the south of the original yard is being used to store compact tractors.

This application also seeks to vary a condition that was attached to a previous permission at the site (condition 8 of 06/02183/COU). This condition stated the following:

The subject land including any building(s) thereon shall be used for a depot for agricultural contracting business and for the maintenance and sale of classic, vintage and compact tractors and for no other purpose (including any other purpose in Class B1, B8 and A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: In the interests of the character and appearance of the area and of highway safety.

The applicant wishes to vary this condition to allow ancillary tractor implements/accessories to be sold from the site. Typically the implements being sold are of the compact variety and include equipment such as harrows, rollers, trailers, sprayers, balers, and so on.

The application does not explicitly state that the Operational Management Plan (submitted in relation to condition 11 of planning application 06/02183/COU) is to be varied, it is reasonable that the Local Planning Authority consider the level of traffic accessing the site with this application. The agent has provided estimated vehicle movements accessing the site to be:

- 3 x movements per week with applicant's own transport (Landover and trailer)
- 1 x movement per week with people collecting and delivering goods, parts, etc.
- 1 x collection per week from Palletline
- 1 x artic per month delivering tractors and equipment
- 1 x lorry (anything from 4 wheeler to an artic) per month

The previously approved OMP allowed 6 artic movements per year, and the proposed change would allow a total of 24 artic movements per year.

HISTORY

10/01926/COU: Retrospective change of use of land, extension to residential curtilage. Granted conditional approval on 22/06/2010.

09/03813/COU: Change of use of land from agricultural to form extension to work/home premises (residential and business curtilage). Retrospective application. Application refused on 03/02/2010. The Area North Committee indicated

at the time that they wished to see any increase in the business size considered in relation to the whole site so that the potential increase in traffic could be considered at the same time.

06/02183/COU: Retention of agricultural buildings and change of use to (1) a depot for local agricultural contracting business (2) a base for the maintenance and sale of classic vintage and compact tractors. Granted conditional approval on 05/06/2007. Condition 11 states: *Within 3 months of the date of this permission an Operational Management Plan in relation to the vehicles working or operating at the site, including vehicle types, frequency and local traffic routes shall be submitted to and approved by the LPA. The uses hereby approved shall at all times be operated strictly in accordance with such approved Plan. Reason: In the interests of the amenities of local residents and of highway safety.*

02/02423/FUL: Conversion of redundant barn to one workplace home. Granted conditional approval on 24/10/2002.

01/01746/FUL: Conversion of barn to one workplace home and use of agricultural buildings for B1 office/light industrial use. Application refused on 31/08/2001.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the relevant development plan comprises the saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review and the saved policies of the South Somerset Local Plan.

The policies of most relevance to the proposal are:

Saved policies of the Somerset and Exmoor National Park Joint Structure Plan (April 2000):

Policy STR1 - Sustainable Development
Policy 5 - Landscape Character
Policy 19 - Employment of Community Provision in Rural Areas
Policy 49 - Transport Requirements of New Development

Saved policies of the South Somerset Local Plan (April 2006):

Policy ST3 - Development Areas
Policy ST5 - General Principles of Development
Policy ST6 - The Quality of Development
Policy EC3 - Landscape Character
Policy ME4 - Expansion of Existing Businesses in the Countryside
Policy ME5 - Farm Diversification

National Guidance
PPS1 - Sustainable Development
PPS7 - Sustainable Development in Rural Areas

South Somerset Sustainable Community Strategy
Goal 5 - High Performance Local Economy
Goal 8 - Quality Development

CONSULTATIONS

High Ham Parish Council - *Will not support the further expansion of the business within the existing site curtilage. However, as per our response last December, we felt that retaining the area in question as a landscaped garden would be viewed favourably if it forms no part of the site designated for commercial use. We feel it inappropriate to deal with one condition attached to the business in isolation, as contained in this part of the application. There are a number of conditions that are causing issues at the moment due to changes in the operation of the business over the years and do not, as a consequence, reflect the original expectations when planning permission was granted. The Parish Council believe, therefore, that all the conditions that are causing difficulties at the moment need to be reviewed at the same time, this being the significant point, not as requested in this application with condition 8 being singled out on its own. We do, therefore, recommend refusal of this retrospective application.*

County Highway Authority - *As I am sure you are aware the Highway Authority in the original application 06/02183/COU for 'the retention of the agricultural buildings and change of use to a depot for local contracting business and base for the maintenance and sale of classic vintage and compact tractors' recommended refusal on sustainability grounds and on the standard of the surrounding highway network to cater for the likely type and volume of traffic in connection with the use. However, it appears that despite these concerns the application was permitted at Area North Committee subject to several conditions.*

Having returned to the site as part of this current application it is clear that the approach roads and the nearby junctions are still substandard. The forward visibility achieved by vehicles wishing to turn right of Nythe Road onto Henley Road is still restricted due to the presence of boundary vegetation that fronts the highway. The approach roads along certain sections of their length are also still restricted in width and suffer from poor alignment.

This current proposal is seeking to expand the existing business and enable the sale of ancillary tractor goods and tractor accessories to take place. Whilst it is noted the current consent enables the sale of goods from the site it appears that these are restricted to classic vintage and compact tractors only. The Highway Authority consider it reasonable to expect the proposed increase in the variety of goods stocked will result in an increase in traffic movements to and from the site by customers/potential buyers. However, it is noted that there is sufficient room within the site for these vehicles to park clear of the highway.

The applicant as part of this current submission has provided information relating to the number of deliveries associated with the expansion. The applicant indicates that on average 1 or possibly 2 articulated lorries would access the site per month. It is clear from my own personal observations and evidence submitted that articulated lorries find it difficult to enter and leave the site in a forward gear. As a consequence, such vehicles are forced to manoeuvre on the highway at the junction of Henley Road and Bridgehorn Barn

Lane. It appears that the junction has been significantly widened in order to assist these vehicles in negotiating this particular section of carriageway.

However it is important to assess the previous consented application and the movements associated with its use. As part of the previous consent an Operational Management Plan was submitted indicating the likely level and type of traffic associated with the development. The Operational Management Plan stated that the proposal would consist of HGV's, 7.5 tonne lorries, transits and private vehicles. It is noted that whilst concerns regarding the number of HGV's were raised there were no restrictions imposed on the number of movements made by other 'types' of vehicle and as such the permitted development at the site has the ability to generate a significant level of traffic.

The difficult position the Highway Authority finds itself in is that given the previous consent, against the Highway Authority's recommendation, a business has been permitted which has the potential to generate a significant level of traffic movement including those made by HGV's. However, notwithstanding the above it is considered that the concerns previously raised by the Highway Authority regarding the standard of the approach roads and the junction of Henley Road with Nythe Road are still relevant and as this current proposal is likely to result in an increase in traffic particularly HGV movements over and above the previous consent I would recommend that the application be refused on highway grounds.

Landscape Architect - I note the retrospective application for inclusion of a small area of land into business use. Whilst an agricultural use is being supplanted, this is a small area of land that lays within credible boundaries that clearly relate to and bound built form. Given this close, contained relationship, there are no landscape issues to raise.

Area Engineer - No comment

REPRESENTATIONS

EIGHT LETTERS OF OBJECTION (two of which were sent anonymously) - Have been received, raising concerns over the following:

- The size of the business has been allowed to develop
 - Original planning conditions have not been adhered to or enforced by the Local Planning Authority
 - The estimated vehicle movements submitted with the application are lower than the current level of traffic accessing the site and have been greatly underestimated
 - The sale of tractor accessories leads to more lorry movements
 - The applicant is also selling mini landrovers and go karts
 - The roads in Henley are very narrow and unsuitable for the amount of lorries needed to serve the business
 - The entrance to the property was made better by the applicant unlawfully digging out part of a hedge
 - In such a small community, the buying and selling of such large machinery is totally inappropriate; the business would be better on a trading/industrial estate
 - The applicant is trading internationally
 - Site is changed from small farming community to large scale industrial site
 - This application is retrospective
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- SIX LETTERS OF SUPPORT - Have been received, raising the following comments:
 - Government are trying to support small businesses and improve local employment opportunities that support the local economy

- The business is a country business that supports country people, and employs country people
- Scaling down of the business will cause loss of jobs
- Very few homeowners live in a property that has not been developed or enlarged to suit their own needs
- In the present economic climate, a thriving countryside-related business like Cowling-Agri should be commended as a good example

CONSIDERATIONS

The key issues are considered to be:

- Expansion of the existing business through the physical expansion of the site and the variation of goods sold from the site
- Traffic and highway considerations
- The sale of ancillary tractor implements from the site and the effect on the countryside
- The impact of the change of use of agricultural land on the local landscape character

Expansion of Business and Increase in Traffic

With regard to the issue of the expansion of the business, Policy ME4 of the South Somerset Local Plan is supportive of small scale expansion of businesses outside defined development areas provided that:

- The proposal is appropriate to it's location
- It is demonstrated that additional land is essential to the needs of the business
- There is no substantial additional traffic generated to the site

The previous consent considered that a business selling tractors was acceptable in this location. Furthermore, farm diversification is supported in national and local planning policy. PPS7 states planning authorities should support a wide range of economic activity in rural areas, especially countryside-based enterprises and activities that contribute to rural economies, and development that helps to sustain agricultural enterprises. Policy ME5 of the Local Plan is supportive of farm diversification schemes where they are consistent with the scale of the rural location and no unacceptable harm is caused.

Although there is widespread policy support for expansion of existing business in the countryside, these policies are dependent on no substantial additional traffic being generated to the site. Some of the letters of objection that have been received in relation to this application are based on the increase of traffic accessing the site. Evidence has been submitted to show that the number of HGVs accessing the site is significantly more than what is being applied for. For example, a traffic survey carried out by a local resident has monitored the number of HGVs assessing the site. The survey shows that 26 HGVs had accessed the site from 1st January 2010 to 8th June 2010, which is just over one HGV movement per week. Despite this information, the Local Planning Authority is required to make a decision on planning applications on the basis of the information submitted with the application. Figures submitted in the Design and Access Statement outline various different vehicle type movements proposed as follows:

- 3 x movements per week with applicant's own transport (Landover and trailer)
- 1 x movement per week with people collecting and delivering goods, parts, etc. (normally a van)
- 1 x collection per week from Palletline (7.5 ton lorry that visits Agricentre also)
- 1 x artic per month delivering tractors and equipment

- 1 x lorry (anything from 4 wheeler to an artic) per month to collect tractors going a long way (e.g. Scotland, France, Ireland on part/back load basis)

Under the previous approval at the site (06/02183/COU) permission was granted subject to the approval of an Operational Management Plan (OMP) to restrict the number of vehicles accessing the site. The submitted OMP was approved and restricts the number of vehicles to:

- 6 x artic movements per year
- 74 x movements per year (7 per month) from either Palletline or land rover with trailer
- 12 x delivery movements per year with land rover and trailer
- Occasional deliveries by other commercial vehicles (no limit was set on this)

While an increase of artic lorries is proposed, the agent offers the argument that the site previously accommodated a working farm with all the traffic movements associated with such including milk tankers and other traffic associated with a working farm. It could also be argued that as the total potential number of artic movements a year is one per week, this is not a substantial increase, particularly when considered against what would be allowed under an agricultural use. Planning policy refers to proposals being acceptable as long as there is not a substantial increase in traffic. If the Committee were minded to approve this application, then a new condition could be attached, requesting an updated OMP.

However, the County Highway Authority has maintained their original objection to the proposal with concern expressed over the standard of the approach roads and nearby junctions. This coupled with the concerns over the increase in the number of vehicle movements accessing the site has led them to object to the proposal and recommend refusal.

Type of Goods Sold

This application also seeks to regularise the sale of ancillary tractor goods from the site. The condition attached to the previous consent allows the sale of classic, vintage and compact tractors. The applicant also sells ancillary tractor goods such as harrows, rollers, trailers, balers, and so on, the majority of which fit onto the compact tractors. It is considered the variation of this condition does not materially change the business or the nature in which the business is run, and therefore the Local Planning Authority find this part of the application acceptable in principle.

Physical Extension of Business Curtilage

Policy EC3 of the South Somerset Local Plan states proposals must not harm the distinctive character and quality of the local landscape, in particular development should respect or enhance the characteristic pattern and features of the surrounding landscape, and avoid built forms whose visual profiles would be out of keeping with the area when viewed from publicly accessible vantage points.

It is considered the change of use does not harm the character of the local landscape. The area that is the subject of this application is contained within an existing line of a mature native species hedge on the south and west boundaries. By being contained within this existing hedge line, the pattern of the landscape is not harmed. Furthermore the area of land is not visible from public vantage points and therefore will not impact on the wider visual landscape. This view is supported by the Landscape Officer, and also by the Parish Council, who do not object to the physical change of use, as they state they would not object to the site being used wholly for domestic curtilage.

Conclusion

While the physical change of the expansion of business curtilage does not present a problem, and the variation of the sale of goods being sold from the site to include ancillary tractor goods is not considered to materially alter the business, the main issue of contention is the increase in traffic, particularly artic lorries, accessing the site.

The County Highway Authority has raised an objection to the proposal, and a lot of the local opposition raises concern over traffic related issues. The acceptability of other components of this application are not considered to over-ride the highway objection, and therefore the application is considered to be unacceptable.

Enforcement

Members will be aware of enforcement issues relating to the way in which the business has operated over the last few years. Although this knowledge is useful when considering the expansion of the business it is important for members to focus on the application that is before them. The applicant has given information about the way in which he believes the business will operate, particularly with regards to vehicle movements and members should consider whether what has been proposed is acceptable. If members were to refuse this proposal then the justification for formal enforcement action will have to be properly considered.

RECOMMENDATION

Permission be refused

01. Henley Road by reason of its restricted width, poor alignment and sub-standard junction with Nythe Road is considered unsuitable to accommodate an increase in traffic, particularly HGV movements that this proposal would generate. The proposal is therefore contrary to Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review and Policy ST5 of the South Somerset Local Plan.