

Area North Committee – 14 December 2011

Officer Report On Planning Application: 11/03942/FUL

Proposal:	Erection of an open fronted general purpose agricultural building. (GR 343177/132256)
Site Address:	Land At Bridgehorn, Henley, Langport
Parish:	High Ham
TURN HILL Ward (SSDC Member)	Mr S Pledger (Cllr)
Recommending Case Officer:	Claire Alers-Hankey Tel: 01935 462295 Email: claire.alers-hankey@southsomerset.gov.uk
Target date:	24th November 2011
Applicant:	Mr S Cowling
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 REFERRAL TO COMMITTEE

This application is referred to the Area North Committee at the request of the Ward Member and with the agreement of the Chair to enable the issues raised by local residents and the Parish Council to be fully debated.

SITE DESCRIPTION AND PROPOSAL



The site is located just outside the hamlet of Henley and currently comprises agricultural land. The site is accessed off Bridgehorn Lane, and unclassified road.

This application seeks permission for the erection of a general-purpose agricultural barn. Information submitted with the application states the barn would be used for the storage of hay, straw, feed and machinery as well as for the isolation of stock and for lambing. The proposed building is an open fronted steel framed building with a pitch roof and lean-to on one end. The proposed materials are a mix of wooden stockwall cladding and Yorkshire boarding with profiled roof sheeting.

The applicant has submitted additional information at the request of the Economic Development Officer, which states a need for such a size building on the basis of animal welfare and security, and includes an extract from RSCPA welfare standards for sheep.

HISTORY

11/03386/AGN - Notification of intent to erect an open fronted agricultural shed with lean-to. To be used for hay and machinery storage and housing sheep during lambing and over the winter months. Withdrawn following concerns that the wrong procedure had been followed.

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.

Saved policies of the Somerset and Exmoor National Park Joint Structure Plan Review 1991-2011:

Policy STR1 - Sustainable Development

Policy STR6 - Development Outside Towns, Rural Centres and Villages

Policy 5 - Landscape Character

Saved policies of the South Somerset Local Plan:

Policy ST3 - Development Areas

Policy ST5 - General Principles of Development

Policy ST6 - The Quality of Development

Policy EC3 - Landscape Character

National Guidance

PPS1 - Sustainable Development

PPS7 - Sustainable Development in Rural Areas

South Somerset Sustainable Community Strategy

Goal 5 - High Performance Local Economy

Goal 7 - Distinctiveness

Goal 8 - Quality Development

CONSULTATIONS

High Ham Parish Council - Recommends refusal on the following grounds:

1. Not convinced that the agricultural need has been established for a building this size
2. Concerned how water running off the proposed building would be managed
3. Impact upon visual and residential amenity
4. Concerned over future use of the building, particularly as there is a lot of hardstanding already provided on site and not a great deal of agricultural land remaining
5. A delegated decision is not appropriate for this application and it should be determined by the Area North committee

County Highway Authority - Raises no objection on the basis that the proposal utilises an existing access and will not result in an increase of traffic, and subject to the use of an appropriate condition to ensure the building is used for agriculture at all times.

Area Engineer - No comment

Environmental Protection Officer - Subject to the use of a condition to prevent any burning of waste on the site, no objection.

Landscape Architect - Comments that the site plan infers there is sufficient space on land immediately alongside the farmhouse to enable construction of a new agricultural building. States the site should only be developed as proposed if there is no potential to consolidate the built form and business activities at the adjacent Bridgehorn Barn site.

Economic Development Officer - Notes that while the applicant owns only a few acres in close proximity to the holding, planning applications are considered on the number of acres farmed, not owned, and therefore land rented on the moor some distance away needs to be included in the assessment. Regarding the stocking densities of sheep, comments that it is difficult to evidence that these are as claimed. The proposed building would be used for a limited time during the lambing period and the remainder of the year would either be empty or used as a store for fodder. There is a limited quantity of fodder to be stored. Taking into consideration the uses described by the applicant, the building is oversized by a considerable margin, which cannot be justified with the supporting evidence to the application. For the housing of 40 ewes and storage of fodder, a barn half the size proposed would be sufficient. Concludes that the size of the proposed building based on the agricultural need defined in the application is far larger than required.

FURTHER COMMENTS FOLLOWING SUBMISSION OF FURTHER INFORMATION TO JUSTIFY SIZE OF BARN - Questions the need for three rams to serve 40 ewes, states that the original submission did not mention the requirement of the shed for the storage of machinery or for sows.

REPRESENTATIONS

FOUR LETTERS OF OBJECTION - Have been received, raising concern over the following issues:

1. The application should be refused as there is no way to prevent the building and surrounding land being used in connection with the selling of machinery from the business at Bridgehorn Barn
2. Conditions imposed by the Area North committee in 2007, have not been enforced,

- and expansion of the business has occurred
3. The local highway network is not suitable to cope with any significant increase in traffic of larger commercial vehicles
 4. There are several breaches of condition at the adjacent site
 5. The site has previously been the subject of rogue developments, which have caused much controversy and ill feeling
 6. The application site and the neighbouring Bridgehorn Barn site have always been linked and therefore the application site should not be looked at in isolation
 7. This proposal will exacerbate the problems already associated with these sites
 8. Flooding issues on the application site are paramount as run-off has increased significantly since the rogue developments, and this proposal will increase run-off
 9. The size of the barn is too large and out of proportion with the intended use
 10. Hundreds of tons of soil were excavated to level part of the field
 11. It will be impossible for planning officers to ensure that the barn is not being used to store machinery for sale
 12. Applicant does not own all of the land he farms
 13. The barn could be used to accommodate cattle in the future
 14. The site is only a little over 100m from the neighbouring property
 15. If this shed is given permission, further applications will follow in the future
 16. Traffic in Henley has increased over the last few years

The applicant's partner has also written to express disappointment in the way the Parish Council discussed the application at a meeting prior to the public meeting, without inviting the applicant to represent himself.

CONSIDERATIONS

Principle

The site is located within the open countryside, where development is controlled to that which benefits economic activity, maintains the environment and does not foster growth in the need to travel.

This application seeks permission for the erection of an agricultural barn to be used for general agricultural purposes including storage of hay, straw and feed, storage of machinery associated with the agricultural use of the holding and for the isolation of stock and lambing. On this basis the proposal can be considered to benefit the economic activity of the agricultural holding.

Need

The applicant has stated the main reason for requiring the barn is due to the increased value of stock and fodder, and for welfare reasons. Further details have been submitted identifying what land is owned or rented, the stocking densities of the holding and the need for the size of barn applied for. It has been confirmed that the applicant has forty breeding ewes, and with lambs at foot and three rams, would total 115 head of sheep. It is not unusual for ewes to lamb twins or triplets. The applicant also has two breeding sows, which would farrow up to eighteen piglets. It has been stated that the barn is needed during lambing for up to six weeks, for the sows that can farrow twice a year, during bad weather when the stock need protection from snow, and also for the storage of hay, straw and feed and farm machinery associated with the farming activities. The applicant has also submitted an extract from the RSPCA welfare standards for sheep, which sets out how much space is required per head.

The majority of the land the applicant farms is located down on the levels at Sutton Moor, which has been let on an annual grass keep basis with no fixed farm tenancy for the last

five years. The applicant also requires storage for hay cut from this land, which has averaged about 500 round bales per year.

While the Economic Development Officer has questioned the need for such a large building, it is considered that adequate justification has put forward for the size required.

Impact on Visual Amenity

The proposed building is of fairly typical agricultural design, with conventional materials. The site is well screened from the road and nearby residential properties due to mature, native species hedges and trees. The contour of the land is such that the adjacent road is abutted by a steep bank with established planting and therefore the proposed barn would only be partially visible from the access into the site. Further recent planting has also been carried out at the site, which when mature, would further screen the building.

Impact on Residential Amenity

The proposed barn is located over 80m away from the nearest protected building. This is considered to be an appropriate distance away, considering the proposed use of the barn. Furthermore the Environmental Protection Officer has not raised an objection to the proposal.

Concern has been raised that the storage of fodder may encourage vermin at the site, to the detriment of nearby residential properties. It is a fair assumption to make that any agricultural building storing fodder will provide a habitat where vermin may thrive. However, on the basis that the location of the site is remote from residential properties, it is not considered this possibility presents a public health risk. Furthermore the nearest protected building is approximately 80 metres from the proposed building, and in any event it is 35 meters away from another agricultural barn on another holding.

Highways

The Highway Authority has not raised an objection to the proposal, on the basis that any increase in traffic would be commensurate with the lawful agricultural use of the site.

Other Issues

The site is not in a Flood Zone and is also not in a risk area of surface water flooding as identified by the Environment Agency. The Area Engineer has not raised an objection to the proposal. The applicant has confirmed the intention to use soakaways harvest rainwater from the roof. A condition could be used to require full details of the surface water drainage proposals.

Local objection has been raised in relation to enforcement issues associated with the adjoining site. However these enforcement issues, are unrelated to this site and are not relevant in the determination of this application. Concern has also been raised that any conditions attached to this site would not be enforced. While the neighbour concerns are noted, this does not give sufficient grounds to withhold planning permission. An informative has been proposed to advise the use of the barn is for agricultural purposes only.

The Environmental Protection Officer has requested the use of a condition to prevent any burning of waste at the site, however it is not considered reasonable to condition this on a rural site such as this, where the approved use remains agricultural. Any non-agricultural activities would not be permitted on this site.

Conclusion

It is considered the barn would contribute towards the on-going viability of the farming business, would not have a detrimental impact on the local environment and amenities,

and also would not foster growth in the need to travel. While the local concerns are noted, it is considered a reasonable justification has been put forward for the development, and no undue harm to local amenities would be caused by the development. Regarding enforcement issues at the adjacent site, these are no adequate justification for withholding planning permission in this case. On this basis the proposal is considered to accord with Policies ST3, ST5, ST6 and EC3 of the South Somerset Local Plan and Policies STR5, 5 and 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

RECOMMENDATION

Permission be granted.

It is considered the barn would contribute towards the on-going viability of the farming business, would not have a detrimental impact on the local environment and amenities, and also would not foster growth in the need to travel. On this basis the proposal is considered to accord with Policies ST3, ST5, ST6 and EC3 of the South Somerset Local Plan and Policies STR5, 5 and 49 of the Somerset and Exmoor National Park Joint Structure Plan Review.

SUBJECT TO THE FOLLOWING:

01. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

02. No development shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the area in accordance with Policies ST6 and EC3 of the South Somerset Local Plan.

03. Before the development hereby permitted is commenced surface water drainage details to serve the development shall be submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation such approved scheme shall be permanently retained and maintained thereafter.

Reason: In the interests of managing surface water run-off, in accordance with Policy ST5 of the South Somerset Local Plan.

04. The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan, block plan, elevation and floor plans and illustrative plan, all date stamped 29th September 2011.

Reason: For the avoidance of doubt and in the interests of proper planning.

Informatives:

01. You are reminded that the agricultural building hereby approved should only be used for purposes of agriculture and should not be used for any business or other purpose.
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