

## Officer Report on Planning Application: 16/02690/FUL

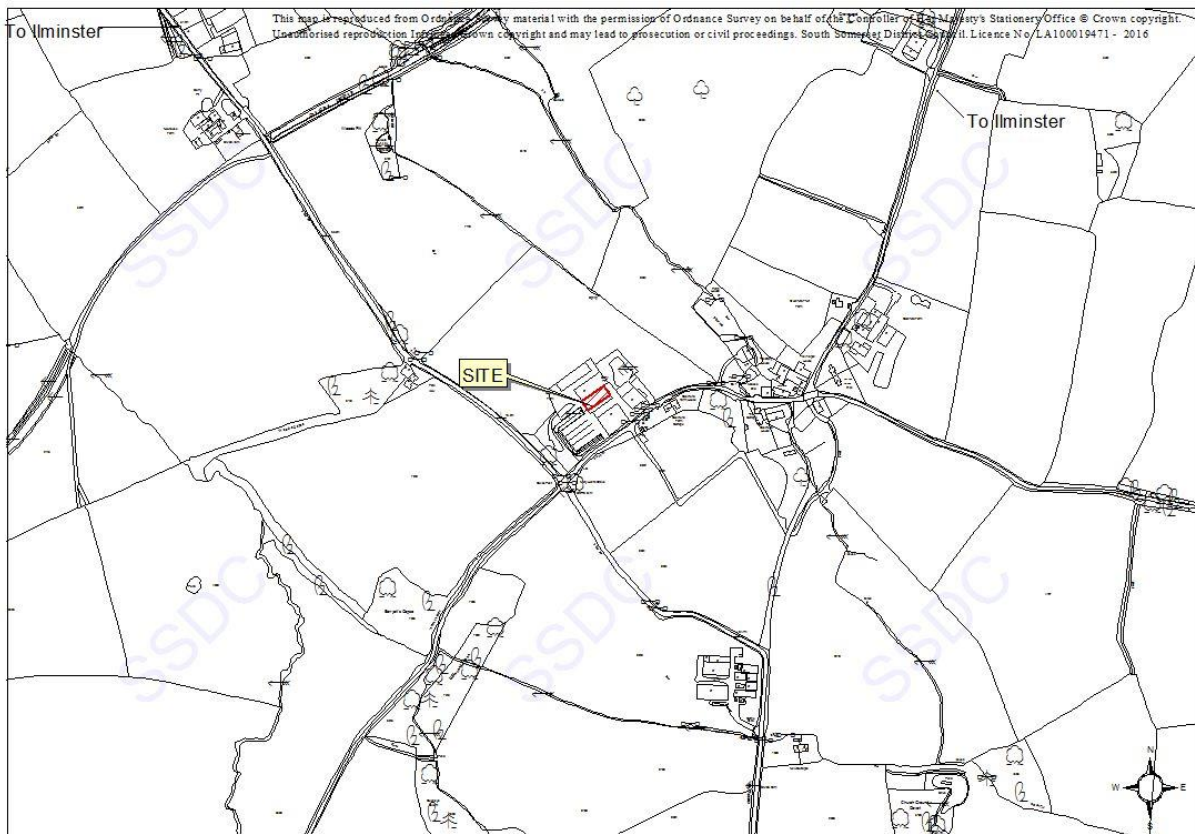
<b>Proposal :</b>	Erection of an agricultural (cubicle) building (retrospective)
<b>Site Address:</b>	Land at Oxenford Farm, Oxenford Lane, Dowlish Wake
<b>Parish:</b>	Knowle St Giles
<b>WINDWHISTLE Ward (SSDC Member)</b>	Cllr S Osborne
<b>Recommending Case Officer:</b>	Andrew Gunn Tel: (01935) 462192 Email: andrew.gunn@southsomerset.gov.uk
<b>Target date :</b>	29th August 2016
<b>Applicant :</b>	Mr & Mrs D Osborne
<b>Agent: (no agent if blank)</b>	Mr PAUL ROWE CAPARO 11 Mervyn Ball Close CHARD TA20 1EJ
<b>Application Type :</b>	Minor Other less than 1,000 sq.m or 1ha

### REASON FOR REFERRAL TO COMMITTEE

The applicant is a District Councillor.

### SITE DESCRIPTION

Oxenford Farm is located on the northern side of Oxenford Lane, Dowlish Wake, approximately 1.5 km to the south of Ilminster. The site contains a number of agricultural buildings.





## PROPOSAL

This is a retrospective application for the erection of an agricultural cubicle building at Oxenford Farm. The building occupies a central position within the farmyard located in between 2 other buildings. The building is used to house cattle and measures 37.5 metres x 13 metres with a maximum roof height of 5.2 metres. The building has a mono pitch roof with timber cladded walls and steel supports and a grey corrugated fibre cement roof.

## HISTORY

16/02689/FUL - Proposed erection of a new agricultural (cubicle) building to house livestock and erection of an extension to existing implement/store building, Oxenford Farm (Pending application).

There have been a number of previous agricultural related applications at Oxenford Farm dating back to the 1950's.

## 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,

Relevant Development Plan Documents  
South Somerset Local Plan (Adopted April 2015)

SD1 Sustainable development  
TA5 - Transport Impact of New Development  
EQ2 - General Development

NPPF

Chapter 3 - Supporting a Prosperous Rural Economy.

Chapter 11- Conserving and Enhancing the Natural Environment

## **CONSULTATIONS**

Parish Council:

No comments received. An oral update will be given to members in regard to any comments received.

Highway Authority:

Standing advice applies.

SSDC Highway Consultant:

No significant highways issues - no objection.

County Rights of Way: (summary)

The Rights of Way officer confirmed that a public right of way crosses through the farmyard.

Officer comment:

The building is located to the east of the right of way and thus does not obstruct the public right of way.

## **REPRESENTATIONS**

1 email has been received making a general observation about the application. The following comments have been made:

- I find it difficult to understand why this planning application is retrospective when one of the applicants is on the planning committee, surely she would know to apply for planning before erecting the buildings. To be fair to all, these buildings should be taken down, planning permission be applied for and then re-erected.

Officer comment:

Notwithstanding that the applicant was advised to submit an agricultural notification for the building prior to the works taking place, the Planning Act permits the submission of retrospective planning applications in order to seek to regularise unauthorised works. Given that the works are considered to be acceptable, it is not considered reasonable for the Local Planning Authority to seek the removal of the building prior to the decision being made on the application.

## **CONSIDERATIONS**

The building has been constructed to provide a covered area for livestock in the centre of the farmyard. It is considered that there is an agricultural need for the building. The building sits in between 2 other farm buildings and is thus both well contained within the farmyard and closely related to other agricultural buildings at Oxenford Farm. The building is 2 metres lower in height than the immediately adjacent building to the north and has a simple mono pitch design. Moreover, it has also been constructed of similar timber cladding materials to the adjacent unit. Whilst the timber cladding currently has a brighter tone than the adjacent building, this will weather and tone down over time. For these reasons, it is considered that the design and materials are acceptable and will cause no adverse visual harm to its setting.

The proposal does not create any additional highway movements and will not alter the current farm access arrangements. The scheme therefore will not create any adverse highway issues.

The closest residential properties are located on the opposite side of Oxenford Lane, approximately 70 metres to the east of the new building. Given that the farm is long established, it is not considered that this scheme causes any adverse residential amenity concerns.

The building does not obstruct the public right of way and, therefore, this proposal raises no issues in respect of protecting the public right of way.

### **SECTION 106 PLANNING OBLIGATION**

Not applicable to this application.

### **RECOMMENDATION**

Grant permission.

01. The development by reason of its design, siting, materials and use will not cause any adverse harm to the visual amenity of the area, residential amenity or to highway safety. The proposal is in accord with Policies SD1, TA5, and EQ2 of the South Somerset Local Plan (adopted 2015) and Chapters 3 and 11 of the NPPF.

### **SUBJECT TO THE FOLLOWING:**

01. Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission (being granted under section 73A of the Act in respect of development already carried out) shall have effect from the 4th July 2016.

Reason: To comply with Section 73A of the Act.

02. The development hereby approved relates to the following submitted and approved drawings :  
OBP9B (block and roof plan), OBP8 (Floor plan and south west elevation) and OBP10B (Location Plan).

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