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| Parish: | Outwell | |
| Proposal: | Construction of general purpose agricultural barn (partially retrospective) | |
| Location: | Land E Church Field SW of 54 Well Creek Road And E of Baldwins Drove Outwell Norfolk | |
| Applicant: | Mr James Vickers | |
| Case No: | 19/01231/F (Full Application) | |
| Case Officer: | Bradley Downes | Date for Determination: 6 September 2019 Extension of Time Expiry Date: 8 November 2019 |

Reason for Referral to Planning Committee – Officer recommendation contrary to the views of the Parish Council

Neighbourhood Plan: No

Case Summary

The site lies to the south of Cemetery Road, and accessed by a track that forms part of Baldwins Drove. It lies outside the development boundary for Outwell and is therefore classified as countryside.

The development is for the erection of an agricultural storage building with a workshop and rest room. It is a revised design of a previously approved development of the same description under ref no. 17/01048/F, approved at Planning Committee on 14/08/2017.

Key Issues

- Principle of development
- Character and appearance
- Other material impacts

Recommendation

APPROVE

THE APPLICATION

The application site comprises 0.16 hectares of land, and is used as part of the small holding for the storage of hay, agricultural machinery and care of livestock, which include horses, Manx sheep, goats, chickens and dogs. The surrounding area is predominately rural in character, with some existing residential properties to the north-east of the application site

facing onto Cemetery Road with further dwellings located north-west of the site along Baldwin's Drove.

The development is for the erection of an agricultural storage building with a workshop and rest room. It is an amendment to the design of the building that was previously permitted under 17/01048/F, which was approved by the Planning Committee on 14/08/2017. The main differences in this amended application is a change in the size of the windows on the south and west elevations, filling in the opening on the east side to fully enclose the cart shed/hay store, replacing the two large double doors with two smaller double doors also on the east elevation, and lastly adding a new large double door on the west elevation.

SUPPORTING CASE

The submitted planning application seeks to regularise the existence of the agricultural building, as constructed. Planning permission was granted, by the Planning Committee, for a similar building of equal size parameters as that constructed, under application number 17/01048/F. The officers report describes the then building as being a "utilitarian type structure", and the application was approved accordingly. Unfortunately, when it came to constructing the building approved under 17/01048/F, the applicant altered the build. The footprint, height, and use of materials remains as was originally approved as does the north elevation. The south elevation only differs in that a larger window has been installed, the west elevation is now open sided, whereas the original consent showed the wall to be boarded, and the east elevation which was to be boarded with doors, is now fully boarded.

The building as constructed is equally a "utilitarian type structure" as that which was permitted under 17/01048/F, and is no more of a "domestic appearance" than that which has approval. The use of the building is the same as that which has approval. It was noted, during the case officers site visit, that 2 touring caravans are currently parked within the partly constructed barn. The applicant pointed out that one belongs to his daughter and the other belongs to himself. If the LPA determines that the parking of the applicants touring caravan on the site is not permitted, then the LPA should take the necessary enforcement action. The presence of the caravans should not influence the planning application as is now submitted, as it is not a material consideration of the determination of the current application

PLANNING HISTORY

18/01548/F: Delegated Decision - Application Refused: 17/10/18 - Construction of dog kennels for dog breeding purpose - Land E Church Field SW of 54 Well Creek Road And E of Baldwins Drove, Outwell - Appeal Dismissed 27/06/19

17/01048/F: Committee Decision - Application Permitted: 06/09/17 - Construction of general purpose agricultural barn - Land E Church Field SW of 54 Well Creek Road And E of Baldwins Drove, Outwell

RESPONSE TO CONSULTATION

Outwell Parish Council: OBJECT

The Parish Council believe their intentions operating this site are far and beyond what the planning permission was granted for and should be closely monitored by enforcement officers. The Parish Council fails to see where this development is at all linked to agriculture.

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Apart from a few sheep, pigs and horses, they can see no agricultural link whatsoever other than a JCB Fastrac that is used to transport scrap cars.

There is vehicular traffic in and out of the site all hours of the night disturbing local residents as well as a noisy generator that runs all night. The Parish Council has noted that another caravan turned up at the site earlier this month and as they are not supposed to be on site 24/7 they are hereby making an official complaint that they would like noted. It has been noted that application 17/01048/NMA_1 at the same location was refused 10.07.2019.

The Parish Council also raised a number of accusations and matters which are not relevant to the merits of this planning application including blocking Baldwins Drove with horses, local people being threatened with violence or damage to personal property for using the track, doubt whether DEFRA paperwork exists for the animals on the holding, riding quad bikes over neighbouring fields, lamping/shooting, and a caravan turning up at the site.

Local Highways Authority: NO OBJECTION

The application has the appearance that it would be utilised in connection with the existing small holding and would support of that use. Traffic levels are likely therefore to be very low and as a result I have no objection to the principle of the application.

Environment Agency: NO OBJECTION

We recommend the development be carried out in accordance with the submitted drawing 'proposed plan and elevation' which states that the finished floor level of the workshop will be 200mm above existing ground level.

Environmental Quality: No comments

REPRESENTATIONS

No third party representations received

LDF CORE STRATEGY POLICIES

CS01 - Spatial Strategy

CS02 - The Settlement Hierarchy

CS06 - Development in Rural Areas

CS08 - Sustainable Development

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

PLANNING CONSIDERATIONS

The main considerations:

The principle of development.
Impact on character and appearance on area.
Other material impacts

The principle of development:

Part-retrospective permission was already granted by the Planning Committee on the site for an agricultural store, with workshop and rest room under application ref: 17/01048/F. The current application has been submitted following a change in the appearance of the building, which was refused as a non-material amendment. It is considered the principle of development has not changed since the last approval, as the proposed use of the building is the same and the policy context is the same.

The site lies outside the development boundary for Outwell. As such it will be treated as countryside, where new development is more restricted, and limited to that identified as suitable in rural areas. The applicant has put forward a suitable rural use, in the form of an agricultural store and workshop to be used in association with the small holding of land surrounding the building. This is considered acceptable in accordance with Policy CS06 of the Core Strategy (2011) and Policies DM1, DM2 and DM15 of the SADMPP (2016).

Impact on character and appearance on area:

The application site is well screened from the west, north and north-east by substantial vegetation, but is exposed to the south and south east. The design of the barn is to remain largely utilitarian in appearance, with timber boarding to the elevations and metal profile roof sheeting. The white upvc windows have been altered in size from the previous approval, however this is not considered to domesticate the appearance of the building, especially since the personnel door from the last design has been removed altogether and 3 large double timber doors are still provided on the side elevations.

Overall, the proposed barn will reflect a style of building which is prevalent of agricultural development throughout the countryside. As such, the proposal would not have any significant adverse impacts on the character of the countryside and surrounding area, and be in accordance with Policies CS06 and CS08 of the Core Strategy (2011), and Policy DM15 of the SADMPP (2016).

Other material impacts:

The Parish Council raised concerns regarding noise emanating from the site. The nearest residential neighbour is approximately 130m away, and a small wooded area lies in between. It is considered the level of noise likely to be generated on the site will not exceed those levels which are to be expected of an agricultural store and workshop. Due to the distance to the nearest neighbour and the nature of the use, it is considered the levels of

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noise likely to be generated from the proposed development would not result in any significant adverse impacts on the amenity of surrounding occupiers.

Existing access is in place to the site from Baldwins Drove. The Local Highway Authority has commented that the application is to be utilised in connection with the existing small holding and would be supportive of that use. Traffic levels are likely therefore to be very low and as a result the Highway Officer has no objection to the principle of the application.

The Parish Council's concern of potential unauthorised use not in connection with agriculture on the site can be overcome with the imposition of a condition limiting the use of the barn to agricultural purposes only. In addition, the Parish Council's complaint regarding caravans on site was investigated and no action was taken. The previous decision under 17/01048/F included a condition that the mobile home would be removed once the barn is completed, because the mobile home would no longer be required as the barn provides for the storage needs and provides a rest room. Given that the existing building is capable of being secure in its current form, it is considered that a 2 month time limit from the date of decision for the removal of the mobile is sufficient. The Enforcement Team has advised that the 2 touring caravans on site have been sold and are to be removed. Enforcement are monitoring the site. The horses kept on the land are for agricultural purposes.

Conclusion

For the reasons outlined in this report it is considered the principle of development is acceptable, and the proposed building would retain a largely utilitarian appearance, in accordance with the context of the surrounding rural area and countryside. The proposal is therefore in accordance with Policies CS06 and CS08 of the Core Strategy and Policies DM2 and DM15 of the Site Allocations and Development Management Policies Plan. It is recommended that this application be approved subject to the following conditions.

RECOMMENDATION:

APPROVE subject to the imposition of the following condition(s):

- 1 Condition: The development hereby permitted shall be carried out in accordance with the following approved plans. The Location Plan (received 12.07.2019), The Proposed Site Plan (received 12.07.2019), and Dwg no. 1556 (Proposed Roof Plan, Floor Plan and Elevations).
- 1 Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Condition: The building hereby permitted shall be used for agricultural purposes only in relation to the use of the adjoining land as indicated in blue on the approved location plan, and it shall at no time be used for any other business or commercial purpose or as an independent unit of residential accommodation.
- 2 Reason: For the avoidance of doubt and to ensure that the building is not used for unrelated purposes that would be incompatible with the provisions of the NPPF.
- 3 Condition: Within two months of the date of this decision, the mobile home shall be permanently removed from the site.
- 3 Reason: In order that the Local Planning Authority may retain control over the development where a permanent permission may give rise to conditions detrimental to the amenities of the locality contrary to the NPPF.

