

Parish:	Terrington St Clement	
Proposal:	Proposed tractor store and concrete pad to replace existing buildings, new access, hardcore area and earth bund and screen planting.	
Location:	Land And Buildings At N of Clear View Long Road Terrington St Clement Norfolk PE34 4JL	
Applicant:	Client of Holt Architectural Ltd	
Case No:	24/00148/F (Full Application)	
Case Officer:	Mr K Wilkinson	Date for Determination: 5 April 2024 Extension of Time Expiry Date: 7 June 2024

Reason for Referral to Planning Committee – Called in for determination by the Planning Committee by Cllr Sandra Squire.

Neighbourhood Plan: No

Case Summary

The application site is located in the countryside on the eastern side of Long Road approx. 70m north of the dwelling known as 'Clear View' – last of a row of dwellings – and is detached from the defined village by some 900m as the crow flies. The site currently contains some agricultural buildings in a poor state of repair, 2 no. containers and an overgrown mound/bund of rubble on the southern side of the application site.

The site is bounded to the north and west by existing established vegetation/hedgerow; the remainder of the associated land is open field enclosed by lines of poplars. The site is surrounded on three sides (west, north and east) by agricultural land and residential to the south.

Vehicular access is gained directly off Long Road.

The application is for full planning permission for a proposed tractor store and concrete pad to replace existing buildings, new access, hardcore area and earth bund and screen planting.

This is a partially retrospective application as the access has already been culverted and the roadside dyke cleared in accordance with IDB requirements. All works implemented are at the risk of the applicant in the absence of formal planning permission.

Key Issues

- Background
- Principle of development
- Impact upon character and appearance of the countryside
- Impact upon neighbouring property
- Access and highway implications
- Other material considerations

Recommendation

APPROVE

THE APPLICATION

The application is for full planning permission for a proposed tractor store and concrete pad to replace existing buildings, new access, hardcore area and earth bund and screen planting.

The application site is located in the countryside on the eastern side of Long Road approx. 70m north of the dwelling known as 'Clear View' – last of a row of dwellings – and is detached from the defined village by some 900m as the crow flies. The site currently contains some agricultural buildings in a poor state of repair, 2 no. containers and an overgrown mound/bund of rubble on the southern side of the application site.

The site is bounded to the north and west by existing established vegetation/hedgerow; the remainder of the associated land is open field enclosed by lines of poplars. The site is surrounded on three sides (west, north and east) by agricultural land and residential to the south beyond the remainder of the holding.

The proposed new building is a low-pitched (7 degree) steel framed structure, 4.65m to eaves and 5.5m to ridge, with dark green profiled sheet metal walls and roof plus rainwater goods, and a footprint of 19m x 13m. Both the south and east elevations have a personnel and a roller shutter door; the north and west elevations have no openings.

The building is to be located in the NW corner of the application site with a retained cart shed in the NE corner. There is a concrete yard in front of the cart shed and rear of the proposed new store. The yard is proposed to be effectively enclosed by a 1.8m high bund (to be landscaped) and a 2.4m high slatted timber screen fence parallel to the road.

A hardcore yard area is also proposed to the south of the new store linked to the upgraded access off Long Road.

The application is accompanied by a site-specific Flood Risk Assessment plus a Contamination Screening Assessment Form.

The size of the building originally submitted was larger than that currently proposed – i.e., 4.8 eaves, 6m ridge, and footprint of 21.8m x 16m.

SUPPORTING CASE

The agent has submitted the following statement in support of this application:

“This application relates to the ownership of the land by private individuals, namely Mr Tim Browne & Mrs Julie Browne and is to enable them to farm the piece of land. It has nothing to do with the operations of TM Browne Ltd. The land has historic access which has been recently upgraded at the request of the IDB to assist with drainage along Long Road. The proposed buildings will replace existing dilapidated and untidy storage buildings and will

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provide an increase in screen planting to the neighbouring property and has support from the Parish Council and no objection from the Community Safety & Neighbourhood Nuisance officer and no public objections are listed. The scheme has been amended during the process to reduce the size of the buildings as was an initial concern from the Ward Councillor and planning officers alike. The proposal has now been reduced sufficiently to gain planning officer's support."

PLANNING HISTORY

16/00507/O: Application Withdrawn: 04/05/16 - Outline Application: residential development.

18/01218/F: Application Refused: 02/11/18 - Change of use of land and building to commercial storage and construction of new shed (Delegated decision) - Appeal Dismissed 09/07/19.

19/00164/F: Application Refused: 22/03/19 - Change of use of land and building to commercial storage and construction of a new shed (Delegated decision).

RESPONSE TO CONSULTATION

Parish Council: SUPPORT without observations.

Local Highway Authority (NCC): NO OBJECTION - observe that the applicant's agent has confirmed that the storage facility is to house equipment that is associated with the use of the blue edged land to its rear and would not be used for any off-site services. Also observe the motion to gain IDB agreement for the access. On such a basis recommend conditions relating to access details, gates set back 5m and parking/turning space provision prior to use.

Water Management Alliance Internal Drainage Board: NO OBJECTION - confirm that the applicant has contacted the Board to regularise their works under Section 23 of the Land Drainage Act 1991 through a consent application, therefore the Board removes its objection to this planning application.

Environmental Health & Housing – Environmental Quality: NO OBJECTION.

Environmental Health & Housing - CSNN: NO OBJECTION and no further comments.

REPRESENTATIONS None received in writing at the time of compiling this report, however verbal objections received from the nearest neighbour at Clear View.

Cllr Sandra Squire: Requests that this application is determined by the Planning Committee.

LDF CORE STRATEGY POLICIES

CS06 - Development in Rural Areas

CS08 - Sustainable Development

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CS11 – Transport

CS12 - Environmental Assets

SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES PLAN 2016

DM1 – Presumption in Favour of Sustainable Development

DM2 – Development Boundaries

DM15 – Environment, Design and Amenity

DM17 - Parking Provision in New Development

NATIONAL GUIDANCE

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
National Design Guide 2021

PLANNING CONSIDERATIONS

The main considerations in determining this application are as follows:

Background
Principle of development
Impact upon character and appearance of the countryside
Impact upon neighbouring property
Access and highway implications
Other material considerations

Background:

The history section above indicates that this site has been the subject of previous applications and an appeal dismissed. It is clear that the applicant has had aspirations to develop this site for commercial purposes, however this has been negated by previous refusals and an appeal dismissed (Our ref: 18/01218/F; PINS ref: APP/V2635/W/19/3220293) a copy of the Inspector's decision is attached to this report for ease of reference.

Principle of Development:

Policy CS06 of the Core Strategy indicates that beyond defined villages, the strategy will be to protect the countryside for its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, and its natural resources to be enjoyed by all. The development of greenfield sites will be resisted unless essential for agricultural or forestry needs.

This is also endorsed in the NPPF at Paragraph 180 b) which recognises the intrinsic character and beauty of the countryside.

The appeal decision at Paragraph 8 clearly identifies this site/land/buildings as agricultural, and therefore is not 'previously developed land' judged against the definition in Annex A of the NPPF.

Policy DM2 - Development Boundaries: Under this policy, it is clear that the development of greenfield sites will be resisted unless essential for agricultural or forestry needs. It is acknowledged that the submission states the purpose of the development is for general storage to store plant and implements involved in the maintenance and management of the land. The agent has supplied the following statement:

"In relation to equipment stored within the space, but not limited to: Tractor, sprayer, trailer, loader, and ploughs along with associated smaller equipment to maintain the land and principal equipment."

To effectively use this overall site (approx. 1.5ha) for agricultural purposes, it is not unreasonable to have secure accommodation for equipment used to maintain this holding. Indeed, the new store replaces that type of facility which is not now fit for purpose. Having the equipment and machinery on site would arguably be more sustainable opposed to having to bring it there from a different site and subsequently remove it, thus creating multiple journeys.

Given concerns about future use it could however be restricted via condition to be used for agricultural purposes only and in conjunction with the holding.

The principle of the proposed development is therefore considered to accord with the NPPF, Policy CS06 of the Core Strategy (2011) and Policy DM2 of the SADMPP (2016). So agricultural buildings and uses in the countryside are acceptable in principle subject to satisfying other policies. These will be addressed later in this report.

Impact upon character and appearance of the countryside

The site is effectively screened by existing mature landscaping. It presently contains a collection of dilapidated storage buildings in a state of disrepair, plus two containers and a welfare unit, which can be seen in the immediate vicinity but do not make a positive contribution to the character and appearance of the countryside.

This proposal seeks to remove the existing buildings save for an open cart shed to the rear.

Policy CS08 - Sustainable Development: states that all new development in the borough should be of high-quality design. All new development is expected to protect and enhance the historic environment, optimise site potential and enhance community wellbeing.

Policy DM15 of the SADMPP requires that development must protect and enhance the amenity of the wider environment.

As stated above, the proposed new building is a low-pitched (7 degree) steel framed structure, 4.65m to eaves and 5.5m to ridge, with dark green profiled sheet metal walls and roof plus rainwater goods, and a footprint of 19m x 13m.

This is similar in appearance as that dismissed on appeal, but larger – in comparison; the appeal building was 2.85m eaves, 3.3m ridge and 12.7m x 10.7m footprint. However, the Inspector stated at Paragraph 9 that the design of the building would not be out of character with agricultural buildings. There was no issue with the design and appearance of such a building on this site.

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Whilst a large structure, given its siting and appearance, it is considered to be compatible to this countryside setting and accords with Policies CS08 and Policy DM15 of the SADMPP.

Impact upon neighbouring property

The nearest residential property is the bungalow to the south of the site approx. 70m away from the proposed building. There is a 1.8m high bund proposed towards the rear of the site and parallel to the open fronted cart shed, effectively enclosing a concrete yard together with a 2.4m high slatted timber screen fence parallel to the road.

The use of the land and buildings is presently agricultural and would remain so, subject to a restrictive condition as stated above. To impose operational restrictions (hours of use etc.) would be unreasonable and fail the tests applied to use of conditions. A lighting scheme can however be justified in the interests of local amenity and also wildlife interests.

The application has been assessed by CSNN who raise no concerns regarding amenity. The proposal therefore can accord with Policy DM15 of the SADMPP.

Access and highway implications

There is an existing vehicular access serving the site off Long Road. This has been recently culverted and improved to correspond with the planning application. These works have been undertaken in accordance with the requirements of the IDB, with concrete bagged headwalls and appropriately sized pipework. The IDB have confirmed that the applicants have sought to regularise the works under section 23 of the Land Drainage Act 1991. Their initial objection has now been withdrawn.

The Local Highway Authority has no objection to the proposed development subject to certain conditions. These include details of the access, no barrier/gate within 5m of the carriageway and parking/turning space provision.

The gates are already set back from the carriageway and there is ample parking/manoeuvring space to serve the proposal within the site.

The proposal accords with the provisions of the NPPF, Policy CS11 of the Core Strategy and Policies DM15 & DM17 of the SADMPP.

Other material considerations

Flood Risk - The application site lies within Flood Zone 3 of the Council-adopted Strategic Flood Risk Assessment, as is much of the Parish of Terrington St Clement. The building is a compatible form of development in such zone and there are no objections to the proposal on this basis from the Environment Agency and District Emergency Planning Officer.

The site would pass the sequential test as the proposal is site specific and there are no other available sites within the Parish which are at a lower flood risk. The exception test is not required given the nature of the proposal which is classed as a 'less vulnerable' form of development and therefore compatible to this zone as identified within Table 2 'Flood Risk Vulnerability Classification' of the Planning Practice Guidance.

Biodiversity – the development does not affect any designated conservation sites or any known protected species. However, as mentioned above, a lighting scheme condition may be applied which would have wildlife benefits as well as amenity implications.

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Byelaw issues – the clearing and culverting (under the access point) of the land drain adjoining Long Road appears to have been undertaken in accordance with the requirements of the IDB. Any other byelaw issues would be covered under separate legislation (Land Drainage Act 1991).

Surface water disposal – the plans show a crated arrangement under the proposed yard area south of the building. Any excess/overflow would be connected by outfall into the adjoining drain parallel to the road. Once again this would fall within the remit of the IDB.

Contamination – there are no known contamination issues relating to this proposal.

CONCLUSION

In light of the considerations outlined above, and subject to the use being restricted via condition for agricultural purposes only (no commercial), the proposed development would accord with the provisions of the NPPF, Policies CS06, CS08, CS11 & CS12 of the Core Strategy (2011) and Policies DM2, DM15 & DM17 of the SADMPP (2016).

The application is therefore duly recommended for approval subject to certain conditions stated below.

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: HAL23-LR-100 Rev. B, HAL23-LR-200 Rev. A and HAL23-LR-300 Rev. A.
- 1 Reason: For the avoidance of doubt and in the interests of proper planning.
- 2 Condition: The building hereby permitted shall be used in connection with the agricultural holding for the storage of crops produced, vehicles and equipment used for maintenance of the land for agricultural purposes, and shall be held in association with the land identified in blue on Drawing No. HAL23-LR-100 Rev. B. It shall at no time be used for any other business or commercial purpose.
- 2 Reason: To define the terms of this permission as the use for commercial purposes would be inappropriate and unsustainable given its remote rural location and contrary to Policies CS01 & CS06 of the Core Strategy (2011) and Policies DM1 & DM15 of the SADMPP (2016).
- 3 Condition: Prior to the first use of the development hereby permitted the vehicular / pedestrian crossing over the verge / ditch shall be constructed in accordance with a detailed scheme to be agreed in writing with the Local Planning Authority and thereafter retained at the position shown on the approved plan. Arrangement shall be made for surface water drainage to be intercepted and disposal of separately so that it does not discharge from or onto the highway.
- 3 Reason: To ensure construction of a satisfactory access and to avoid carriage of extraneous material or surface water from or onto the highway in the interests of

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highway safety and to accord with Policy CS11 of the Core Strategy (2011) and Policy DM15 of the SADMPP (2016).

- 4 Condition: Any access gates / bollard / chain / other means of obstruction shall be hung to open inwards, set back, and thereafter retained a minimum distance of 5 metres from the near channel edge of the adjacent carriageway.
- 4 Reason: In the interests of highway safety enabling vehicles to safely draw off the highway before the gates/obstruction is opened and to accord with the provisions of the NPPF and Policy DM15 of the SADMPP (2016).
- 5 Condition: Prior to the first use of the development hereby permitted the proposed access / on-site parking / turning area shall be laid out, levelled, surfaced and drained in accordance with the approved plan and retained thereafter available for that specific use.
- 5 Reason: To ensure the permanent availability of the parking/manoeuvring areas, in the interests of satisfactory development and highway safety and to accord with the NPPF and Policies DM15 & DM17 of the SADMPP (2016).
- 6 Condition: Prior to installation of any lighting scheme, full details shall have been submitted to, and agreed in writing by, the Local Planning Authority. The scheme shall include details of the type of lights, the orientation/angle of the luminaries, the spacing and height of any lighting columns, the extent/levels of illumination over the site and on adjacent land and the measures to contain light within the curtilage of the site. The scheme shall be implemented in accordance with approved scheme and thereafter maintained and retained as agreed.
- 6 Reason: To allow the Local Planning Authority to consider such details in the interests of the amenity of this rural area and impact upon wildlife; in accordance with the provisions of the NPPF, Policy CS12 of the Core Strategy (2011) and Policy DM15 of the SADMPP (2016).