

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Café Quote	Regularisation for change of use from agricultural units to commercial units  Twin Oaks Curr Lane Farm, Curr Lane, Upper Bentley, Redditch, Worcestershire B97 5ST	28.01.2015	14/1010

**RECOMMENDATION:** That planning permission be Refused

### Consultations

**Bentley Pauncefoot Parish Council** Consulted 21.01.2015

We continue to have many serious concerns about this issue which are not addressed by these documents.

We are unable to understand the "part retrospective" application as it is still unclear to which parts of the site that this applies to.

Furthermore they do not supply details of the nature of the businesses which currently occupy the units in support of this.

We refute the claim that the site presents no danger to traffic and that vehicles can manoeuvre on site as large articulated lorries are frequently witnessed reversing out of the site and without assistance. This clearly represents a very serious danger to all users of the road, vehicular, horse riders, cyclists and pedestrian. Even if provision were to be made for vehicles to exit the site "Tractor Unit first" this would do little to obviate the danger of such large vehicles operating on this bend.

We note that the applicant relies on agricultural use as a benchmark for vehicle movements however no supporting data is provided to show the frequency or type of movements in and out of the site. Nor would a successful application restrict these numbers in future.

We presume that County Highways will be asked for a physical rather than desktop survey of the site given that the site entrance is on a blind ninety degree bend which already sees frequent accidents especially in winter?

Finally, we note that your specific questions have not in fact been answered either fully or at all. In particular Question 4 which actually gives no details of when commercial activity took place but merely refers to re cladding having been done with the "full knowledge of BDC's enforcement officer." This, we believe, followed a visit by BDC's officers at which they were told NO commercial activity was taking place.

We strongly believe that this proposal is contrary to national guidance for the reasons we have raised here and in our earlier submission and urge refusal of permission in all regards.

**Highways Department- Worcestershire County Council** Consulted 21.01.2015

The application proposes a new employment site in a rural environment which by its nature is not served by public transport, it's poorly connected to the walking network and only has limited potential for cycle access. The application identifies the lack of opportunities but does not look to promote sustainable travel opportunities which is a requirement of the NPPF and the Local Transport Plan. It is considered that the sites location is not preferable for utilizing existing sustainable transport modes and therefore is contrary to paragraph 34. The establishment of an employment site in this location should be supported by a package of measures to exploit what opportunities that there are as required by paragraph 35 and this would best be dealt with through a travel plan as indicated by paragraph 36.

The site is therefore an unsustainable application by virtue of its location and the details submitted with the application.

**Worcester Regulatory Services- Contaminated Land** Consulted 21.01.2015

No objection

**Worcester Regulatory Services- Noise, Dust, Odour & Burning** Consulted 21.01.2015

No objection

**Economic Development & Regeneration Service** Consulted 21.01.2015

No Comments Received To Date

**Drainage Engineers Internal Planning Consultation** Consulted 19.05.2015

No Comments Received To Date

**Relevant Policies**

**Bromsgrove District Local Plan 2004 (BDLP):**

DS2 Green Belt Development Criteria  
C27 Re-Use of Existing Rural Buildings  
S19 Incompatible Land Uses  
TR11 Access and Off-Street Parking

**Others:**

NPPF National Planning Policy Framework

**Relevant Planning History**

11/0677	Erection of 4 Berth stable/field shelter and manege	14.11.2011
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## Plan reference

12/0096	4 berth stable block and menage (as amended by plans received 28/03/12.	Approved	02.04.2012
B/1992/0624	Operation of agricultural contracting business	Refused	11.01.1993
B/2008/0461	Erection of tree bay agricultural vehicle store.	Refused	18.08.2008

## **Publicity**

1 letter sent on the 21st January 2015 (expired 11th February 2015)

Site notice posted on the 23rd January 2015 (expired 13th February 2015)

One letter of objection received raising the following concerns:

- Impact on highway safety grounds on the very tight bend on Curr Lane, close to the Gypsy Lane junction.
- If the application is granted we fear there would be great potential to develop the site into a thriving business, based on the number and capacity of the buildings on the site. The supporting planning statement informs us that one of the current activities on the site is a building materials distributor, which could potentially see growth as the construction industry picks up.
- In October 2011 the application to erect a 4 berth stable, shelter and manege close to the bend in question was refused on the grounds that it would generate additional traffic impacting on highway safety
- The application should be refused on the grounds of Policy CS27 section e: 'traffic generated by the development can be accommodated.....without detriment to highway safety', which the planning consultant fails to acknowledge in the supporting planning statement.

## **Assessment of Proposal**

### The Site and its Surroundings

The application site, known as Twin Oaks Farm is located on the north side of Curr Lane in Upper Bentley, Redditch. Twin Oaks Farm comprises some 6.93ha of fields and former agricultural buildings, and a further 4.82ha of woodland. Twin Oaks farmhouse is located adjacent to the former agricultural buildings fronting Curr Lane. The red line site is occupied by several buildings covering an area of 0.28ha.

A large stable block and ménage are located to the rear of the farmhouse for personal use. A collection of former agricultural buildings of varying sizes, construction and appearance are located around the ménage beyond the residential curtilage.

## The Proposed Development

A mix of business, industrial and storage units have been created within the former agricultural buildings at the farm as per the schedule below. Retrospective planning permission is sought for their retention.

Is sought to regularise the uses that are being undertaken at the units within the site, as per the schedule below:

Unit 1: 204m<sup>2</sup> - storage (B8)

Unit 2: 234m<sup>2</sup> - steelwork fabrication (B2)

Unit 3: 177m<sup>2</sup> - storage (B8)

Unit 4: 168m<sup>2</sup> - Agricultural vehicle storage for Curr Lane (B8)

Unit 5: 152m<sup>2</sup> - Exhibition Company (B2)

Unit 6: 583m<sup>2</sup> Ménage (indoor equine facility)

Unit 7: 145m<sup>2</sup> - stables

Unit 8: 520m<sup>2</sup> - Exhibition Company (B2)

Unit 9: 390m<sup>2</sup> - storage (B8)

Unit 10: 32m<sup>2</sup> - Portacabin office

## Planning Considerations

The main considerations for this application relate to the impact of the proposal on:

- i) The openness of the Green Belt;
- ii) Residential amenity; and
- iii) Highway and sustainability considerations

## Green Belt

Policy DS2 of the BDLP sets out those development types which may be acceptable in the Green Belt. Criteria e refers to the re-use of buildings as an exception provided the development would be in accordance with policy C27.

Criterion a of policy C27 states that 'any reuse of an existing rural building must not have a materially greater impact than the present use on the openness of the Green Belt and the purposes of including land in it.' Criterion c refers to the need for the buildings to be of permanent and substantial construction and capable of conversion without major works or complete reconstruction. Accordingly, Policy C27 is considered to be consistent with the paragraph 90 of the NPPF.

The supporting photographs demonstrate that units 1 - 9 (with the exception of the portacabin office and lorry trailer) have been in situ for more than 4 years, and are thus immune from enforcement action. The buildings have been assessed by the Councils Building Control Officers and have been found to be of permanent and substantial construction. It is evident that the buildings have required only minor works to make them appropriate for business use and that the appearance of the buildings has barely altered. Having regard to the external storage, general clutter and parking of farm machinery which is often associated with an agricultural business, it is considered that the re-use of some of the buildings for predominately B2 and B8 purposes would not have a materially greater impact on the openness of the Green Belt and the purposes of including land in it.

For this reason the development is considered to be appropriate form of development in the Green Belt.

### Residential Amenity

Policy S19 of the BDLP seeks to resist employment or other land uses in residential areas, when such uses which would adversely affect residential amenity whether through noise, smell, safety, traffic or health reasons.

It is considered that, by definition, the use of the buildings for B1(light industrial) purposes would not cause harm to residential amenity.

B2 uses generally involve industrial processes which can lead to disturbance through noise, in particular, and can be unsuitable close to residential properties. However, given that only 3 of the 10 units seek to retain B2 uses, it is considered that these units are unlikely to lead to levels of disturbance through noise which are more harmful than general farming activities to the amenities of neighbouring occupiers. The activities for steelwork fabrication are likely to cause the most noise and serious disturbance. The units are in use every week day from 8am - 5.30pm.

Units 8 - 10 are sited against the residential curtilage of Twin Oaks farmhouse. These units are being used for storage, industrial and office purposes. Units 1 - 5, which are located further away, but still within 30m of the residential curtilage are also used for B2 and B8 uses. Due to the number of businesses present there would potentially be more vehicle movements than what would have occurred under the previous agricultural use but this increase does not appear to have caused harm in terms of noise and disturbance. Importantly, no objection has been raised by Worcestershire Regulatory Services in relation to noise and disturbance. Therefore despite the presence of Twin Oaks farmhouse and Curr Cottage nearby it is not considered that the development would cause undue harm to the amenity levels of occupiers of these properties. The development accords with Policy S19 of the BDLP.

### Sustainability and Highway Matters

The application proposes the retention of an employment site in a rural environment which by its nature is not served by public transport; it's poorly connected to the walking network and only has limited potential for cycle access. The application identifies the lack of opportunities but does not look to promote sustainable travel opportunities which are a requirement of the NPPF and the Local Transport Plan. It is considered that the sites location is not preferable for utilising existing sustainable transport modes and therefore is contrary to paragraph 34. An employment site in a location such as this should be supported by a package of measures to exploit what opportunities that there are as required by paragraph 35 and this would best be dealt with through a travel plan as indicated by paragraph 36. It is evident from the supporting information that there are multiple businesses operating from the site, which is likely to generate substantially more vehicular movements than an agricultural use being operated as one business, all of which are likely to be car based movements.

The site accommodates parking for approximately 20 cars and 10 goods vehicles within the enclosed yard. No objection has been raised on this issue by the applicant.

### Conclusion

Whilst the proposal is acceptable in Green Belt and residential amenity terms, it is considered that the proposal is located in an unsustainable location contrary to Policy DS13 of the BDLP and the NPPF.

**RECOMMENDATION:** That planning permission be refused

### **Reasons for Refusal**

- 1) The application site is located in a rural location where access to public transport is limited and therefore the proposal will result in a significant increase in journeys by private car which amounts to an unsustainable form of development contrary to policy DS13 of the BDLP and the NPPF.

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