

Name of Applicant	Proposal	Plan Ref.
R Cook	<p>Change of use of existing agricultural building to retail for the display and sale of ornamental fish and erection of pergola over outside cold water fish area, alterations and improvements to elevations and landscaping.</p> <p>A E Becketts Farm Heath Farm , Alcester Road, Wythall, B47 6AJ,</p>	16/1050

Councillor Geoff Denaro has requested that this application be considered by Planning Committee rather than being determined under delegated powers.

RECOMMENDATION: That planning permission be **Refused**

Consultations

Wythall Parish Council Consulted 07.11.2016
No objection

Highways Department- Worcestershire County Council Consulted 07.11.2016
No objection

Parks & Green Space Development Officer Martin Lewis Consulted 07.11.2016
No objection subject to conditions

North Worcestershire Economic Development and Regeneration Consulted 07.11.2016

We are very supportive of the proposal which has a number of clear benefits. The proposed investment would create a further 16 FTE jobs within the business, meaning a total of 40 jobs would be sustained through this facility. Furthermore, we feel the proposal would make better use out of an existing building and would provide additional economic growth in line with the surrounding facilities available at Becketts Farm. We therefore feel that the application should be supported.

Publicity:

12 letters sent on the 7th November 2016 (expires 28th November 2016)
1 site notice posted on the 10th November 2016 (expires 1st December 2016)
1 press noticed published in the Bromsgrove Standard on the 18th November (expires 2nd December)

Neighbour Responses
None Received

Councillor Denaro: If Officers are minded to refuse the application, I would like the application to be heard at Planning Committee so the economic benefits of the scheme can be considered by Members.

Relevant Policies

NPPF National Planning Policy Framework

Bromsgrove District Local Plan 2004 (BDLP):

DS2 Green Belt Development Criteria
DS13 Sustainable Development
C27 The Re-use of Existing Rural Buildings
TR11 Access and Off-Street Parking

Emerging Bromsgrove District Plan

BDP1 Sustainable Development Principles
BDP4 Green Belt
BDP15 Rural Renaissance
BDP16 Sustainable Transport
BDP21 Natural Environment

Others:

SPG4 The Conversion of Rural Buildings

Relevant Planning History

None

Assessment of Proposal

The site and its surroundings

The application site consists of an agricultural building, which is a substantial metal clad structure. The building is sited adjacent to the Becketts Farm Complex. This is an agricultural business that has diversified into a range of uses including retail, a restaurant and a golf driving range. The application site is in close proximity to the existing large car park that serves the complex and is accessed via wooden gates.

The proposed development

The proposal seeks to convert the existing building into a retail unit with a footprint of 385sqm. A mezzanine is also included to provide additional floor space at first floor level. The proposal also includes extensive landscaping around the building and a pergola to provide cover to an outdoor area used for the storage and sale of koi carp.

Planning Considerations

The main issues to be considered in assessing the application are the following:

- (i) Policy Background
- (ii) Green Belt
- (iii) Residential amenity
- (iv) Access, highways and parking
- (v) Street Scene and Character Impact
- (vi) Ecology

(i) Policy Background

Policy DS2 of the BDLP and paragraph 90 of the NPPF support the principle of the conversion of rural buildings in the Green Belt. Further detail is provided in both C27 of the BDLP and SPG4.

Paragraph 28 of the NPPF supports economic growth in rural areas in order to create jobs and prosperity. In particular the development and diversification of agricultural businesses is encouraged by this paragraph of the NPPF. The emerging BDP supports economic development in rural areas through policy BDP15 (Rural Renaissance). Particular reference within the policy is made to the conversion of buildings and rural diversification schemes.

(ii) Green Belt

The site is located in the Green Belt outside of any defined settlement. It is necessary to consider whether the proposal represents inappropriate development in the Green Belt and if so whether any very special circumstances exist that outweigh any identified harm.

Paragraph 90 of the NPPF and Policy DS2 of the BDLP highlight that the re-use of rural buildings can be an appropriate form of development in the Green Belt where they preserve openness and do not conflict with purposes of including land within the Green Belt. More detailed policy guidance on the reuse of rural buildings can be found in Policy C27. This generally accords with guidance within the NPPF but applies a more stringent test in relation to the quality of the agricultural building. Criteria c) of C27 requires buildings to be of a permanent and substantial construction and be capable of conversion without major works or complete reconstruction and a structural survey is requested. The NPPF simply states that buildings need to be of a permanent and substantial construction. The greater weight must therefore be placed on the NPPF wording in this instance. This is a permanent modern steel framed agricultural building. It is therefore clear that there is no structural reason why the building cannot be refurbished to give a retail use.

It is next important to consider whether the proposed development would impact on the openness of the Green Belt. If only the conversion of the building was proposed there would be no impact on openness. In this case though the area within the redline around the building extends to approximately 1,900sqm. In floor area terms this is almost 5 times the size of the building. Currently this is an open parcel of agricultural land with low level post and rail fencing to most boundaries. The applicant contends that the landscaping takes the form of low level gardens and has virtually no impact on openness. However, it is considered that this represents an over simplification of the proposals. The application introduces a range of features and structures that all detract from the

openness of the Green Belt. The largest addition is a pergola which is 3m high and covers an area of approximately 210sqm. Within the pergola are raised tanks within which koi carp would be stored. No details of the height of the tanks have provided but they are likely to be at least 1m high to reduce the likelihood of any accidents. In addition substantial fencing would also be required around the pergola to protect the valuable koi carp, which would add to the sense of enclosure. The outside area would also include permanent water features, planting, benches, a bin store and additional hard standing. It assumed that some external lighting would also be required to enable this outside area to be used all year round during opening hours. The applicant has highlighted that any parcel of land could be enclosed by 2m fencing. This is not disputed however there would no reason for a farmer to separate individual fields in this manner and in terms of the application it is more pertinent to compare the current situation with what is proposed. Currently there is only low level post and rail fencing which would be clearly not practical for a retail business.

The combination of this range of additions fundamentally changes the appearance of this parcel of land creating a more urban environment and causes substantially greater harm to the openness of the Green Belt when compared to the current situation. It is therefore considered that the proposal constitutes an inappropriate form of development that by definition cause harm to the Green Belt.

In addition to harm by definition it is also necessary to consider whether the proposal causes harm to any of the 5 purposes of including land within the Green Belt. In this instance it is considered that the proposal leads to a level of encroachment into the countryside. The site is currently agricultural in appearance with an agricultural building surrounded by a parcel of pasture land. The range of features and structures proposed in the landscaped garden serve the purpose of creating an area to show how products available for sale on the premises can be used to inspire customers. This will fundamentally change the character and appearance of the land and thereby encroaching into the rural environment.

In summary, in addition to the harm by definition the proposed change of use causes harm to 1 of the purposes for including land within the designated Green Belt whilst also having a substantial impact on openness of the Green Belt in this locality. It is therefore considered that the proposal causes substantial harm to the Green Belt.

In accordance with paragraph 87 of the NPPF inappropriate development is by definition harmful to the Green Belt and should only be approved in very special circumstances. The applicant has put forward the following factors for consideration:

- 1, The considerable economic benefits that will arise in the form of inward investment and job creation from this development.
- 2, The pergola would not result in a disproportionate addition.
- 3, Taking into account the context of Becketts Farm there is no impact on the openness of the Green Belt

Each of the factors put forward by the applicant have been considered below:

- 1) Economic Factors

The applicant has an existing premises on the Stratford Road in Shirley within Solihull Metropolitan Borough Council. The applicant is proposing to relocate the business to the application site. The existing business has the equivalent of 24 full-time employees. It is proposed the relocation would create the equivalent of 40 full-time jobs. It is assumed that the existing workforce would be retained due to the short distance between the sites and therefore the equivalent of 16 full-time jobs would be created in the district. There would also be wider economics benefits associated with the addition of a successful retailer to the district. Whilst such economic factors could amount to very special circumstances in certain circumstances it is not considered that such factors exist in this case. Whilst there are clearly some benefits such circumstances could be repeated on any site within the Green Belt across the district. In this respect they do not meet the 'very special' test. More importantly, there is no evidence to suggest that the business would need to be located in this location and there may be other locations in the North Worcestershire region.

2) Proportionate Extension

The appellant argues that the pergola area should be treated as a proportionate extension to the existing building. Whilst more permeable than a conventional extension it does still increase the original floor area of the building by approximately 55%. It is therefore considered to represent a disproportionate addition. This adds to the Green Belt harm arising from the development.

3) The Site Context

The appellant contends that as the site forms part of the wider Becketts Farm site and is heavily developed by a range of uses the impact on openness is not as great as it would be in an isolated Green Belt location. However, whilst the application site is accessed via the same entrance as the remainder of the Becketts Farm units the site is physically separate and visually distinct as the site currently consists of an agricultural building surrounded by pasture land which is flat, open and free from any structures. It is considered the associated development of the land around the building materially harms the openness of the Green Belt when compared to the current situation.

In summary, the proposal amounts to an inappropriate form of development in the Green Belt. In addition to the harm by definition, the proposed change of use causes harm to 1 of the purposes for including land within the designated Green Belt whilst also having a substantial impact on openness of the Green Belt in this locality. When considered individually or cumulatively it is not considered that the very special circumstances put forward by the applicant clearly outweigh this substantial harm to Green Belt. The proposal is therefore contrary to Policies DS2 and C27 of the BDLP, Policy BDP4 of the BDP and paragraphs 79, 87, 88 and 90 of the NPPF.

(iii) Residential amenity

The proposal is located away from residential properties and effectively extends the retail area associated with Becketts Farm. The scheme therefore has no impact on residential amenity in accordance with Policy DS13 of the BDLP and Policy BDP1 of the BDP.

(iv) Access, highways and parking

The County Council Highway Engineer has confirmed that the extensive parking area at Becketts Farm is sufficient to cope with the proposed retail unit without any additional provision. The proposal is considered to accord with policy TR11 of the BDLP and Policy BDP16 of the BDP.

(v) Street Scene and Character Impact

The current structure is a typical metal clad agricultural building. This relatively modern building has no architectural merit. The proposal seeks to renovate the external appearance to create a more desirable and attractive entrance for customers. The front of the building would be clad with timber. Large windows and doors would be added to the front to replace the existing roller shutter. It is not considered that the proposals harm the character of the building or impacts on the wider street scene. The proposal therefore accords with policy C27 of the BDLP, policy BDP19 of the BDP, SPG4 and the NPPF.

(vi) Ecology

In accordance with the relevant legislation, the planning authority has a duty to ensure any proposal will not impact adversely upon protected species. An Ecological Appraisal has been submitted with the planning application. The appraisal highlights that the building and surrounding land is not used by protected species. The Councils Ecology Officer raises no objections but recommends the retention of the existing hedgerow and considers that bird boxes could be added to the building. In summary it is considered there would be no undue harm to protected species in accordance with policy BDP21 of the BDP and the NPPF.

Conclusion

The proposal is considered to be acceptable in terms of character, amenity, highways and ecology considerations. However the proposal amounts to an inappropriate form of development in the Green Belt. It is considered that very special circumstances do not exist to clearly outweigh the substantial harm to the Green Belt.

RECOMMENDATION: That planning permission be Refused

Reasons for Refusal

- 1) The proposal does not fall within any of the categories of appropriate development specified at Policy DS2 of the Bromsgrove District Local Plan 2004 (BDLP), Policy BDP4 of the Bromsgrove District Plan (BDP) or at paragraph 90 of the National Planning Policy Framework 2012 (NPPF). Thus, the proposal constitutes an inappropriate form of development in the Green Belt which harms the Green Belt by reason of inappropriateness and harm to openness. No very special circumstances have been put forward or exist that would clearly outweigh the

identified harm to the Green Belt. This is contrary to Policy DS2 of the BDLP, Policy BDP4 of the BDP and paragraphs 79, 80, 87, 88 and 90 of the NPPF.

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