

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Phillip Michell	Erection of agricultural building, access track and associated hard standing Newhouse Farm, Lea End Lane, Hopwood, Birmingham, Worcestershire B48 7AX	05.04.2017	16/1148

RECOMMENDATION: That planning permission is **GRANTED** subject to conditions.

This application is being reported to members because it is a major application for which officers do not have delegated powers to determine.

Consultations

Alvechurch Parish Council Consulted 04.01.2017, 06.04.2017 and 05.05.2017
No objections; but APC would question the size of the building in comparison to the size of the field.

Sarah Kernon Consulted 04.01.2017, 03.04.2017 and 05.05.2017
I can confirm that from an agricultural perspective I have no concerns over the relocation of the lambing shed or over the extent of the proposed hardstanding.

Highways - Bromsgrove Consulted 04.01.2017
No Objection.

Canal and River Trust Consulted 04.01.2017
No requirement for you to consult us in our capacity as a Statutory Consultee.

WRS - Contaminated Land Consulted 04.01.2017
No objection

WRS - Noise Consulted 04.01.2017 and 05.05.2017
No objection

Drainage Engineers Internal Planning Consultation Consulted 04.01.2017 and 05.05.2017
No objection subject to condition

Publicity

11 neighbour notification letters sent out on 04.01.2017
11 Amendment neighbour notification letters sent out on 19.01.2017
13 Amendment neighbour notification letters sent out on 06.04.2017
14 Amendment neighbour notification letters sent out on 5.05.2017

1 site notice dated 20.01.2017
1 Press notice dated 27.01.2017

A total of 6 individuals/ organisations have objected to the proposed development. These include individual residents living near to the application site, the Owner / Residents of Newhouse Farm Barns, Tyler Parkes Planning Consultants working on behalf of a local resident and Hopwood residents association.

Their objections have been summarised as follows:

- The size of this building is not justified on agricultural grounds. Our concerns are reinforced by the recent confirmation that the total owned 'agricultural land holding' has been used not solely for agricultural but in mixed usage for the keeping of liveried horses.
- Given the lack of justification for this building it remains the case that the visual impact – both in terms of green belt policies and visual impact within the open countryside are unacceptable.
- The proposed scheme including the proposed hardstanding would be harmful to the green belt and should not be allowed.
- The now proposed relocated building would still sit on relatively elevated land and still very visually prominent from public view points (the Lea End Lane carriageway, and from wider viewpoints in the vicinity).
- A livestock shed close to existing residential property is bound to result in noise and lighting disturbance throughout the day and night throughout the year.
- We object to the application on the grounds of the location and the detrimental impact on our property. We still believe the shed, if required should be sited in the field south of Lea End Lane to the east of the farm.
- Environmental concerns about a lambing shed on the new proposed site:- Too near to existing residential dwellings, Major Hygiene issues including afterbirth materials and intense smells, Waste disposal, Rats and Noise as a lambing shed would certainly involve the use of a generator to produce electricity for heating and lighting. Both the noise and bright lighting dispersion would be unacceptable particularly during the night.
- The revised repositioning of the lambing shed does not change any of the problems of noise, lighting issues, traffic and pollution problems caused by the building; indeed it is worse because of the nearer proximity to the residents of New House Farm Barns.
- The problem is that the new buildings have now encroached onto the other side of the road to the original farm. If this continues, it will be setting a precedent and eventually there will be no fields for farming.
- There has been no consideration as to external lighting and the potential for light disturbance to neighbouring properties.
- Traffic implications of proposed development.
- The submitted application provides no detail in respect of the drainage as one would expect for a livestock building. There is real concern that uncollected and untreated agricultural waste arising from the proposed building will cause very harmful pollution. The potential for foul water pollution must be fully investigated.

Other non-planning matters have been raised, but these are not material to the consideration of this application.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles
BDP4 Green Belt
BDP15 Rural Renaissance
BDP19 High Quality Design
BDP21 Natural Environment
BDP23 Water Management

Others

SPG5 Agricultural Buildings Design Guide
NPPF National Planning Policy Framework
NPPG National Planning Policy Guidance

Relevant Planning History

14/0863	Prior Approval for Hay store	Refusal of Details for Siting, Design and appearance	08.12.2014
15/0261	Prior Approval for Hay Store	Allowed at Appeal	12.10.2015
17/0031	Erection of hay store and associated hardstanding (Retrospective)	Approved	24.03.2017

Assessment of Proposal

The site is situated in the greenbelt in a rural location. There is an existing hay barn measuring 30x 12 metres with some associated hardstanding around it adjacent to the application site.

There are several residential properties located within close proximity to the application site, some of which are converted agricultural buildings that previously formed part of Newhouse Farm.

The proposal has been amended throughout the process of the application. Originally the proposal was for an agricultural building located south east of the existing hay barn, with a floor area of 30x 60 metres and an overall height of 9.4 metres; with associated hardstanding including an access track leading into the field from the existing access off Lea End Lane.

The proposal is now for the erection of an agricultural building located to the north east of the existing hay barn, measuring 30x 48 metres with an overall height of 7.4 metres; with associated hardstanding including an access track leading into the field from the exiting access off Lea End Lane.

There would be two openings in to the building, a large opening in the south west elevation, which would face into the existing hay barn and one in the north western elevation, which faces away from the residential properties in to the adjacent field.

The main issues to consider in this application are:

- Whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
- The effect of the proposal on the character and appearance of the area.
- The effect of the proposal on the amenities of the nearby residential properties.
- The effect of the proposal on surface water Drainage and flooding.

Proposed agricultural building

The applicant is proposing to use the proposed agricultural building as a lambing shed.

Kernon Countryside Consultants have been consulted on this application and have carried out a desk based appraisal of it. They have assessed the proposal to see whether there is a need for the proposed agricultural building. They have concluded that although large, the use, size and design of the proposed building would be acceptable and as such have not raised any agricultural concerns with the proposal for the provision of the proposed new agricultural building.

Green Belt

Paragraph 89 of the NPPF sets out that new buildings in the Green Belt are inappropriate development except for a few exceptions. One of these exceptions is new buildings for agricultural or forestry purposes.

The area of land where the proposed building would be situated is agricultural land. Its agricultural need has been assessed by Kernon Countryside Consultants and as set out above it is considered that there is an agricultural need for the proposed building. Therefore it is considered that the building would be appropriate development in the Green Belt.

Character and appearance of Area

The application site is situated within open countryside, where agricultural buildings are normally found. The design of the proposed agricultural building has been assessed by Kernon Countryside consultants who have considered that it would be appropriate for the proposed use. Its design is therefore considered to be of an agricultural nature, which although large would not be out of place in this countryside location.

The proposed agricultural building would be situated within close proximity of the existing hay barn and so would not appear as an isolated building in the countryside. As such it is not considered that the proposed agricultural building would materially harm the character and appearance of the area.

Proposed access track and Hardstanding

Green Belt and character and appearance of area

The proposal includes the formation of a hard surface access track leading into the field from the road as well as an area of hardstanding to the front of the large opening on the south west elevation of the proposed building. This part of the proposal is considered to be an engineering operation. Paragraph 90 of the NPPF sets out those engineering operations can be considered to be appropriate development in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

The access track and hardstanding would appear flat, and although it would be visible from the road it would be read in conjunction with the existing hardstanding and building in the field. Because of this it is not considered that this element of the proposal would harm the openness of the Green Belt or would conflict with the purposes of including land within it. Therefore it is considered that it would be appropriate development in the Green Belt.

Residential Amenity

There are several residential properties located within close proximity of the proposed agricultural building.

Due to the size, siting, orientation and use of the proposed building concerns have been raised from the occupiers of these residential properties in regards to how the proposal would impact on their existing amenities. Worcestershire regulatory services (WRS) also initially raised concern and requested that a noise and odour assessment should be carried out and a pest management plan submitted.

Noise and odour assessments have now been carried out to assess the potential impact of the proposal and a pest management plan has been submitted. These assessments have been formally assessed by WRS who have now confirmed that the submitted assessments appear satisfactory and indicate that any impact on local residents should be minimal. As such they have confirmed that they would have no objections in terms of potential odour and noise. They have also confirmed that the submitted pest management plan is satisfactory.

The noise and odour assessment were carried out for the original proposal and not for the revised scheme. WRS were however re-consulted on the revised scheme and confirmed that they would have no objection to this proposal, as the existing hay barn would screen the properties on the other side of the road from the proposed building.

No information relating to the lighting of the building has been submitted with this application. It is likely that some form of lighting would be required due to the nature of

the use; as such it is considered that if permission were to be granted that a lighting condition should be imposed.

Therefore although the proposed building would be situated near to several residential properties, it is not considered that it would have an unacceptable impact on their existing amenities.

Highways

Worcestershire Highways Officer has not raised any objection to the proposal.

Drainage

A North Worcestershire Water Management (NWWM) Drainage Officer has commented on this application setting out that the site falls within flood zone 1 (low risk of river and tidal flooding), and that the Environment Agency's surface water flood risk map shows a low risk of surface water flooding in the area.

However due to the size of the building and because they are aware of issues along Lea End Lane they have requested that a pre commencement condition for a drainage strategy and a surface water treatment strategy is imposed on any permission that is given for this site.

Waste

Kernon Countryside Consultancy have set out that as the proposal is for a sheep shed there should not be any foul sewage produced. As the shed is likely to be bedded down with straw which will absorb any urine or sheep muck (which is relatively solid, unlike say the muck produced by a dairy cow).

They would then expect the shed to be cleaned out at the end of the lambing season and the manure i.e. straw and muck to be either directly spread onto the land by way of a muck spreader or temporarily stored until such time as it is spread. The application has confirmed that this is what they intend to do.

For information under current regulations farm yard manure can be stored directly on the land i.e. in the field so long as the stack doesn't stay in situ for any more than 364 days.

Conclusion

Overall, it is considered that that proposed development would be appropriate development in the Green Belt, which would not have a detrimental impact on the character or appearance of the area or the amenities of the neighbouring properties.

RECOMMENDATION: That planning permission is granted subject to the following conditions:

Conditions

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with National Legislation.

2. The proposal shall be carried out as shown on the plans, schedules and other documents listed below;

Drawing No. 6971-D-100 Rev. C Location Plan
Drawing No. 6971-D-200 Rev. B- Existing Site Plan
Drawing No. 6971-D-201 Rev. B- Proposed Site Plan
Drawing No. 6971-D-300 Rev. B Proposed Floor Plan
Drawing No. 6971-D-400 Proposed Elevations
Pest Management Plan Dated March 2017

Reason: To make sure the development is carried out exactly as shown on the plans, to ensure that it relates to the area in which it is being built and protects how that area looks, in order to comply with policy BDP19 of the Bromsgrove District Plan January 2017.

3. Prior to their first installation, details of the colour of the materials to be used externally on the roof of the proposed agricultural building shall be submitted to and approved in writing by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.

Reason: To protect the visual amenity of the area in accordance with policy BDP19 of the Bromsgrove District Plan January 2017.

4. No works or development shall take place until a scheme for surface water drainage and surface water treatment has been submitted to, and approved in writing by the Local Planning Authority. If infiltration techniques are used then the plan shall include the details of field percolation tests.

The approved schemes shall be completed prior to the first use of the development hereby approved.

Reason: To allow proper consideration of the proposed drainage systems and to ensure that the development is provided with a satisfactory means of drainage and in accordance with Policy BDP23 of the Bromsgrove District Plan adopted January 2017 and the NPPF.

5. Prior to their installation, details of any external lighting to be installed shall be submitted to and approved in writing by the Local Planning Authority. Any lighting installed on site shall be in accordance with these details and maintained as such.

Reason: In the interests of biodiversity and residential amenity in accordance with Policy BDP1 and BDP21 of the Bromsgrove District Plan Adopted 2017 and the NPPF.

6. Should the use of the building and hardstanding for the purposes of agriculture within the unit permanently cease within 10 years from the date of this permission, and planning permission has not been granted or has not been deemed to be granted for a change of use of them for purposes other than agricultural within 3 years from the date on which the use for the purposes of agriculture within the unit permanently ceased, then the building shall be removed from the land and the land must, so far as practicable, be restored to its condition before the development took place, or to a condition as may have been agreed in writing between the local authority and the developer.

Reason: To protect the openness of the Green Belt and the character and appearance to the open countryside in accordance with Policy BDP4 and BDP19 of the Bromsgrove District Plan and the NPPF.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), no development included within Schedule 2, Part 3, Class Q and R shall be carried out without formal approval through an application for planning permission.

Reason: The proposal has only been assessed on the basis of being an agricultural building and the implications of other uses have not been considered as part of this application. Other uses of the building may not be in accordance with policy BDP1 and BDP4 of the Bromsgrove District Plan January 2017 and the NPPF.

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