

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Mr Ken Moore	Erection of replacement lambing shed (retrospective). Thornborough Farm, Redhill Road, Kings Norton, Birmingham, Worcestershire B38 9EH	07.10.2020	20/00951/FUL

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

RECOMMENDATION: That planning permission be **Granted**

Consultations

Highways - Bromsgrove

I have no highway objections to the erection of replacement lambing shed (retrospective). Parking is not affected and is available on site - no highway implications.

WRS - Contaminated Land

WRS have reviewed the supporting information for the application and our mapping system and confirm that we have no adverse comments to make in relation to contaminated land matters.

WRS - Noise

WRS have reviewed documents and records associated with the above application and have no adverse comments to make in relation to noise/nuisance.

North Worcestershire Water Management

The site falls within flood zone 1 (low risk of fluvial flooding), but does appear to be susceptible to surface water flooding on occasions. I understand the footprint will remain unchanged and therefore the risk of flooding as a result of the development is likely to be minimal. As a less vulnerable land use (lambing shed) I have no concerns.

Worcestershire County Council Countryside Service

No Comments Received To Date

Kernon Countryside

The building is well designed and appropriate for the use as a lambing shed. The size of the building has been justified and is considered reasonable for such an agricultural unit. The building is in the same position as the previous lambing shed and is therefore appropriate. The main other building onsite is sited to the south of site towards Lea Green Lane. This building looks as though they use a cubicle per pig to give them a good amount of space. Piglets can get crushed by their sow without sufficient space. It would also be reasonable for them to use the building as shelter for the pigs in times of poor weather. I don't believe the building would be available to meet the needs of the sheep as well as the pigs. Having considered the proposal against the farming enterprise and need,

I am satisfied that the use, design and siting are appropriate. The size of the building is also considered to be reasonable.

Alvechurch Parish Council

No Objection.

Publicity

One site notice was placed onsite on 20th August 2020 and expired 13th September 2020. A press notice was placed in the Bromsgrove Standard on 28th August 2020 and expired 14th September 2020. 16 neighbour letters were sent on 21st August 2020 and expired 14th September 2020.

Representations

4 objections have been received, 1 representation and 1 letter of support. The contents of these comments have been summarised as follows;

Objections

- No agricultural need demonstrated onsite
- Structure too substantial for use
- Design of building not in keeping with rural location
- Proposed building is larger than previous onsite

Representation

- Applicant originally applied for a dwelling – why is an agricultural building now required?

Support

- Original building onsite is the same size as approved in 2006 however the 4th bay was lost and reinstated.

Other matters have been raised but these are not material to the consideration of this application and have not been reported.

Councillor Hotham

Due to the Planning history onsite, I wish to call this application into committee should the officer recommendation be minded to approve.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles
BDP4 Green Belt
BDP15 Rural Renaissance
BDP19 High Quality Design

Others

NPPF National Planning Policy Framework (2019)
Bromsgrove High Quality Design SPD

Relevant Planning History

20/00606/CUP RIO	Change of use of agricultural building to form one dwellinghouse	Refused	20.07.2020
B/2006/1389	Lambing shed	Granted	04.04.2007

Assessment of Proposal

Introduction

This application is for retrospective planning permission for the retention of the existing lambing shed onsite. The building is sited in the same position as the previous building onsite north of the existing stables and ménage. The building subject of this application measures 20m x 5.4m giving a total internal floor space of approximately 103m². The building measures 3.4m to the eaves and 4m to the ridge. The building has a steel frame and the lower walls on the rear and side elevations have been built up with single skin brick with timber cladding to the eaves. The front of the building is fully open with pull down gale breakers. The site has a mixed agricultural and equestrian use.

Background

A Prior Approval application reference 20/00606/CUPRIO was submitted to the Council to convert the lambing shed into a dwelling under Schedule 2, Part 3, Class Q of the General Permitted Development Order 2015 (as amended). As part of this application it came to light that substantial works had taken place in March/April 2020 to repair the building following storm damage. The extent of the works to the building which included a complete replacement of the frame structure and rebuilding of the fourth bay were considered to be commensurate to a new build and exceed what can be considered as repairs. For this reason, the building did not benefit from the Permitted Development Rights under Class Q and the Prior Approval was refused. The applicants have since come in for retrospective permission to regularise the existing building onsite for a continued agricultural use.

Assessment

The application site is located within the Green Belt. New buildings are considered to be inappropriate development in the Green Belt subject to a closed list of exceptions outlined in the National Planning Policy Framework (NPPF). Paragraph 145(a) allows for buildings for agriculture and forestry as an exception. The applicants have put forward information on the agricultural use onsite and this information has been considered by the Council's independent Agricultural Consultee.

When considering whether there is a need for an agricultural building it is necessary to consider whether:

- the use of the building is appropriate;
- the size of the building is appropriate for the intended use;

- it is of a suitable design for its intended use;
- the siting of the building is appropriate in agricultural terms;
- whether there are any other buildings that are suitable to meet the needs of the enterprise onsite.

Use

The use of the building as a lambing shed for the general keeping of sheep, in addition to the storage of hay/straw bales is considered appropriate. An Officer site visit and photos provided by the applicant demonstrate that the building is in use. The existing agricultural use onsite has been further demonstrated with the submission of livestock movement records which provide details of the number and types of animals brought on and off the site and confirmation of the owners County Parish Holding number.

The use of the building has been brought into question due to the submission of the Prior Approval for the change of use to a dwelling. There is no requirement under this legislation for the building subject to the conversion to no longer be needed for agricultural purposes and therefore this would not dispute the findings of the agricultural use onsite.

Size

The Agricultural Costings and Budgeting Book (90th Ed.) sets out that 1.3 – 1.9m² should be allowed for each ewe and lamb. Based on 32 breeding ewes (as identified by the applicant in their Agricultural needs statement), 41.6 – 60.8m² is considered a reasonable sized building. The Applicant also farms 18 shearlings and it is advised that 0.8m² is a reasonable allowance for each animal. The shearlings would therefore justify a further 14.4m². Rams are likely to be kept separate from the ewes. Based on the above, it is the Councils Agricultural Consultees advice that approximately 56 – 75m² is justified for the keeping of sheep.

The applicants have confirmed that 3 of the 4 bays are used for housing sheep. Three bays total approximately 77m² and so this floor space is justified. The remaining bay, which extends to 26m², is utilised for hay/straw storage and other associated storage which is considered to be reasonable on a working farm.

Design

The building is generally well designed for the keeping of livestock. The front of the building is fully open which provides good ventilation as well as the opening on the side elevation. The timber boarding is slightly spaced apart which will also increase ventilation.

Siting

The proposal is to be sited in the same position as the building it has replaced and within the cluster of existing buildings onsite and is therefore an appropriate siting for this development.

Other buildings onsite

There is another agricultural building onsite which consist of the former alpaca shelter at the south of the site towards Lea End Lane. This building is currently used by the pigs onsite. The applicants currently use a cubicle per pig to give them a good amount of space. Piglets can get crushed by their sow without sufficient space. It would also be reasonable for them to use the Lea End Lane building as a shelter for the pigs in times of poor weather. Furthermore, given the design and ventilation of this building it would not be appropriate for the lambs.

Green Belt

Taking all these matters into consideration the building is considered necessary for the agricultural use onsite and is therefore appropriate development in the Green Belt under Paragraph 145(a) of the NPPF.

The proposed building is in the same position as the previous, which existed onsite since 2007. The building is sited in a cluster of buildings which is generally considered to look more settled in the landscape under the advice in section 6.3.4 of the Council's High Quality Design Guide. The proposal is therefore not considered to harm the openness of the Green Belt.

Amenity

Given the proposed use of the site and relationship with adjoining occupiers, it is not considered that the proposed use would have an adverse impact on the amenities currently enjoyed by the existing occupiers of the neighbouring occupiers.

Drainage

North Worcestershire Water management have confirmed that the site falls within flood zone 1 (low risk of fluvial flooding) and is not shown to be susceptible to surface water flooding. They do not believe the proposals will have an impact upon drainage or flood risk on or off site, as such they have raised no objection to the proposal.

Contamination and Noise

Worcestershire regulatory Services have considered the proposal and raised no concerns on Land Contamination or Noise as a result of this proposal.

Public comments

A number of objections have been received. Concerns have been raised on the applicant's intentions to convert the building into a dwelling given the planning history. The Council are only able to consider the proposal before them, however it is noted that because the building has been considered a new build in April 2020, that it would not benefit from its Permitted Development Rights under Class Q of the GPDO until a period of 10 years has passed. The building would also be required to be in use for agricultural purposes for this 10-year period. Given the Government have deemed a 10-year period appropriate for a building to benefit from these Permitted Development Rights, Officers have not removed these Permitted Developments from the building. An appropriately worded condition has been placed on this recommendation however to ensure that the

building is only used for agricultural purposes and is removed from the site if no longer needed.

The applicants have submitted an Agricultural needs Statement which outlines that the site is used for agricultural purposes. Objections have been put forward on this and it is suggested that businesses run from this address and that the sheep are not always onsite. Sheep are reared on a seasonal basis and is it not unusual for farm enterprises to diversify. This does not therefore mean that the animals onsite do not need appropriate shelter.

The structure has been replaced with a steel frame and metal clad roof. The agricultural Consultee has not objected to this use of these materials and it is not uncommon for agricultural buildings to use more robust and modern materials.

The building is open sided with red bricks on the lower section of the rear wall. Section 6.3.11 of the Council's High Quality Design Guide outlines that agricultural buildings should be 'earth colours' such as brown, grey or green with the use of local materials such as red bricks. The combination of grey steel and red brick is considered compliant with this guidance.

There is some dispute between the objections and letter of support on the size of the 2006 building. This proposal is not being considered as a replacement building and therefore the difference in size is not relevant to this planning decision. The proposed size of the building has been fully justified above. However, for clarity, from the original floor plans of planning permission reference B/2006/1389, the building was approved with 4 bays as the current proposal. The 4th bay was lost sometime between 2013-2016.

Conclusion

In conclusion it is considered that the proposed building is appropriate development in the Green Belt. Although the planning history indicates some intention for a new residential property onsite, given the restrictions within the PD rights available to the building and the use of an appropriately worded condition controlling the use of this building, Officers are satisfied that this matter should not provide justification for the refusal of planning permission.

RECOMMENDATION: That planning permission be **Granted**

Conditions:

- 1) The development hereby approved shall be carried out in accordance with Materials outlined in Question 7 of the application form the following plans and drawings:

9304-100 - Location Plan

9304-A-300 - Proposed Plans

REASON: To provide certainty to the extent of the development hereby approved in the interests of proper planning.

- 2) The building hereby approved shall be used solely for agricultural purposes and for no other use whatsoever. If the use of the buildings for the purposes of agricultural within the unit permanently ceases within 10 years from the date of this consent, then unless the local planning authority have otherwise agreed in writing, the building must be removed from the land and the land must, so far as is practicable, be restored to its condition before any development within the application site took place, or to such condition as may have been agreed in writing between the local planning authority and the developer.

Reason: To ensure the building onsite is only used for an agricultural purpose as proposed.

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