

| Name of Applicant      | Proposal  | Expiry Date | Plan Ref.    |
|------------------------|---|-------------|--------------|
| A E Beckett & Sons Ltd | Demolition of one existing agricultural building; repair of three further agricultural buildings (retrospective)<br><br>Former Poultry Houses, Rose Cottage Farm, Seafeld Lane, Portway, Worcestershire B48 7HN | 09.12.2022  | 22/01220/FUL |

**RECOMMENDATION:** That planning permission be **Granted**.

### **Consultations**

**Cadent Gas Ltd** Consulted 05.10.2022

We have no objection to your proposal from a planning perspective.

**Kernon Countryside** Consulted 27.10.2022

No objections

**Beoley Parish Council** Consulted 30.09.2022

We at Beoley Parish Council have no objection toward this application. Although the development has already happened we would like to point out that we only support the application if it is for agricultural purposes only.

**North Worcestershire Water Management** Consulted 30.09.2022

No objections to the proposals

**Highways - Bromsgrove** Consulted 30.09.2022

I have no highway objections to the proposed demolition of one existing agricultural building; repair of three further agricultural buildings (retrospective). The applicant has highlighted the machinery that will be stored within their statement and also that the existing vehicular access will be used. There will be an initial increase in trips during the day during the storage of the machinery which will be a minimal increase and not have a severe impact on the existing highway network.

### **Public Consultation**

6 letters sent to nearby dwellings 10<sup>th</sup> October 2022, expired 3<sup>rd</sup> November 2022

Site notice displayed 7<sup>th</sup> October 2022, expired 31<sup>st</sup> October 2022

Press advert published 7<sup>th</sup> October 2022, expired 24<sup>th</sup> October 2022

As a result of the publicity, two representations have been received both making comments objecting to the proposal. The material planning matters raised in the representations relate to:

- The site history

- Highway matters including: Increase in vehicle movements, the size and speed of vehicles using the proposed buildings, accidents near to the application site, the nature of the highway in the vicinity of the application site and the risks posed to all highway users.
- Green Belt policy
- The proposed use of the buildings

### **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

### **Relevant Planning History**

|             |   |           |            |
|-------------|---|-----------|------------|
| 16/0115     | Change of Use of Poultry Sheds into Storage Use (Class B8)  | Refused   | 08.06.2016 |
| 12/00326    | Demolition of two chicken sheds; conversion of the remaining two chicken sheds to provide 10 dwellings; creation of new access; creation of car parking area; provision of play area and other associated works.  | Refused   | 29.06.2012 |
| 11/0025     | Demolition of two chicken sheds; conversion of the remaining two chicken sheds to provide 14 dwellings; creation of new access; creation of car parking area; provision of play area and other associated works (As augmented by plans received 06th April 2011). | Refused   | 21.04.2011 |
| B/2007/0101 | Conversion of former chicken shed/barn to enable storage of historic/preserved vehicles relating to a registered educational trust.   | Withdrawn | 02.04.2007 |
| B/2002/1363 | Demolition of two existing egg farm buildings and conversion of remaining two to create 12 dwellings, new vehicular access, covered parking areas and landscaping.  | Withdrawn | 22.01.2003 |
| B/1999/0515 | Change of use to class B8.  | Withdrawn | 27.10.2005 |

### **Background Information**

The council received an allegation of unauthorised works being undertaken to the buildings subject to this application in March 2022. Following investigation, it is the council's view that the extent of works undertaken at the site constitute a replacement of three poultry sheds and the demolition of one. Whilst the applicant disagrees with this assertion with respect to the replacement, it was nevertheless agreed to submit a retrospective application to seek to regularise the works undertaken.

### **Proposal Description**

The proposal seeks retrospective permission for the demolition of one poultry shed and works to the remaining three. The most southerly of the four original poultry sheds, adjacent to the residential dwellings known as The Dairy, Rose Cottage and Rose Cottage Farmhouse, has been demolished.

The works to the remaining three poultry sheds comprise the replacement of asbestos roofs with metal sheeting, recladding of the buildings in metal cladding having retained blockwork to 2 metres in height and internal works to remove the poultry cages and strengthen the buildings. The gable ends of the buildings are now formed from metal sheeting and include a roller shutter and pedestrian access door. The site lies in open countryside and within the Green Belt.

### **Assessment of Proposal**

#### **Green Belt**

Policy BDP4.4 of the Bromsgrove District Plan 2017 (BDP) is generally consistent with paragraph 149 of the Framework in stating that, apart from specific exceptions, the construction of new buildings is inappropriate development in the Green Belt. The stated exceptions set out in the Framework include at 149a) buildings for agricultural and forestry and 149d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces. These exceptions are repeated in policy BDP4.4 of the BDP.

It is not necessary for a proposal to meet with all the exceptions within paragraph 149, as long as it meets with one of them, this is sufficient for the development to not represent inappropriate development.

The three remaining buildings on the site are in use for fertiliser and bale storage which is considered to represent an agricultural use. However, it is also necessary to ensure that the need for the buildings is justified and that the design of the proposed buildings is appropriate for the intended use.

#### **Agricultural need**

Policy BDP15.1a) of the BDP encourages development which contributes to diverse and sustainable rural enterprises in the District. Furthermore, paragraph 84 a) of the NPPF similarly supports the sustainable growth and expansion of all types of businesses in rural areas through well-designed new buildings.

The application has been appraised by the council's external agricultural consultant. The use, design, size, siting and availability of other buildings for the proposed use was considered. All of these matters were considered acceptable with the exception of the design of the proposal and overall, no objection was raised with respect to the development.

In relation to design, given that the proposal is to use two of the buildings for fertiliser storage and that fertiliser is combustible, it is considered necessary for ventilation to be incorporated into the buildings. As the application is retrospective any such scheme of ventilation would and could be secured via an appropriately worded planning condition.

### Openness

Paragraph 137 of the NPPF explains that the fundamental aim of Green Belt policy is to keep land permanently open with the essential characteristics of Green Belts being their openness and their permanence.

The proposal seeks the removal of one of the four poultry sheds. The removal of any built form with the Green Belt will inherently improved the openness of the Green Belt. The remainder of the buildings are no larger than the original buildings following the works undertaken, which maintains the status quo in terms of their impact on the openness of the Green Belt.

### Amenity

Policy BDP19 of the BDP seeks to achieve good design.

Directly to the south of the application site lies a number of residential dwellings. Rose Cottage Farmhouse shares a boundary with the application site, with The Dairy and Orpington Cottage lying close to but not adjoining the site boundary. It is the poultry building which is closest to these dwellings which has been demolished. The result of this is that these residential dwellings are now 27.5 – 32 metres from the poultry sheds at the closest point.

In terms of general outlook the removal of the poultry shed will be an improvement with respect to the dwellings referenced above. The vehicular access to the site has not changed and is situated to the north of the application site, away from any residential dwellings. Given the distances involved and the nature of the proposal to use the buildings for storage it is considered that no adverse amenity impact will arise from the proposed development.

### Other matters

A number of the issues raised in the representations received have been addressed above. However a number of concerns have been raised with respect to highway safety. Namely that the existing access is on a blind bend, issues in relation to vehicular accidents, traffic movements to and from the site and the type of vehicles that are likely to be used in association with this proposal.

Policy BDP16.1 requires that development should incorporate safe and convenient access. In addition, paragraph 111 of the NPPF makes it clear that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe.

The Highway Authority have been consulted on the application and raise no objections to it. The existing access will be used for access and egress to the site which benefits from a wide bell mouth and gates set back from the access so that there would be no waiting within the highway. Furthermore, were it not for the works which have been undertaken to the buildings, they could be put to alternative, agricultural uses without recourse to the council. Whilst it is recognised that there is likely to be an increase in traffic movements to the site when compared with the site prior to the works taking place given the poultry sheds were redundant, taking all the matters listed above in to account it is considered that this increase is not likely to result in a severe impact on the highway network so as to warrant refusal of planning permission.

Reference in the representations received is made to the planning history of the site. Members will note, from earlier in this report, that several attempts have previously been made to secure planning permission for alternative uses for these buildings. Notwithstanding, this proposal needs to be determined on its own merits having regard to current planning policy.

Ordinarily, an application relating to the conversion of a building would be supported by a protected species survey. Given that the works have already been undertaken at the site it is likely that any protected species that were present at the site are no longer present. However, it is considered appropriate to require a scheme of biodiversity enhancement to be submitted to the council for approval and implemented on site. This can be adequately controlled by planning condition.

### Conclusion

Whether the proposal is considered as a new agricultural building, as per Policy BDP4.4a) and paragraph 149a) of the NPPF; or the replacement of an existing building as per BPD4.4e) and paragraph 149d) it is considered that the proposal would not represent inappropriate development in the Green Belt. Furthermore the need for the building has been demonstrated and, subject to a condition seeking alterations to the buildings with respect to ventilation, the design of the buildings are appropriate for their intended use. No adverse amenity impact is likely to arise from the proposed development and whilst concerns are raised with respect to highway safety matters, it is considered that the proposal will not breach the high bar set by paragraph 111 of the NPPF which set out when planning permission should be refused on highway safety grounds.

**RECOMMENDATION:** That planning permission be **GRANTED**

### **Conditions:**

1. The development is hereby approved in accordance with the following plans:

10075-100 – Location Plan

10075-201 – Proposed Site Plan

10075-301 – Proposed Floor Plans and Elevation – Buildings 1, 2 & 3

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

2. Within 2 months of the date of this permission a scheme for ventilating the buildings hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be incorporated in to the buildings within 6 months of the date of this permission.

Reason: To ensure that the buildings hereby permitted are appropriately designed for their end use.

3. If the use of the buildings for the purposes of agriculture within the unit permanently ceases within 10 years from the date on which the development was substantially completed the buildings must be removed from the land and the land must, so far as is practicable, be restored to its condition before the development took place, or to such condition as may have been agreed in writing between the local planning authority and the developer.

Reason: In order to preserve the openness of the Green Belt.

4. Within 2 months of the date of this permission a specification (including methodology and programme of implementation) for the enhancement of biodiversity shall be submitted to and approved in writing by the Local Planning Authority. The works so approved, shall be carried out in accordance with the approved programme of implementation with 6 months of the date of this permission.

Reason: To enhance biodiversity.

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