



Committee and date

Central Planning Committee

28 April 2016

Development Management Report

Responsible Officer: Tim Rogers

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Summary of Application

Application Number: 16/00451/FUL	Parish:	Great Ness
Proposal: Erection of agricultural storage building		
Site Address: Top Farm Kinton Shrewsbury Shropshire SY4 1AZ		
Applicant: Mr J Hitchen		
Case Officer: Oliver Thomas	email: planningdmc@shropshire.gov.uk	

Grid Ref: 336961 - 319660



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Contact: Tim Rogers (01743) 258773

Recommendation:- Approval subject to the conditions set out in Appendix 1.

Recommended Reason for Approval

REPORT

1.0 THE PROPOSAL

1.1 This application is seeking full planning permission for the erection of an agricultural storage building, for the purpose of storing agricultural machinery and equipment associated with the operations on site.

1.2 The proposed building will be mono-pitched, traditional and simplistic in design, measuring some 12.4 metres in width, 5.5 metres in length and a maximum height of 4.5 metres.

2.0 SITE LOCATION/DESCRIPTION

2.1 Top Farm is a long established farm set within some 160 acres of agricultural mixed-use farming land. The site is located to the north of Kinton, a rural settlement south-west of Nesscliffe. The development site sits on the western boundary line, abutting the adjoining unclassified highway of which access is gained. The access point leads onto an existing stack yard of which a number of agricultural units are located, all in association with the activities occurring on site. The development site has residential dwellings on the opposing side of the highway, and land in ownership of the applicant on all remaining sides.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

3.1 The scheme does not comply with the delegation to officers as set out in Part 8 of the Shropshire Council Constitution as it relates to an application made by a member of staff who either directly or indirectly reports to the Head of Economic Growth and Prosperity.

4.0 Community Representations

4.1 - Consultee Comments

4.1.1 SuDS – No objection subject to informatives

4.1.2 Great Ness and Little Ness Parish Council – In Support

Great Ness and Little Ness Parish Council have no objections to this planning application.

4.2 - Public Comments

4.2.1 None received at the time of writing.

5.0 THE MAIN ISSUES

Principle of development
Siting, scale and design of structure
Visual impact and landscaping

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Policy CS6 of the Shropshire Core Strategy: 'Sustainable Design and Development Principles' requires developments to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. Developments should safeguard against both residential and local amenity, ensuring that sustainable design and construction principles have been incorporated.

6.1.2 Further to Policy CS6, SAMDev MD2: 'Sustainable Design' ensures that developments achieve local aspirations for design in terms of visual appearance and functionality. Proposals need to respond appropriately to the form and layout of the existing development including a mixture of uses, streetscapes, plot sizes, scale and density that reflect locally characteristic architectural design and details which enhance, respect and restore the local context and character. This is reiterated within Section 7 of the National Planning Policy Framework: 'Requiring good design' which attaches great importance to the design of the built environment, ensuring that proposals respond to the local character, reflecting the local surroundings and materials whilst being visually attractive.

6.1.3 Policy CS13 of the Shropshire Core Strategy: 'Economic Development, Enterprise and Employment' seeks to positively develop and diversify Shropshire's economic growth. With particular emphasis on rural areas, recognising the importance of farming for food and production – actively supporting rural enterprise and diversifying its economy, dependent on proposals also complying with Policy CS5.

6.1.4 Policy CS5 of the Shropshire Core Strategy: 'Open Countryside and Green Belt' strictly controls development in the countryside, permitting those only which are on appropriate sites that maintain and enhance the countryside vitality and character, especially those relating to agricultural development.

6.1.5 SAMDev MD7b: 'General Management of Development in the Countryside' reiterates that prescribed in Policy CS5, in that applications for agricultural development in the countryside will be supported provided that proposals are of a size and scale which is consistent with its required purpose and be well designed in accordance with CS6 and MD2, with no adverse impacts upon the environmental quality or residential amenity under Policy CS17.

6.2 Siting, scale and design of structure

6.2.1 The proposal is to erect a simple lean-to storage building within the main yard of Top Farm, which is currently occupied by a number of agricultural outbuildings. The proposed will provide the applicants with additional storage for agricultural machinery and equipment, used in association with the farming activities occurring on site. The storage building will be sited and adjoined to an adjacent storage building on the south-western boundary, with its rear elevation facing the highway.

6.2.2 The site is within agricultural use – currently a mixed farm of grassland, cereal and livestock (sheep), with the proposed development site currently being used for the storage of machinery. As such the Officer is satisfied that sufficient justification has been provided for the proposal, as covered storage will allow the up-keep and longevity of the equipment and machinery. Due to the siting being within the main yard of farming activities, the site is already laid with hardstanding resulting in their being minimal groundworks required.

6.2.3 The storage building is of basic design and will remain open-fronted on the northern elevation. Having a mono-pitched roof, the eaves height is highest to the north, sloping down on the elevation facing the highway. The proposed construction materials will remain similar to those used elsewhere on site, with the external walls being a mix of both sandstone blockwork to its base and box profile sheeting with the roof being box profile sheeting also.

6.3 Visual impact and landscaping

6.3.1 With the proposal being small scale and sympathetic in design to the existing buildings on site it is considered that there will be no adverse impacts to its surroundings. The site is in current agricultural use and occupied by a number of agricultural buildings, as such an additional agricultural building would not be untoward or out of character. Kinton is a rural settlement of which a number of farming sites occur, the erection of a traditionally styled mono-pitched storage building will not disrupt the street scene as Top Farm is retracted, to the north, from the main cluster of settlement - with neighbouring dwellings only to the south-western boundary on the opposing side of the highway.

6.3.2 The additional storage building poses no concerns over its impact on residential amenities. The building will provide agricultural storage only, on a site where storage already occurs, so any possible noise or smell pollution generated will already exist and is apparent that it has minimal impact upon neighbouring residents, further confirmed by the lack of public representations. The development site is within an existing laid yard area, as such there are no alterations to the access arrangements, with the building leaving sufficient and adequate space for manoeuvring agricultural machinery on site. The proposed use will not result in any adverse impacts to the drainage arrangements on site, with submitted details in relation to drainage issues being considered acceptable by the Drainage Engineer.

7.0 CONCLUSION

The erection of an open-fronted storage building is considered an appropriate and justified extension of development on site. The applicant has provided reasoning that a covered storage unit is required for the safe-keeping of agricultural machinery and equipment; with the development site currently being used for

existing open-air storage of machinery. The proposal will have limited and minimal impact upon both residential and local amenity, being constructed of matching materials in a similar and traditional design. The proposal is fully compliant with all related policies in the Shropshire Core Strategy; CS6, CS5, CS13 and CS17, the SAMDev Plan; MD2, MD7b, and the National Planning Policy Framework; as such it is recommended that permission be GRANTED.

8.0 Risk Assessment and Opportunities Appraisal

8.1 Risk Management

There are two principal risks associated with this recommendation as follows:

As with any planning decision the applicant has a right of appeal if they disagree with the decision and/or the imposition of conditions. Costs can be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.

The decision may be challenged by way of a Judicial Review by a third party. The courts become involved when there is a misinterpretation or misapplication of policy or some breach of the rules of procedure or the principles of natural justice. However their role is to review the way the authorities reach decisions, rather than to make a decision on the planning issues themselves, although they will interfere where the decision is so unreasonable as to be irrational or perverse. Therefore they are concerned with the legality of the decision, not its planning merits. A challenge by way of Judicial Review must be made a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose.

Both of these risks need to be balanced against the risk of not proceeding to determine the application. In this scenario there is also a right of appeal against non-determination for application for which costs can also be awarded.

8.2 Human Rights

Article 8 gives the right to respect for private and family life and First Protocol Article 1 allows for the peaceful enjoyment of possessions. These have to be balanced against the rights and freedoms of others and the orderly development of the County in the interests of the Community.

First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.

This legislation has been taken into account in arriving at the above recommendation.

8.3 Equalities

The concern of planning law is to regulate the use of land in the interests of the public at large, rather than those of any particular group. Equality will be one of a

number of 'relevant considerations' that need to be weighed in Planning Committee members' minds under section 70(2) of the Town and Country Planning Act 1990.

9.0 Financial Implications

There are likely financial implications if the decision and / or imposition of conditions is challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependent on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – insofar as they are material to the application. The weight given to this issue is a matter for the decision maker.

10. Background

Relevant Planning Policies

- Central Government Guidance:
National Planning Policy Framework

- Core Strategy and Saved Policies:
CS6 - Sustainable Design and Development Principles
CS5 - Countryside and Greenbelt
CS13 - Economic Development, Enterprise and Employment
CS17 - Environmental Networks

Site Allocations and Management of Development Policies:
MD2 - Sustainable Design
MD7B - General Management of Development in the Countryside

RELEVANT PLANNING HISTORY:

12/00773/AGR Erection of a steel framed barn for storage of fodder PNR 14th March 2012
14/01840/FUL Erection of extension to existing agricultural building GRANT 26th June 2014
15/04201/AGR Lean-to on to rear of existing building PNR 6th November 2015
16/00451/FUL Erection of agricultural storage building PCO
SA/91/0067 Conversion of existing disused outbuilding to provide two private dwellings. For Mr and Mrs Hitchen. PERCON 22nd May 1991

11. Additional Information

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)
Cabinet Member (Portfolio Holder) Cllr M. Price
Local Member Cllr David Roberts
Appendices APPENDIX 1 - Conditions

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act, 1990 (As amended).

2. The development shall be carried out strictly in accordance with the approved plans and drawings.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved plans and details.

Informatives

1. In arriving at this decision the Council has used its best endeavours to work with the applicant in a positive and proactive manner to secure an appropriate outcome as is required within the National Planning Policy Framework paragraph 187.
2. THIS PERMISSION DOES NOT CONVEY A BUILDING REGULATIONS APPROVAL under the Building Regulations 2010. The works may also require Building Regulations approval. If you have not already done so, you should contact the Council's Building Control Section on 01743 252430 or 01743 252440.
3. It is recommended that the applicant investigate ways of incorporating techniques of 'Sustainable Urban Drainage' into this development. These will help to minimise the impact of the development with features such as porous parking, detention ponds, grass swales and infiltration trenches. This will maintain the recharge of groundwater resources, reduce large fluctuations in river flows during rainfall and stop pollutants from road runoff from entering watercourses. Further information can be obtained from the Environment Agency.