



Committee and date

South Planning Committee

13 September 2016

Development Management Report

Responsible Officer: George Candler, Director of Place & Enterprise

Summary of Application

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| <u>Application Number:</u> 16/02115/AGR | <u>Parish:</u> | Sibdon Carwood |
| <u>Proposal:</u> Timber agricultural building to provide covered area for silage | | |
| <u>Site Address:</u> The Willows Long Lane Craven Arms Shropshire SY7 8DU | | |
| <u>Applicant:</u> Shropshire Council | | |
| <u>Case Officer:</u> Heather Bradley | <u>email:</u> planningdmsw@shropshire.gov.uk | |

Grid Ref: 341707 - 283903



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Recommendation:- Prior Approval Required and Approved subject to the conditions set out in Appendix 1.

Contact: Tim Rogers (01743) 258773

REPORT

1.0 THE PROPOSAL

- 1.1 This application is for prior notification under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).
- 1.2 The purpose of the prior notification system is to give the Local Planning Authority an opportunity to consider whether prior approval is required for details of the siting, design and external appearance of the proposal.
- 1.4 The scheme proposes to erect an agricultural building to provide a covered area for an existing silage store. The main purpose of the building is to provide a dry area for the silage to reduce dirty water run off in accordance with River Authority regulations.
- 1.5 In this case it was determined that prior approval would be required as further information was considered necessary to establish the exact design of the proposal and the finished colour of the building.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The Willows is a tenant farm, located on the south side of Long Lane, around 1.5km to the west of Craven Arms. The farm house is a detached red brick property situated to the east of the farm yard which is comprised of a range of modern agricultural buildings. The farm yard and property are surrounded by open fields, the land slopes gently up toward the west and away from the rear of the yard down to a brook which flows toward Craven Arms.
- 2.2 The site is within the Shropshire Hills Area of Outstanding Natural Beauty (AONB).

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 This application has been submitted by and relates to a farm holding owned by Shropshire Council. The proposal is not for a development required in-line with statutory functions and therefore in accordance with the Councils scheme of delegation this application requires consideration by the Planning Committee.

4.0 Community Representations

4.1 - Consultee Comments

- 4.1.1 N/A – Application for prior notification;

4.2 - Public Comments

- 4.2.1 In accordance with the Class A, paragraph (iv)(aa) a site notice has been displayed at the site, the 21 days expiring 04th July 2016.

No response has been received.

5.0 THE MAIN ISSUES

- Permitted development' rights
- Siting, design and external appearance

6.0 OFFICER APPRAISAL

6.1 Permitted Development Rights

6.1.1 The farm land covers over 5 hectares and the proposed building would provide approximately 368sqm of floor space. The building is to provide a covered area for an existing silage store and the plans indicate the unit would be more than 20m away from a metalled road. There are no 'protected' (residential) buildings within 400m of the proposal.

6.1.2 The proposal and its purpose are required to support an existing agricultural business and is considered reasonably necessary to assist in supporting the viability of the farming enterprise. The proposed building meets the criteria set out in Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) and therefore constitutes permitted development.

6.2 Siting, design and external appearance

6.2.1 NPPF Paragraph 115 requires great weight to be given to conserving scenic beauty within AONBs and other statutorily protected landscapes. This is reflected by the Council's own Core Strategy Policies CS5, CS6 and CS7 and SAMDev Policy MD7b, which expects new agricultural development to be well sited in relation to existing farm buildings and to be of an appropriate scale and design.

6.2.2 In this case the proposed building would cover an area used for silage storage and would be situated immediately to the rear of the existing farm yard. The proposed building and its materials are a standard, functional design to suit an agricultural use, constructed with timber walling and a corrugated metal sheet roof. The existing buildings which make up this farm yard are also of modern design and construction and as such the proposed building would not appear out of character with the adjacent buildings.

6.2.3 Originally the roof was proposed to be coloured grey, however following discussion with the Local Planning Authority the applicant has agreed to the use of a specific, darker colour, Slate Blue (BS18 B29). The use of this darker finish on the roof will assist in assimilating the building into the site and surrounding area.

6.2.4 The site and existing farm yard is visible from public view points along Long Lane, in particular when travelling towards Craven Arms from the west. The unit would be situated close to the group of existing farm buildings and reflects their existing scale, design and materials. The resultant building would therefore be viewed in connection with these buildings rather than as an isolated feature. It is not

considered that the scheme would represent inappropriate development in this location and the proposal would not cause demonstrable harm to the rural character of the area or detract from the character and natural beauty of this part of the Shropshire Hills AONB.

- 6.2.5 In addition the proposal would have some environmental benefits, particular to the local ecological habitats, through contributing towards the reduction in polluted surface water runoff dispersing into the river catchment area.

7.0 CONCLUSION

- 7.1 The proposed building satisfies the criteria set out in Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO).

- 7.2 Prior Notification was deemed necessary to obtain further detail as to the external appearance of the building. The additional information submitted demonstrates that the building is of typical agricultural construction and would not as a result of its siting or appearance detract from the existing rural character of the area. The character and natural beauty of the Shropshire Hills AONB would not be harmed and thus the scheme complies with the main objectives of the relevant development plan policy. It is therefore recommended there that prior approval is granted subject to the standard conditions as required by Part 6, paragraph 2 of the GPDO 2015.

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 three months 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:

Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO)

National Planning Policy Framework (NPPF)

Core Strategy:

CS5 Countryside and Green Belt

CS6 Sustainable Design and Development Principles

CS17 Environmental Networks

Site Allocations and Management of Development (SAMDev) Plan

MD2 Sustainable Development

MD7b General Management of Development in the Countryside

MD12 Natural Environment

RELEVANT PLANNING HISTORY:

SC/CC1999/0002 Construction of pitched-roofed general purpose agricultural building, and lean-to building for storage of hay and straw PERMIT 31st March 1999

SS/1/99/009580/CC Erection of two Agricultural Buildings. PERCON 12th February 1999

11. Additional Information

View details online:

<https://pa.shropshire.gov.uk/online-applications/applicationDetails.do?activeTab=details&keyVal=O79O8TTD0GT00>

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| List of Background Papers 16/02115/AGR – Documents associated with this application can be viewed on the Planning Pages of the Councils website |
| Cabinet Member (Portfolio Holder) Cllr M. Price |
| Local Member Cllr. Lee Chapman & Cllr David Evans |
| Appendices APPENDIX 1 - Conditions |

APPENDIX 1

Conditions

STANDARD CONDITION(S)

1. The development shall be carried out within five years of this notice.

Reason: To comply with the provisions of Paragraph A.2 (2) (d) (vi) (aa) of Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

2. The development shall be carried out in accordance with the following approved plans and details.

Reason: To comply with the provisions of Paragraph A.2 (2) (d) (v) (aa) of Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015, and to safeguard the visual amenity of the Shropshire Hills Area of Outstanding Natural Beauty in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

3. Notwithstanding the details contained on the application form, the roof of the development hereby permitted shall be coloured externally in factory-finished material colour BS 18 B 29 (Slate Blue/Raven).

Reason: To safeguard the visual amenity of the Shropshire Hills Area of Outstanding Natural Beauty in accordance with Policies CS6 and CS17 of the Shropshire Local Development Framework Adopted Core Strategy.

4. The development shall be used solely for agricultural purposes as defined in section 336(1) of the Town and Country Planning Act, 1990, or for forestry purposes, and for no other purposes whatsoever.

Reason: To comply with the provisions of Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

Informatives

NOTE TO APPLICANT: You are required by the Town and Country Planning (General Permitted Development) (England) Order, 2015 to notify the Local Planning Authority, in writing and within 7 days of the date on which the development was substantially completed.

If the use of the building or extension, for the purposes of agriculture within the unit, ceases within ten years from the date on which the development was substantially completed, then, unless the Local Planning Authority have otherwise agreed in writing, the building or extension shall be removed from the land and the land shall, so far as is practicable, be restored to its condition before the development took place, or to such a condition as may have been agreed in writing between the Local Planning Authority and the developer.