

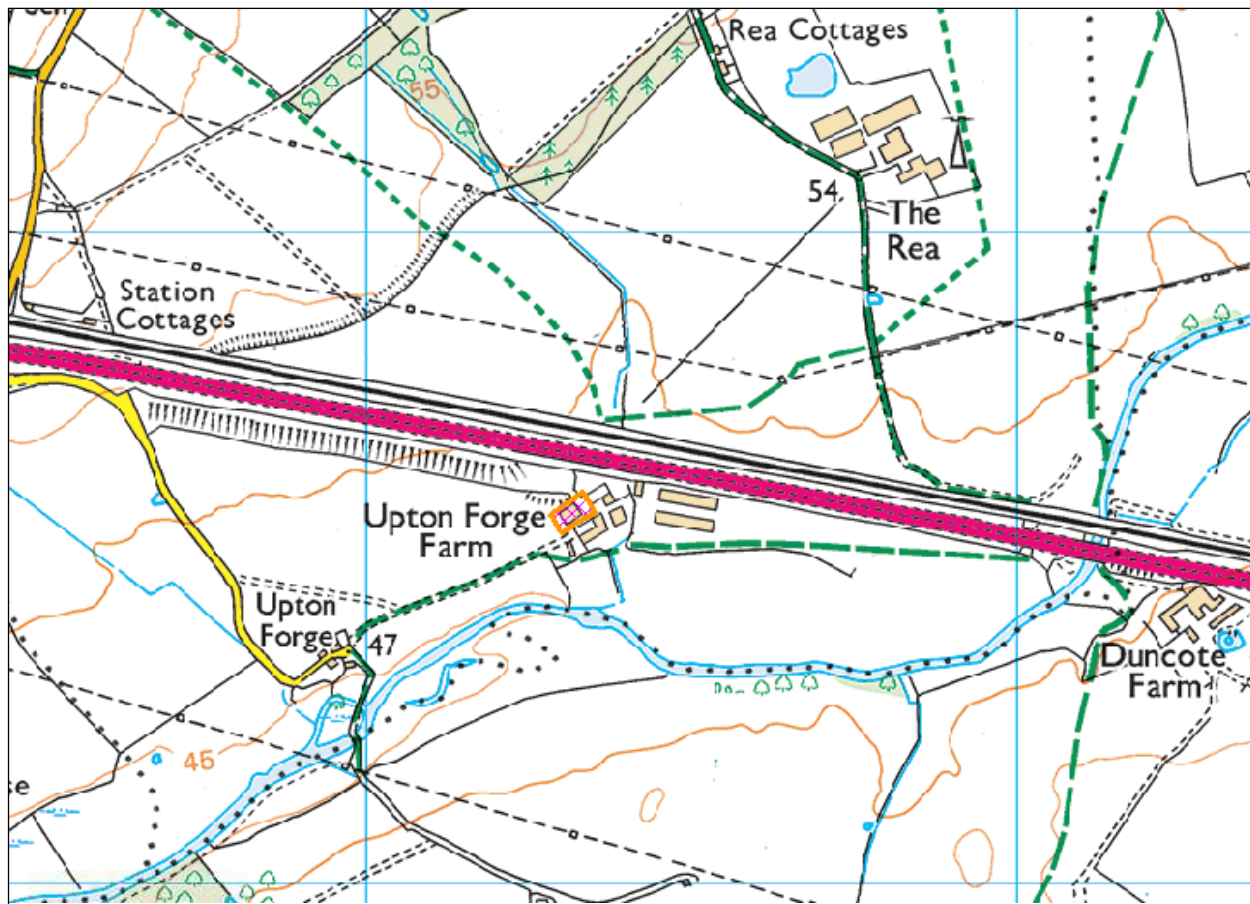
## Development Management Report

Responsible Officer: Tim Rogers

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### Summary of Application

<b>Application Number:</b> 16/03371/FUL	<b>Parish:</b> Upton Magna
<b>Proposal:</b> Erection of grain storage building to include biomass boiler and woodchip storage	
<b>Site Address:</b> Forge Farm Upton Magna Shrewsbury Shropshire SY4 4UD	
<b>Applicant:</b> Forge Farm Poultry Ltd	
<b>Case Officer:</b> Mared Rees	<b>email:</b> <a href="mailto:planningdmc@shropshire.gov.uk">planningdmc@shropshire.gov.uk</a>
<b>Grid Ref:</b> 356323 - 311512	



**Recommendation:- Grant Permission subject to the conditions set out in Appendix 1 and to no outstanding objections from SC Public Protection or Highways.**

<b>1.0</b>	<b>THE PROPOSAL</b>
1.1	This application seeks full planning permission for the erection of an agricultural building.
1.2	The building would provide storage for grain and would include a biomass boiler and woodchip storage.
1.3	Maximum dimensions would measure 42m (depth) x 24m (width) x 10.5m (height).
1.4	Materials would comprise concrete panels and profile sheeting for the walls and profile sheeting for the roof. Roof lights would be incorporated.
<b>2.0</b>	<b>SITE LOCATION/DESCRIPTION</b>
2.1	The application site is located in designated open countryside as delineated on Policy Map S16 Shrewsbury Place Plan Area.
<b>3.0</b>	<b>REASON FOR DELEGATED DETERMINATION OF APPLICATION</b>
3.1	The proposed development is considered to accord with the requirements of the Councils relevant adopted policies. The Parish Council have raised objections to the proposal and discussions between Chair and Vice Chair of Central Planning Committee as well as the head of Development Management have indicated that the application will be determined by Committee under the terms of the scheme of delegation to officers as set out in Part 8 of the Council Constitution.
<b>4.0</b>	<b>COMMUNITY REPRESENTATIONS</b>
<b>4.1</b>	<b>- Consultee Comments</b>
	<b>SC Public Protection – Additional information required.</b> Grain drying facilities have the ability to generate noise impacts historically, therefore a Noise Assessment will be required prior to determination of the application.
	<b>Highway Authority – No formal comments received at the time of writing.</b> A verbal update will be provided during Committee.
	<b>Shropshire Fire Service – No objection.</b>
	<b>SC Drainage – No objection.</b>

	No objections are raised subject to a condition to secure a surface water drainage scheme.
	<b>Upton Magna Parish Council – Neither object to or support the application.</b> <i>‘This application raises serious concerns about the inevitable increase in traffic along the Pelham Road. It is estimated that there is the potential for several hundred extra HGV vehicle movements and these, added to the number that could be generated by the anticipated new poultry units at the Rea Farm, will raise the total to what the Parish Council deems to be a dangerous level. It is noted that there is no transport statement with the application and the Parish Council recommends that one is compiled. In addition, although it is appreciated that the Planning Authority is not required to consult with the neighbours of Forge Farm, the Parish Council has received several expressions of concern about the increase in noise, light pollution and HGV traffic on the road to the farm (both during the day and at night) which will occur. These issues do not appear to have been addressed in the application and, until such time as they are and a traffic statement has been compiled, the Parish Council cannot support the application.’</i>
<b>4.2</b>	<b>- Public Comments</b>
	No representations received at the time of writing.
<b>5.0</b>	<b>THE MAIN ISSUES</b>
	<b>Principle of development</b> <b>Character and Appearance</b> <b>Residential Amenity</b> <b>Highway Safety</b> <b>Drainage</b>
<b>6.0</b>	<b>OFFICER APPRAISAL</b>
<b>6.1</b>	<b>Principle of development</b>
6.1.1	The application site is located within designated open countryside as identified on Policy Map S16 Shrewsbury Place Plan Area.
6.1.2	Paragraph 28 of the NPPF states that the development and diversification of agricultural and land based rural businesses should be promoted.
6.1.3	The proposal is for the erection of an agricultural building to, to which Policy CS5 of the Core Strategy allows.
6.1.4	SAMDev Policy MD7b supports this stating that proposals for new agricultural development will need to demonstrate that the size and scale is consistent with the agricultural enterprise, the design and layout is appropriate and that there would be no environmental or residential harm as a result.
6.1.5	The land at Forge Farm extends to approximately 87 hectares, however in total, approximately 1,214 hectares of arable land is farmed.
6.1.6	Additional information received from the agent on 06 <sup>th</sup> September, states that the

	applicant produces approximately 5,200 tonnes of grain annually, all of which is grown locally at Upton Magna.
6.1.7	The grain is sold to Grainlink and Lloyds Animal Feeds.
6.1.8	The grain is currently stored at Grange Farm in Upton Magna, which is rented by the applicant.
6.1.9	The current storage availability at Grain Farm is 2,800 tonnes. The remaining 2,400 tonnes is sold direct off the combine in August.
6.1.10	The provision of a new building on Forge Farm, which is owner occupied, would provide more control for the applicant, as well as long term storage and drying facilities, given the applicant would no longer be required to sell the grain straight off the combine in August.
6.1.11	This is stated would help to increase profits for the applicant given the grain can be sold later in the year when prices are higher.
6.1.12	Furthermore, the existing grain storage at Grange Farm is relatively old, which would result in investment being required to ensure it meets ACCS Standards.
6.1.13	The information submitted demonstrates that the size of the building is required relative to the size of the agricultural enterprise and amount of grain produced.
6.1.14	The principle of development is considered to be acceptable and the proposal would comply with Core Strategy Policy CS5 and SAMDev Policy MD7b.
<b>6.2</b>	<b>Character and appearance</b>
6.2.1	The building would be located on the site of a recently demolished building, therefore a new building on this site has previously been established.
6.2.2	The scale of the building although considered to be significant, is not considered would be over dominant in the context of the scale of the existing buildings on the site.
6.3.3	Its layout is considered would be logical to the existing context and would not appear out of place in relation to its proximity to the existing building complex.
6.2.4	The building would be typically agricultural in its appearance and would not appear as an incongruous feature in this countryside location.
6.2.5	The building is considered would be well screened from the A5 which runs north of the site, given it would be sited on a lower land level and an existing tree line boundary running along the northern boundary of the site would help to screen the building from these views.

6.2.6	Overall, the design and layout of the building is not considered would adversely impact on existing visual amenities of the area and the proposal would accord with Policies CS5 and CS6 of the Core Strategy and Policy MD2 of the SAMDev.
<b>6.3</b>	<b>Residential Amenity</b>
6.3.1	The proposal would be sited on the same footprint as a previously demolished building.
6.3.2	SC Public Protection has requested the submission of a Noise Assessment, given historically, grain drying facilities have the ability to generate noise impacts and the proposal would be sited approximately 300m south west of the nearest residential properties.
<b>6.4</b>	<b>Highway Safety</b>
6.4.1	Highway Authority requested additional information on 20 <sup>th</sup> September, in regards to the overall traffic impact of the proposal.
6.4.2	A verbal update will be provided in Committee.
<b>6.5</b>	<b>SC Drainage</b>
6.5.1	SC Drainage raise no objection.
<b>7.0</b>	<b>CONCLUSION</b>
7.1	Overall, the principle of development is considered to be acceptable and the impact of the building on existing and proposed levels of visual amenity is considered to be appropriate.
	SC Public Protection will provide formal comments once the results of the Noise Assessment has been submitted.
7.1.3	A verbal update in regards to the schemes impact on highway safety will be provided at Committee.
7.1.4	The proposal would comply with the above mentioned policies in the Core Strategy and SAMDev.
<b>8.0</b>	<b>Risk Assessment and Opportunities Appraisal</b>
<b>8.1</b>	<b>Risk Management</b>
	There are two principal risks associated with this recommendation as follows: <ul style="list-style-type: none"> <li>☐ 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</li> </ul>

	<p>be awarded irrespective of the mechanism for hearing the appeal, i.e. written representations, hearing or inquiry.</p> <p>☐ 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.</p> <p>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.</p>
<b>8.2</b>	<b>Human Rights</b>
	<p>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.</p> <p>First Protocol Article 1 requires that the desires of landowners must be balanced against the impact on residents.</p> <p>This legislation has been taken into account in arriving at the above recommendation.</p>
<b>8.3</b>	<b>Equalities</b>
	<p>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 1970.</p>
<b>9.0</b>	<b>Financial Implications</b>
	<p>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.</p>

## 10. Background

## Relevant Planning Policies

**Central Government Guidance:**  
**NPPF**

**Core Strategy and Saved Policies:**  
**CS5, CS6, CS17**

**SAMDev:**  
**MD2, MD7b, S16**

## 10. Background

### Relevant Planning Policies

Central Government Guidance:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

### RELEVANT PLANNING HISTORY:

11/04954/EIA Erection of one poultry unit with control room, two feed bins, construction of concrete hardstanding area and associated works GRANT 29th February 2012

12/01354/DIS Discharge of Condition 4 (Landscape Scheme), 5 (Archaeological Mitigation Strategy), 6 (Badger Mitigation Plan) and 7 (Lighting Plan) attached to planning reference 11/04954/EIA - Erection of one poultry unit with control room, two feed bins, construction of concrete hardstanding area and associated works DISAPP 21st May 2012

16/03371/FUL Erection of grain storage building to include biomass boiler and woodchip storage PDE

16/04030/SCO Request for Scoping opinion: Proposed poultry Units PCO

SC/MS1990/1004/SY Disposal of surplus highway materials from A5/A49 By-pass PERMIT 30th October 1990

SA/90/1004 Disposal of surplus natural subsoils arising from excavations for the construction of the A5/A49 Link Road. PERCON 30th October 1990

## 11. Additional Information

[View details online:](#)

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 John Overall

Appendices

APPENDIX 1 - Conditions



**APPENDIX 1**

**Conditions**

**STANDARD CONDITION(S)**

**CONDITION(S) THAT REQUIRE APPROVAL BEFORE THE DEVELOPMENT COMMENCES**

**CONDITION(S) THAT REQUIRE APPROVAL DURING THE CONSTRUCTION/PRIOR TO THE OCCUPATION OF THE DEVELOPMENT**

**CONDITION(S) THAT ARE RELEVANT FOR THE LIFETIME OF THE DEVELOPMENT**

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