

Development Management Report

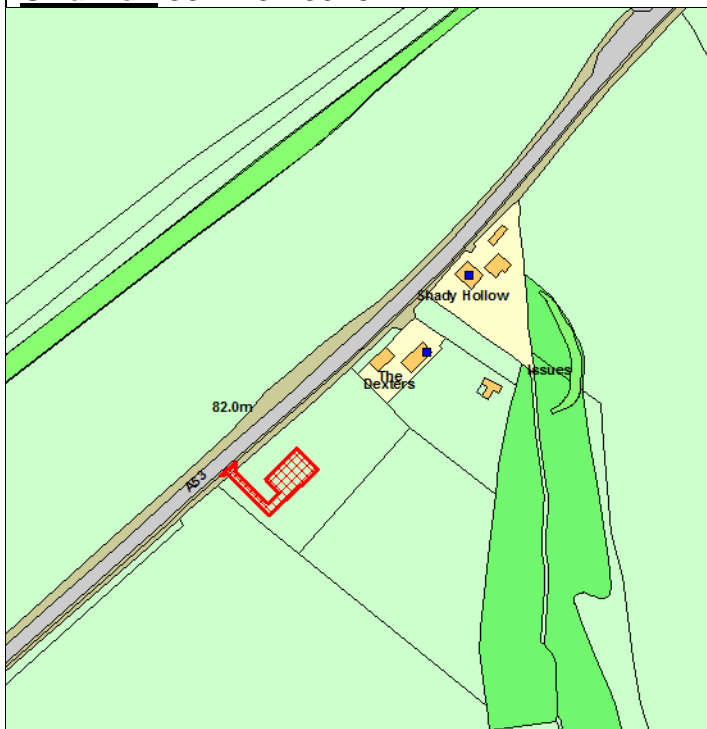
Responsible Officer: Tim Rogers

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Summary of Application

<u>Application Number:</u> 19/05586/FUL	<u>Parish:</u>	Moreton Say
<u>Proposal:</u> Erection of a general purpose agricultural building		
<u>Site Address:</u> Land East Of The Dexters Shrewsbury Road Market Drayton Shropshire TF9 3PR		
<u>Applicant:</u> Mrs D France		
<u>Case Officer:</u> Sue Collins	<u>email:</u> planning.northern@shropshire.gov.uk	

Grid Ref: 364123 - 332621



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

REPORT

1.0 THE PROPOSAL

- 1.1 This application seeks planning permission for the erection of a livestock building on a parcel of land adjacent to The Dexters, Shrewsbury Road, Market Drayton.

2.0 SITE LOCATION/DESCRIPTION

- 2.1 The holding comprises four acres of which 3 acres is used for agricultural purposes and 1 acre is woodland and is all rented from the owner by the applicant. The site is bounded along the roadside by a mature hedge which is set well back from the highway and the previously approved access has been installed in accordance with the approved plans. The remaining boundaries are identified by post and rail fencing.
- 2.2 To the north east of the site lies The Dexters which is a recently constructed bungalow with the property Shady Hollow located further to the north east. The highway passes to the north west and agricultural land is sited to the south and east.

3.0 REASON FOR COMMITTEE DETERMINATION OF APPLICATION

- 3.1 The Parish Council submitted a view contrary to officers approval based on material planning reasons. The Chair and Vice-Chair of the planning committee in discussion with the Principal Planning Officer agreed that there were material planning considerations that needed to be discussed at committee.

4.0 COMMUNITY REPRESENTATIONS full details of the responses can be viewed online

4.1 Consultee Comments

4.1.1 Moreton Say Parish Council: Object

Response received 18.02.20

Moreton Say Parish Council continues to object to this planning application as per it's previous comments.

Additionally the Council would reiterate it's concerns about the safety of road users joining or leaving this very business, and potentially dangerous, main A road at this point of access.

Regarding the sustainability, the Council would highlight that the applicants land is 'three acres of productive agricultural land plus one acre of woodland'.

Response received 20.01.20

- No sustainable agri-business is connected with this application and an area of this size would not be big enough to sustain an agri-business.

- The Council is concerned about the highways issues of access and visibility, in conjunction with traffic speed, and also noise from this very busy road. Over the last 6 months the Council has received complaints from a neighbouring property about these traffic speed and noise issues.

- The planning permission to move the gateway was on the understanding that it would have occasional use.

4.1.2 **Drainage:** No objection

4.2 **Public Comments**

- 4.2.1 No letters of representation have been received.

5.0 **THE MAIN ISSUES**

- Principle of Development
- Design, Scale and Character
- Impact on Residential Amenity

6.0 **OFFICER APPRAISAL**

6.1 **Policy & principle of development**

- 6.1.1 Under section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the adopted development plan unless material considerations indicate otherwise. Since the adoption of the Councils Core Strategy the National Planning Policy Framework (NPPF) has been published and is a material consideration that needs to be given weight in the determination of planning applications. The NPPF advises that proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. The NPPF constitutes guidance for local planning authorities as a material consideration to be given significant weight in determining applications.

- 6.1.2 As the site is located in open countryside policies CS5, CS6, MD2 and MD7b are relevant and in addition CS13 deals with economic development in rural areas.

- 6.1.3 The agent has provided information to demonstrate that this is a new enterprise which although small, it is not intended to provide full-time employment. It will be operated as a viable business however with animals, bought and sold as on any other agricultural holding but will be operated as a “Hobby Farm” and will not be the main source of income for the applicant. Policy CS13 in particular encourages development which protects the development of enterprises for food production and for agricultural purposes. As such no objection in principle to the proposed development is raised by Officers.

6.2 **Design, Scale and Character**

- 6.2.1 Policy CS6 ‘Sustainable Design and Development Principles’ of the Shropshire Core Strategy requires development to protect and conserve the built environment and be appropriate in scale, density, pattern and design taking into account the local context and character. The development should also safeguard residential and local amenity, ensure sustainable design and construction principles are incorporated within the new development. The National Planning Policy Framework indicates that great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. In addition policy MD2 of SAMDev builds on policy CS6 and deals with the issue of sustainable design. As an open countryside location policies CS5 and MD7b are also relevant for consideration.

6.2.2 The holding comprises 4 acres with 3 acres being grassland and 1 acre being woodland. It is proposed to rear a small number of cattle and sheep on the premises approximately 4-8 cattle and 10 sheep. The cattle will be grazed and fed on fodder with sheep also being grazed. The applicant needs secure storage facilities for the equipment required to maintain the holding and any livestock. The storage of equipment on the land will reduce the number of trips to the site with larger pieces of equipment and therefore reduce the usage of the access which is of concern to the Parish Council. The building is also to be used for housing livestock as and when required. Due to the small number of animals to be raised on the holding, there is no need for a larger building.

6.2.3 The proposed building will comprise three bays and measure approximately 15 m x 10 m x 4.7 metres to ridge. A 1.5m cantilever is to be construction over the front elevation. The sides and rear walls are to be concrete blocks to the lower walls with Yorkshire boarding above. The roof is to be clad in Anthracite grey cement fibre sheeting with clear pvc roof lights. The front elevation will have a feeding barriers across one bay, the next will be open and the third is to be secured with galvanised metal sheeting clad doors. The existing access is to be utilised and a surfaced area provided to facilitate the building and allow vehicles to manoeuvre. Planting is to be carried out along the boundary with The Dexters and along the sides of the access. These will enhance the existing boundary hedges and help to maintain the ecology and biodiversity of the area.

6.2.4 Overall from the information provided this is a very modest scheme which has been designed to be minimal and clad in appropriate materials to minimise its visual impact. Its location close to the northern boundary hedge and the access to the site further helps to reduce the impact of the proposal. As such it is considered that the proposal accords with the NPPF and policies CS5, CS6, CS13, CS17, MD2, MD7b and MD12 of the Shropshire LDF.

6.3 **Impact on Residential Amenity**

6.3.1 Policy CS6 'Sustainable Design and Development Principles' of the Shropshire Core Strategy indicates that development should safeguard the residential and local amenity.

6.3.2 There two dwellings located to the north east of the site, The Dexters and Shady Hollow. Both of these properties have outbuildings and the occupier of the Dexters operates a small joinery business.

6.3.3 The proposed building would be situated approximately 46 metres from the boundary with The Dexters where an outbuildings is closest to the boundary with the field. It is proposed to plant a 5m landscape buffer along the section of boundary with The Dexters. This would provide screening from the building and reduce any impact from the usage.

6.3.4 In view of the above it is the opinion of officers that the proposed buildings will have minimal impact on the residential amenities of the area. As such the development is in accordance with policy CS6 of the Shropshire Core Strategy.

6.4 **Other Matters**

- 6.4.1 The Parish Council has raised concerns regarding the means of access off the highway to the building. They have indicated that they only agreed to the access assuming it would be for occasional use and that this is a dangerous section of highway for an access to be in frequent use.
- 6.4.2 The access was previously approved under reference 19/00205/FUL. The access provides appropriate levels of visibility and the gates are set back far enough off the road to allow vehicles to be off the highway while the gates are being opened or closed. This will result in minimal disruption to the free flow of traffic along the highway. When assessing applications for new accesses, account is taken of the intended use of the access and its impact on highway safety and is not reliant on the frequency of use. As such the objection on this point from the Parish Council cannot be justified as a reason for refusal as the access has been previously approved by the Highways Development Control Manager.

7.0 CONCLUSION

- 7.1 The proposed development is appropriate in its design and scale for its intended use for general agricultural purposes for a limited site area and the proposed number of livestock. The improvements to the boundary with The Dexters will ensure that the proposal has minimal impact on residential amenities and at the same time will improve the ecology and biodiversity of the area. As such it is considered by Officers that the proposal is in accordance with the NPPF and policies CS5, CS6, CS13, CS17, MD2, MD7b and MD12 of the Shropshire LDF.

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 - written representations, a hearing or inquiry.
- The decision is 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 a) promptly and b) in any event not later than six weeks after the grounds to make the claim first arose 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 give 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 1970.

9.0 **FINANCIAL IMPLICATIONS**

9.1 There are likely financial implications of the decision and/or imposition of conditions if challenged by a planning appeal or judicial review. The costs of defending any decision will be met by the authority and will vary dependant on the scale and nature of the proposal. Local financial considerations are capable of being taken into account when determining this planning application – in so far 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:

West Midlands Regional Spatial Strategy Policies:

Core Strategy and Saved Policies:

National Planning Policy Framework

CS5 - Countryside and Greenbelt

CS6 - Sustainable Design and Development Principles

CS13 - Economic Development, Enterprise and Employment

Economic Development, Enterprise and Employment

CS17 - Environmental Networks

MD2 - Sustainable Design

MD7B - General Management of Development in the Countryside

MD12 - Natural Environment

RELEVANT PLANNING HISTORY:

14/01217/FUL Erection of a single plot affordable dwelling with detached garage/business workshop and installation of septic tank GRANT 7th January 2015

15/02972/DIS Discharge of conditions 3 (materials), 5 () and 6 (windows and doors) of planning permission reference 14/01217/FUL for the erection of a single plot affordable dwelling with detached garage/business workshop and installation of septic tank DISPAR 15th July 2015
 19/05586/FUL Erection of a general purpose agricultural building PDE
 NS/94/00677/FUL LAND AT SHADY HOLLOW - TERN HILL
 FORMATION OF A NEW VEHICULAR ACCESS TO FIELD CONAPP 25th April 1994

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)
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Cabinet Member (Portfolio Holder) Councillor Gwilym Butler

Local Member

Cllr Paul Wynn

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.

3. All soft landscape works shall be carried out in accordance with the Design and Access Statement received on the 27th December 2019 . The works shall be carried out in accordance with the timing set out within the Design and Access Statement. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced with others of species, size and number as originally approved, by the end of the first available planting season.

Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

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

4. The building hereby permitted shall be used for the purposes of agriculture only as defined by section 336 of the Town and Country Planning Act 1990 (as amended).

Reason: To safeguard the amenities of the area