



Committee and date

Central Planning Committee

26 June 2014

Item

10

Public

Development Management Report

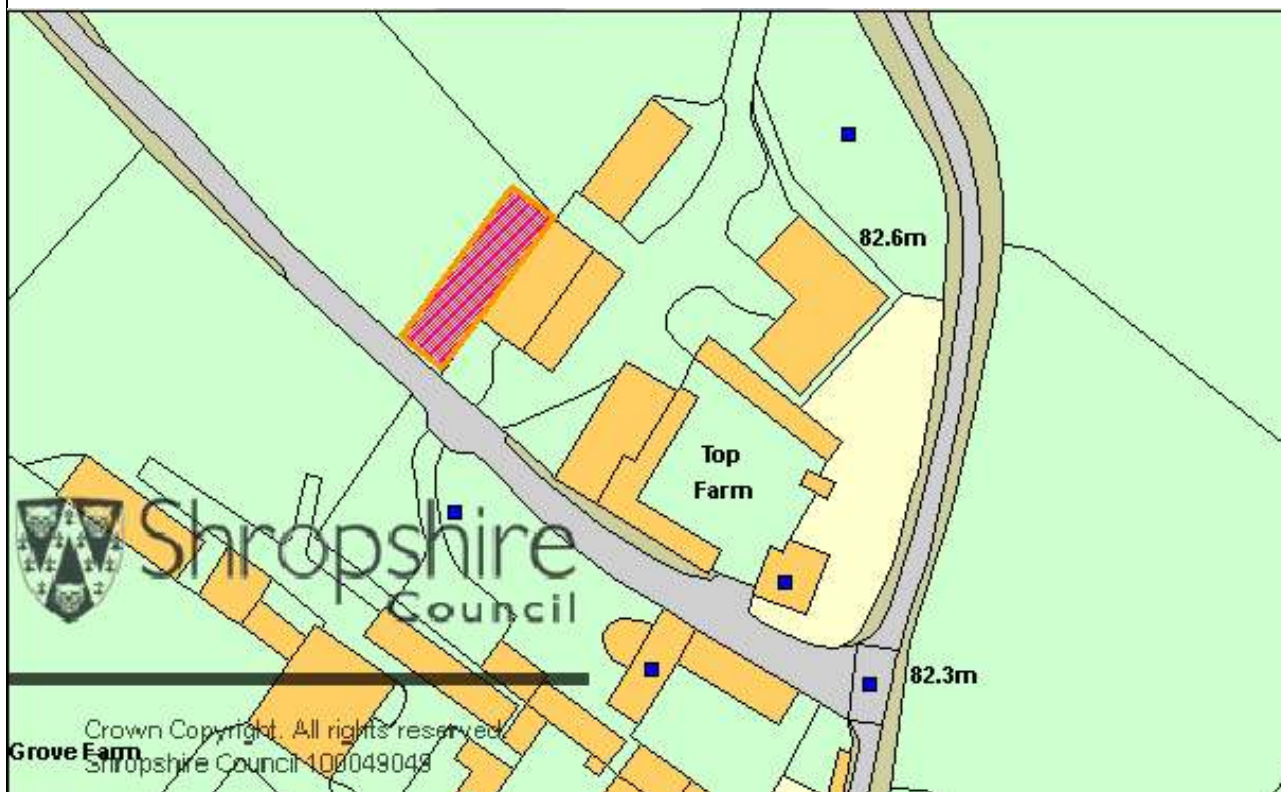
Responsible Officer: Tim Rogers

email: tim.rogers@shropshire.gov.uk Tel: 01743 258773 Fax: 01743 252619

Summary of Application

Application Number: 14/01840/FUL	Parish:	Great Ness
Proposal: Erection of extension to existing agricultural building		
Site Address: Top Farm Kinton Shrewsbury Shropshire SY4 1AZ		
Applicant: Mr J Hitchen		
Case Officer: Eleanor Moss	email: planningdmnw@shropshire.gov.uk	

Grid Ref: 336961 - 319660



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Contact Tim Rogers on 01743 258773

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 an extension to an existing agricultural farm building. The proposed extension to the existing agricultural building is to provide additional space for general farm use.
- 1.2** The proposed extension measures 35m long by 11.5m wide on the south west elevation (road side) in stepping around the existing grain store to be 9.1m wide on the north east elevation.

2.0 SITE LOCATION/DESCRIPTION

- 2.1** The application site lies within an established farm unit located close to the village of Kinton. The main range of farm buildings are located at the north end of the village and the proposed building is to be sited to the north west of the main collection of farm buildings, accessed off the existing hardcored stackyard, at this point it adjoins a permanent grass field, which is currently used for grazing land. The building is shown to be located on its own within the corner of an existing field to the north of an existing boundary hedge and track.
- 2.2** The adjacent lane is an unclassified road. The nearest classified road is that which runs past the main farm buildings and through Kinton itself.

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

- Consultee Comments

SC Drainage: SuDS Applicability for the site is Infiltration. The roof water from the extension is to be disposed of to the existing land drainage system is acceptable.

- Public Comments

The application has been advertised by a notice at the site and neighbouring properties have been individually notified. No representations have been received in response to this publicity.

5.0 THE MAIN ISSUES

- ② Principle of development
- ② Impact of the siting, scale and design of the extension on the character and appearance of the application site and wider area.

6.0 OFFICER APPRAISAL

6.1 Principle of development

6.1.1 Policy CS13 of the Shropshire Council Core Strategy recognises the importance of agriculture and farming within the County and as such supports development associated with agricultural purposes. This policy also requires any agricultural development to comply with the requirements of Policy CS5, which states that the development should demonstrate that there are no unacceptable environmental impacts.

6.1.2 Development should also comply with policy CS6, which seeks to ensure that it is appropriate in scale and design and takes into account the local context and character of an area, and policies CS17 and CS18, which state that development should integrate measures which protect the natural environment and provide for sustainable water management.

6.2 Impact of the siting, scale and design of the extension on the character and appearance of the application site and wider area.

6.2.1 The application advises that the building extension is required for addition space for general farm use, whilst also improving livestock security by closing off the existing farm gate into the grazing land. The need for the building is justified and it will support the Applicant's business, which is consistent with Core Strategy Policy CS13 in terms of supporting rural enterprise.

6.2.2 The proposal itself is a straight forward extension to a building which is located within the existing farm complex and close to other agricultural farm buildings. Its location is suitable and the scale is proportionate to other buildings already on the site. The existing building will be extended in the same design and proportions and similar materials will be used in its construction. The proposed should therefore blend in well to its surroundings.

6.2.3 There are no public footpaths or bridleways close by and a mature hedgerow runs along the boundary of the site with the road, effectively screening the existing buildings, the extension will only be viewable from the road when passing the gateway for access into the farm yard complex. The extension will be read as part of the farm complex and amongst other buildings already in place and it is not considered that it will have a detrimental visual impact on the surrounding countryside or locality.

6.2.4 There are existing buildings on site which are used for livestock, however, the application advises that the extension will be used for general farm purposes and has been confirmed that animals will only be kept within the proposed extension in periods of emergency, e.g. heavy snow fall. No additional foul effluent will therefore be produced and only the management of surface water drainage needs to be considered. The Design and Access statement advises that surface water from the

roof will be discharged into the existing land drainage system. Details of this have been submitted and approved by the Drainage Engineer.

7.0 CONCLUSION

The proposed extension to this agricultural building is considered to meet the criteria of Core Strategy Policies CS5, CS6, CS13, CS16 and CS17. It is considered appropriate in scale and design and will support an existing agricultural business whilst not having a detrimental impact on the visual amenity of the surrounding countryside or the residential amenity of the closest neighbouring properties. Delegated approval is therefore recommended.

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:

National Planning Policy Framework

Core Strategy and Saved Policies:

CS5 – Countryside and Greenbelt

CS6 – Sustainable Design and Development Principles

CS18 – Sustainable Water Management

RELEVANT PLANNING HISTORY:

12/00773/AGR Erection of a steel framed barn for storage of fodder PNR 14th March 2012

SA/91/0067 Conversion of existing disused outbuilding to provide two private dwellings. For Mr and Mrs Hitchen. PERCON 22nd May 1991

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)
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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.