

PLANNING COMMITTEE

Wednesday 3<sup>rd</sup> September 2008

This application is reported to members because the Parish Council has raised an objection.

Case Officer - Charlie Colling

**HUTTON MAGNA - 6/2008/0221/DM**

Erection of agricultural building & new access onto public highway at Lanehead Farm, Hutton Magna for Mr Adam Metcalfe (29 May 2008).

**THE SITE:**

The site consists of agricultural land to the north of the farmstead 'Lanehead Farm'. There are a number of existing agricultural buildings within close proximity to the site. Access is currently taken from the C169 to the east. The site is situated approximately 650 metres to the south of Hutton Magna and 1 km to the North of the A66.



**THE PROPOSAL:**

The erection of an agricultural building for grain storage, and the formation of a new vehicular access. The building would have a footprint of 36.6m x 18.3m, with a height of 6.1 metres to eaves and 8.6 metres to ridge.

## **PLANNING HISTORY:**

6/2008/0223/DM – Erection of three tipping bays (part retrospective - Refused)

6/2008/0222/DM – Erection of agricultural building and new access onto public highway (pending)

## **PLANNING POLICY:**

GD1 General Development Criteria

ENV1 Protection of the Countryside

ENV12 Development affecting the best and most versatile agricultural land

## **REPRESENTATIONS:**

### **Statutory and Internal Consultants:**

Highways Officer – No highway objection subject to the following requirement:-

The proposed agricultural building must be served by a new vehicular access. The access must be constructed in accordance with Section 184(3) of the Highways Act 1980. Please advise the applicant of the need to contact the Durham County Council Southern Area Office, Etherley Lane, Bishop Auckland (01388) 602028 to agree construction details.

Northumbrian Water – no objections, however we do not supply water to this property. It may be that this is a private supply or supplied by Yorkshire Water.

Yorkshire Water – It is noted that the 2 buildings are for storage of grain, and the details show that no water mains supply is being utilised for them. Regarding the various comments/objections on the 2 links, it appears that water supply/pressure issues, relate more of barn conversions than dwellings. If applications for these had been referred to Yorkshire Water, the only comments would have been a supply can be provided under the terms of the Water Industry Act 1991, and developers would complete an application form of supply connection, costs etc.

Therefore based on the details on the links for these 2 applications, there are no planning issues regarding the water supply, and no comments are required from Yorkshire Water.

Parish Council – The parish overwhelmingly voted to support Mr and Mrs Nixon's objections owing to the number of environmental issues the planning applications create. In particular:

- The close proximity of the developments to the road and the Nixons' residence;
- The increased noise and dust pollution arising from the new developments;
- The intensification created by the new developments will undoubtedly cause increased traffic and congestion, impacting upon both Mr and Mrs Nixon and Hutton Magna Village;
- The likely impact on the water supply/pressure, which is already a significant problem for all Lanehead residents;
- Attraction of vermin to foodstuffs in the tipping bays.

Concerns were also raised by the Parish Council with regard to the continued use of the site for waste recycling which is more appropriate to an industrial site than a farm near a residential location, specifically:

- Recycling of waste plastics which in the past have created littering in the village and open countryside.
- The storage of old tyres which create a significant fire hazard if not stored correctly. In the event of a fire the hydrant in Hutton Magna village would need to be utilised since one does not exist at Lanehead and their water supply is already inadequate.

### **Public Responses:**

Neighbouring properties have been consulted and site notice posted. Two letters of objection have been received, one from the occupiers of Lane Head Cottage and one from the occupiers of Quarry Hill Cottage. Concerns in summary are:

- Mud on road in wet weather
- Noise from vehicles including at night
- Damage to property
- Proximity of development
- Smells from plastics being burnt
- Lack of privacy from noise and headlights
- Built on greenfield site
- Unauthorised uses on the site including waste plastic recycling and old tyre storage
- Proposals wouldn't comply with BENV14, ENV12, ECON4, ECON5 and GD1 of the Local Plan.
- Commercial and industrial uses on the site.
- No restrictions on operating times
- This no longer a farm but a contractors yard from which different businesses operate
- Impact on natural landscape
- Overshadowing existing properties
- Potential for uncontrollable intensification
- Traffic congestion from additional vehicles
- Road network does not support size and volume of traffic generated.
- The existing access should be closed to the applicant
- Water pressure problems
- Alternative locations within the holding suggested
- Impact on skyline and Hutton Magna's visual landscape

### **PLANNING CONSIDERATIONS:**

- Siting and Visual Impact
- Design
- Access
- Impact on Countryside
- Residential Amenity
- Response to objectors' comments

## Background

Planning permission is sought for the erection of an agricultural building and the formation of a new access at Lanehead Farm, Hutton Magna. Members will note that a second application is also to be considered on this agenda for a further agricultural building. Both applications include details of the proposed access. The Council has recently refused an application for three tipping bays to the eastern most part of the site as it was considered that their proximity and the associated noise would have an unacceptable impact upon neighbouring amenity, particularly the occupiers of Quarry Hill Cottage (the tipping bays would have been situated approximately 12.5 metres from this property).

The proposed agricultural building would be situated to the north of the two large existing agricultural buildings. The proposed building would have a footprint measuring 36.6m x 18.3m. The building would be 6.1 metres high to eaves and 8.6 metres high to ridge. The walls of the building would be constructed in concrete panel up to a height of 4.5 metres with profiled sheeting above, the colour of which it is proposed to control by way of condition. There would be a single roller shutter door to the front of the building facing south. The proposed building would be approximately 50 metres from the nearest residential property (Quarry Hill Cottage).

The applicant has advised that the buildings would be used for the storage of grain from land owned and rented by the applicants business 'AWSFM Farms'. The applicant's business is described on his website as being an 'Agricultural contracting, waste collection and farm waste disposal' business. The applicant has advised that at present:

*'We currently rent some buildings at Thorpe Farm for grain storage. But this will be the last harvest we have them. Which will help reduce vehicle movements to and from Lane Head as currently all grain comes to Lane Head to be dried and is then moved to Thorpe Farm to be stored and it then comes back to Lane Head to be weighed when it goes out to be sold. When the new buildings are erected the grain will come to Lane Head and remain there until sold'.*

## Siting and Visual Impact

The proposed building would be sited on agricultural land to the north of two large existing agricultural buildings. In determining similar applications, it is usually of benefit if new buildings such as this are located within close proximity of similar buildings to limit their impact upon the landscape. This building in this respect has been sited appropriately. It is acknowledged that the proposed building would be higher than those existing on the site, and would inevitably have a negative impact upon the appearance of the open countryside. However, the applicant has confirmed a need for this building and seeks to use this site as a central hub for all the farming land owned and rented by AWSM Farms. It is considered that as there are other agricultural buildings within the site which are in closer proximity to the nearest residential property, the additional impact would be negligible in terms of the impact of the proposed building in respect of its siting.

The proposed building would be clearly visible from Quarry Hill Cottage, and views of the open countryside and beyond would be affected. It should, however, be noted that the existing agricultural buildings are clearly visible from this property, although their impact is not as significant as that which would be experienced by the proposed building. Whilst a negative impact would be experienced by the occupiers of this

property, it is not considered that this would be of a level on which to refuse the application

### Design

The design of the proposed building is typical of other buildings within the site. The design is functional and the use of coloured corrugated sheeting to the higher parts of the walls and roof would reduce the visual impact of the building upon the wider countryside in accordance with policy GD1 of the Local Plan.

### Access

As part of the proposals a new access is proposed which would be taken from the C171 (Lanehead Lane) to the south of the site. The proposed access would also require the formation of a new access road across the field and into the site. The highways officer has raised no objections to the proposed access.

The land slopes gently up towards the north. As such the access road would be visible from the public highway. However, the benefit in the formation of a new access which should reduce the number of vehicles using the access closest to residential properties is considered sufficient reason to justify the visual impact of the new access road. A condition attached to the permission would require a sample of the finishing material for the track to be submitted and agreed with the LPA prior to the commencement of the development, to ensure an appropriate material is used. It is also recommended that members consider attaching a condition requiring the access track to be complete prior to the construction of the proposed building. This would seek to ensure that the use of the access closest to residential properties is reduced and not made worse by the construction of the additional building and the future associated use.

### Impact on countryside

It is accepted that the proposed building would be clearly visible within this countryside location. However, the building would be sited close to existing buildings and close to the existing yard area within the holding. The existing buildings on the site are of a similar fairly basic construction, although these are not as high as those buildings proposed.

### Residential Amenity

The use of the buildings on the site currently generate some level of disturbance to the nearby residential properties, in terms of vehicular movements and the processes carried out within the site. Should permission be granted for the proposed building then this would undoubtedly increase the capacity of the site in terms of its grain storage function. It is not anticipated that the additional building would have such an increase in detrimental impact upon residential amenity compared to that which already exists from the use of the existing buildings.

In summary, it is considered that, whilst the proposed building and access would be visible within the landscape, the extent to which this would negatively impact the countryside location is not of such a degree to justify the refusal of the application. The proposed building would be sited close to existing similar types of building and the access would reduce traffic movements close to existing residential properties. Whilst the views from nearby residential properties, particularly Quarry Hill Cottage, would be affected this would not be a reason to refuse the application.

## Response to Objectors' Comments

Residential amenity and impact on the countryside have been addressed in the report. Objectors and the Parish Council have made reference to unauthorised uses on the site and their potential impact. The Planning Enforcement Officer is aware of the current situation in respect of the plastic recycling which has been carried out at the site. The County Council is responsible for enforcing matters relating to waste transfer and has been advised of the situation.

One objector makes reference to policies BENV14, ENV12, ECON4, ECON5 and GD1. Policies GD1 and ENV12 are relevant to this application, however policy BENV14 relates to the conversion or change of use of existing buildings within the countryside which is not relevant to this application. ECON4 and ECON5 are also considered not to be relevant as ECON4 relates to business uses within residential areas which this is not as the site is within the open countryside. Policy ECON5 relates to industrial uses outside of the development limits, which in this instance would not be relevant as the application is for development to accommodate agricultural practice within the countryside.

Some concern has been raised over the water supply in the area and the low pressure. Yorkshire Water have been consulted and have advised that in this instance there is no need for comment as the buildings would be used for storage of grain.

### **PLAN Nos AND DATE RECEIVED:**

P2830/05 – Site Location showing position of proposed building and access (rec 29/5/08)

P2830/02 – Proposed Floor Plan and Elevations (rec 29/5/08)

### **RECOMMENDED: That Full Planning Permission be granted subject to the following conditions:**

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

Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the approved plans and specifications.

To ensure that the development is carried out in accordance with the approved plans.

3. The building hereby approved shall be used only for the purposes of agriculture and shall not be used for the accommodation of livestock.

In order to protect residential amenity.

4. Details of the finishing material to be used for the access track shall be submitted to and agreed in writing with the Local Planning Authority prior to the commencement of the development.

In order to control the appearance of the development

5. The access track hereby approved shall be fully constructed prior to the construction of the agricultural building.

In order to protect residential amenity.

6. The colour of the external corrugated sheeting shall be agreed with the Local Planning Authority in writing prior to the commencement of the development.

In order to control the appearance of the development.