

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION NO:	7/2011/0034/DM
FULL APPLICATION DESCRIPTION:	Erection of general purpose building for storage (retrospective)
NAME OF APPLICANT:	Mrs Rosie Boulton
ADDRESS:	Field at Salter's Lane, Trimdon Grange, Co Durham
ELECTORAL DIVISION:	Trimdon
CASE OFFICER:	Mark O'Sullivan Tel. 01388 816166 Email. mark.o'sullivan@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. Retrospective planning permission is sought for the erection of a general purpose agricultural barn for the storage of hay, straw and machinery on land to the east of Salter's Lane, Trimdon. In a supporting statement the applicant confirms this structure is to be used solely for the storage of machinery, fodder (mainly hay) and general farm equipment such as fencing, gates, rails etc in a dry and secure environment. It will not be used for accommodating any livestock.
2. This application has been submitted in response to ongoing discussions between the planning department and the applicant's agent following the unauthorised erection of this structure several months ago. At that time it was considered by the applicant that this structure may be erected under permitted development rights through the agricultural determination procedure. However, it was later agreed that a detailed application be sought for these unauthorised retrospective works which in fact required detailed planning consent.
3. The applicant has explained the proposed use of the building as being primarily for storage, in the context of seeking to justify its siting and scale. Submitted plans show the building to measure 9144mm in width, 18,288mm in length and 4894mm in ridge height (3648mm to eaves level). It is of steel frame and sheet construction with a breeze block base. Works have already been carried out on site, including a great deal of levelling works which have involved excavation of the site.
4. The application site occupies a rural location 300 metres to the north of Trimdon Village, and 700 metres to the south of the Trimdon Grange. Access to the site is by way of an existing, unsurfaced farm track from Salter's Lane, approximately 130 metres to the west. The nearest residential property is an isolated dwelling approximately 250 metres away to the south west.
5. This site is located on a relatively steep hillside falling away to the north where it is crossed by the river Skerne, some 170 metres away. A number of small agricultural developments lie in the valley bottom.
6. The site is immediately adjacent to an area of land which was the subject of an application for the siting of two mobile homes for travellers. That application was refused planning permission by committee on 03 February 2011 on the grounds that the proposed development would intrude into the open countryside and have a significant detrimental impact upon its character and appearance, contrary to policy H23 of the adopted Sedgefield Borough Local Plan. Furthermore despite an unmet need for accommodation for Gypsy and Traveller families in County Durham, Circular 11/95 (The Use of Conditions in Planning Permissions) advises that temporary planning permission may only be justified where it is expected that planning circumstances will change in a particular way at the end of the period of the temporary permission. As there is no reasonable prospect that new sites will become available in either the short or medium term, a time limited consent as suggested by Circular 01/2006 'Planning for Gypsy and Traveller Caravan Sites'

could not be justified in this case.

7. The current application is entirely outside the boundaries of the earlier application and needs to be considered on its own merits.
8. This application would normally be determined under the Officer scheme of delegation but has been referred to committee at the request of two local members who are concerned about:
 - The size of the barn relative to the area of land it is to serve
 - The possibility that the barn will be used for non-agricultural purposes
 - The impact of this building in the 'open countryside', contrary to policy H23 (*Accommodation for gypsies and travelers*) of the Sedgefield Borough Local Plan

PLANNING HISTORY

9.
 - 7/2009/0380/DM (Erection of general purpose building, Agricultural determination application) – REMAINS UNDETERMINED. INCORRECT APPLICATION FORMS SUBMITTED. Applicant does not wish to withdraw this application until the current detailed application has first been determined.

PLANNING POLICY

10. NATIONAL POLICY:

- **Planning Policy Statement 1 (*Delivering Sustainable Development*)** sets out the Government's overarching planning policies on the delivery of sustainable development through the planning system.
- **Planning Policy Statement 7 (*Sustainable development in rural areas*)** – Establishes key principles for achieving sustainable development in rural areas.

11. REGIONAL POLICY:

- There is no regional policy specific to this development proposal.

12. LOCAL PLAN POLICY (SEDFIELD BOROUGH LOCAL PLAN):

- **Policy D1 (*General principles for the layout and design of new developments*)** requires the layout and design of all new developments to take account of the site's relationship to adjacent land uses and activities. Where necessary, satisfactory landscaping should also be incorporated in the design and layout of the site, whilst accommodating the needs and users of the development and providing satisfactory and safe provision for pedestrians and the private car.
- **Policy D3 (*Design for access*)** requires that development should make satisfactory and safe provision for pedestrians, cyclists, public transport and other vehicles, ensuring a satisfactory means of access, manoeuvring, turning and parking space for the number and type of vehicles using the development, with effective access at all times for emergency vehicles.

The above represents a summary of those policies considered most relevant in the Development Plan the full text, criteria, and justifications of each may be accessed at www.durham.gov.uk.

CONSULTATION AND PUBLICITY RESPONSES

13. EXTERNAL/STATUTORY RESPONSE

- N/A

14. INTERNAL CONSULTEES

- **Durham County Council Police Architectural Liaison Officer** – No objections.
- **Durham County Council Highways Engineer** – No objections. The site is served by a very good standard of agricultural field type access onto the B1278 Salter's Lane both from a layout design and junction site visibility point of view.

- **Durham County Council Ecology** – No objections on ecological grounds.
- **Durham County Council Landscape Architect** has raised no objections to this proposal subject to the creation of improved site screening and replacement planting to compensate existing landscaping which may decline as a result of this retrospective development.
- **Durham County Council Arboriculture Officer** – No objections. “The damage is already done due to increased use of the trackway and excavations through the roots to level the site”.

15. PUBLIC RESPONSES

As part of the consultation and publicity exercise for this application, an extensive publicity exercise was carried out including sending letters to local residents and placing 1no. site notice adjacent to the entrance of the application site at its junction with Salter’s Lane. 7no. individual letters of objection have been received in response to this application. The principal areas of concern are outlined below:

- ***The size of the building in relation to the size of the land***
 - The building is inappropriately large and intrusive given the size of the site
 - The size of the land is not sustainable for a building of this size
- ***The purpose of the building***
 - What is storage required for?
 - What is this building ancillary to?
 - What is to be stored within this barn given this is agricultural/greenbelt land and there is currently no livestock or activity here?
 - Giving rise to suspicion that it is intended for commercial use
 - “The intended purpose of the building ‘for storage’ leaves the nature of what will be stored unspecified, especially given the previous application for this site”.
- ***Impact on the character of the open countryside***
 - The building contravenes Sedgefield Borough local plan policy H23, intruding into the open countryside and having a detrimental effect on the character and environment of the surrounding area.
Policy H23 relates to accommodation for gypsies and travellers. This application does not relate to any proposed gypsy/traveller use.
 - The visual impact of such a large building will be considerable and will constitute an unnecessary invasion of the countryside.
- ***Lack of regard for the surrounding area, inhabitants or planning rules***
 - This barn was erected against planning advice in a very prominent site.
- ***Application is contrary to local plan policies E8 (Tree planting) and E13 (Promotion of nature conservation) of the Sedgefield Borough Local Plan.***
Local Plan policies E8 and E13 are not saved policies of the Sedgefield Borough Local Plan and therefore cannot be considered in the determination of this application. All relevant policies (national and local) are carefully considered within this report.
- ***Lack of confidence in adhering to imposed conditions,***
- ***The importance of the green space between Trimdon Grange and Trimdon Village.***
- ***Lack of enforcement control***
 - “As permission has not been granted for this in the first instance, I don’t know why you haven’t asked them to take this down immediately”
The applicant has been given the opportunity to retrospectively apply for the erection of this building. This is in line with advice expressed within PPG18 (Enforcing planning control) that enforcement action should not be taken solely to remedy the absence of a valid planning permission.

- **Insufficient consultation of proposal.**

A thorough consultation and publicity exercise has been carried out as part of this application. The objector was made aware of this application after viewing a site notice which demonstrates the publicity exercise has proven effective.

APPLICANT'S STATEMENT

16. The applicant has provided a supporting statement alongside this application confirming the following:

- The overall holding extends to 19 acres (7.7Ha) or thereabouts with no isolated or separate blocks of land.
 - The building is intended to provide accommodation for machinery, fodder (mainly hay) and general farm equipment such as fencing, gates, rails etc. in a dry and secure environment. It will not be used for accommodating any livestock.
 - The building is actually much lower than modern farm buildings tend to be.
 - The owner (Mrs Rose Boulton) will use the building. There are no tenancies involved. Mrs Boulton does not own any additional land in the area but members of her close family do.
 - The building is in the most economic and efficient location. Being centrally placed with regard to this land and close to the main access road from the public highway. It is also well-related to existing landscape features which will partially screen the site and help blend it in.
 - Security is an important feature in farming these days and it is essential for all equipment and provisions to be readily available for the enterprise being operated on the land.
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PLANNING CONSIDERATIONS AND ASSESSMENT

17. In assessing this proposal against the requirements of the aforementioned planning policies, and having regard to all material planning considerations, including representations received, the main planning issues in this case are as follows:

- Principle of the development
- Proposed use
- Siting and design
- Impact on the character of the rural landscape
- Impact on residential amenity
- Highway safety

18. **Principle of the development:**

This application relates to the erection of a general purpose agricultural building in the countryside. The applicant has failed to sufficiently demonstrate a need for a structure of this scale in this location, identifying that the applicant (Mrs R Boulton) is to use the land for rearing livestock which will be kept on the land. However, Mrs Boulton does not presently have an address in the area, and this land is not presently occupied by any livestock. No indication of the type of livestock or numbers have been provided.

19. **Proposed use:**

In an accompanying written statement, the applicant has confirmed the building would be used for storage purposes only and claims that there is a need for storage in this particular location. No livestock would be accommodated in the building. However, insufficient detail has been provided to adequately demonstrate how the functional needs of the agricultural unit justify a building of such scale. The associated land extends to only 19 acres (7.7Ha), and given the proposed use of the land for grazing of livestock, it is not clear why so much storage space is required.

20. **Siting and design:**

The applicant contends that this particular site represents the most economic and efficient location, adjacent to the existing access track, thereby minimising any demand for further

ground works. However, it must be noted that the ground works to which the applicant refers have already been carried out without the benefit of any planning consent. The Durham County Arboriculture Officer has confirmed that these works have already damaged tree roots bordering the site, in effect reducing the extent of effective screening which would be required to better hide this development.

21. In design terms, it is not clear that a completely enclosed structure is appropriate for storage of fodder, and the relatively restricted height of the doorway would not suit access by larger agricultural vehicles and machinery. If the building were to be deemed satisfactory for storage of hay and straw, it would normally require vehicles or machinery to stack it efficiently, and again this raises questions about the adequacy of the doorway's size.
22. Although the applicant explains the scale of this building to be relatively small compared to other modern agricultural structures, concerns are again raised over the functional requirements of this building compared to the small scale of the surrounding holding and its intended use.
23. **Impact on the character of the rural landscape:**
Planning Policy Statement 7 (sustainable development in rural areas) explains how "new building development in the open countryside away from existing settlements, or outside areas allocated for development in development plans, should be strictly controlled. The Government's overall aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all".
24. The application site when viewed from Salter's Lane is screened by limited boundary vegetation both along the verge of the road and along the western field boundary of the site. Some of this existing screening has been detrimentally affected by recent ground excavation works which will pronounce this site even further in the surrounding landscape. This concern is intensified further when taking into account the topography of this area, with this site to remain extremely prominent and easily viewed from nearby settlements, public rights of way and highways.
25. The application site also lies within an area identified in the adopted Durham County Landscape Character Assessment as land that should be conserved and restored within the Central East Durham Limestone Plateau.
26. "The County Durham Landscape Character Assessment is a detailed assessment of the character of the county. It works within the framework of Countryside Character Areas and Natural Areas, identifying variations in landscape character at a subregional and local level. It was undertaken by the Council's Landscape Section between 2000 and 2003 with the assistance of the Countryside Agency and consultants Shiels Flynn and was formally adopted by the Council in April 2008. The assessment is based on a detailed GIS (Geographical Information System) database of landscape elements which was used to identify landscape types and character areas at a number of levels from regional landscapes.
27. This development occupies a prominent location on the side of the river Skerne valley and remains extremely visible in this protected rural setting. The development is therefore considered to conflict with the aims of the landscape character assessment, and this is a material consideration in arriving at a recommendation on the proposal.
28. **Impact on residential amenity:**
In the opinion of the Local Planning Authority, the residential amenities of the existing community are unlikely to be affected by the proposed development due to the sufficient separation distances which are to be achieved from nearby villages. As previously stated, Trimdon Village is located some 300m to the south of this site, with Trimdon Grange some 700m to the north.
29. **Highway safety**
Access is to be secured via an existing track linking with Salter's Lane to the west. Highways engineers have raised no objections to this proposal with the site considered to benefit from a very good access junction, suitable for agricultural use. This application is therefore considered to comply with adopted Sedgfield borough local Plan policy D3 (Design for access).

CONCLUSION

30. This retrospective application relates to the erection of a general purpose agricultural building in the open countryside. It is considered that the applicant has failed to adequately demonstrate the functional requirements of the agricultural unit and the need for the building given its large scale relative to the limited size of the unit which is presently unused and is proposed for future grazing of livestock.
31. Should approval be granted for this development, there are concerns that there would be future pressure for additional buildings on the site, exacerbating the visual intrusion into this prominent rural landscape which has the status of 'conserve and restore' in the adopted Durham County Landscape Character Assessment.
32. Given the purpose, siting and design of this building, together with the scale of the surrounding holding and its intended use, this proposal is considered to conflict with PPS1, PPS7 and adopted Sedgefield Borough Local Plan policies D1, and is hereby recommended for planning refusal.

RECOMMENDATIONS

33.

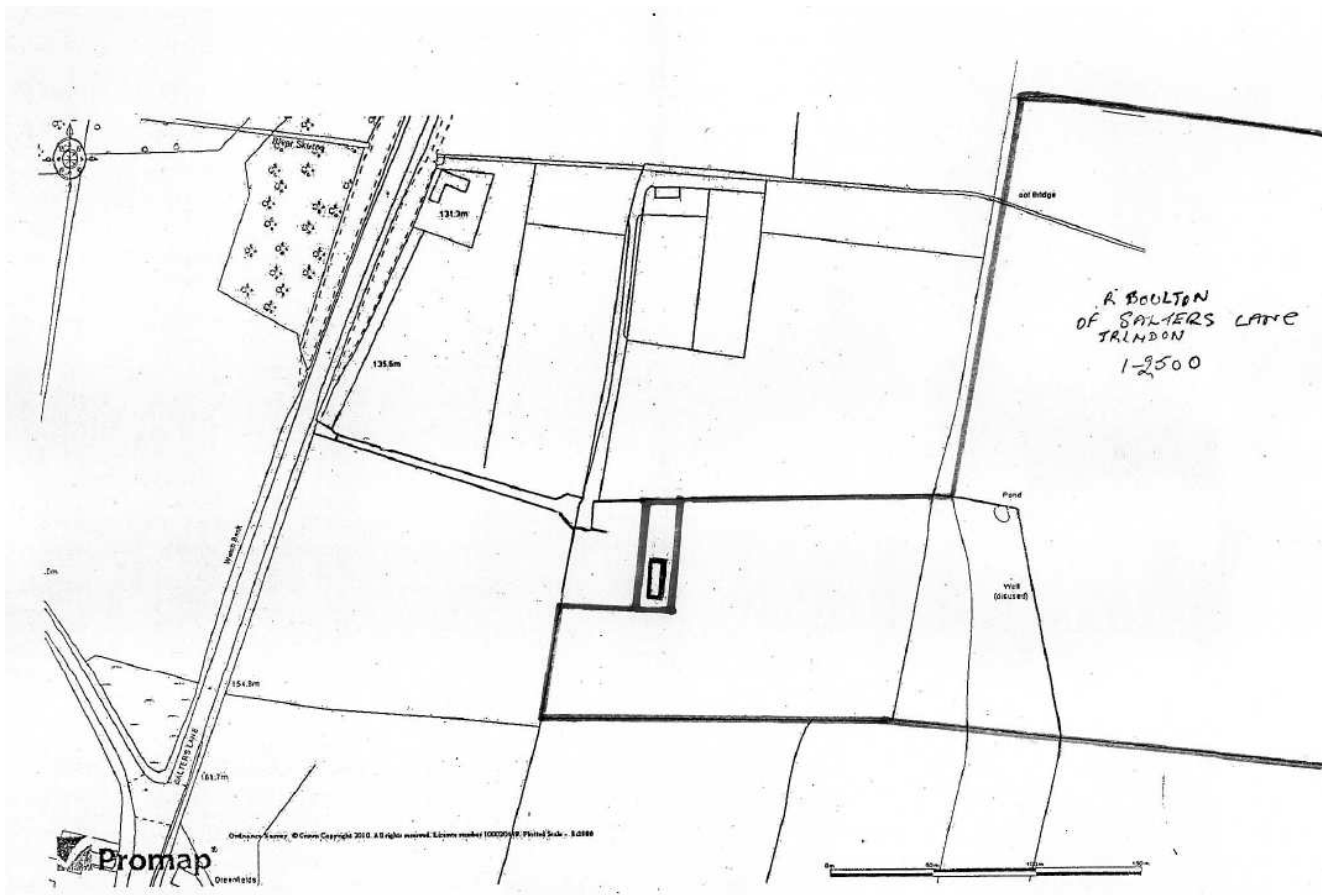
That the application be REFUSED for the following reasons:

1. In the opinion of the Local Planning Authority, the applicant has failed to demonstrate that the scale and design of the building are appropriate to meet the functional needs of the agricultural unit. The proposed development by virtue of its scale and design, prominent location and functional appearance would constitute a visually prominent feature in the open countryside, detrimental to the character and appearance of this rural setting which is classified as an area to be conserved and restored in the adopted Durham County Landscape Character Assessment. This proposal is considered contrary to PPS7 (*Sustainable development in rural areas*) which requires that all rural development should be well designed and inclusive, in keeping and scale with its location and sensitive to the character of the countryside and local distinctiveness.

It is further recommended that the South West Area Planning Committee endorses the issue of an enforcement notice to remedy the breach of planning control that has occurred by requiring the removal of the unauthorised building.

BACKGROUND PAPERS

- Submitted Application Forms and Plans
 - Sedgefield Borough Local Plan 1996
 - Planning Policy Statement 1 (*Delivering Sustainable Development*)
 - Planning Policy Statement 7 (*Sustainable development in rural areas*)
 - Policy D1 (*General principles for the layout and design of new developments*)
 - Policy D3 (*Design for access*)
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