

Planning Services

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/18/00999/FPA
FULL APPLICATION DESCRIPTION:	Erection of agricultural storage building
NAME OF APPLICANT:	Mr Peter Wilson
ADDRESS:	Land To The East Of Hauxwell Grange, Marwood, Barnard Castle, DL12 8QU
ELECTORAL DIVISION:	Barnard Castle West
CASE OFFICER:	Jill Conroy, Planning Officer, 03000 264955, jill.conroy@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

1. The application site is an agricultural field of 13.1 ha. To the west of the C41 highway in Marwood, approximately 3.7km to the north of Barnard Castle. Immediately to the north of the site is a small roadside stone livestock building in separate ownership. The nearest residential property is Hauxwell Grange and its 2 holiday cottages, approximately 28m to the south west on the opposite side of the road.
2. The site is within the Area of High Landscape Value (AHLV) designation.
3. Planning permission is sought for the erection of an agricultural building to be located just south of the existing stone building. The proposed building is required for the storage of animal feed and farm machinery on land farmed in association with an established sheep farming business, which is run from High House Farm, approximately 1.8km (as the crow flies) west from the application site.
4. The building will measure 12.0m x 20.0m and will contain a shallow pitch roof with an approximate height of 6.0m. The building is to be clad externally with Yorkshire boarding above a 1.0m high stone plinth. The northern elevation would have 5no steel gates. The roof is to be clad in cement sheets.
5. The application is being reported to the Planning Committee at the request of Cllr Richard Bell to consider the effects on the landscape and residential amenity.

PLANNING HISTORY

6. The application was originally submitted as an agricultural prior notification (DM/17/03817/PNA), but this was subsequently withdrawn when the building was relocated closer to the road as it no longer met the provisions of Permitted Development (Part 6, Class A of the General Permitted Development Order).

PLANNING POLICY

NATIONAL POLICY

7. The Government has consolidated all planning policy statements, guidance notes and many circulars into a single policy statement, the National Planning Policy Framework (NPPF), although the majority of supporting Annexes to the planning policy statements are retained. The following elements of the NPPF are considered relevant to this proposal;
8. Part 3 – Supporting a Prosperous Rural Economy. Planning Policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development.
9. Part 7 – Requiring good design. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
10. Part 11 – Conserving and Enhancing the Natural Environment. The planning system should contribute to and enhance the natural and local environment by among other things protecting and enhancing valued landscapes; preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution.

LOCAL PLAN POLICY:

11. The development plan is the Teesdale District Local Plan 2002 saved policies:
12. GD1 – General Development Criteria – Development will be permitted providing it complies with a number of criteria in respect of design, impact on the character and appearance of the surrounding area and landscape; avoiding conflict with adjoining uses; and highways impacts.
13. ENV1 - Protection of the Countryside - Within the countryside development will be permitted for the purposes of agriculture where there is a need on the particular site involved and where a proposal conforms with other policies of the plan. To be acceptable proposals will need to show that they do not unreasonably harm the landscape.
14. Policy ENV3 - Development Within an Area of High Landscape Value - The proposals map defines an area of high landscape value where the distinctive qualities of the countryside are worthy of special recognition. Development will be permitted where it does not detract from the area's special character, and pays particular attention to the landscape qualities of the area in siting and design of buildings and the context of any landscaping proposals such development proposals should accord with policy GD1.

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 <http://www.durham.gov.uk/media/3401/Teesdale-local-plan-saved-policies/pdf/TeesdaleLocalPlanSavedPolicies.pdf>

RELEVANT EMERGING POLICY:

15. The County Durham Plan

16. Paragraph 216 of the NPPF says that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. The County Durham Plan (CDP) was submitted for Examination in Public and a stage 1 Examination concluded. An Interim Report was issued by an Inspector dated 18 February 2015, however that Report was quashed by the High Court following a successful Judicial Review challenge by the Council. In accordance with the High Court Order, the Council has withdrawn the CDP and a new plan being prepared. In the light of this, policies of the CDP can no longer carry any weight. As the new plan progresses through the stages of preparation it will begin to accrue weight.

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 <http://www.cartoplus.co.uk/durham/text/00cont.htm>.

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

17. *Highways Authority* – No objections

INTERNAL CONSULTEE RESPONSES:

18. *Landscape* – Raises concern that the development would have some adverse landscape and visual effects.

19. *Environmental Health (Noise)* – Raises concern in terms of noise and odour impact on the nearest residential property Hauxwell Grange.

PUBLIC RESPONSES:

20. The application has been publicised by way of site notice and letter to the neighbouring property Hauxwell Grange. This neighbour has raised a number of concerns, the main points of which are summarised below:-

- The proposed building would be overbearing, out of scale and totally out of character for the area.
- The positioning of the building will result in a loss of outlook which is detrimental to both residential and visual amenity.
- DCC's Environmental Health Officer acknowledges that the building will be 25.0m from a residential property and likely to have a detrimental impact on odour and amenity which could not be mitigated against.
- A tourism business operates from Hauxwell Grange which will be impacted upon.
- The storage of machinery may give rise to an increase in rural crime close to Hauxwell Grange.

The above is not intended to repeat every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at:

<https://publicaccess.durham.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

APPLICANTS STATEMENT:

21. My family have farmed at High House Farm, Marwood for 3 generations building the farm up over that period. For the business to continue to grow and improve efficiency we require further space for the storage of feed and machinery. In the case of the latter, farm machinery is becoming ever more costly and to protect these assets, dry storage is necessary. Our business currently has livestock amounting to some 850 sheep for which there is a heavy demand for feed, particularly over the winter months. The farm is rented, we have approached the landlord regarding the siting of an agricultural building adjacent to the farm but this has been refused, hence this application for the building to be sited on the land adjacent to Hauxwell Grange, which is in our ownership.

PLANNING CONSIDERATIONS AND ASSESSMENT

22. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues relate to the principle of development, visual impact, and residential amenity.

The principle of the development:

23. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires planning applications to be determined in accordance with the statutory development plan for the area, unless other material considerations indicate otherwise. This requirement is reaffirmed in paragraphs 11 and 12 of NPPF. The statutory development plan currently comprises of the saved policies of the Teesdale District Local Plan. Paragraph 215 of NPPF confirms that the level of weight that should be attributed to each of these saved policies is affected by the degree of their consistency with NPPF.
24. NPPF part 3 supports economic growth in rural areas, taking a positive approach to allow the expansion of agricultural businesses. Teesdale District Local Plan policy ENV1 is permissive of development in the countryside for the purpose of agriculture, providing it does not unreasonably harm the landscape qualities of the area, and is therefore consistent with the NPPF.
25. The land is part of an established agricultural business with around 850 sheep on a large holding of 152Ha, of which the application site is a part. The fields at the application site total around 19.7Ha and are owned outright by the applicant, whereas the remaining land and buildings at High House Farm, where the main farming activity takes place, is rented.
26. The applicant has stated that additional storage space is required for agricultural machinery and animal feed in order to grow and improve efficiency and it has been explained why it is not possible to locate the building at High House Farm.
27. The proposed building would appear agricultural in its design, and the total floor space of 240sqm, which is not large for agricultural buildings generally, would be proportionate in its scale to the size of the totality of the agricultural land it is intended to serve, and not out of scale with the use proposed for the building.

28. It is therefore concluded that the proposed building would be reasonably necessary for the purposes of agriculture on the unit, and as such there is no conflict with policy ENV1 of the Teesdale Local Plan, subject to consideration of detailed impacts below.

Visual impact:

29. The site is open countryside, designated in the Teesdale Local Plan as an Area of High Landscape Value. It is described in the Landscape Character Assessment as the Dales Fringe character area, which in this location comprises mostly flat or gently undulating pastoral fields, separated by hedgerows, with roadside stone walls. Isolated farms are scattered across this landscape.

30. There are a number of dwellings and agricultural buildings located along the C41 highway in this area. Most are located close to the roadside. Traditional building materials are stone, while the more modern agricultural buildings have timber or metal cladding.

31. The proposed building would be located immediately to the south of the existing small stone barn, close (2m) to the road. There is an existing access from the C41 which serves the stone barn and will be shared with this development.

32. The Landscape Section concerns and those received from the neighbouring property are noted, however, it is not agreed that the building would appear isolated or out of scale and character with the area. While it would be prominent in views from the road, it would be seen in association with the existing barn and Hauxwell Grange, which is a substantial sized property close to the road. The proposed building would be smaller in scale than typical agricultural buildings in the area and much lower in height than Hauxwell Grange, which will remain the dominant building in this location. The proposed materials are wholly appropriate to the area and the introduction of a stone plinth below the timber boarding would further assist in reducing perceived bulk in line with the Landscape Section recommendations. The building has also been orientated so that all servicing and hardstanding is focused into the least visible area between the buildings. There is an opportunity for a small area of native planting immediately to the south of the building to further soften the appearance of the building, which can be secured by conditions.

33. On this basis, it is concluded that the proposed development would be in keeping with the character of development along the C41 in this area, and would not have a significant visual impact on the landscape. Accordingly, the proposal would generally accord with Teesdale Local Plan Policy GD1, which sets out design requirements for development proposals. It would also generally accord with Policy ENV3, which aims to ensure that development does not detract from the landscape qualities of the AHLV.

Impacts on Amenity:

34. Hauxwell Grange is a non-agricultural residential property with holiday accommodation, which lies approximately 28m from the proposed building on the opposite side of the C41. The occupiers have raised a number of concerns about the proximity of the proposed building and potential impacts from noise, odour and also on their outlook. The Council's Environmental Health Section has also raised similar concerns.

35. It is accepted that the building is in relatively close proximity to Hauxwell Grange, however its scale and siting is not such that would appear overbearing on the outlook of Hauxwell Grange, and as considered in the section above, its design and

appearance would be typical of agricultural buildings that are a common feature in the countryside and appropriate to this location. Its physical presence and appearance would not therefore be harmful to the outlook of Hauxwell Grange, and because such buildings are a feature of the countryside, it should not detract from the operation the rural holiday business.

36. In respect of noise and odour, the presence of the existing building, which is used to house livestock is an important material consideration. Whilst it is not a large building, there are no restrictions over its use, which is just 46m from Hauxwell Grange. As such, there is already potential for noise and odour from livestock and disturbance from general farming activity associated with that building, in close proximity of Hauxwell Grange and its holiday cottages.
37. The proposed building would sit alongside the existing building, but would not house any livestock and this can be secured by conditions. As such there would not be any livestock-related noise and odour impacts from the proposed development, which was the initial concern from the Council's Environmental Health Section.
38. There would still be some activity associated with the building, which remains a concern for Environmental Health in respect of noise. However, this is not the centre of the farming operation and the proposed building is not large enough to become a significant focus of activity for the farm. Its use would be for the storage of feed, equipment/machinery in association with sheep farming and hay production at the site. The degree of use is more likely to be intermittent than frequent and the types of equipment/machinery to be kept in the building would be things like grass cutters, hay turner, baler, seed drill, power harrow and trailers used mainly at harvest time. This equipment, as well as animal feed would be brought to the site in any case, regardless of whether there was a building on the site, as the activities already take place on the land. The proposed building would simply allow that equipment to be stored at the site, rather than brought to it. The access is slightly further to the north and is already used to serve the existing building. Consideration has been given to conditions to control hours of use, however, the nature of the use described above is not such that would justify such an approach as farm vehicles and machinery could be brought and operated on the land at any time and there is an unrestricted farm building already on the land immediately adjacent to the site. Any fears that the building would attract crime to the area is not a matter which can be given any significant weight in the consideration of the application.
39. Having regard to all of the above, it is considered that the presence of the proposed building and the nature of its use, particularly in the context of the potential impacts from the existing building it would sit very close to, is not likely to have a detrimental impact on the residential amenity of Hauxwell Grange and its holiday cottages with regards to noise, odour and outlook. Accordingly, the proposal accords with Teesdale Local Plan policy GD1, which includes aims to ensure that development does not unreasonably harm the amenity of adjoining occupants, or conflict with adjoining uses.

CONCLUSION

40. The proposed development is considered reasonably necessary for the purposes of agriculture on the unit and is of a size reasonably proportionate for its intended purpose.

41. The siting, scale and appearance of the building is considered to be in keeping with the character of development along the C41, where it would be seen within the context of existing buildings, rather than as an isolated feature in the landscape, and as such it has been judged that the development would not cause harm to the landscape qualities of the AHLV.
42. The concerns of the occupants of Hauxwell Grange and Environmental Health with regards to noise, odour and general outlook have been taken into account, however, the proposed building would be for storage purposes only in association with agricultural activities already taking place on the site, as opposed to livestock which can be housed in the existing building on the adjacent field. Therefore, having regard to the type and scale of use associated with the proposed building, and the ability to restrict housing of livestock by condition, is not likely that the development would cause undue noise or odour disturbance to the neighbouring residential property and its holiday cottages. Nor would it have an overbearing or unacceptable visual impact by reason of its size, location and appearance.
43. Taking all matters into account, the proposal is generally in accordance with Teesdale Local Plan policies ENV1, ENV3 and GD1, as well as the relevant provisions of the NPPF in respect of supporting agricultural business, landscape protection and amenity. The proposal is therefore acceptable in planning terms subject to the suggested conditions.

RECOMMENDATION

Recommendation that the application is **APPROVED** 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.

Reason: 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 approved shall be carried out in strict accordance with the following approved plans unless otherwise agreed in writing with the Local Planning Authority.

Plan Reference Number	Date received
01 of 4 OS Site Plan	18.05.18
03 of 4 A Roof and Elevations	10.05.18

Reason: To define the consent and ensure that a satisfactory form of development is obtained.

3. Notwithstanding the provisions of the Town and Country Planning General permitted Development Order (or any re-enactment of that order) the building hereby approved shall be used only for agricultural purposes as defined in section 336 of the Town and Country Planning Act 1990 and for no other purpose.

Reason: To ensure the development is appropriate for the countryside to comply with policy ENV1 of the Teesdale District Local Plan as amended by Saved and Expired Policies September 2007.

4. Notwithstanding condition 3, there shall be no pigs, poultry or livestock kept within the building hereby approved.

Reason: In the interests of residential amenity to comply with policy GD1 of the Teesdale District Local Plan as amended by Saved and Expired Policies September 2007.

5. No development shall commence until a sample panel of stone to be used in the construction of plinth of the building hereby approved has been erected on the site and approved in writing by the Local Planning Authority. The development shall take place in accordance with the approved sample panel.

Reason: In the interests of visual amenity to comply with policy GD1, ENV1 and ENV3 of the Teesdale District Local Plan as amended by Saved and Expired Policies September 2007.

6. No development shall commence until details for a landscaping scheme to the south of the building hereby approved have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenity of the area and to comply with saved policies GD1, ENV1 and ENV3 of the Teesdale District Local Plan.

7. The approved landscaping scheme shall be carried out in the first available planting season following the practical completion of the development. Any plants which die, are removed, or fail to establish shall be replaced in the next available planting season. Replacements shall be subject to the same.

Reason: In the interests of the visual amenity of the area and to comply with saved policies GD1, ENV1 and ENV3 of the Teesdale District Local Plan.

STATEMENT OF PROACTIVE ENGAGEMENT

44. In arriving at the decision to recommend approval the application the Local Planning Authority has assessed the proposal against the NPPF and the Development Plan in the most efficient way to ensure a positive outcome through appropriate and proportionate engagement with the applicant, and carefully weighing up the representations received to deliver an acceptable development.

BACKGROUND PAPERS

Submitted Application Forms, Plans and supporting documents
National Planning Policy Framework
Teesdale District Local Plan
All consultations responses



Planning Services

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Erection of agricultural storage building

Comments

Date June 2018