

6 DCSE2008/0050/F - ERECTION OF AGRICULTURAL STORAGE BUILDING AT JAYS PARK, LINTON, ROSS-ON-WYE, HEREFORDSHIRE, HR9 7UH.**For: Mr J Edwards per Mr DR Pearce, Land Development & Planning Consultants Ltd, Lavender Cottage, Nettleton, Chippenham, Wiltshire, SN14 7NS.****Date Received: 7 January 2008****Ward: Penyard****Grid Ref: 66322, 26032****Expiry Date: 3 March 2008**

Local Member: Councillor H Bramer

Introduction

The Sub-Committee considered this application on 2 April 2008 and resolved to defer making a decision until an enforcement notice relating to the site had been fully complied with. The enforcement notice requires the demolition and removal of the walls, gate piers, fencing and gates at the access to the field, together with restoration of the land and planting of a hedge. These works have now been carried out and the hedge has been partly planted. It is late in the planting season and the applicants have confirmed that any losses over the summer will be replaced in the autumn.

Introduction to 2 April 2008 Sub-Committee

This proposal was considered by the Sub-Committee on 6 February 2008 but a decision was deferred as the parish Council's views had not been received. These are now included below (paragraph 5.2).

1. Site Description and Proposal

- 1.1 The application site comprises a section of a field (0.1ha) on the north side of the unclassified road linking junction 3 of the M50 with Linton and to the east of an existing field gate. The access to the fields has been altered over the past 5 years by the erection of wall, gates and fencing and the land has been developed as a residential caravan site. Enforcement notices requiring removal of the former and cessation of the latter have been upheld on appeal and the caravan has been removed.
- 1.2 It is proposed to erect an agricultural storage building just to the north-east of the access and close to the boundary hedge. This land has already been excavated and levelled in connexion with the works referred to above. The building would be 13.5m long and 9m wide x 5m to ridge. The wall would be concrete blockwork up to 2m and profiled steel sheeting above and for the roof. The intention is to develop a fruit growing enterprise to supplement grazing on two fields to the north and west of the application site totalling about 8.4ha. This is a revised application following withdrawal of an application for determination as to whether prior approval would be required and subsequent refusal of permission for revised proposals (DCSE2007/1067/F). The reason for refusal was:

"The proposed storage building would be intrusive in the landscape, and the local planning authority is not satisfied that the building would be related to an existing

agricultural enterprise. The proposal would conflict therefore with Policy E13 of the Herefordshire Unitary Development Plan 2007.”

2. Policies

2.1 Herefordshire Unitary Development Plan 2007

Policy LA2 - Landscape Character and Areas least Resilient to Change
Policy E13 - Agricultural and Forestry Development

3. Planning History

- | | | | | |
|-----|-----------------|---|---|---------------------|
| 3.1 | DCSE2005/2611/F | Retrospective application for mobile home | - | Refused
28.11.05 |
| | DCSE2007/0415/S | Agricultural storage building. | - | Withdrawn
9.3.07 |
| | DCSE2007/1067/F | Erection of Agricultural Building | - | Refused
29.05.07 |

4. Consultation Summary

Statutory Consultations

- 4.1 No statutory or non-statutory consultations required.

Internal Council Advice

- 4.2 The Traffic Manager has no objection to the grant of permission.

5. Representations

- 5.1 The applicant's agent points out that:

- (i) this is a re-submission of an application refused contrary to advice of professional officers;
- (ii) in response the overall size of the building and its siting has been amended to minimise its impact on the surrounding countryside and additional landscaping is proposed;
- (iii) before undertaking the considerable investment for commercial soft fruit production it is entirely reasonable that the developer has the security of knowing that this essential building will be permitted;
- (iv) it is required for storage of plant and equipment plus short-term storage, grading and packing during the harvesting period;
- (v) being aware of the Council's concern that should the enterprise not be established a non-essential building would have been permitted, the applicant would accept a condition that planting of fruit bushes should have commenced prior to erection of the building.

In addition a Design and Access Statement has been submitted which in summary gives the following explanation:

- (1) This application has been prepared following an earlier application submitted under the 'prior notification' procedure (DCSE2007/0415/S). Following discussions with the Case Officer it was agreed to withdraw the application in order to take the opportunity to achieve an improved siting albeit in a location where full planning permission would be required. In addition a review of the needs of the agricultural holding has resulted in a smaller building now being sought.
 - (2) The land is currently improved pasture used for the grazing of livestock.
 - (3) The building is required for agricultural storage associated with a proposed fruit growing enterprise on the adjacent land. The steel-frame building would be to a colour and profile to be agreed with the local planning authority.
 - (4) There are no other agricultural storage or livestock buildings on this agricultural unit.
 - (5) The building occupies a position close to the access from the highway and adjacent to the roadside hedge which comprises the principal landscape feature affecting the setting of this building. The siting of the building enables the retention of this hedge and the opportunity for its improvement and future maintenance. Consequently the loss to agricultural production and the impact on visual amenity would be minimised.
 - (6) The appearance of the building is defined by the proposed function and the levels of adjacent land. It is proposed to clad the roof and walls of the building with plastic coated steel profile sheeting, with blockwork to a height of 2 metres.
 - (7) Access to the site would be via an existing agricultural access.
- 5.2 Linton Parish Council observe that "Once again a Planning Application is being processed on a site which is the subject of an Enforcement Notice. The appeal against this notice was dismissed by the Planning Inspector on 10th May 2006. The applicant was given 60 days to comply with the notice. This has not happened and it would be appreciated if you would provide us with an explanation why Herefordshire Council has not ensured compliance with the conditions of the notice. In these circumstances we are unable to support this application."

The full text of these letters can be inspected at Southern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

6. Officer's Appraisal

- 6.1 This proposal relates to a new agricultural enterprise on land some distance from the farm complex (Two Parks Farm) of which it was formerly a part. Consequently the proposed building cannot be sited close to existing buildings, as encouraged by policy E13. Nevertheless this location is the least harmful in terms of visual impact being partially screened by the established roadside hedge, close to the access with its existing tarmac access drive and on lower ground which has been excavated. The proposed design and external appearance of the building are typical of small agricultural stores. In comparison to the earlier proposal (DCSE2007/1067/F) the building would have half the floor area and be 0.5m lower at ridge level. The applicant's agent advises that there is both an electricity and a water supply to the site and foul drainage could be provided if necessary.

- 6.2 The proposed enterprise would require storage facilities for agricultural machinery, fertilisers and the produce, including sorting and packing. Erection of this building would be a significant investment for an enterprise of this scale and a planning condition could be imposed to ensure that the building is used only for agricultural purposes. The Council was concerned however that the building could be erected and the proposed agricultural enterprise not materialise. The store could be built but not used. The applicant is reluctant to undertake planting without the assurance that this essential building would be granted planning permission. The applicant's agent has suggested that a condition be imposed requiring that planting should have commenced before the building is erected. I understand that about 1ha of soft fruit is proposed and it would be reasonable, in my view, to require a significant proportion (say 0.5ha) to be planted before construction of the agricultural building.
- 6.3 On this basis I consider that the need for the building would have been established. The significant reduction in size, compared to the earlier proposals, and revised siting would ensure that the harm to the countryside would be minimised.
- 6.4 Whilst not related to the merits of this case the applicant has been advised of the need to comply with the Enforcement Notice which requires demolition of the boundary wall and planting a new hedge. The Committee will be advised whether this has been carried out at the meeting.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 A01 (Time limit for commencement (full permission))**
Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 2 B01 (Samples of external materials)**
Reason: To ensure that the materials harmonise with the surroundings.
- 3 G04 (Landscaping scheme (general))**
Reason: In order to protect the visual amenities of the area.
- 4 G05 (Implementation of landscaping scheme (general))**
Reason: In order to protect the visual amenities of the area.
- 5 E10 (Use restricted to that specified in application)**
Reason: To define the terms of the permission and to protect the rural character of the area.
- 6 No development shall take place until not less than 0.5ha of soft fruit has been planted in the fields OS parcels 0002 and 1900.**
Reason: To ensure that there is a need for an agricultural building.

INFORMATIVES:

- 1 **N19 - Avoidance of doubt**
- 2 **N15 - Reason(s) for the Grant of Planning Permission.**

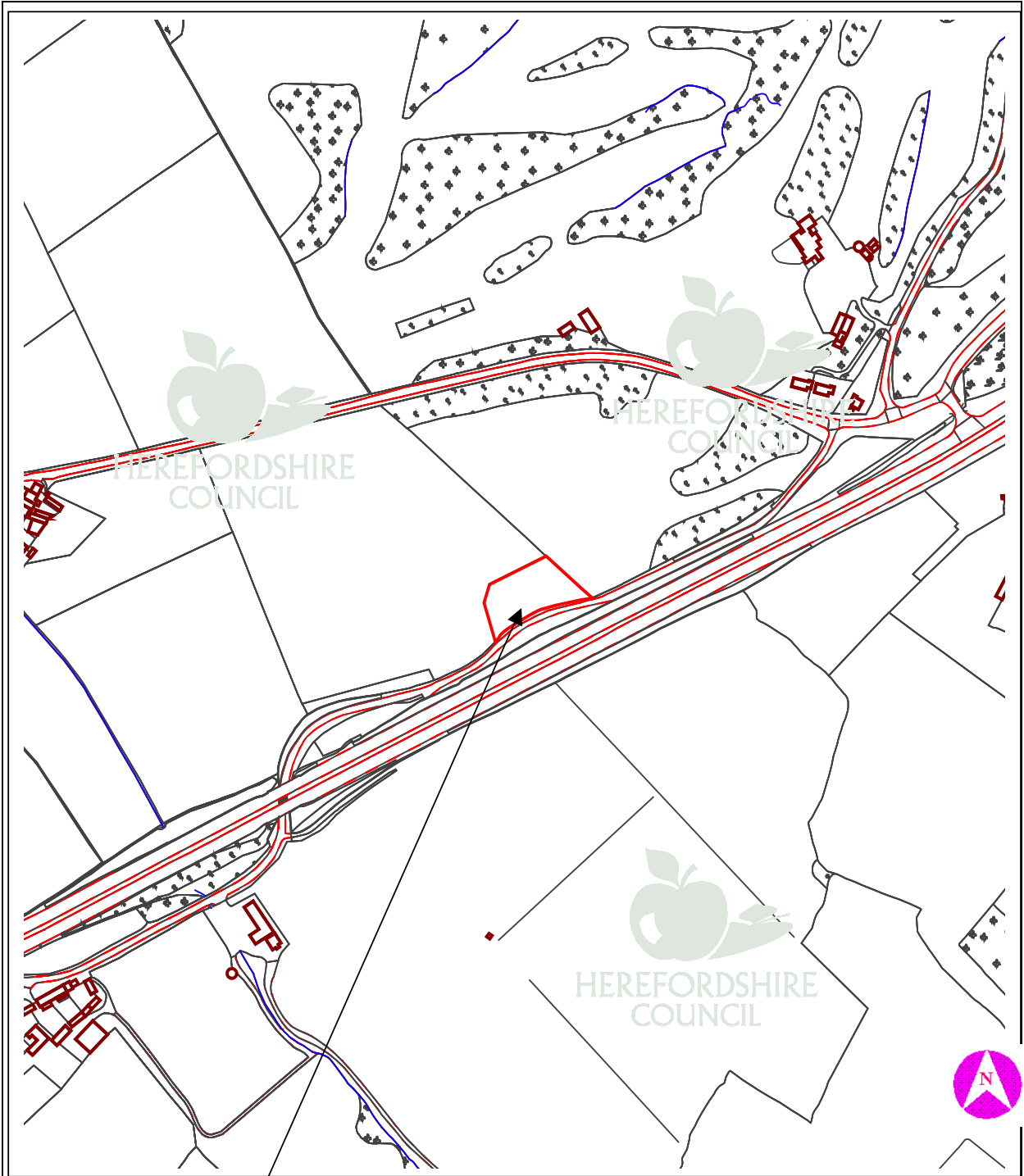
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCSE2008/0050/F

SCALE : 1 : 5000

SITE ADDRESS : Jays Park, Linton, Ross-on-Wye, Herefordshire, HR9 7UH

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