

7 DCNE2009/0906/F - ERECTION OF TWO POLYTUNNELS, THE CREATION OF A POND AND THE ERECTION OF AN AGRICULTURAL STORAGE BUILDING AT MIRROR BROOK SMALLHOLDING, STONEY CROSS, CRADLEY, MALVERN, WORCESTERSHIRE, WR13 5JB.

For: Mr A Parkhill per Merrington Project Services Ltd, 9 Merrington House, 9 The Green, Cutnall Green, Droitwich, WR9 0PW.

Date Received: 24 April 2009

Ward: Hope End

Grid Ref: 72409, 47405

Expiry Date: 19 June 2009

Local Member: Councillors RV Stockton and R Mills

1. Site Description and Proposal

- 1.1 The application site that has an area of some 1.53 hectares is located on the southern side of the A4103 immediately to the west of the B4220. The eastern boundary of the site adjacent to the B4220 has a strong hedgerow. There is an existing vehicular access onto the A4103. The land slopes from east up to the west. It falls to the south.
- 1.2 The land is used for agricultural purposes (including horticulture). In essence the site is a smallholding where the applicant:-
- Cultivates plants and trees to provide stock for the applicant's landscape business. It must be noted that it is not proposed to create a garden centre retailing to visiting members of the public.
 - Grows vegetables to provide seasonal boxes to the public and to local restaurants and public houses.
 - Intends to keep chickens.
 - Rears a small number of pigs.
 - Intends to grow vines with a view to supplying a winery; and
 - Intends to keep alpacas for wool production.
- 1.3 Whilst the land is used for agricultural purposes the applicant does not claim that it is currently actively used for the purposes of a trade or business. The activities upon the site are probably best described as a hobby.
- 1.4 The proposal under consideration involves three distinct elements:-
- The erection of two polytunnels to the west of the vehicular access. These would be orientated in a north - south alignment. Each polytunnel would have a length of 15.5 metres, a width of 9.6 metres and a height of 3.3 metres. These would be used to grow plants on from seed and bring them on.
 - The erection of a secure agricultural store. This would be located immediately to the east of the existing internal access track at its southern end. The building would have a width of 8.6 metres, a depth of 5.7 metres, a height to eaves of 2.3 metres and a height to ridge of 5.6 metres. This building would allow for the storage of equipment, implements, feed and any agricultural vehicle required. It would also provide a secure store for any chemicals /

pesticides required. A WC would be provided within the building for use by any person working on the holding. The foul sewage would be disposed of via a connection to the mains sewer that runs through the site.

- A pond would be created towards the south-eastern corner of the site to provide facilitate the growing of aquatic plants; and
- The surface water would be disposed of via a soakaway.

1.5 It must be stressed that the originally proposed wind turbine and animal shelter have been omitted from the scheme.

2. Policies

Central Government advice

2.1 Planning Policy Statement 1 – ‘Delivering Sustainable Development’
Planning Policy Statement 7 – ‘Sustainable Development in Rural Areas’

Herefordshire Unitary Development Plan 2007

Policy E13 – Agriculture and forestry development
Policy LA2 – Landscape character and areas least resilient to change

3. Planning History

3.1 DCNE2003/2408/F - To create a market garden and fish rearing enterprise for horticultural and agricultural use. Create wildlife conservation area, new polytunnel and potting shed - Withdrawn

4. Consultation Summary

Statutory Consultations

4.1 Severn Trent Water - no objections subject to condition.

Internal Council Advice

4.2 Minerals & Waste Officer - no objection to pond.

Conservation Officer - no objections.

4.3 With regard the proposals that now under consideration the views of the County Land Agent are summarised as follows:-

4.4 The Agricultural Storage Building - this is considered to be reasonably necessary bearing in mind the rate of theft of small tools, mowers etc., that are being kept on the site. It is also necessary to have a lock-up store for any chemicals, either sprays or drenches for stock, etc, that are kept on the site. A toilet is also considered necessary.

4.5 Pond - It is reasonable to create a pond to facilitate the growing on of aquatic plants.

4.6 Polytunnels - it would seem reasonable to use polytunnels for propagating and for bringing on young plants. It is somewhere to work in the dry in the winter although the tunnels are of no great size. It is surprising how many plants it is possible to propagate in a small area if well looked after.

- 4.7 Amey Consulting have advised that the soakaway proposed is a satisfactory solution to the surface water drainage issue.
- 4.8 The Transportation has no objection to the proposed development.
- 4.9 The Conservation Section has no objection to the proposed development with regard the impact upon the setting of the listed building in the vicinity (Birch Cottage).

5. Representations

5.1 The Cradley Parish Council object on the following summarised grounds:-

- Increased run-off of water.
- Concern with regard chemical run-off.
- Concerns with regard increased traffic and the safety of the access.
- Concerns that there could be an application at a future date for a dwelling.
- Concerns with regard visual impact.
- Concerns as to potential overstocking.

5.2 The views of Cradley Parish Council on the amended scheme are awaited.

5.3 The occupiers of four dwellings in the vicinity object to the proposed development on the following summarised grounds:-

- An increase in livestock would generate an unacceptable level of odour.
- Concerns with regard surface-water drainage.
- Concerns with regard swine-flu and other health related matters.
- Concerns as to adequacy of the existing vehicular means of access.
- Potential pollution of a water course.

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

6. Officer's Appraisal

6.1 Development Plan policies do allow for the developments that are reasonably necessary for agricultural purposes. In this regard Members attention is drawn to the advice summarised above from the County Land agent who considers the agricultural storage building, the two polytunnels and the pond to be reasonably necessary. Negotiations through the processing of this application have secured the removal of the animal shelter building and wind turbine from the submitted scheme.

6.2 The site does not lie within the Malvern Hills area of Outstanding Natural Beauty. However, the structures would be visible from public vantage including the two neighbouring roads. Nevertheless the structures are considered to be appropriately sited and designed. They are modest structures in terms of their size and are functional in nature.

6.3 The foul sewage is to be dealt with by way of a connection to the mains sewer and surface water drainage is to be dealt with by way of a soakaway. Details of that soakaway design have been audited by Amey Consulting on behalf of the Council who are satisfied with the proposed design. It is acknowledged that there may be surface water drainage issues in the area and in this regard the Highways Section will be separately looking at the maintenance of highway drains in the area.

- 6.4 Planning permission is not required to use land for agricultural / horticultural purposes. The access onto the A4103 exists and is lawful. No change of use is proposed that would result in an intensification of use of the existing access. Therefore the safety, or otherwise, of the existing access is not a matter to be considered. Certainly, however, if there were to be any future proposal to change the use of the site or introduce an alternative use (other than agriculture), the issue as to potential intensification of use of the vehicular access together with highway safety impacts would need to be addressed.
- 6.5 In the event of there being any pollution incident including the pollution of a water course that would be a matter to be addressed by the Environmental Health Section and the Environment Agency. Matters relating to the keeping of pigs and the potential transmission of viruses to the human population are not a matter for the Planning Authority.
- 6.6 Given that the use of land for agriculture does not require planning permission, the Local Planning Authority cannot control stocking densities. However, the case Officer has not noticed more than fifteen pigs and a few hens upon the site.
- 6.7 I recommend accordingly and draw Members attention to the conditions.

RECOMMENDATION

That 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.**

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

- 2. The development hereby permitted shall only be used for agricultural purposes as defined in Section 336 of the Town and Country Planning Act 1990 (as amended) and shall not be used for any other purpose, including retailing to visiting members of the public.**

Reason: To safeguard the countryside from inappropriate development and in the interests of highway safety.

- 3. Prior to the first use of any of the buildings hereby permitted the soakaway as detailed in the submission by the agent for the applicant dated 10th June 2009 shall be installed to the satisfaction of the Local Planning Authority and thereafter maintained as such.**

Reason: To ensure satisfactory surface water drainage arrangements.

- 4. Prior to the first use of the agricultural storage building hereby permitted, the integral WC shall be connected to the mains sewer and thereafter maintained as such.**

Reason: To ensure satisfactory foul sewage disposal arrangements.

- 5. No buildings shall be erected, pond excavated or trees planted within 2.5 metres either side of the 150mm foul water sewer that runs through the site.**

Reason: To maintain essential access for maintenance, repair, renewal, and to protect the structural integrity of the public sewage system.

- 6. Prior to commencement of the development hereby permitted the following matters shall be submitted to the Local Planning Authority for their written approval.**

- A written schedule and samples of all external materials to the agricultural storage building hereby permitted.

The development shall not commence until the Local Planning Authority has given such written approval. The development shall be carried out in strict accordance with the approved details and thereafter maintained as such.

Reason: To ensure a satisfactory appearance to the development.

7. In the event of any of the buildings hereby permitted becoming redundant for agricultural purposes within 10 years from the date of this permission, that building or those buildings shall be demolished within six months of its/their redundancy and the land restored to its former condition.

Reason: To safeguard the countryside from inappropriate sporadic development.

Informatives

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

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.

