

**DCNE2004/1771/F - AGRICULTURAL BUILDING AT
ORCHARD MEADOW, NEWTOWN, LEDBURY HR8 2UG****For: Miss P Hill and Mr A Mannion per Wall, James and
Davies 15-23 Hagley Road Stourbridge West Midlands
DY8 1QW****Date Received:**
13th May 2004**Ward:**
Frome**Grid Ref:**
61745, 45255**Expiry Date:**
8th July 2004

Local Member: Councillor R Manning

1. Site Description and Proposal

- 1.1 The application is for the erection of an agricultural storage building on land at The Orchard, Lower Eggleton. A previous application was refused under delegated powers on the 24th September 2003 under reference DCNE2003/2309/F.
- 1.2 This submission differs from the 2003 application in a number of ways. Principally, the siting and scale of the shed have been revised and the application is also supported by an independent agricultural planning appraisal.
- 1.3 Under the original scheme the shed would have been located in a position so as to be visible from neighbouring residential properties and public vantage points. The proposed siting is now located to the northern side of the existing copse, further from residential development and relatively unobtrusive in the wider landscape.
- 1.4 The overall length of the proposal has been reduced by 4.6 metres to 13.8 metres (45ft), with small reductions in the height to ridge and eaves.

2. Policies**2.1 Malvern Hills District Local Plan**Landscape Policy 1 – Development Outside Settlement Boundaries
Landscape Policy 7 – Agricultural and Forestry Buildings and Roads**2.2 Revised Deposit Draft UDP**Policy DR1 – Design
Policy E13 – Agricultural and forestry development**2.3 Hereford and Worcester County Structure Plan**

Policy A3 – Agricultural Buildings

2.4 Planning Policy Guidance Note 7 – The Countryside – Environmental Quality and Economic and Social Development

3. Planning History

DCNE2003/2309/F: Agricultural building for animals, feed and implements – Refused under delegated powers on 24th September 2003. The reasons for refusal were as follows: -

1. The development is sited in an isolated position within the landscape and is constructed from inappropriately coloured materials. As such the building is contrary to Policy A1 and A3 of the Hereford and Worcester County Structure Plan and Landscape Policies 1 and 7 of the Malvern Hills District Local Plan and advice contained within Planning Policy Guidance Note 7.
2. The development would also set a precedent for further buildings in the locality resulting in progressive erosion of the landscape character of the area contrary to the policies and guidance listed above.
3. The local planning authority is not satisfied that the development is reasonably necessary for the purposes of agriculture as required by advice contained in Planning Policy Guidance Note 7.
4. The intensified use of the existing access to serve the proposed development involving additional vehicles slowing down and making turning movements together with the presence of waiting vehicles on the carriageway of the adjoining road would be contrary to the interests of highway safety, Landscape Policy 1 of the Malvern Hills District Local Plan and condition 2 of planning permission reference NE2003/0095/F.

DCNE2003/0095/F: Retention of widened access and creation of enclosed loading area – Approved with conditions 28th February 2003.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: The Agency does not object to the proposed development although all washwaters, manures and stable waste should be collected, stored and disposed of in accordance with DEFRA “Code of Good Agricultural Practice for the Protection of Water.”

Internal Council Advice

- 4.2 The Head of Engineering and Transportation has no objections to the application and considers the proposal acceptable for the following reasons:
- The building is for agricultural use only and is associated with an extant site use;
 - The applicants state that traffic movements may reduce due to [the] benefits of on-site storage – this is considered to be a reasonable assumption;
 - Newtown Cross signals are to be installed and operational by the end of July;
 - Newtown Cross now benefits from two mobile speed camera sites to enforce the 40mph speed limit.

5. Representations

- 5.1 Yarkhill Parish Council: Response awaited
- 5.2 Much Cowarne Parish Council (adjoining) comment as follows: "Much Cowarne Group Parish Council has no objection to this application provided the new building is screened from the A4103 by the small wooded area close to the site and that there is no further development on the site for residential use without a further planning application."
- 5.3 The Council for the Protection of Rural England objects to the proposal. It is noted that the building is smaller than that previously applied for and sited further away from the A417. However, concern is expressed at the implications of erecting a building where there are no permanent structures and the likelihood of expansion and further development pressure.
- 5.4 One letter of objection has been received from the owner of The Cottage, Newtown Crossroads, which adjoins the land in the ownership of the applicant. The main points raised are:
- a) the application should be refused unless there is real evidence of the enterprise as described;
 - b) the application will lead to a request for a house on site in connection with the use.
- 5.5 The full text of these letters can be inspected at Northern Planning Services, Blueschool House, Blueschool Street, Hereford and prior to the Sub-Committee meeting.

6. Officers Appraisal

- 6.1 The main issues for consideration in the determination of this application are as follows:
- (a) the principle of development in this location with regard to agricultural need and the impact upon the character and appearance of the surrounding area;
 - (b) the setting of a precedent for further development in the locality;
 - (c) access arrangements.
- 6.2 This application is a re-submission of an application refused under delegated powers. The reasons for refusal are set out in full under paragraph 3.
- 6.3 The applicant has sought to address each reason for refusal. The application is accompanied by an independent agricultural appraisal that concludes that the shed is reasonably necessary for the purposes of this enterprise. The holding comprises 11.5 hectares (28.67 acres), of which 7.41 hectares is grassland, the remainder split between orchard and woodland. The current farm policy is the production of traditional rare breed pork, rare breed lamb and hay for sale. At present there are 14 breeding ewes, 1 ram and their lambs, in addition to 5 breeding sows, 1 boar and their progeny.

- 6.4 Although the potential for further development pressure may arise as a result of expansion, the application under consideration must not be prejudiced on the basis that applications for unacceptable forms of development may ensue.
- 6.5 The isolated position of the building within the landscape formed one of the reasons for refusal of the original application. Subsequently the building has been moved approximately 60 metres to the east, where it will be screened from the southern and eastern aspects by the existing copse and mature hedgerows. In this location the building will not be visible from the A4103 and approximately 200 metres from the nearest residential property. Furthermore, the building has been substantially reduced in length from 18.4 metres to 13.8 metres. Small reductions have also been made to the height of the ridge and eaves.
- 6.6 The final reason for refusal made reference to the intensified use of the existing access from the A4103, and the detrimental impact that this would have upon highway safety. However, for the reasons set out at 4.2, the Head of Engineering and Transportation is of the opinion that the access arrangements are satisfactory. The agent asserts that increased storage capacity on site will in fact reduce the number of vehicular movements associated with the operation of the smallholding.
- 6.7 At present there exist two unused mobile homes on the site of the proposed shed. Should members be minded to approve the application, officers would seek to secure the permanent removal of these structures from the site.

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 - A06 (Development in accordance with approved plans)

Reason: To ensure adherence to the approved plans in the interests of a satisfactory form of development.

3 - B01 (Samples of external materials)

Reason: To ensure that the materials harmonise with the surroundings.

4 - Prior to the commencement of development the mobile homes located on the site of the proposed shed shall be permanently removed from the holding.

Reason: To secure an enhancement to the character and appearance of the area.

Informatives:

- 1 - N15 - Reason(s) for the Grant of PP/LBC/CAC
- 2 - The applicant is reminded that all washwaters, manures and stable waste should be collected, stored and disposed of in accordance with DEFRA "Code of Good Agricultural Practice for the Protection of Water."

Decision:

Notes:

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Background Papers

Internal departmental consultation replies.