

MEETING:	PLANNING AND REGULATORY COMMITTEE
DATE:	27 February 2019
TITLE OF REPORT:	180573 - (RETROSPECTIVE) STORAGE BUILDING AT LAND AT SHUTTFIELD COPPICE, STORRIDGE, MALVERN For: Mr Abbots per Mr Alan Steele, Corse Grange, Gloucester Road, Corse, Gloucestershire, GL19 3RQ
WEBSITE LINK:	https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=180573&search=180573
Reason Application submitted to Committee – Re-direction	

Date Received: 8 February 2018

**Ward: Bishops Frome
& Cradley**

Grid Ref: 374419,250042

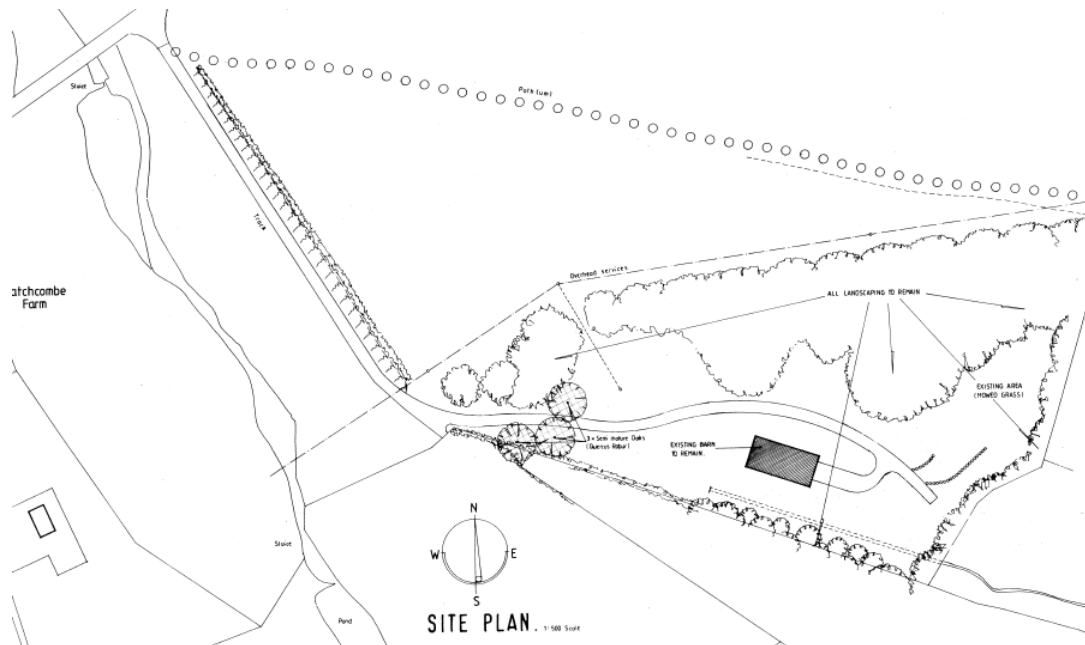
Expiry Date: 24 August 2018

Local Member: Councillor EE Chowns

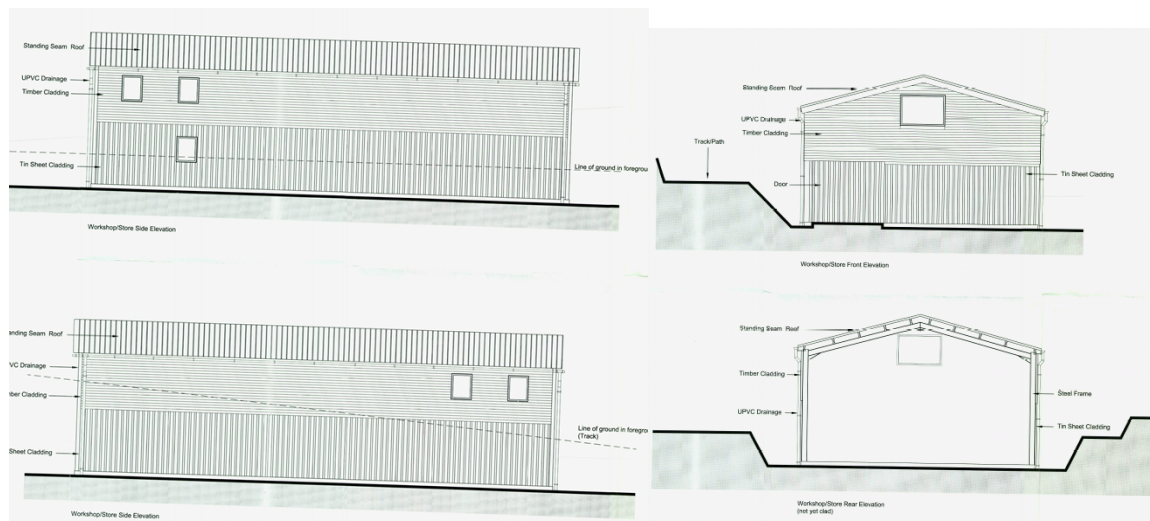
1. Site Description and Proposal

- 1.1 This application is a retrospective proposal for the retention of a timber clad barn under a standing seam roof, with a footprint of 168metres square as a workshop / store.
- 1.2 Following representations received a request was made to the applicant to confirm what the barn would be used for. The applicant has confirmed that the use of the barn will be 'the storage of Agricultural and Forestry machinery. To also include the drying and storage of Timber'.
- 1.3 The site is located within a Special Wildlife Site (SWS) referred to on the council's records as Mallins Wood. The red line shown as the application site encompasses a significant proportion of this and amounts to 4.2 hectares.
- 1.4 The site is also located within the Malvern Hills Area of Outstanding Natural Beauty (the AONB).
- 1.5 Prior approval was granted for an L shaped building but otherwise of a similar size and scale in 2013 (see site history at Section 3). The current proposal does not accord with the plans submitted at that time and is on a smaller land holding and consequently requires the benefit of planning permission. A block plan and elevations of the building as built are shown below.
- 1.6 As can be seen from the plans, the barn is set down into the ground in part with a gable end window towards the pitch of the roof.
- 1.7 The block plan also shows a public bridleway dissecting the site in an east/west direction (CD68A). Vehicular access to the site is also gained via a public bridleway (CD65), which in turn becomes an unclassified road known locally as Batchcombe Lane.

Block Plan



Elevations



2. Policies

2.1 Herefordshire Local Plan - Core Strategy

SD1 – Sustainable design and energy efficiency

LD1 – Landscape and townscape

LD2 – Biodiversity and geodiversity

MT1 – Traffic management, highway safety and promoting active travel

2.2 Cradley Neighbourhood Development Plan – Adopted August 2017

Policy CNDP 5: Area of Outstanding Natural Beauty

Policy CNDP 6: Local Wildlife Sites

2.3 National Planning Policy Framework

Chapter 9 – Promoting sustainable transport

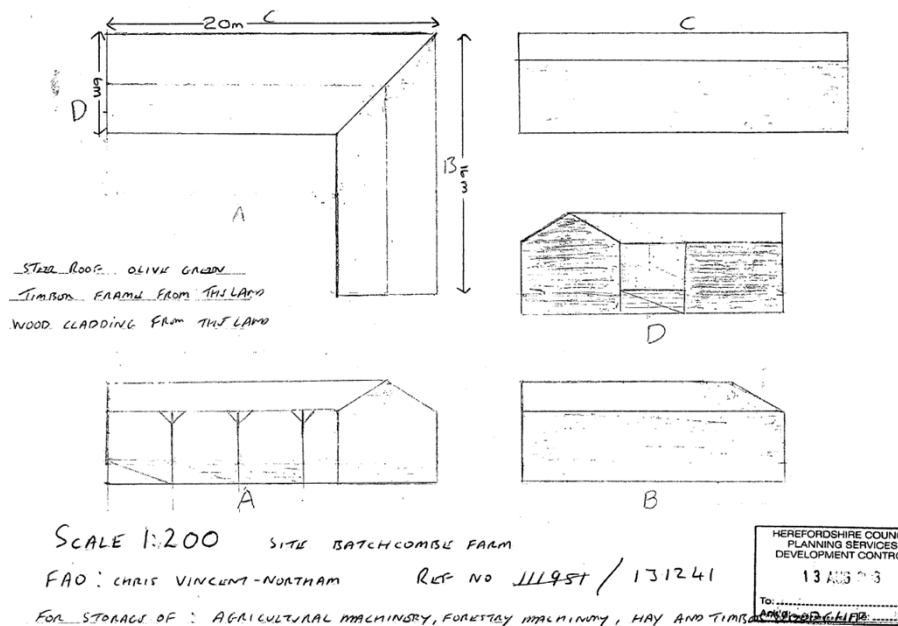
Chapter 15 – Conserving and enhancing the natural environment

- 2.4 The Core Strategy policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200185/local_plan/137/adopted_core_strategy

3. Planning History

- 3.1 P131241/S - Proposed building for the storage of farm machinery, forestry machinery, hay and wood – Determined that Prior Approval was not required on 28 October 2013.
- 3.2 The plans submitted at that time are shown below but, for the avoidance of doubt, the submission was based on the provision of a building with a floor area of 180 m² and a ridge height of 6.6 metres. The building was to be located in a position similar to that applied for and the submission was made on the basis that it was to serve substantively the same parcel of land.



4. Consultation Summary

Statutory Consultations

4.1 Natural England

No comments to make on this application.

Internal Council Consultations

4.2 Ecology

Given this is a retrospective application any potential ecological damage has already occurred and I can see no relevant comments to make.

4.3 Public Rights of Way Officer

The storage building would not appear to affect public bridleway CD68A. No objection

4.4 Environmental Health

No comments to make

5. **Representations**

5.1 Cradley Parish Council - strongly objects to the application because:

1. The previous permission was granted in relation to the storage of agricultural equipment for use on the specific plot of land in question.
2. A condition on the previous permission stated that the building would be demolished if it was not used for the above purpose within a set period of time – it is believed that the time limit has expired and there has been no evidence of any agricultural activities on the land over many years.
3. It is understood that the farm machinery to be stored in the building is not machinery used to farm the surrounding land but is to be brought in from outside the area for commercial purposes in relation to the applicant's construction and agricultural machinery retail business in Malvern.
4. The land is within the AONB and the above proposed use therefore conflicts with Policy 5 of Cradley NDP.
5. Access to the site is down a narrow lane and because machinery is being brought to the site for storage prior to being driven out when sold on, there would be an unacceptable level of heavy traffic which is not even connected to agricultural practices within the parish.

5.2 British Horse Society

The BHS has received strong representations regarding this retrospective application from local riders, who are very concerned that the development is part of the sequential intensification of traffic using the Byefield road/ access road to Batchcombe Farm which is shared with Bridleway CD65. There seems to be no other access to the application site other than this lane, which is a long single track lane, with no passing places to enable traffic to pass horse riders allowing the recommended 2 metres space between horse and rider for safety purposes.

Furthermore, the BHS has recently received reports of recent near-miss accidents involving horse riders on Bridleway CD65 and HGV vehicles. The BHS encourages the Local Planning Authority to consider, as a planning condition, the installation of highway signage (warning of horse riders) at appropriate intervals along the length of Bridleway CD65/ Byefield Road, so that drivers using the route will be encouraged to keep their vehicle speed to an appropriate and safe level.

The BHS also encourages that any future developments in the locality of Batchcombe Farm which involve further intensification of the vehicular use of Bridleway CD65/ Byefield Road should trigger liaison between the Highways Department and the Public Rights of Way Team at Herefordshire Council, or the appointment of suitable Highway consultants to consider and report on whether 'passing places' need to be installed along the length of the Byefield Road as part of a planning condition - in a similar way that condition 9 in the planning permission DCNC2007/2604/F (Chase Distillery) saw the development of passing places at Felton Parish. When considering this application, the BHS would be grateful if Officers and Members could refer to the contents of Herefordshire Councils newly revised 'Rights of Way Improvement Plan 2017-2027'. In this policy document, at 5.0 the Council's own key conclusions include to 'create safer routes away from major roads' and also 'safer areas to walk cycle and ride'.

In this same document at 3.2.10 regarding 'conflict between users of rights of way' the Council states that 'any developments to the network must take account of these potential conflicts and be planned accordingly'. To summarise, the BHS recognises that national planning policy is supportive of agricultural development in general terms, however, the BHS is also keen that the Local Planning Authority should advocate and recognise, through its planning decisions, the importance of safeguarding the functional utility of Herefordshire's existing bridleway network as encouraged by the Council's own Rights of Way Policy, so that the enjoyment of rural bridleway routes by horse riders is not affected by the pressure of development.

5.3 Ramblers Association

I have no objection to this application as the storage building does not appear to have any impact on Cradley Bridleway 68A.

5.4 Eight local residents objected to the scheme, some objectors wrote in with further comments, below is the summary of the points raised:

- Loss of the ancient woodland needs to be considered
- Trees have been felled for the barn yet on the application form it states that there haven't been
- There appears to be little or no woodland management on site yet it is stating forestry use
- The building size of 172sq m is in excess of the requirements for the size of the area of land
- The design of the barn should be questioned, it does not look like storage for hay/machinery and implements but more ready for residential conversion
- The 4.2 ha is rough pasture interspersed with woodland, this area cannot sustain agricultural activity to justify the building size
- The building is obtrusive to the local landscape in terms of size and height
- Design is out of character for the location within the AONB
- Will impact upon residential amenity of neighbouring properties
- Upper level window on the gable end overlooks our property
- It appears the site could be used more for commercial use than agricultural
- No agricultural / forestry work has taken place on site since before 2011
- Site was used in 2017 for storing plant machinery
- Any commercial activity will have a noise impact upon the local area
- There are errors within the application form
- Application states one full time employee, however there is currently no business on site
- Highway safety is an issue with the additional traffic that has been arising
- There is no agricultural / forestry justification for the barn
- The applicant has never cut hay so confused over the hay storage element
- The applicant runs a plant hire business nearby and fears are that this is additional storage for the company
- The doorway to the barn is only 3 metres which is restrictive for modern machinery
- Impact upon the AONB
- Impact upon biodiversity
- The applicant and agent stated on a site visit for the PC that the site was to be used to store machinery for his business, this is now minuted and part of public record

5.5 The consultation responses can be viewed on the Council's website by using the following link:-

https://www.herefordshire.gov.uk/info/200142/planning_services/planning_application_search/details?id=180573&search=180573

Internet access is available at the Council's Customer Service Centres:-

<https://www.herefordshire.gov.uk/government-citizens-and-rights/customer-services-enquiries/contact-details?q=customer&type=suggestedpage>

6. Officer's Appraisal

Policy context and Principle of Development

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states as follows:
"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."
- 6.2 In this instance the adopted development plan is the Herefordshire Local Plan – Core Strategy (CS) and the 'made' Cradley Neighbourhood Development Plan (NDP). The NPPF is also as significant material planning consideration.
- 6.3 The provision of agricultural buildings in the countryside is generally a type of development that will be accepted as a matter of principle. The key matters to be considered will usually be the likely landscape and ecological impacts of development and these are crucial to the determination of this proposal. In addition, the use of the building is an important consideration, particularly in the context of the area of land that it is intended to serve and the objections that have been received. Notwithstanding, the applicant has advised that it is to be used for the storage of agricultural and forestry machinery and for the drying of timber.

Landscape impact and impact of the AONB

- 6.4 Policy LD1 of the Core Strategy requires that development proposals should demonstrate that the character of the landscape has positively influenced the design, scale, nature and site selection of the development. With particular reference to AONBs, it requires that development proposals should conserve and enhance them. Policy CNDP5 of the NDP makes specific reference to the Malvern Hills AONB and reinforces the thrust of LD1 in saying that:
- Within the AONB, development will be supported where it does not adversely affect the intrinsic natural beauty of the landscape and is necessary to promote the economic and social well-being of the designated area and their communities and enhance the quality of the landscape or biodiversity.*
- 6.5 In this case the site is located in a natural depression in the landscape, surrounded by woodland trees. The land rises steeply to the north and I am satisfied that the proposal has been influenced by the landscape character; particularly in terms of the siting of the building. In this regard the proposal complies with Policy LD1 of the Core Strategy.
- 6.6 The location of the building also ensures that it does not have a demonstrable landscape impact. Having visited the site I find that it is not visually prominent within a wider context and cannot be seen from either of the public bridleways referred to in the site description. This is due to a combination of topography; with the building located in a natural depression as stated previously, and the presence of existing woodland.
- 6.7 Notwithstanding the concerns raised by local residents, I do not consider that the building gives rise to a demonstrable detrimental landscape impact. It is not visually prominent and utilises the existing topography and woodland to mitigate its effects. Accordingly I do not consider that the scheme adversely affects the AONB and am satisfied that the proposal accords with Policy LD1 of the Core Strategy and CNDP5 of the Cradley NDP.

Ecological impacts

- 6.8 As noted earlier, the site is also located within a SWS and the NDP usefully also includes a policy that refers specifically to such areas (CNDP6). It advises that proposals that harm conservation value will not be supported unless appropriate mitigation is provided. The policy reads as follows:

Further information on the subject of this report is available from Mr A Banks on 01432 383085

The extent of a Local Wildlife Site is defined on the Cradley village Policies Policy Map. Development proposals which could directly or indirectly affect this site will not be supported unless it can be demonstrated that there would be no harm to the substantive nature conservation value of the site, or that appropriate mitigation and compensatory measures can be taken, or that the reasons for the development clearly outweigh the need to safeguard the nature conservation value of the site.

- 6.9 Policy LD2 of the Core Strategy is also of relevance in that proposals should conserve, restore and enhance biodiversity assets.
- 6.10 The council's ecologist has commented on the scheme and advises that, as the scheme is retrospective, any ecological harm that might have been identified has already taken place. Notwithstanding, and in the words of Policy CNDP6, I do not consider that the development has given rise to harm that would have a detrimental impact on the substantive nature conservation value of the site; in this case Mallins Wood. In the absence of any demonstrable harm I find no conflict with either Policy LD2 of the Core Strategy or CNDP6 of the Cradley NDP.

Use of the building

- 6.11 The letters of representation submitted in response to the public consultation suggest that the building is to be used in connection with the applicant's plant hire business and not for agricultural and forestry purposes. They also suggest that the land has not been actively managed in the time that the applicant has owned the land and that the building is not commensurate with the requirements to manage the 4.2 hectare holding.
- 6.12 Whilst photographs submitted by some objectors would appear to show plant hire vehicles going to and from the building in the past, I did not encounter any such use during my site visit and it does not appear to me that the building has been used for such purposes recently. The building is still partially complete, does not have a floor and is open at the far gable end:
- 6.13 As will be noted from an earlier section of this report, the council has previously accepted that a building was reasonably necessary to serve the land. The 2013 prior approval was for a slightly larger building than the one that has actually been built, albeit that the plans showed that it was to serve a marginally larger piece of land; 5.66 ha as opposed to 4.2 ha. Whilst there is a reduction in the area of land served by the building, I do not consider this to be so significant to lead the council to an entirely different conclusion now. Furthermore, at 168 square metres the building is not unduly large in the context of the land holding. I therefore conclude that the building is reasonably necessary.
- 6.14 With specific regard to use, the applicant's agent has been asked to confirm this and he has advised that the building is intended for agricultural / forestry use, and referred to the description of the development given on the application form. He has also confirmed that his client is content for a condition to be imposed on any planning permission to reflect this and ensure that the building will only be used for purposes associated with the holding as shown on the plans submitted.
- 6.15 Concerns relating to highway safety and the intensification in use of Batchcombe Lane are based on the presumption that the building will be used for plant hire. Assuming that it will be used for the purpose applied for I do not consider that there will be increased traffic movement along Batchcombe Lane to warrant the refusal of the application. On this basis I do not consider it to be reasonable to withhold permission on the assumption that the applicant will use the building in connection with his plant hire business.

Residential Amenity

- 6.16 Some local residents have expressed concerns that the building includes a high level window in its west facing gable end and that its inclusion will give rise to a loss of privacy to their properties.
- 6.17 The building is over 200 metres away from the closest property (Batchcombe Farm) and over 250 metres from Batchcombe Mill and its associated buildings. Notwithstanding the fact that the plans do not show a first floor in the building, the distance between buildings and the topography are such that the proposal will not cause any demonstrable loss of residential amenity. I am therefore satisfied that the scheme is compliant with Policy SD1 of the Core Strategy in this regard.

Planning Balance and Conclusions

- 6.19 The principle of there being a building to be used for agricultural and forestry purposes to serve the land has previously been accepted. Whilst the area of land now served is reduced, it is not considered that this is so significant as to lead to a different conclusion.
- 6.20 The site is discreetly located and the proposal does not cause demonstrable harm to the setting of the AONB or the surrounding area. Again the Council previously accepted that the erection of a similarly sized building in the same location was acceptable in terms of landscape impact and there has been no change in circumstances to lead to a different conclusion.
- 6.21 Whilst the concerns raised about the use of the building are acknowledged, this can be readily addressed through the imposition of an appropriately worded planning condition. The scheme does not give rise to any demonstrable loss of residential amenity to nearby properties and will not result in an unacceptable increase in vehicle movements along Batchcombe Lane. There are no other matters of such weight to warrant the refusal of the application and on this basis the recommendation is for approval.

RECOMMENDATION

That planning permission be granted subject to the following conditions and any other conditions considered necessary by officers named in the scheme of delegation to officers:

- 1. C06 - Development in accordance with the approved plans**
- 2. The building hereby approved shall only be used for agricultural and forestry as defined by Section 336 of the Town & Country Planning Act 1990 only for purposes in connection with the land holding as shown on the approved location plan 598/01 and for no other purpose.**

Reason: In order to define the terms of this permission, in the interest of local amenity and to comply with Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.

INFORMATIVE:

- 1. IP1 – Standard informative.**

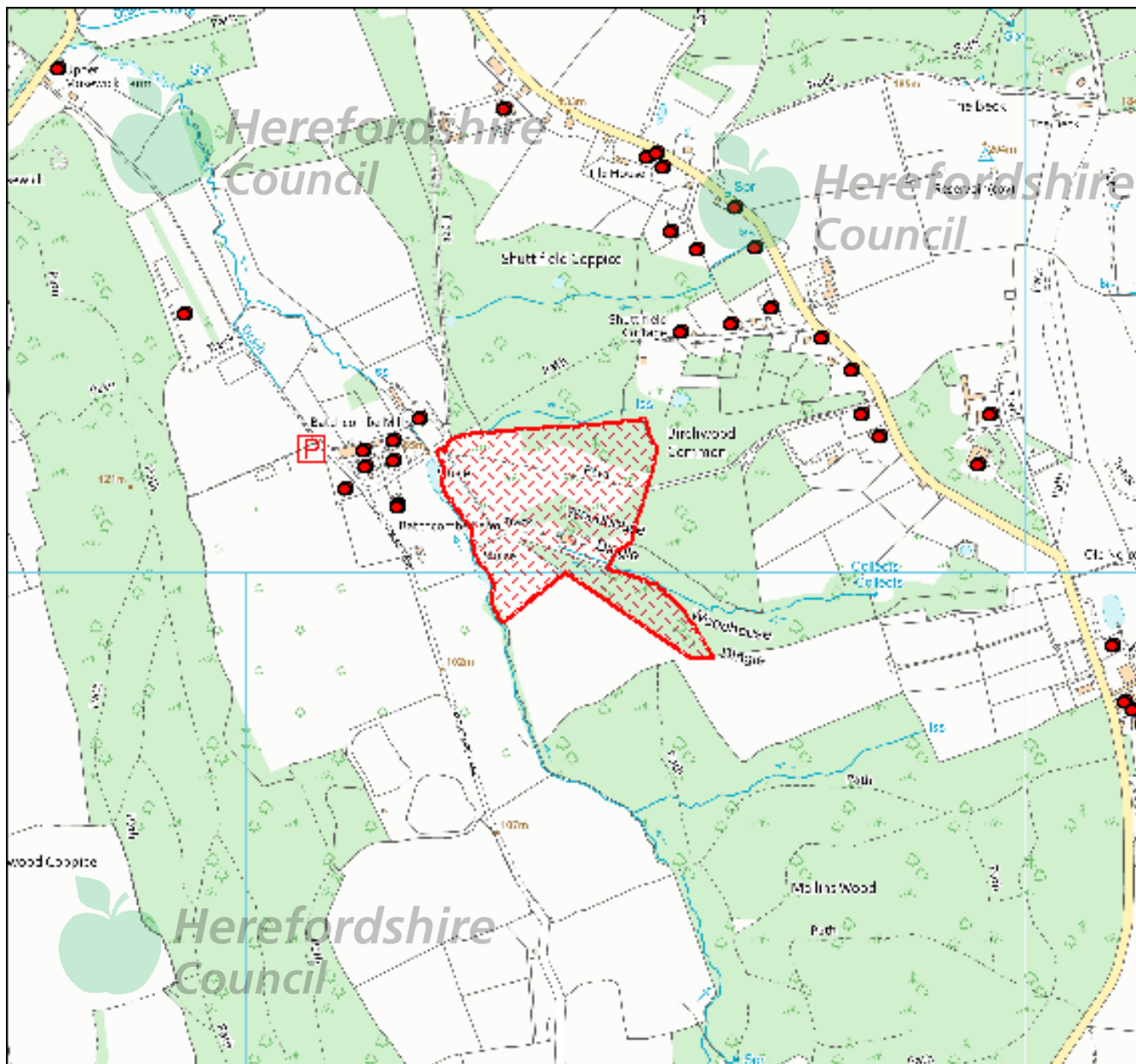
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: 180573

SITE ADDRESS : LAND AT SHUTTFIELD COPPICE, STORRIDGE, MALVERN, WORCESTERSHIRE

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