



Report to Planning Committee 18 January 2024

Business Manager Lead: Lisa Hughes – Planning Development

Lead Officer: Ellie Sillah, Planner (Development Management), ext. 5267

Report Summary			
Application Number	23/00584/FUL		
Proposal	Rebuilding and replacement of existing barns, sheds and outbuildings for agricultural use, following demolition (Retrospective)		
Location	The Rhymes, Carlton Lane, Sutton On Trent, NG23 6PH		
Applicant	Mr & Mrs A Henson	Agent	Studio-G Architecture LLP Mr Ricky Maynard
Web Link	23/00584/FUL Rebuilding and replacement of existing barns, sheds and outbuildings for agricultural use, following demolition (Retrospective) The Rhymes Carlton Lane Sutton On Trent NG23 6PH (newark-sherwooddc.gov.uk)		
Registered	28.04.2023	Target Date	23.06.2023
Recommendation	Approve, subject to the conditions in Section 10.0		

In line with the Council’s Scheme of Delegation, Cllr Michael has requested the application be referred to the planning committee for consideration for the following reasons:

1. Design Grounds.
2. Inappropriate Building.
3. Uncharacteristic of a farm building.

1.0 The Site

The application site is situated off Carlton Lane, to the south of Sutton on Trent, and is accessed via a single width track, within the open countryside. The red outline of the site as submitted includes the access to the public highway, the building, and the courtyard area, that are the subject of the application (largely built already) and a small area around the building. The blue outline indicating other land owned by the applicant includes the dwelling

(The Rhymes), an attached converted garage that is used for a catering business (approved under a previous application), an L-shaped brick stable building, and agricultural land.

The site has the following constraints:

- Flood Zones 2 and 3

2.0 Relevant Planning History

22/01955/AGR Application for prior approval for new agricultural store. Prior Approval Not Required (Not commenced). (The location of the proposed building is outside of the red line of the current application but within the blue line of the wider site owned by the applicants.)

22/01685/FUL Change of use of private garage for business use, including food preparation area for food to be consumed off site (retrospective) Approved

(The location of the building is outside of the red outline of the site but within the wider site owned by the applicant.)

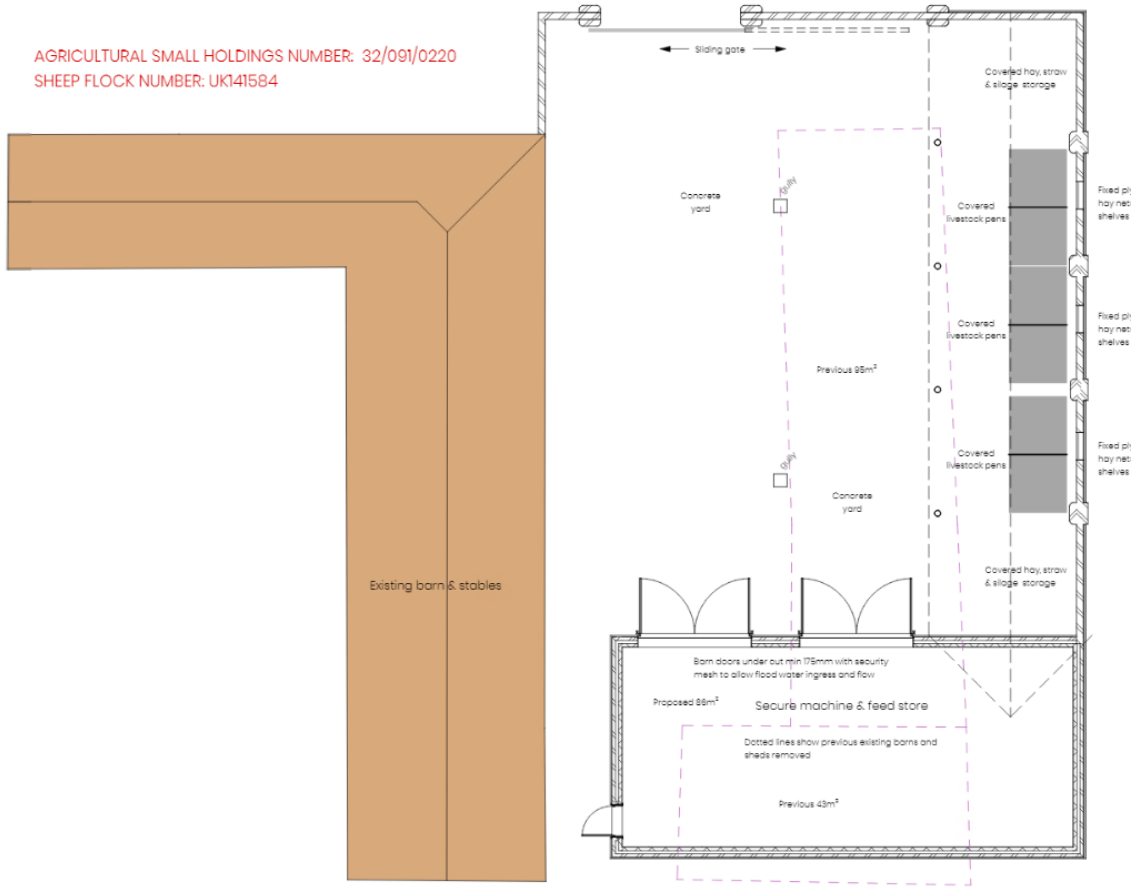
3.0 The Proposal

The proposal is for the demolition of existing outbuildings and the construction of an L-shaped brick barn in its place. The application is part retrospective. The original buildings have been removed and the construction of the new building is well underway. Construction work has been halted due to an enforcement case as the development does not benefit from planning permission. The application is therefore part retrospective and has been submitted following the enforcement case that remains ongoing.

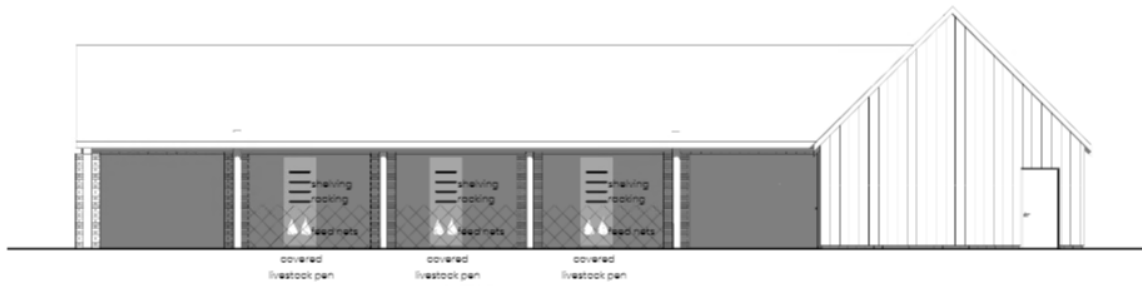
The proposed barn comprises an enclosed section and an open fronted section to create an L-shape, both facing into a courtyard area which would have a concrete surface. The enclosed section measures approximately 14.64m in width, 6.97m in depth, 2.62m to the eaves and 6.43m to the ridge with a pitched roof. The walls are clad in black corrugated metal and the elevation facing into the courtyard is red brick. The roof is covered in slate coloured tiles. The open fronted section measures 19.41m in width, 4.72m in depth, 2.62m to the eaves and 5.36m to the ridge.

Due to concerns with the practicality of the design for agricultural use, as well as concerns raised by the Environment Agency in relation to flood risk, the plans have been revised throughout the lifetime of the application. Notwithstanding the retrospective nature of the application, it is the proposed plans that are being assessed, rather than what has been constructed on site to date. The most up to date revision is drawing number 0004 REV P4. For clarity the revised plans are shown below (the drawings can be scaled accurately online):

AGRICULTURAL SMALL HOLDINGS NUMBER: 32/091/0220
 SHEEP FLOCK NUMBER: UK141584

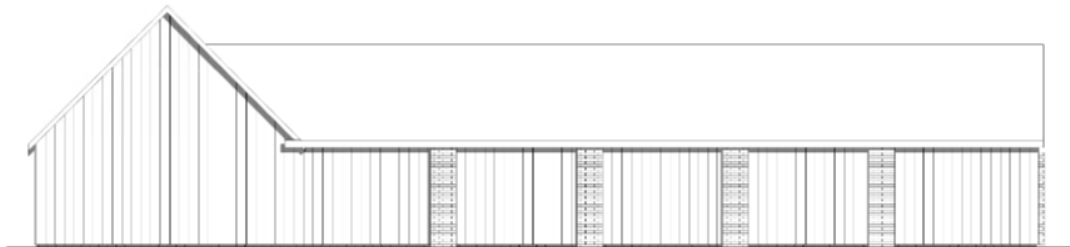


Proposed Ground Floor Plan



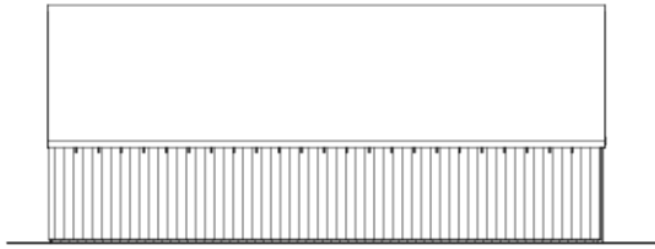
Courtyard Elevation

1:100



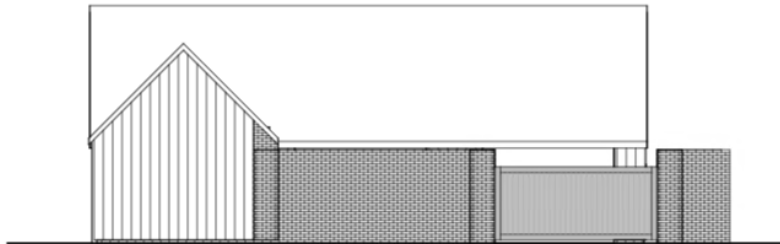
Field Elevation

1:100



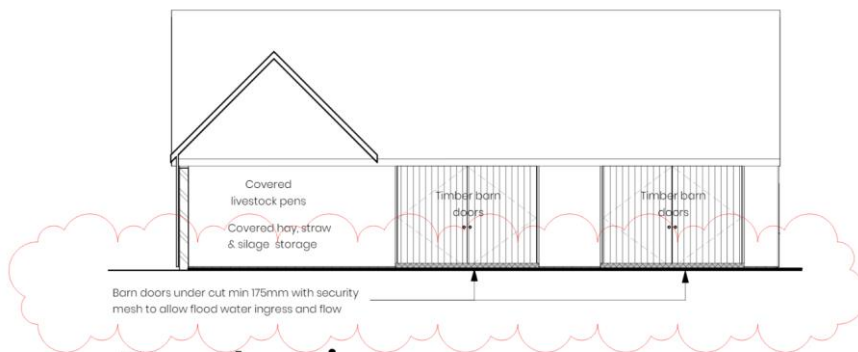
South Elevation

1:100



North Elevation

1:100



Barn Elevation

1:100

Submitted Documents (Superseded documents are not included within the list below)

- 0002 P1 Existing Plans received 31st March 2023
- 0003 P1 Existing Elevations received 31st March 2023
- 0001 P1 Site Location Plan received 31st March 2023
- 0005 P1 Proposed Block Plan received 31st March 2023
- Planning Statement received 31st July 2023
- 0004 REV P4 Proposed Plans and Elevations received 25th October 2023
- Flood Risk Assessment Part 1 received 25th October 2023
- Flood Risk Assessment Part 2 received 25th October 2023

4.0 Departure/Public Advertisement Procedure

Occupiers of 9 properties have been individually notified by letter. A site notice has also been displayed near to the site.

Site visit undertaken on 31.5.23.

5.0 Planning Policy Framework

Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)

Spatial Policy 1 - Settlement Hierarchy
Spatial Policy 2 - Spatial Distribution of Growth
Spatial Policy 3 – Rural Areas
Spatial Policy 7 - Sustainable Transport
Core Policy 9 -Sustainable Design
Core Policy 10 – Climate Change
Core Policy 13 – Landscape Character

Allocations & Development Management DPD

DM5 – Design
DM8 – Development in the Open Countryside

Other Material Planning Considerations

National Planning Policy Framework 2023
Planning Practice Guidance (online resource)
National Design Guide – Planning practice guidance for beautiful, enduring and successful places September 2019

6.0 Consultations and Representations

NB: Comments below are provided in summary - for comments in full please see the online planning file.

(a) Consultations

Environmental Agency comments (on the latest revised plans ref 0004 REV P4)

Environment Agency position

The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if the following planning condition is included.

Condition

The development shall be carried out in accordance with the submitted flood risk assessment (ref TRST-BSP-XX-XX-T-W-0001-P04_Flood_Risk_Assessment, revision P04, dated 24th October

2023 and compiled by BSP Consulting) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 7.79 metres above Ordnance Datum (AOD) as detailed within Section 4.1.2 of the report.
- A water entry strategy shall be provided through the addition of a 6700mm x 175mm security mesh panels as the base of the two pairs of timber barn doors to allow the flow of water during a flood event. This is detailed within Section 4.1.3 and on the plan and elevation details within Appendix B of the report.

These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reasons

- To reduce the risk of flooding to the proposed development and future occupants
- To prevent flooding elsewhere by ensuring that floodplain volume is not lost during a flood event.

(b) Parish Council

'After discussion, it was AGREED that objection be raised to this application on the grounds of the increase in footprint by 32%, which was much larger than the original building.

Concern was also raised around the stated use of the buildings as agricultural. In the event that planning permission was granted, the Parish Council would wish to see a condition included that the buildings only be used for agricultural purposes.'

(c) Representations

7 representations have been received from third parties/local residents. The points raised are summarised as follows:

- Clarity sought that the building will be used for agriculture – or is it for use for food preparation as the initial change of use application?
- Objection to any building that would increase traffic on Carlton Lane
- Assume the building is for a wedding venue – if this is the case then I would strongly object due to poor condition of the lane and width not wide enough for additional traffic – in favour of building and land remaining agricultural.
- Concerns over retrospective nature – hard to believe not applying for planning permission was a mistake.
- Application states extra space needed to increase number of sheep – ratio should be 6 sheep to 1 acre. The Rhymes has 7 acres so where will an extra 102 graze?
- No provision in application for dealing with the waste sheep produce.
- Concerns over potential wedding venue
- White Marquee seen on site and 'trial run' of double decker bus down lane.
- Support for new agricultural barn

7.0 Comments of the Business Manager – Planning Development

The key issues are:

1. Principle of development
2. Flood Risk
3. Impact on the Character of the Area
4. Impact on Residential Amenity
5. Impact on Highways

The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

Principle of Development

The proposal is for a replacement agricultural building within in the open countryside. The wider site comprises a detached dwelling, a garage that has been converted for a catering business use (under planning application reference 22/01685/FUL), a stable, and agricultural land. The application is part retrospective. An L-shaped range of timber buildings has been removed and a brick and metal clad barn has been constructed in its place, albeit on a larger footprint. It should be noted that the retrospective nature of the application does not alter the assessment process of the application which should be assessed in the same way as a proposed development.

The site is within the open countryside and is confined to a small area of a wider site owned by the applicant, outlined in blue on the site location plan, comprising approximately 7.1ha of land.

In accordance with the requirements of Spatial Policy 3 (Rural Areas), development away from the main built-up areas of villages, in the open countryside, will be strictly controlled and limited to certain types of development through Policy DM8 (Development in the Open Countryside) of the Allocations and Development Management DPD.

Policy DM8 strictly controls development within the open countryside however does support agricultural development subject to a need for the development, it's siting and scale in relation to the use it is intended to serve.

The supporting text for Policy DM8 states in paragraph 7.37 that many proposals for agricultural development will be dealt with under the prior approval procedure but those that are not will consequently often be large or intensive and therefore have the potential for visual or environmental impact. Whilst it is accepted that a degree of impact is inevitable, in order to minimise this, the scale of proposals should be limited to that necessary to sustain the operation it is intended to serve. To allow the Council to balance the agricultural need against visual impact, applications should be accompanied by an explanation of the operational requirements for the development. Development should be sited and designed

to complement existing development wherever possible and minimise its impact on the surrounding countryside.

The building subject to this application cannot be considered under the prior approval process as construction has already commenced.

Given the above, subject to sufficient information to justify a need for the proposed agricultural building, its siting and scale, the development is acceptable in principle, in accordance with DM8. This is discussed below.

Justification for Agricultural Need

The definition provided in the Town and Country Planning Act 1990 (as amended) for “agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly.

The applicant’s Agricultural Small Holdings Number and Sheep Flock Number have been provided. Grazing sheep on the land is an agricultural use, however the acceptability of the proposed building in accordance with Policy DM8 is whether there is a justified need for the building itself.

Further information regarding the agricultural need has been sought during the lifetime of the application. The most recent Planning Statement provides that the building is required for the storage of the applicant’s machinery, livestock pens, hay and straw. Invoices from ‘Farmstar’ have also been provided of recent equipment purchases in relation to the keeping of sheep, as well as photos of the sheep in situ, and photos of haybales on site. A list of machinery and equipment that would be stored in the building includes a large trailer, trimmers, feeding barrels, industrial chainsaw, 2 sit down mowers and a buggy to transport feed over the land. Invoices of gates and fencing for field enclosures have also been provided. The plans have been revised with annotations to make it clearer as to what each section of the building would be used for. The annotations include:

- ‘Covered livestock pens’
- ‘Fixed ply panel for hay nets, feeders, shelves racking’
- ‘Covered hay, straw & silage storage’
- ‘Secure machine & feed store’
- ‘Concrete yard’

Concerns have been raised by local residents that the building is not intended for genuine agricultural use. The design of the building does not have a typical modern agricultural appearance however, the changes to the plans, and the information submitted supports the need for the proposed agricultural use.

In a recent appeal decision (APP/B3030/W/22/3313346), similar concerns were raised regarding the use of the building subject of the appeal which was proposed for agricultural use. The appeal was allowed and in relation to this issue the appeal decision states: *'I note the representations of third parties raising concerns as to the possible alternative intentions of the appellant. However, as conjecture that is unsupported by any substantive evidence, this is not a matter for the appeal.'*

Given the above, the application should be assessed based on the submitted information unless there is strong evidence to suggest otherwise.

The concerns raised are largely related to the fact that the applicants have previously used their land to site a marquee to hold events. This has been done under permitted development rights that allow land to be temporarily used for another use for a certain number of days a year, subject to conditions set out in the General Permitted Development Order 2015 (England) as amended. This permitted development right does not extend to the use of buildings therefore if permission is granted, the building could only be used for the purpose applied for – agricultural use. As such, the concerns raised should not hold weight in the decision making process. If the applicants chose to apply for a wedding venue on the site at a later date, the application would be subject to the relevant policies at the time of the application. If the building were used for any other purpose other than agricultural, this would not accord with the permission, and enforcement action could be taken by the Council.

Taking into consideration all of the above, based on the information provided, the agricultural need for the building is justified.

Siting and Scale

In terms of siting, the building is immediately adjacent to the existing stable building. The Planning Statement provides that this is for easy access to the fields and within close proximity of the dwelling to ensure that from a crime prevention point of view, any unauthorised activity can be monitored effectively. In addition, the building is in place of previous existing buildings. The location adjacent to the existing buildings would minimise any visual impact within the wider landscape.

The scale of the building is larger than the buildings that were previously in situ, however in the context of agricultural buildings the scale is not excessive.

Given the above, the siting and scale of the building is justified.

Replacement of Non-Residential Buildings

DM8 also supports the replacement of non-residential buildings where they are related to established uses or proposed uses enabled by other criteria of the policy. Proposals will need to demonstrate that the buildings to be replaced originated from a permanent design and construction, are not of architectural or historical merit, have not been abandoned and are not suitable for conversion to other uses. The replacement building should be located within the curtilage of the site it is intended to serve.

The image below is included as part of the Planning Statement and shows the buildings that were previous in situ.

2.2 The Rhymes comprises of a small group of buildings detailed on the aerial image below, Figure 1.



Figure 1 – Aerial Image of The Rhymes

Although the principle of development does not rely on compliance with this part of DM8, it is considered that the buildings were of permanent design and construction and were not of architectural or historical merit. The replacement building is in the same location albeit on a larger footprint, and the location is within the curtilage of the site it intends to serve. The proposed use is for agriculture, which complies with another use enabled by DM8. As such, it is considered that the proposal also complies with DM8 as the replacement of non-residential buildings.

Fallback Position

It is noted that the applicants have a recent approval under the prior notification procedure for a larger agricultural building elsewhere on the wider site for the same use as what is currently proposed. The prior approval has not been implemented to date, however remains extant until 07.10.2027 (the development would need to be completed by this date). In relation to this, the submitted Planning Statement states at paragraph 6.1:

The Council have accepted that there is an agricultural need on site when considering Prior Notification ref: 22/01955/AGR. The Applicants are not intending to erect that building should this application be approved.

Notwithstanding the above, the building approved under 22/01955/AGR could still be implemented in addition to the building subject of this application, but only in the instance where it is reasonably necessary for the purposes of agriculture within that unit. Otherwise, the building would no longer meet the initial qualifying criteria of Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015. Prior approval does not grant planning permission in the same sense as a full planning application. Regardless of any decision the Council makes on Prior Notification applications, the development would still need to comply with the criteria set out in Schedule 2 Part 6 to constitute permitted development. This is set out on the decision notice for 22/01955/AGR by the following informative:

This decision relates solely to the determination as to whether the proposed development meets the definitional requirements of Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 and whether prior approval of the authority is required in relation to the siting, design and appearance of agricultural building only. The applicant is reminded that development is permitted by Class A must be reasonably necessary for the purposes of agriculture within that unit. To confirm, the lawfulness of the proposed development has not been formally considered. The applicant is advised to submit an application for a Certificate of Lawfulness, should a formal decision be required for this.

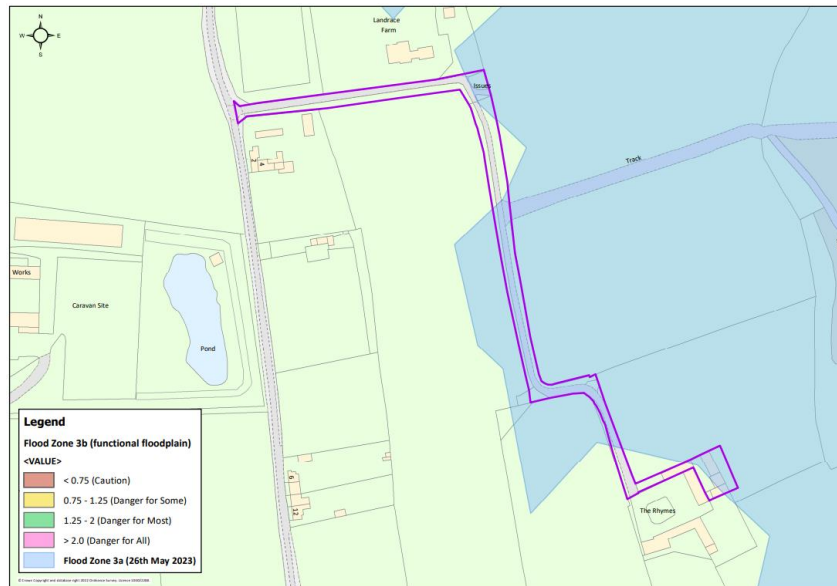
As such, unless the applicants were to significantly increase the scale of their agricultural enterprise, it is unlikely that the additional building would be reasonably necessary for agricultural use in addition to the building proposed. Given the applicants have confirmed that there is no intention to build both buildings, and the Planning Statement talks about the prior approval as more of a fallback position, it is not considered that the possibility of the applicant constructing both buildings should be a reason to refuse the application.

In addition to the above, the prior notification application was approved before the removal of the buildings that were previously in situ on the current application site. Therefore, given that the proposed building is a replacement of previous buildings, the cumulative impact of the proposed building and the building approved under 22/01955/AGR would not necessarily be unacceptable in terms of visual impact as the scale of the replacement building is not significantly larger than the previous buildings on site (in the instance that there was a genuine agricultural need).

In any case, it is considered that the proposed building would result in less visual impact than the larger building approved under 22/01955/AGR therefore would have less impact than the fallback position.

Flood Risk

The site falls within Flood Zones 2 and 3a. The majority of the proposed building is located within Flood Zone 3a as shown on the flood map below. (The map shows the previous buildings in situ.)



In accordance with Core Policy 10 of the Amended Core Strategy, Policy DM5 of the Allocations and Development Management DPD, and Part 14 of the NPPF, a sequential test is required to establish if an alternative site would be suitable and reasonably available for the same (or similar) development elsewhere within the district within an area at lower risk of flooding. The purpose of the sequential test is to steer new development away from areas at high risk of flooding.

No sequential test has been submitted on the basis that the building is a replacement.

The sequential test is usually applied across the whole district. However, given that the proposed building is required in association with the existing land and is for the replacement of buildings, it is not considered that the proposed development could be accommodated elsewhere in the district.

The building (albeit larger in scale) is proposed in place of the previous buildings which were also in Flood Zone 3a. Therefore, despite the increase in footprint from the previous buildings, it is considered that the principle of a building in this position is acceptable and therefore the sequential test is passed.

In terms of the exception test, buildings for agriculture are classed as 'less vulnerable' and in accordance with Table 2: Flood risk vulnerability and flood zone 'incompatibility' of the PPG, the exception test is not required for this type of development in Flood Zone 3a.

An objection was initially raised from the Environment Agency, requiring a revised flood risk assessment. This was submitted along with revised plans and the EA were reconsulted. Based on the most recent revision, which includes gaps under the doors to allow water into the building in the event of a flood, the EA no longer object to the application subject to a condition (noted in the consultee section of this report) which if the application is approved, could be attached.

Considering the above, subject to the condition requested by the Environment Agency, the proposed building would not result in a greater risk of flooding for the occupants of The

Rhymes, or within the surrounding area, and the proposal is acceptable in relation to flood risk.

Impact on Visual Amenity and the Character of the Area

Core Policy 9 (Sustainable Design) seeks to achieve a high standard of sustainable design which is appropriate in its form and scale to its context, complementing the existing built and landscape environment.

Core Policy 13 (Landscape Character) seeks to secure new development which positively addresses the implications of relevant landscape Policy Zone(s) (set out in the Landscape Character Assessment SPD) that is consistent with the landscape conservation and enhancement aims for the area, ensuring that landscapes, including valued landscapes, have been protected and enhanced.

Policy DM5 (Design) of the Allocations and Development Management DPD seeks to ensure that the rich local distinctiveness of the District's landscape and character of built form is reflected in the scale, form, mass, layout, design, materials and detailing of proposals for new development.

Section 12 of the NPPF (Achieving Well Designed Spaces) paragraph 130 states inter-alia that development should be visually attractive as a result of good architecture, should be sympathetic to local character and history, and should maintain or establish a strong sense of place.

Section 15 of the NPPF seeks to conserve and enhance the natural environment. Paragraph 174 requires planning decisions to recognise the intrinsic beauty of the countryside.

The site falls within the Trent Washlands landscape character area (TW PZ 18) as identified in the Landscape Character Assessment SPD. Characteristics include a flat low lying landscape, medium scale fields in arable production, smaller fields of pasture around villages, red brick and pantile roofed villages, and narrow lanes enclosed by mixed species hedgerow. The condition is defined as 'moderate'. The proposed actions for the area are to 'conserve and create'.

Given that the building would be in place of previous buildings and would be sited next to the existing stable, plus would facilitate an agricultural use of the surrounding land, the proposal would conserve the landscape character of the area.

The building would only be viewed within the context of the site and is sited adjacent to the existing stable buildings. The L-shaped form of the building is similar to the buildings that were previously in situ, albeit on a larger scale. The materials used in the new building reflect the character of the stables (red brick, slate coloured tiles). The black metal cladding on the external elevations has an agricultural appearance, as do the double timber doors to the enclosed section.

Although not typical of a modern agricultural building, the design is considered appropriate for its context. Its siting, next to the existing buildings, and single storey scale would minimise

its visual impact within the open countryside and wider landscape. The building therefore would not result in a detrimental impact on the character of the wider area, or the character of the adjacent dwelling and buildings, in accordance with Core Policies 9 and 13, DM5, and Parts 12 and 15 of the NPPF.

Impact upon Residential Amenity

In relation to amenity, Policy DM5 states that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. Development proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact. Proposals resulting in the loss of amenity space will require justification.

There are no neighbouring dwellings close by. As such there are no concerns in relation to overbearing impact, loss of light or loss of privacy. The existing stable building would be between the new building and the host dwelling. There would be no loss of amenity space for The Rhymes.

Considering the above, the single storey scale of the building, and the previous buildings in the same location, the proposed building would not have a detrimental impact on amenity for the occupiers of the dwelling or neighbouring occupants.

Impact upon Highway Safety

Spatial Policy 7 of the Core Strategy seeks to ensure that vehicular traffic generated does not create parking or traffic problems. Policy DM5 of the DPD requires the provision of safe access to new development and appropriate parking provision.

Paragraph 111 of the NPPF states development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

The building would be used for agricultural purposes including the storage of machinery, feed, hay and livestock pens. The buildings would not result in an increase in vehicular movements to and from the site and would not alter the existing access or parking arrangements.

Given the above there are no concerns that the proposal would result in a detrimental impact on highways safety.

Other Matters

One comment has been received stating no information regarding how sheep waste would be dealt with has been provided. The proposal, although associated with the keeping of sheep on the wider site, is for the agricultural building. Sheep could be kept on the site without the need for a planning application therefore this information is not required as part of the planning application.

Another comment requests clarity over the proposed use of the building and refers to a previous application for the change of use to a catering business. The previous application was in relation to a different building on the site and that permission has been implemented and is not related to the proposed agricultural use.

The 'trial run' of the double decker bus mentioned in comments is not related to the proposed development. Therefore, this should not be a consideration for the proposed building.

Comments have been received by local residents with concerns that the building proposed is intended to be used for a wedding venue. The applicants have a catering business on the site which was granted permission under planning permission ref 22/01685/FUL. The applicants have held weddings on the site in a marquee which can be done a certain number of times per year on land providing the use complies with the conditions set out in The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). If approved, the building could not be used as a wedding venue and an appropriately worded condition can be attached for the avoidance of doubt. A wedding venue would be a material change of use from what has been applied for and it should be noted that the permitted development rights for temporary uses do not apply to buildings, only land, therefore there would be no option to use the building as a wedding venue without a separate planning permission. If the building was used for any other purpose other than what has been applied for and approved, enforcement action can be taken by the Local Planning Authority. Based on the information that has been submitted to date, it is accepted that the building would be used for agriculture.

Because the application is part retrospective, no commencement condition is necessary. However, because the revised plans require changes to be made to what has been constructed, it is considered reasonable to attach a condition that requires the completion of the building to be in accordance with the plans within 6 months of this decision.

8.0 Implications

In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

9.0 Planning Balance and Conclusion

Further to the above assessment, it is considered that the principle of an agricultural building in this location is in accordance with policy DM8 of the Allocations and Development Management DPD. In addition, the principle of buildings in this location is established by the previous buildings that have been replaced by the new building. Revisions and additional information have been submitted throughout the lifetime of the application to further justify the need for the agricultural building and it is accepted that the information provided is sufficient to demonstrate a need for the building.

In terms of the siting and scale, the building and courtyard would replace previous timber buildings that were similar in footprint and position, albeit the proposed building is larger.

The building and courtyard would be adjacent to the existing stable building therefore viewed in context with the other buildings on site as opposed to being sited in an isolated position. It is considered that the design and siting accords with Core Policies 9 and 13, Policy DM5, and Parts 12 and 15 of the NPPF.

There are no concerns that the proposal would have a negative impact on residential amenity considering the separation distances to neighbouring dwellings.

There are no concerns regarding highways safety, as the proposal would not impact the existing access or parking arrangements, nor would it increase the number of vehicular movements to and from the site.

In terms of flood risk, it is concluded that the principle of a building in this position is already established therefore the sequential test is passed. In addition, the proposal would not introduce a more vulnerable use and design features have been incorporated to address concerns raised by the Environment Agency. This can be secured by condition. The wording of the suggested condition by the Environment Agency has been amended to include 'These mitigation measures shall be fully implemented prior to first use of the building or within 6 months of the date of this decision, whichever comes first' in place of '*These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/phasing arrangements*' due to the retrospective nature and of the application, and the proposed use (as it would not be 'occupied') and to ensure the condition complies with the tests in the NPPF.

In summary, the proposal for an agricultural building is acceptable and in accordance with the Development Plan when read as a whole, and the NPPF. The recommendation therefore is to approve the application subject to conditions.

As the development has already commenced, a condition requiring the completion of the development in accordance with the approved plans within 6 months of the date of the decision is considered reasonable.

10.0 Conditions

01

The approved building shall be completed in accordance with the approved plans listed below, within 6 months of the date of this decision.

- 0001 P1 Site Location Plan received 31st March 2023
- 0005 P1 Proposed Block Plan received 31st March 2023
- 0004 REV P4 Proposed Plans and Elevations received 25th October 2023

Reason: To define this permission and to ensure the development is completed in accordance with the approved plans.

02

The development shall be carried out in accordance with the submitted flood risk assessment (ref TRST-BSP-XX-XX-T-W-0001-P04_Flood_Risk_Assessment, revision P04, dated 24th October 2023 and compiled by BSP Consulting) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 7.79 metres above Ordnance Datum (AOD) as detailed within Section 4.1.2 of the report.
- A water entry strategy shall be provided through the addition of a 6700mm x 175mm security mesh panels as the base of the two pairs of timber barn doors to allow the flow of water during a flood event. This is detailed within Section 4.1.3 and on the plan and elevation details within Appendix B of the report.

These mitigation measures shall be fully implemented prior to first use of the building or within 6 months of the date of this decision, whichever comes first. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding elsewhere by ensuring that floodplain volume is not lost during a flood event.

03

The development hereby approved shall be used for agricultural purposes only and for no other use at any time.

Reason: For the avoidance of doubt and to define this permission.

Informatives

01

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at www.newark-sherwooddc.gov.uk/cil/

The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the development type proposed is zero rated in this location.

02

This application has been the subject of discussions during the application process to ensure that the proposal is acceptable. The District Planning Authority has accordingly worked positively and pro-actively, seeking solutions to problems arising in coming to its decision. This is fully in accord Town and Country Planning (Development Management Procedure)

(England) Order 2015 (as amended).

03

For the avoidance of doubt, the building approved under application ref 22/01955/AGR can only be implemented if the initial requirements of Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 are satisfied. This includes (but is not limited to) that the development is '***reasonably necessary for the purposes of agriculture within that unit***'. The lawfulness of the proposed development has not been formally considered under application ref 22/01955/AGR or at any other time by the Council to date. If the intention is to implement the approval, the applicant is advised to submit an application for a Certificate of Lawfulness, prior to commencement, to establish if the development would be lawful.

BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.

