

PLANNING COMMITTEE – 15 JANUARY 2019

Application No:	18/02002/FUL	
Proposal:	Extension to the existing barn for hay storage	
Location:	Field Reference Number 8708, Gravelly Lane, Fiskerton, Nottinghamshire	
Applicant:	Mr Gary Davies	
Registered:	30th October 2018	Target Date: 25th December 2018

This application is before the Planning Committee as the officer recommendation differs from the views of the Parish Council.

The Site

The application site contains part of an agricultural field lying within the open countryside between the main built up areas of Fiskerton, to the east, and Morton, to the west. It contains a modern agricultural building clad in dark green which is sited side on to the highway. This building has a door plus roller shutter opening to the western end elevation. Beyond the building is a post and rail timber fencing which separates the building from a paddock where a horse was out to pasture at the time of the officer site visit.

The site lies to the south of Gravelly Lane which is a single carriageway road. The northern boundary of the site has a wooden post and rail fence with metal access gates where it adjoins Gravelly Lane. Beyond this, the boundary with Gravelly Lane to the east is lined with a mature hedgerow and trees. Access to the site is currently gained through two sets of farm gates.

To the north, south and west of the application site is agricultural land, to the east is a residential property. A touring caravan is stationed on the land to the south-west of the application site.

The site lies within Flood Zone 2 according to the Environment Agency flood risk maps.

Relevant Planning History

15/01673/FUL – Erection of agricultural storage barn (resubmission of 14/02165/FUL). Approved 15 January 2016. This has been built out on site.

14/02165/FUL – Agricultural Barn. Refused 24/04/2015.

“Spatial Policy 3: Rural Areas of the Newark and Sherwood Core Strategy and Policy DM8: Development in the Open Countryside of the Newark and Sherwood Allocations and Development Management DPD seek to protect the open countryside from inappropriate development. Whilst both of these policies allow for agricultural development in the open countryside, the need for the development, as well as justification for its siting and scale must be demonstrated. Any such development should also reflect the character of the location and landscape setting. No

information has been provided which demonstrates that there is a need for the agricultural building or car parking spaces and there is already provision on the wider site for the storage of agricultural equipment in an existing caravan. As such, no need for the development has been justified. In addition, no justification for the design and materials to be used in the agricultural building has been provided and those proposed are not in keeping with the character of the surrounding open countryside. The development is inappropriate development in the open countryside and is contrary to Spatial Policy 3: Rural Areas of the Newark and Sherwood Core Strategy and Policy DM8: Development in the Open Countryside of the Newark and Sherwood Allocations and Development Management DPD.”

14/01624/AGR - Prior notification for a proposed agricultural building – implement store –
Notified that planning permission was required 06.10.2014

13/01590/LDC – Application for Lawful development certificate to station two static caravans on the land for ancillary to the land. Split decision approving lawful development certificate for stationing one caravan issued 13.03.2014.

11/00807/FUL – Erection of agricultural barn, polytunnels and underground water tank. Refused 08/09/2011.

11/00386/FUL – Erection of 1 barn for rabbit breeding, 3 polytunnels, mobile poultry houses and 1 septic tank. Withdrawn 03.05.2011.

39880942 – Residential Development – Refused 05.06.1989.

The Proposal

The application is for an extension to an existing agricultural building for an open fronted 3 bay hay store. The extension would be off the rear (south) elevation extending off the existing roof slope extending out by 4.57m for the full length of the building (18.28m) and would be in materials to match the existing.

The application is accompanied by the following:

- Drawing 2A – Proposed Extension to Agricultural Store (Elevations)
- Drawing 3A – Proposed Extension to Agricultural Store (Block Plan & SLP)
- Flood Risk Assessment
- Site location plan – Drawing no. 3

Departure/Public Advertisement Procedure

Occupiers of four properties have been individually notified by letter.

Planning Policy Framework

The Development Plan

Newark and Sherwood Core Strategy DPD (adopted March 2011)

Spatial Policy 3: Rural Areas

Core Policy 9: Sustainable Design
Core Policy 10: Climate Change
Core Policy 13: Landscape Character

Allocations & Development Management DPD

Policy DM5 – Design
Policy DM8 – Development in the Open Countryside

Other Material Planning Considerations

- National Planning Policy Framework 2018
- Planning Practice Guidance

Consultations

Fiskerton Parish Council – Support the scheme with 6 votes to 1 objection.

This Environment Agency – This planning application is for minor development in flood zone 2. Standing advice therefore applies.

NCC ROW – No response received.

Ramblers – No response received

No representations have been received.

Comments of Business Manager

Principle of Development

The site is within a rural area and falls to be assessed against Spatial Policy 3 (Rural Areas) of the Core Strategy. This states that the countryside will be protected. It goes on to say that development will be assessed against 5 criteria, including 'need' and lists 'Development which supports local agriculture and farm diversification' as an appropriate form of development. It then signposts the reader to the Allocations and Development Management DPD. As the proposal is outside of the main built up area of the nearest settlement, the proposal represents development in the open countryside to be considered against Policy DM8. This states:

“In accordance with the requirements of Spatial Policy 3, development away from the main built up areas of the village, in the open countryside, will be strictly controlled and limited to the following types of development;

1. *Agricultural and Forestry Development Requiring Planning Permission.*

Proposals will need to explain the need for the development, its siting and scale in relation to the use it is intended to serve...” (bolded text is my emphasis)

It is clear to me from reviewing the site history that the original building was applied for (and granted) on the basis of it being an agricultural building for the storage of machinery for the upkeep

of the land holding which amounts to three fields. This proposal seeks to extend an existing barn approved in 2016 that has been built out on site. The applicant has advised that the extension is related to the keeping of a maximum 4 horses on the land and is required to house dry hay and food stock, tools, small machinery and horse related tackle. This is in connection with the applicant's personal use and not related to a commercial activity as confirmed by their email of 18th November 2018.

The applicant has confirmed that *'just to confirm the barn is for agricultural use only also we graze sheep on there annually. It is an agricultural unit and has DEFRA registration.'*

It appears that planning permission was granted for an 'agricultural storage barn' on 15th January 2016 (under planning reference 15/01673/FUL) after previous applications were refused on lack of proven need. As part of the application for this extension of the barn, the case officer requested to view the barn internally to gain an understanding of the need to expand it. From what was seen on site of the contents of the building, some of the items did not appear to be in connection with the agricultural use (there were various items stored inside that are not necessarily agricultural based more perhaps more akin to those associated with a hobby) and there appears to be adequate space internally to store the hay necessary to serve the size of the land holding. The applicant has been invited to provide further justification for the proposal but to date this has not been forthcoming.

Development in the countryside is strictly controlled by policy and must be proven to be necessary in order to be permitted. I am not convinced that there is a need for a hay store on the site given the size of the existing building. I am of the view that the proposed extension represents an unsustainable form of development given the lack of apparent need for the additional space and is a proposal that should be resisted as a matter of principle.

Visual Impact

Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Core Policy 13 requires the landscape character of the surrounding area to be conserved. Policy DM5 states that the rich local distinctiveness of the District's landscape and character of built form should be reflected in the scale, form, mass, layout, design materials and detailing of proposals for new development.

Core Policy 13 of the Core Strategy addresses issues of landscape character. It states that development proposals should positively address the implications of the Landscape Policy Zones in which the proposals lie and demonstrate that such development would contribute towards meeting the Landscape Conservation and Enhancement Aims for the area.

The District Council has undertaken a Landscape Character Assessment to assist decision makers in understanding the potential impact of the proposed development on the character of the landscape. The LCA provides an objective methodology for assessing the varied landscape within the District and contains information about the character, condition and sensitivity of the landscape. The LCA has recognised a series of Policy Zones across the 5 Landscape Character types represented across the District.

The site is identified within the Landscape Character Assessment as being within the Trent Valley Policy Zone 9 (Bleasby, Morton and Fiskerton Village Farmlands). The landscape condition is defined as moderate and is generally flat low lying landscape with a policy action of conserve.

The extension would be no higher than the existing building and is modest such that I consider there would be negligible impact upon the landscape. In terms of materials the existing barn is constructed of cement fibre roof and Juniper green sheeting for the walls. The proposed extension is to be built of materials to match. This is open sided on its longest elevation (south) and clad at each end elevation. It is discretely located such that it wouldn't be visible from the public highway albeit it would be visible from the public footpath to the west. However the extent of the building is modest such that I do not consider that this would have a harmful impact upon the surrounding countryside and in my view is acceptable in the context of the relevant policies in respect of its visual appearance.

Impact on Flood Risk

Core Policy 10: Climate Change of the Newark and Sherwood Core Strategy and Policy DM5: Design of the Newark and Sherwood Allocations and Development Management DPD seek to ensure that development is located in areas at lowest risk of flooding and does not increase flood risk either on or off site.

The application site lies within Flood Zone 2. The applicant has submitted a brief Flood Risk Assessment which states that the barn would be used for hay storage and that as such the building would be designed to permit flood water to enter so that no flood storage capacity is taken up. It also states that given the nature of flooding in this area, it would be possible to have advance notice of potential flooding and remove any vulnerable items. The Flood Risk Assessment states that the proposed use is a low risk one and can be acceptable within the floodplain.

The proposed development falls within the category of "less vulnerable" development in relation to flood risk. Environment Agency standing advice applies and it is not considered necessary to require any specific flood resilience measures to be incorporated into the proposed agricultural barn.

It is not considered that the proposed development would have a detrimental impact in relation to flood risk and would not increase flood risk elsewhere. As such, it does not conflict with Core Policy 10 or Policy DM5 in this regard.

Impact on Residential Amenity

Policy DM5 (Design) seeks to ensure that new development does not have any detrimental impacts on the amenities of neighbouring residential properties.

As stated above, the application site lies to the west of an existing residential property. The proposed extension to the existing barn would be sited over 20 metres away from the nearest part of the neighbouring dwelling, as permitted which constitutes a building housing a hydrotherapy pool. There are no windows on the western elevation of this proposed building which face towards the application site. The nearest window of the residential property which would directly face towards the application site is a first floor bedroom window with Juliet balcony which would be over 30 metres from the proposed agricultural building.

It is considered that given distance of separation between the new building and the neighbouring property (as permitted) would not be harmful to the residential amenities of the dwelling and would not result in a loss of privacy or overbearing impacts. No other property would be unduly

affected. Overall, it is therefore concluded that the proposed development would be in accordance with policy DM5 in this regard.

Highway Safety

The existing access would be used which leads to on-site parking. The proposal to incorporate an area for hay storage will not affect nor lead to any increase in traffic generation or highway safety issues in compliance with DM5 and SP7.

Conclusion

Development in the open countryside is strictly controlled and must be proven to be necessary in order to be supported. Having considered the applicant's justification, the size of the building, the amount of land that it supports I am not convinced that the extension is necessary. It appears to me that there is ample space within the existing building to store hay.

Whilst I am satisfied that the extension would have no significant adverse visual impact (albeit the proposal would have some impact insofar as the countryside would be less developed if it were not there at all), harm in terms of flood risk, highway safety or effect on the living conditions of the closest neighbours, I consider that the proposal amounts to an unsustainable form of unnecessary development in the open countryside as a matter of principle, contrary to SP3 and DM8 of the Development Plan. It is also contrary to the principles of sustainable development as set out in the NPPF, a material planning consideration.

RECOMMENDATION

That planning permission is refused for the reason shown below:

Reason for Refusal

01

Development in the countryside is strictly controlled by policies Spatial Policy 3 (Rural Areas) of the adopted Newark and Sherwood Core Strategy and DM8 (Development in the Open Countryside) of the adopted Allocations and Development Management DPD and must be proven to be necessary in order to be permitted. In the opinion of the Local Planning Authority the extension of a hay store to a previously approved agricultural building has not been adequately justified as being necessary to the proper functioning of the agricultural land which it serves. The proposal represents an unsustainable form of development that should be resisted as a matter of principle and is contrary to SP3 and DM8 of the Development Plan. The proposal is also contrary to the principles of sustainable development as set out in the NPPF, a material planning consideration.

Note to Applicant

01

The application is contrary to the Development Plan and other material planning considerations, as detailed in the above reason(s) for refusal. However the District Planning Authority has worked positively and proactively with the applicant inviting the applicant to provide further justification for the proposal.

02

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.

Background Papers

Application Case File

For further information, please contact Clare Walker on ext: 5834.

All submission documents relating to this planning application can be found on the following website www.newark-sherwooddc.gov.uk.

Matt Lamb
Business Manager Growth & Regeneration

Committee Plan - 18/02002/FUL



