

**Extended Delegated Decisions Meeting:** 23 July 2020

**Item number: 4**

**Application No:** [W 20 / 0594](#)

**Town/Parish Council:** Shrewley

**Case Officer:**

Dan Charles

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**Registration Date:** 20/04/20

**Expiry Date:** 15/06/20

**Four Brothers Farm, Five Ways Road, Shrewley, Warwick, CV35 7JB**

Full application for the erection of agricultural building. FOR Four Brothers Farm Ltd

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This application is being presented to the Extended Delegated Decisions Meeting due to an objection from the Parish/Town Council having been received.

**RECOMMENDATION**

That planning permission is GRANTED with conditions.

**DETAILS OF THE DEVELOPMENT**

The proposal is for the erection of a new general purpose agricultural building on an existing agricultural holding of approximately 8.5 hectares.

The proposed building has a footprint of 480m<sup>2</sup> (24m x 20m) with an eaves height of 4.5m and a ridge height of 7.34m.

The building is to be constructed of 1.8m high concrete panelled walls with Yorkshire board timber cladding above. The roof is to be profiled fibre cement sheeting incorporating translucent roof light panels.

The building is to be located centrally within the land ownership adjacent to existing field boundaries. The building is served by two unmade tracks running from an existing access drive to the south as well as an existing field gate to the east both served from Five Ways Road.

**THE SITE AND ITS LOCATION**

Four Brothers Farm is an agricultural holding extending to approximately 8.5 hectares. Primary access is gained from Five Ways Road via an existing secure gated access. A secondary field gate is located further to the north serving the site.

The land holding is an approximate 'L' shape and the proposed building would be located near to the junction of the 'L'. This area is screened by existing mature hedge and tree boundaries. The area is also served by two rudimentary, unmade but well used tracks across the land from both access points.

The land is predominantly flat with no significant levels changes and contains a number of tree species within the site boundaries.

The current use of the land is for grazing of sheep and these were present at the time of the site visit.

To the south-western corner lies the existing barn serving the site that has an extant permission to convert to dwellings under the Class Q Prior Approval procedure.

There are no near neighbours to the site that would be affected by the development.

The site lies within an open countryside location and falls within the West Midlands Green Belt.

### **PLANNING HISTORY**

**W/19/1373:** Prior Approval under Part 3, Class Q(a) and (b) for the change of use of existing agricultural building to 3 no. dwellinghouses including all ancillary works – **GRANTED 07.10.2019**

**W/19/0411:** Application for Lawful Development Certificate to convert agricultural building to 3 No. dwellings as proposed under application W/18/2177 – **REFUSED 26.04.2019**

**W/18/2177:** Notification for Prior Approval for a Proposed Change of Use of Agricultural Building to 3no. Dwelling Houses (Use Class C3) together with associated works to facilitate the conversion – **REFUSED 11.02.2019**

### **RELEVANT POLICIES**

- National Planning Policy Framework
- The Current Local Plan
- DS1 - Supporting Prosperity
- DS5 - Presumption in Favour of Sustainable Development
- DS18 - Green Belt
- PC0 - Prosperous Communities
- SC0 - Sustainable Communities
- BE1 - Layout and Design
- BE3 - Amenity
- TR1 - Access and Choice (Warwick District Local Plan - 2011-2029)
- TR2 - Traffic generation (Warwick Local Plan - 2011-2029)
- TR3 - Parking (Warwick District Local Plan - 2011-2029)
- FW2 - Sustainable Urban Drainage
- NE3 - Biodiversity
- NE4 - Landscape
- NE5 - Protection of Natural Resources

### **SUMMARY OF REPRESENTATIONS**

**Shrewley Parish Council:** Four Brothers Farm was granted Prior Approval under Part 3, Class Q(a) and (b) for the change of use of an existing agricultural building to 3 no. dwelling houses including all ancillary works on 7.10.19 (W/19/1373), which is on a site within 200m of the proposed new barn in the current application.

Exercising Class Q in respect of any building will suspend normal agricultural permitted development rights for a period of 10 years from completion. Applicants are advised by Planning Consultants to ensure that they have adequate replacement facilities in place prior to submission of a notification under Class Q, i.e. you cannot build a new barn to replace one that you are converting into dwellings.

Therefore, the Parish Council considers this application to be inappropriate development which by definition is harmful to the Green Belt and should only be approved in very special circumstances (Section 2.79 of the WDC Local Plan). As no very special circumstances have been detailed in the application, then this application should be refused.

In addition, there is no evidence of an existing track to this site (Google Earth) and the proposed new barn would require a new access trackway and entrance which we also consider to be inappropriate.

**WCC Landscape:** No objection. The proposed development is near to an existing hedgerow with possible hedge trees. An adequate buffer needs to be provided to safeguard the hedgerow during construction and to allow for future maintenance.

**WCC Ecology:** The proposed building will be erected adjacent to an intact hedgerow. I would recommend that a suitable buffer area is kept between the works and the existing hedgerow. I would recommend that notes relating to nesting birds, badger and amphibians and reptiles, as protected species, are attached to any approval granted to this application.

## **ASSESSMENT**

### **History/Background**

An application for prior approval under Class Q of the Town and Country Planning (General Permitted Development) (England) Order 2015 to convert the existing agricultural building was approved by Officers under application reference W/19/1373. As there are no other buildings on the site, a new building is being applied for under this current application.

It is noted that under the Prior Notification regulations, agricultural businesses forfeit their right to apply for new buildings under the fast track Notification procedure for a period of 10 years following a change of use granted under the Class Q Regulations.

On that basis, the application before Officers is a full planning application for the erection of a new agricultural building.

### **Principle of Development**

There is no specific policy within the Local Plan that makes reference to agricultural buildings and operations. In cases where the Local Plan is silent, the proposal must be assessed against the policies of the NPPF.

Paragraph 83 of the NPPF promotes the development of agricultural businesses, including their sustainable growth and expansion through well-designed new buildings, in order to promote a prosperous rural economy.

It is noted that the new building is required due to the loss of the existing building under separate regulations. However, the business is a viable agricultural business in an established location and the new building will allow the business to remain and promote its sustainable growth.

On this basis, Officers are satisfied that the development is acceptable in principle subject to an assessment of site specific criteria.

### **Whether the proposal constitutes appropriate development in the Green Belt**

As the site lies within the West Midlands Green Belt, the proposal must be assessed against Policy DS18 of the Local Plan. The policy states development must be in accordance with the National Planning Policy Framework (NPPF) Green Belt provisions. Paragraph 145 states that new buildings for agriculture are appropriate development within the Green Belt.

### **Design and impact on visual amenity and the character of surrounding area**

Section 12 of the National Planning Policy Framework (NPPF) places significant weight on ensuring good design which is a key aspect of sustainable development and should positively contribute towards making places better for people. The NPPF states that permission should be refused for development of poor design that fails to take the opportunities available for improving character, the quality of an area and the way it functions.

Policy BE1 of the Local Plan reinforces the importance of good design stipulated by the NPPF as it requires all development to respect surrounding buildings in terms of scale, height, form and massing. The Local Plan calls for development to be constructed using appropriate materials and seeks to ensure that the appearance of the development and its relationship with the surrounding built and natural environment does not detrimentally impact the character of the local area.

The building is a typical example of a modern agricultural building being a portal steel frame with concrete walls to the first 1.8m with Yorkshire timber boarding above under a fibre cement roof.

The views of the building would be from distance only and there are no public rights of way within the vicinity of the site. Notwithstanding the lack of visibility of the building, Officers clearly acknowledge that the building represents an appropriately designed agricultural building that is a common feature in rural areas.

The proposal is therefore considered acceptable having regard to Policy BE1.

### **Impact on adjacent properties**

Policy BE3 of the Warwick District Local Plan states that new development will not be permitted that has an unacceptable adverse impact on the amenity of nearby uses and residents.

There are no near neighbours to the site that would be affected by the proposed new building. The use of the land associated with the building would remain as existing for the grazing of sheep associated with the business.

Officers are satisfied that the development is acceptable having regard to Policy BE3.

### **Highway Safety**

Policy TR1 of the Warwick District Local Plan requires all developments to provide safe, suitable and attractive access routes for all users that are not detrimental to highway safety. Policy TR3 requires all development proposals to make adequate provision for parking for all users of a site in accordance with the relevant parking standards.

The development benefits from an existing high quality access from the Five Ways Road. This will be retained. Within the site the building would be served by existing unmade tracks that cross the site from the existing vehicular access serving the site as well as a secondary access from a field gate access to the east.

The site contains sufficient space for the parking and turning of vehicles associated with the use of the land. As the building is a replacement only, Officers are satisfied that there would be no intensification of the use.

The proposal is therefore considered acceptable having regard to Policies TR1 and TR3 of the Local Plan.

### **Impact on Ecology/Protected Species**

Policy NE3 of the Warwick District Local Plan states that development proposals will be expected to protect, enhance and/or restore habitat biodiversity and where this is not possible, mitigation or compensatory measures should be identified accordingly.

The proposal has been assessed by the County Ecologist who has raised no objection to the scheme subject to the protection of the existing hedgerow. This is to be controlled by condition. In addition, a range of explanatory notes are recommended to be attached to any decision granted.

Officers are therefore consider that the proposal is acceptable having regard to Policy NE3.

### **Conclusion**

This is a full application for the erection of a new agricultural building. Officers are satisfied that the development is for a defined agricultural need and therefore acceptable in principle.

The development is considered to be appropriate development within the Green Belt and would not result in any demonstrable harm to the character of the local area or residential properties. Matters relating to ecology can be addressed through the use of planning conditions and associated explanatory notes.

For the above reasons, the application is recommended for approval.

### **CONDITIONS**

- 1 The development hereby permitted shall begin not later than three years from the date of this permission. **REASON:** To comply with Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out strictly in accordance with the details shown on the site location plan and approved drawing(s) 1433-20/01, and specification contained therein, submitted on 20 April 2020. **REASON :** For the avoidance of doubt and to secure a satisfactory form of development in accordance with Policies BE1 and BE3 of the Warwick District Local Plan 2011-2029.
- 3 No development or other operations (including demolition, site clearance or other preparatory works) shall commence unless tree protection measures in accordance with BS:5837 2012 (Trees in Relation to Design, Demolition and Construction) have been put into place in full accordance with the approved details and thereafter shall remain in place for the full duration of any such construction work. In addition no excavations, site works, trenches or channels shall be cut or pipes or services laid, no fires shall be lit within 10 metres of the nearest point of the canopy of any protected tree(s); no equipment, machinery or structure shall be attached to or supported by a protected tree(s); no mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area or any other works carried out in such a way as to cause damage or injury to the tree(s) by interference with their root structure and that no soil or waste shall be deposited on the land in such a position as to be likely to cause damage or injury to the tree(s). **REASON:** In order to protect and preserve existing trees within the site which are of amenity value in accordance with Policies BE1 and NE1 of the Warwick District Local Plan 2011-2029.
- 4 All external facing materials for the development hereby permitted shall be of the same type, texture and colour as those specified within the application documents. **REASON:** To ensure that the visual amenities of the area are protected, and to satisfy the requirements of Policy BE1 of the Warwick District Local Plan 2011-2029.

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