

**REPORT OF THE HEAD OF PLANNING SERVICES TO DEVELOPMENT CONTROL
COMMITTEE
SITE INSPECTION – 26 NOVEMBER 2004**

1. [TCP/25191/F](#) P/01622/04 Parish/Name: Calbourne
Registration Date: 29/07/2004 - Full Planning Permission
Officer: Mr. D. Long Tel: (01983) 823854

**Erection of agricultural machinery store
Durrants Farm, Colemans Lane, Porchfield, Newport, Isle Of Wight,
PO304PE**

REASON FOR COMMITTEE CONSIDERATION

The Local Member, Councillor Jill Wareham, when consulted under the delegation procedure requested that the application is reported to the Development Control Committee, as she is concerned over the siting of the building within the rural landscape. She considers that the new building should be sited close to the existing buildings thereby obviating the need for any new access tracks or other hard surfaces. Furthermore, she considers that the new building should not be constructed until the existing ones have been demolished.

PROCESSING INFORMATION

This is a minor application, the processing of which will have taken sixteen weeks to the date of the committee meeting and has gone beyond the prescribed 8 week period for determination of applications due to the need to obtain further information from the applicant's agent.

LOCATION & SITE CHARACTERISTICS

The application site lies within the countryside set well back from and, accessed off Coleman's Lane, Porchfield. The overall landscape is predominantly agricultural land having a relatively level topography with slight undulations. There are a number scattered housing units and farms located within the locality. The road frontage is surrounded by either mature trees or extensive hedge boundaries that protect general vista's into independent curtilages.

The Durrants farm holding is extensive, extending to 40 hectares. This agricultural unit is subdivided into smaller field parcels using established hedgerows. The access track extends around 500 m into the farming unit, being in reasonable isolation to other buildings in the area. The existing holding consists of a modest size farm house and 5 separate farm buildings of varying size, scale and mass that are reasonably grouped in a consolidated form. The buildings themselves vary in construction ranging from concrete block, rendered or iron clad facades.

The development site lies to the east of the existing complex of buildings in an adjacent field, approximately 30 m to the nearest building. The field itself slopes in a north south direction and is enclosed by established hedges and scattered mature trees. The

proposed site of the building is currently grassland and is accessed via a five bar gate in the southwest corner of the field.

RELEVANT HISTORY

TCP/25191 - Demolition of farmhouse; erection of detached farmhouse. Granted planning approval through delegated decision 17 February 2003.

TCP/25191/A – Conversion of 2 stores and 2 barns into self contained units of holiday accommodation. Withdrawn by applicant 10 March 2003.

TCP/25191/B - Demolition of an existing farmhouse; erection of a detached farmhouse with an integral garage and a vehicular access. Refused planning permission through delegated decision 5 February 2003, as the dwelling was not considered to be of a similar scale and mass to the existing dwelling as well as the development would adversely affect a section of important hedgerow. Decision upheld at Appeal 15 September 2004.

TCP/25191/C – Formation of vehicular access and access road to Durrants Farm. Refused planning permission through delegated decision 10 May 2004 as the proposal would involve in an unacceptable loss of hedgerow and the information accompanying the application was inadequate and deficient in detail relating to scale drawings

TCP/25191/D – Demolition of farmhouse; erection of detached farmhouse (revised scheme). Refused planning permission through delegated decision 29 June 2004, as the dwelling was not considered to be of a similar scale and mass to the existing dwelling as well as the development would adversely affect a section of important hedgerow. The information accompanying the application was inadequate and deficient in detail relating to scale drawings.

AGN/25191/E – Erection of agricultural machinery store. The Local Planning Authority raised objection as sufficient justification was not submitted for the barn to be reasonably necessary for the purposes of agriculture 29 June 2004

DETAILS OF THE APPLICATION

The Local Planning Authority recently raised objection to the development under the Agricultural Prior Notification procedure as the applicant did not submit reasonable justification for the structure, which is a requirement under the General Permitted Development Order, 1995, Part 6, Class A (Agricultural Buildings and Operations). Therefore it was deemed necessary for the applicant to submit a formal planning application.

The proposal is for the erection of multipurpose agricultural building measuring 22.7 metres in length, 19.8 metres in width and 7.8 metres in height (to ridge). The total footprint will cover 449 sq/m. The building would be sub-divided into three sections, of which 224 sq/m is to be used for machine storage, while the remaining will be left as open frontage for the accommodation of livestock. The external facade will be clad in green PVC coated profile steel with a part green-translucent roof for filtration of light into the building.

Two reports submitted with the application identify that the existing buildings on the farming unit are to be demolished, therefore only utilising this building for the farming activity. **One of these reports identifies that the current farming system comprises 50 beef rudder cows and followers and 210 breeding ewes.** In addition the applicant wishes to increase the farming operation on the land, increasing cattle and sheep stocks within his ownership and creating a new poultry enterprise. **At present, the applicant does not farm the land himself, but allows two neighbouring farmers to graze their cattle within the 40 hectares. The reports identified that if this building is approved, Durrants Farm will utilise this for a farming operation as detailed above.** The justification states that existing buildings are not suited to modern farming operations and the consolidation is less visually intrusive due to being sited further from a public footpath, but also being set within a natural hollow.

The building would be positioned in the corner of the field using the natural screening on the south and east elevations. The remaining elevations are exposed to open fields. Three established trees lie in the South East corner of the site, all of which are to be retained. An access track will extend from the existing driveway to the building.

DEVELOPMENT PLAN/POLICY

Relevant policies of the Unitary Development Plan are considered to be as follows:

- S4-Countryside Protected from inappropriate development
- S6 -High Standard of Design
- G4 - General Locational Criteria
- G5 – Development Outside Defined Settlements
- D1- Standards of Design
- D3 - Landscaping
- C1- Protection of landscape character
- C14 – Safeguard Best Agricultural Land
- C18 - Agricultural Support Activities
- P1 – Pollution and Development

CONSULTEE RESPONSES

The Environment Agency recommends to conditions should the application be approved.

PARISH/TOWN COUNCIL COMMENTS

Calbourne Parish Council objects to the application as the layout/density of the building is out of character with the landscape character. In addition, the Parish Council comment that the use of the building has not been fully detailed to their satisfaction.

THIRD PARTY REPRESENTATIONS

The application has attracted 3 letters of objection that can be summarised as follows;

- The barn is not reasonably necessary for the purposes of agriculture.
- Sufficient justification has not been submitted with the application
- The agricultural activity within the farming unit is minimal. The applicant does not farm on the land, but uses two neighbouring farmers who act as tenants for grazing cattle on the land.
- Environmental Impact Assessment is necessary
- Scale and mass of development does not relate to farming activity
- The applicant should reuse existing farming buildings on the land
- Impacts on landscape character and rural setting
- The building will be used for activities unrelated to farming operations

CRIME AND DISORDER IMPLICATIONS

No crime and disorder implications are anticipated.

EVALUATION

The main consideration to this application is whether the siting, scale, mass and design of the building will adversely affect the visual amenities of the area to the detriment of the rural character.

The site itself has good natural screening to the south and east elevations, with an established hedge screening part of the building. By reason of the topography of the land much of the northern elevation of the building will be screened. The building will be sited within a natural hollow, making long distance vista protected. Although there is a natural hollow within the topography, the majority of the landscape is relatively flat with no hills or slopes in close proximity giving rise to views across this landscape. Therefore this building will lie in isolation and seclusion to the wider landscape context. Members should note that if this application is approved a further landscaping scheme is conditioned for the northern elevation, with a management scheme over a 5 year period. The building is sited approximately in the middle of the 40 ha holding, having no visual impact or loss of amenity to any third parties.

The existing farm buildings although consolidated in one area, are in a poor state of repair and do not make a positive contribution to the visual amenities of the countryside. It is accepted that these buildings would not be practical for modern farming operations and the proposal would concentrate farming activity into one usable form. Should members be minded to approve the application, I would recommend a condition requiring demolition of the existing buildings and the landscaping of the land with a detailed scheme to be submitted to the Local Planning Authority. Members should note

that there is not only a reduction in size and amount of buildings in the area but also a reduction in usable space about the buildings, namely being hardstandings. By returning the land to its former condition there will actually be an increase in 'green space' contributing to the visual amenities of the countryside. **Ideally within any application for an agricultural building the Local Planning Authority would want to consolidate it within the existing farm complex, being positioned in a reasonable group with other farm buildings and hard standings so there is less intrusion into the rural landscape but also to group buildings in one usable form. As all other existing farm buildings are to be demolished, this building will stand on its own merit and has consolidated all operations into one building. I would suggest that there is less impact on the rural landscape, especially once the existing hard standings and farm buildings are removed and the site returned to grass as suggested in Conditions 6 and 7 of the this Committee Report. As this proposal is effectively starting 'afresh' with the siting of this building, I would suggest that by reason of the topography, natural vegetation and land characteristics the building is in a suitable location for farming activities, and would not prejudice the rural landscape character.**

Third party representation states that the scale and mass of the building is not appropriate to the landscape character and farming operation. In calculation and review of the plans there is a 103 sq/m reduction in footprint, reducing the overall mass, scale and level of operation the farming unit will use. There has been concern that the building will not be used for agricultural purposes. In this respect, members will note that one of the recommended conditions would restrict use for this purpose. **Currently the applicant does not use Durrant Farm for any farming activity, except by means of two neighbouring farmers who graze their cattle on the land. The two reports submitted by his agent and Creasey, Biles and King identify that the applicant wishes to start his own farming enterprise including a poultry, sheep and cattle operation. With regard to the human rights of the applicant, the two agricultural reports and by reason of the land having an agricultural tie I am satisfied that sufficient justification has been given that the building is required for a genuine farming operation on the land.**

With regard to the other issues raised in the representations the application does not require the submission of an Environmental Impact Assessment, as designated under the Regulations 1999. With regard to the human rights of the applicant, the Local Planning Authority are satisfied that sufficient justification has been submitted to regard this structure to be reasonably necessary for the purposes of agriculture.

Having due regard to policies contained within the Isle of Wight Unitary Development Plan, the conditions applied to an approval by Members at this Development Control Committee with the removal of existing buildings on the farming unit while restoring the land to its former condition, I am satisfied that there will be no adverse impact in developing this building in the location designated and in the context of the wider rural landscape.

HUMAN RIGHTS

In coming to this recommendation to grant planning permission consideration has been given to the rights set out in article 8 (Rights to Privacy) and article 1 of the 1st Protocol (Rights to peoples enjoyment of possessions) of the European Convention on Human

Rights. The impact this development might have on the owners/occupiers of other properties in the area and other third parties have been carefully considered.

Whilst there may be some interference with the rights of these people this has to be balanced with the rights of the applicant to develop the land in the manner proposed. Insofar as there is an interference with the rights of others it is considered necessary for the protection of the rights and freedom of the applicant. It is also considered that such action is proportional to the legitimate aim of the Councils Unitary Development Plan and in the public interest.

JUSTIFICATION FOR RECOMMENDATION

Having given due regard and appropriate weight to all material considerations referred to in this report, I am satisfied that the proposed store would not have a detrimental impact on the environment, neighbouring properties or detract from the visual amenities and character of the locality. Therefore, I am satisfied that the proposal does not conflict with policies of the Isle of Wight Unitary Development Plan

RECOMMENDATION – APPROVAL

Conditions/Reasons:

- 1 Time limit - full - A10
- 2 The building hereby approved shall be used solely for purposes associated with agriculture, and shall not be used for any other purpose whatsoever unless prior written approval has been granted by the Local Planning Authority.

Reason: In the interests of the amenities of the area and to comply with Policies S4 (Countryside Protected from Inappropriate Development), D1 (Standards of Design), C1 (Protection of Landscape Character) and C18 (Agricultural Support Activities) of the Isle of Wight Unitary Development Plan.
- 3 The buildings identified in the report forming part of this application by Creasey, Biles and King, photographs 1 - 5, page 3 and 4 shall be demolished and permanently removed from the site within 6 months of the erection to the hereby approved building. The land shall be restored and landscaped thereafter within a further period of 6 months in accordance with a detailed scheme to be submitted to and approved by the Local Planning Authority prior to any development commencing on site.

Reason: In the interests of the amenities of the area and to comply with Policies D1 (Standards of Design), D3 (Landscaping), C1 (Protection of Landscape Character) and C18 (Agricultural Support Activities) of the Isle of Wight Unitary Development Plan.
- 4 No development shall take place until a scheme for the drainage and disposal of surface water from roofs and paved areas hereby approved has been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be completed before any [residential] unit hereby permitted is first occupied.

Reason: To ensure that surface water run-off is satisfactorily accommodated and to comply with policies G6 (Development in Areas Liable to Flooding) and G7 (Development on Unstable Land) of the IW Unitary Development Plan.

5 Bunding of tanks -detailed requirements - V10

6 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a tree planting scheme to landscape the north and south elevations of the hereby approved building.

Reason: In the interests of the amenities of the area and to comply with Policies D1 (Standards of Design) and C1 (Protection of Landscape Character) of the Isle of Wight Unitary Development Plan.

7 All planting, seeding or turfing comprised in the approved details in accordance with condition 6 of this decision notice shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To ensure the appearance of the development is satisfactory and to comply with policy D3 (Landscaping) of the IW Unitary Development Plan.

8 **Prior to the commencement of any works hereby approved details shall be submitted to the Local Planning Authority identifying an area of land for the storage and disposal of animal waste and the method of disposal of such waste. This area of land shall be retained and maintained for this purpose unless otherwise agreed with the Local Planning Authority.**

Reason: In the interests of the amenities of the area and to comply with Policies D1 (Standard of Design) and P1 (Pollution and Development) of the IOW Unitary Development Plan.

Andrew Ashcroft
Head of Planning Services