

**Committee Date: 12<sup>th</sup> August 2010**

**Reference:** 10/00398/FUL  
**Date Submitted:** 21.05.10  
**Applicant:** Mr S Stubbs  
**Location:** OS Field Number 9418, Main Street, Goadby Marwood  
**Proposal:** Erection of polytunnel and building new shed

**Introduction:-**

The application seeks planning permission for the erection of an agricultural shed and to retrospectively retain a poly tunnel, which will be used to house a number of animals, grow and store produce for the applicants personal use and to sell on within the local vicinity. Positioned within field No 9418, Main Street Goadby Marwood, the site lies west of Waltham on the Wolds and East of Goadby Marwood, with access from Eastwell Road. Subsequent to the land being portioned into smaller plots, development in adjacent fields include that of equestrian and agriculture.

The proposed agricultural shed will have a total floor area of 380 sq metres, with a low ridge height of 3.5 metres, sited to the far south east corner, along side the existing boundary hedge. The existing poly tunnel is situated to the northwest boundary and has a footprint of 85 sq metres, 2.5 metres tall. The site benefits from native boundary hedging with further planting proposed by the applicant.

The application has been submitted in response to an enforcement investigation and has been 'called in' by the Ward Councillor.

**Relevant History:-**

10/00183/GDOAGR – An Agricultural Determination application was not considered applicable due to not fulfilling the criteria of the General Development Order, therefore a full application was requested.

**Planning Policies:-**

**PPS7** - Sustainable Development in Rural Areas – sets out advice on development in the countryside. It states in the key principles (paragraph 1) that the Government's aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all.

**Melton Local Plan (saved policies):**

OS2 states that planning permission will not be granted for development outside town and village envelopes unless, among other things, it is essential to the operational requirements of agriculture and forestry.

BE1 states that planning permission will not be granted for new buildings unless among other things, they are designed to harmonise with their surroundings, they would not adversely affect the amenity of neighbours and there is adequate access and parking provisions.

C3 states that planning permission for agricultural buildings outside town and village envelopes will be granted provided that the building is reasonably necessary for agriculture and should not occupy a prominent position in the landscape which in itself could not be ameliorated by tree planting or other suitable methods of screening; size, scale, design and construction materials of the building are appropriate to its setting and specific use; the development would not cause loss of amenities through unacceptable noise, smell, dust or other forms of pollution; there would be not significant adverse effects on residential amenities; satisfactory access and parking is provided to accommodate the level and type of traffic likely to be generated.

**Consultations:-**

Consultation reply	Assessment of Head of Regulatory Services
<p><b>Highway Authority</b> – Has no observations.</p>	<p>The applicant contacted and addressed concerns raised by the highways department previous to the application being submitted. The site has an existing agricultural use and the visibility from the access is acceptable and the gates have been set back. The surface materials to the access is also acceptable. The Highway Authority considered that as there has been no change of use on the site they would not be in a position to seek further improvement to the access.</p> <p>The site is currently used for agricultural purposes and can accommodate any range of activity that falls within this description (in law).The permitted activity will generate a degree of traffic and it is against this expectation that the development should be judged. It is not considered that the introduction of the buildings would give rise to significant increases (arguably it could reduce visits because it would allow for secure on site storage).</p>
<p><b>Parish Council</b> – The Parish Council view such an application as proliferation and out of keeping with the open countryside being a commercial development of the worst kind. Its proposed size of 47.5 metres in length is considered a blot in landscape on that location.</p> <p>The gate and fence are more urban and not befitting in open countryside.</p>	<p>The proposed buildings are intended for agricultural use only, for the applicant to keep animals, grow produce, have storage in connection with its use and if permitted can be conditioned accordingly. The sitting, scale and construction materials have been selected to harmonise the proposal in relation to its surroundings with the minimum of pitch possible. Although the applicant proposes further planting, an additional landscaping scheme can be requested as a condition to ensure adequate screening if considered necessary.</p> <p>The gate and fence have been sited and constructed within the realms of Permitted Development and do not therefore require formal planning consideration to be considered as part of this application.</p>

**Representations:**

A site notice were posted at the entrance to the site. To date 5 letter of representation have been received, 1 in support of the application and 4 letters raising concerns:

<b>Representation</b>	<b>Assessment of Head of Regulatory Services</b>
<ul style="list-style-type: none"> <li>• Supports the use of the land in a way that will minimise the use of synthetic herbicides and pesticides, reduce carbon footprint by growing food and rearing livestock locally, and help to foster natural biodiversity.</li> </ul>	<p>Policy supports development outside of towns and village envelopments in principle if, as in this case, it is essential to the operational requirements of agriculture.</p> <p>Local Plan policy C3 states planning permission for agricultural buildings outside town and village envelopes will be granted provided that the building is reasonably necessary for agriculture.</p> <p>It is understood that the applicant is currently negotiating the acquisition of a further 8 acres of land nearby, which would increase the size of the applicant's agricultural unit to an area of in excess of 5 hectares. If this becomes the case, the development which is being applied for could be wholly considered under the provisions of Part 6 of the Town and Country Planning (General Permitted Development) Order 1995 for determination as to whether prior approval would be required, which in this instance would likely be permitted development, for which a grant of planning permission would not be required.</p>
<p><b>Impact upon the open countryside:</b></p> <ul style="list-style-type: none"> <li>• If there are people employed on the land all day, what are their sanitation arrangements? Where will the non compostable rubbish go?</li> <li>• The scale and location will appear as an industrial building and entirely out of place.</li> <li>• A shed at 45 metres is the size of an intensive industrial farm unit.</li> <li>• The unit is out of proportion to the other farm buildings in the area and is in an elevated position so would be visible for miles.</li> <li>• The large shed will exacerbate this visual intrusion</li> <li>• Over development of this site</li> <li>• Concerns that external lighting would be erected</li> </ul>	<p>Noted, this is not a planning consideration.</p> <p>Although the land falls slightly to the east, the proposed building will be set back within the site close to the boundary hedge to the far south east corner. With its low ridge line, boundary treatment and positioning alongside the hedge row, the proposal will not occupy a prominent position within the landscape but will harmonise with its surroundings. Should the application be permitted a condition requiring further planting could be requested to further ameliorate its position.</p> <p>Although adjacent land has been developed upon for that of equestrian use, this application is not for a change of use but for use of the land for which it is intended and its proposed development for agricultural purposes complies with Policy OS2 and C3.</p> <p>No external lighting is proposed and future intentions can be controlled by condition.</p>

<p><b>Impact upon residential amenities:</b></p> <ul style="list-style-type: none"> <li>This would have attendant smells and problems in the way that the chicken units have.</li> </ul>	<p>The nearest residential dwelling is 550 metres west in the village of Goadby Marwood and the possible increase of any waste or smell is envisaged to be very minimal to that of its current uses for agricultural purposes and the surrounding equestrian land users.</p>
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**Other material considerations (not raised through consultation of representation)**

<b>Considerations</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Policy Considerations:</b></p> <ul style="list-style-type: none"> <li>Development outside of town and village Envelopes.</li> <li>Scale and Design</li> </ul>	<p>The applicant states that the proposed shed and poly tunnel are required for housing of his animals and general agricultural storage. Saved Local Plan Policy OS2 favours this type of development outside of town and village envelopes provided that its use is essential to the operational requirements of agriculture and a condition can be imposed accordingly.</p> <p>The Local Saved Policy C3 partly addresses scale, size and design, the proposed unit could be considered large in relation to its plot, however construction materials and colour have been appropriately chosen to help blend in with its setting and its position in the landscape is not considered prominent.</p>
<p><b>Residential Amenity:</b></p>	<p>Local Saved Policy BE1 gives regard to the design of the building in harmonising with its surroundings whereby it would not affect the amenity of neighbours. The proposed sitting together with the distance would not affect those closest on Main Street, Goadby Marwood, approximately 800 metres away from the site.</p>

**Conclusion**

The proposal lies within the open countryside, set back behind boundary hedging, 160 metres south of the highway of Waltham on the Wolds and 70 metres north of Goadby Road Highway. Although the lie of the land falls slightly to the east, its location, proposed materials together with an approved planting scheme would harmonise with that of the surrounding countryside. It would not therefore be considered to have a detrimental impact on the open country side and its sitting is of a sufficient distance as not to have an adverse impact upon residential amenities of any dwelling through unacceptable noise, smell dust or other form of pollution. Hence the above, together with the existing satisfactory access and the proposed usage of the development, The proposed development therefore accords with policies OS2, BE1 and C3.

In view of the above justification the proposal is recommended for approval.

**RECOMMENDATION:- Permit, subject to the following conditions:-**

- The development shall be begun before the expiration of three years from the date of this permission.

- 2 The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application unless alternative materials are first agreed in writing by the Local Planning Authority.
- 3 The use of the permitted building shall at all times be for agricultural purposes only and no domestic use, trade or business whatsoever shall be carried out there from.
- 4 No means of external illumination shall be installed on the site
- 5 No development shall start on site until a landscape scheme has been submitted to and approved in writing by the Local Planning Authority. This scheme shall indicate full details of the treatment proposed for all hard and soft ground surfaces and boundaries together with the species and materials proposed, their disposition and existing and finished levels or contours. The scheme shall also indicate and specify all existing trees and hedgerows on the land which shall be retained in their entirety, unless otherwise agreed in writing by the Local Planning Authority, together with measures for their protection in the course of development..
- 6 The approved landscape scheme (both hard and soft) shall be carried out before the occupation of the buildings or the completion of the development, whichever is the sooner; unless otherwise agreed in writing by the Local Planning Authority. 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.

**Reasons :-**

- 1 To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure a satisfactory standard of external appearance.
- 3 To preserve the character and appearance of the open countryside.
- 4 In the interest of visual amenity
- 5 To ensure satisfactory landscaping is provided within a reasonable period
- 6 To provide a reasonable period for the replacement of any planting.

**Contact: Deborah Dowling**

**3<sup>rd</sup> August 2010**