

10/01594/FUL: CONSTRUCTION OF A BARN FOR RABBIT BREEDING AND CONSTRUCTION OF A POLYTUNNEL FOR TREES, SHRUBS AND PLANTS TO THE LAND TO THE WEST OF UFFINGTON ROAD, BARNACK, STAMFORD

VALID: 19 NOVEMBER 2010

APPLICANT: MR PHILLIP KERRY, T&S NURSERIES

AGENT:

REFERRED BY: PARISH COUNCIL

REASON: BUILDING ON THIS LAND IS INAPPROPRIATE, OUTSIDE THE VILLAGE ENVELOPE, IMPACT ON NEIGHBOURS, HIGHWAY SAFETY

DEPARTURE: NO

CASE OFFICER: LOUISE LEWIS

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1 SUMMARY/OUTLINE OF THE MAIN ISSUES

The main considerations are:

- Impact of the development on the Area of Best Landscape
- Impact on neighbours

The Head of Planning Transport and Engineering recommends that the application is **APPROVED**.

2 PLANNING POLICY

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

Development Plan Policies

Key policies highlighted below.

The Peterborough Local Plan (First Replacement)

LNE1: Development in the countryside

Will be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, and outdoor recreation or public utility services.

LNE5: Area of Best Landscape

Development should conserve and where possible enhance the distinctive landscape character, and should not be allowed where development fails to respect local building forms, retain important trees, reflect the relationship between a settlement and its landscape setting, retain important features, safeguard important views and be sympathetic to the local topography.

Material Planning Considerations

Decisions can be influenced by material planning considerations. Relevant material considerations are set out below, with the key areas highlighted:

Planning Policy Statement 7: Sustainable development in rural areas (PPS7). This Statement states that the countryside should be protected for its own sake, but also sets out that development that delivers diverse and sustainable farming enterprises should be encouraged. Much agricultural activity falls outside the planning system, however development proposals which enable farming and farmers to develop and diversify sustainably, as well as diversifying and adapting to changing markets and opportunities, should be supported.

Local landscape designations, such as apply in this case, are supported however acceptable sustainable development and economic activity should not be unduly restricted.

3 DESCRIPTION OF PROPOSAL

The proposal is to erect one polytunnel, for horticultural use, and one barn for the raising of meat rabbits and for the hydroponic production (growing of plants without the use of soil) of their feed. The site would also be used for the raising of plants.

The polytunnel would be almost 27m long and 8m wide, set about 27m back from the roadway. The barn would be 27m long and almost 9m wide, about 6m to eaves and 8m to ridge, and set back from the roadway by about 10m.

It is also proposed to alter/widen the existing access points, and add a third access point, from Uffington Road into the field.

An area of hardstanding would be created adjacent to the barn for the parking and turning of vehicles.

4 DESCRIPTION OF SITE AND SURROUNDINGS

The site comprises a field with a width of about 100m and depth of 350m. The field is set at the beginning of a rise in the landscape, with the lowest part of the field along Uffington Road. Currently there are two small access points through the hedged boundary to the road.

5 PLANNING HISTORY

Application Number	Description	Date	Decision
07/00649/FUL	Erection of boundary fencing, stables, hardstandings and use of land for grazing horses	19/7/2007	PER

6 CONSULTATIONS/REPRESENTATIONS

INTERNAL

Highways – Have no objection if the current access arrangements are unaltered. [Note: this is not currently clear from the submission]

Tree Officer – There are only 2 road side trees on site, both are in fairly poor condition and not worthy of a TPO. As such, I have no objections to this proposal.

Landscape Architect – No objection in principle, subject to further details being approved including landscaping details, appearance, and reduction in number and scale of accesses, if possible.

The block plan suggests extensive trees around the site; landscape proposals are required before any approval is made.

EXTERNAL

Parish Council – objects on the following grounds

Previous planning permission has not been complied with

Housing may be developed in the future

Site is outside village envelope and any building would be inappropriate

No facility shown for storage of manure

Vehicular access dangerous - road is a very narrow country lane

Obvious that a new business is going to be run from the site – will create additional traffic

Why is a septic tank proposed – would not be practical

Conditions of previous permission should be applied

None of the residents have been consulted

NEIGHBOURS

Letters of objection have been received from 3 local residents raising the following issues:

- The village envelope should be respected
- Site is an area of best landscape with a ditch which could become polluted with run off from rabbit rearing production
- Development will be visible across the open countryside and will have a detrimental impact just before the entrance to the village
- Will necessitate a number of vehicles accessing the road at a dangerous point
- The same conditions should be placed on this as on the previous application for a stable block
- Why is a septic tank proposed
- Existing owners have not kept to granted planning permission
- Fields are full of wild rabbits
- No need for this development
- Owners already have two accesses instead of one
- House may be applied for next

COUNCILLORS

There has been no Member comment.

7 REASONING

a) Introduction

It is important to note that the activities proposed, being agricultural (horticulture is included in the planning definition of agriculture), do not require planning permission. It is only the structures that require permission. The agricultural permitted development rights for new buildings do not apply as the site is less than 5ha in area, however the provision of sewers, mains etc are permitted development.

Planning Policy Statement 7 encourages farm diversification in the interests of supporting the rural economy and providing jobs. The applicant company appears to be a well-established horticultural business, and the stated intention is to raise plants on the site as well as to diversify the business into raising meat rabbits. Some activity has taken place in terms of planting, but this does not require planning permission.

b) Planning history

Neighbours, and the parish council, have referred to a previous permission for a stable building, and have reported that the conditions appended to that permission have not been kept to. The permission does not appear to have been implemented, and therefore the conditions would not apply.

They have also requested that the same conditions be applied to this application, however the two proposals are materially different and therefore the conditions may not be suitable.

c) Policy issues

Policy LNE1 restricts development in the open countryside, however the proposed development is to support agriculture and horticulture and therefore falls within the allowances of the Policy.

Policy LNE5 controls development within Areas of Best Landscape, and requires that careful consideration is given to development in the area in terms of appearance, scale and landscaping, to ensure that the distinctive landscape character is conserved.

The policy has 6 specific requirements, which are examined in detail in d) below.

d) Impact on area of best landscape

Policy LNE5 has six specific requirements:

a. Respect local building forms in terms of scale, mass, style and materials. It is not considered appropriate to insist that a new barn is built of local stone. Timber cladding would be appropriate, on a building of suitable scale. The applicant has been asked for further information to justify the scale of the building, and has stated that the height is necessary in order to allow gases such as ammonia to rise up into the roof to be vented out.

The polytunnel will be smaller and less obtrusive than the barn, but with a greater potential to become unsightly if it is not maintained. It is therefore recommended that a condition is appended requiring the removal of the polytunnel if it is not in use.

b. Retain trees that form an important element in the landscape. This does not apply as no trees are affected by the development.

- c. Reflect the relationship between a settlement and its landscape setting. This does not apply as the site is not within a settlement, and is not close enough to materially affect the relationship between Barnack and its setting.
- d. Retain important and distinctive features. The only particular feature on the site which would be affected is the hedge along the boundary to Uffington Road. The applicant has been asked to submit further justification for the additional/widened access points and this will be set out in the Update Report.
- e. Safeguard important views. There is undoubtedly a view from Uffington Road across the application site and the neighbouring fields, towards Pilsgate. The Area of Best Landscape is extensive, covering most of the western half of the Unitary area, and the site is close to the edge of the designated area. As the structures would be at the low end of the site, long views would not be significantly affected. Subject to further detail on the appearance of the building, it is not considered that there would be any significant detrimental impact on important views.
- f. Sympathy to local topography. The proposed structures would be at the low end of the site, near to the road, where there is a very gentle slope.

The Landscape Architect has requested further details of landscaping, however it appears that the landscaping on the block plan is inaccurate as trees are shown outside the site where there are no trees. No landscaping is proposed, and it is not considered that any would be necessary as the proposed structures do not have a significant impact on the landscape.

e) Highway Safety

Neighbours have commented on the possible dangers from allowing an increase in activity at the site, however the Local Highway Authority has raised no concern in this respect. Clarification has been sought from the applicant regarding the need for an increased number and width of access points and this will be reported to Members in the Update Report.

f) Possible future housing requirements

Some neighbours and the Parish Council have expressed concern that there might be pressure for residential accommodation on the site in the future, and the applicant has stated that they intend to apply for a mobile home on the site, to accommodate staff to care for the livestock. The Committee should not take into account what future applications may be made, and should determine the proposal on the basis of the information submitted.

g) Other matters

Various comments have been made by neighbours, those which are not covered above include:

Pollution/manure/run off/septic tank

The construction of a building for breeding animals does not of itself require approval under the Building Regulations, however a septic tank, and any heating system required, would be covered. This would ensure that the drainage was to a suitable standard. It is likely that a septic tank would be required to service staff facilities, and also such things as a sink for cleaning equipment.

The applicant has advised that dry manure would be composted down and reused on the site.

Waste water from washing down will be collected in a tank and later used for irrigation. A condition is recommended requiring details of this system.

Rabbits in the fields

Although wild rabbits can be caught and processed for human consumption, this is not sufficient reason to prevent their commercial production, or to refuse this application.

Consultation

Several neighbours commented that they had not been consulted. It is usual to consult adjoining properties to an application site, however in this case there are no directly adjoining neighbours. The nearest residential properties are about 350m away and although residents might be able to see the proposed building from their homes, this is not a valid planning objection. Site notices were posted.

8 CONCLUSIONS

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighting against relevant policies of the development plan and specifically:

The proposal is for buildings to support local agriculture and horticulture

The buildings are of a suitable size and scale for the locality

The character of the Area of Best Landscape will not be unacceptably affected

The proposal is therefore in accordance with Policies DA2 and LNE5 of the Peterborough Local Plan 2005 (First Replacement) and the provisions of Planning Policy Statement 7.

9 RECOMMENDATION

The Head of Planning Transport and Engineering recommends that this application is APPROVED subject to the following conditions:

- C1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.**
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- C2 No development shall take place until details of all materials to be used in the external surfaces of the building have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.**
Reason: For the Local Authority to ensure a satisfactory external appearance, in accordance with Policy DA2 of the Peterborough Local Plan (First Replacement).
- C3 Should the approved polytunnel remain out of use for growing plants for a period of more than six months it shall be dismantled and removed from the site.**
Reason: In order to protect the amenity of the area in accordance with Policies DA2 and LNE5.
- C4 Prior to the commencement of development details of the drainage and storage system for liquid waste shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.**
Reason: In the interests of controlling pollution in accordance with Policy U9 of the Peterborough Local Plan 2005 (First Replacement).

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