

Application No:	3/16/18/006
Parish	Holford
Application Type	Full Planning Permission
Case Officer:	Denise Grandfield
Grid Ref	Easting: 315344 Northing: 140695
Applicant	Mr John Hughes
Proposal	Erection of an agricultural building with a twin wall flue pipe and associated earthworks (retention of works already undertaken) as amended by plans received 20 December 2018.
Location	Strawberry Fields, Combe Lane, Holford, Bridgwater, TA5 1RZ
Reason for referral to Committee	The recommendation is contrary to the views of the Parish Council.

Recommendation

Recommended decision: Grant

Recommended Conditions

- 1 The development hereby permitted shall be completed by 1 July 2019 and thereafter retained in the approved form.

Reason: To ensure that the approved changes are carried out to protect the visual amenity of the locality.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

(A3) BARN AND EARTHWORKS DRAWING - NORTH EAST SIDE

(A3) BARN AND EARTHWORKS DRAWING - PLAN

(A3) BARN AND EARTHWORKS DRAWING - NORTH WEST SIDE

(A3) LOCATION PLAN

(A4) SITE BLOCK PLAN

(A3) DRNO 2118/A PLANS

(A3) DRNO 2118/A/S PLANS

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3 By 1 July 2019, the hereby approved natural coloured window frames shall be installed and subsequently maintained as such.

Reason: To protect the visual amenities of the area.

- 4 The building hereby approved shall be used solely for the storage of machinery and equipment in connection with the use of the holding for agricultural purposes.

Reason: To protect the rural character of the area.

Informative notes to applicant

1 STATEMENT OF POSITIVE WORKING

In determining this application the Local Planning Authority considers it has complied with the requirements of paragraph 38 of the National Planning Policy Framework. Although the applicant did not seek to enter into pre-application discussions/correspondence with the Local Planning Authority, during the consideration of the application further information was required. The Local Planning Authority contacted the applicant and additional plans were submitted. For the reasons given above and expanded upon in the planning officer's report, the application, in its revised form, was considered acceptable and planning permission was granted.

Proposal

The application submitted in retrospect, proposes engineering works in the form of cut and fill earthworks to provide a level platform and the erection of an agricultural building constructed in timber cladding with a green profile metal sheeting pitched roof. The lower floor elevations would be rendered. A metal flue is also included within the application to be retained. It has been installed for a wood fired boiler and thermal store system to maintain the building above 0 degrees C to prevent stored water and associated pump and pipe work from freezing in the winter months

A prior approval application for an agricultural building was considered by the Council in 2013 and it was determined that further assessment of the siting, design and external appearance was not required. The building was for the storage of agricultural machinery, feed stuffs, rainwater collection and hygiene and welfare.

Amended plans received in December 2018 changed the description of the development to include the erection of a building which is larger than that approved

under the prior notification in 2013.

Site Description

The site lies within an area of open countryside to the south of Holford, within the Quantock Hills AONB and adjoins a SSSI. The holding measures approximately 6.5 hectares including 2 hectares of woodland. Access to the site is via a track near the layby on the A39, through a wooded area owned by the National Trust, then turning north-west over agricultural land.

Relevant Planning History

3/16/13/014 - Prior notification for the erection of agricultural building - Prior approval not required - 10 January 2014

Consultation Responses

Holford Parish Council - The site visit raised the question that the outward appearance of the building resembled something more akin to a dwelling than purely an agricultural building.

The concern was that this might become an opportunity for development by stealth rather than a straightforward siting of a non habitable but functional agricultural building.

- Existing access track has been damaged and widened as a result of use of a heavy military vehicle style truck used to access the site and another track has been made through the gorse in a SSSI and AONB site.

On 29/5/2018 a Public meeting was held at Holford Village Hall, the principal concerns raised by the parishioners that attended were as follows

- Many parishioners view that the building may become a residential dwelling evidenced by large windows, flue pipe and verandah not typical of an agricultural unit.

- There is already considerable damage to the SSSI site with widening of the existing track and a new access track cut through gorse.

Approximately 8 parishioners spoke against this application. Only 1 person spoke in favour who was the applicant, and who addressed all those present to give assurances that this building is in accordance with planning law, is for agricultural purposes only and would not be used as a dwelling place.

Observations received on amended plans:

General Comments

This land lies within the Quantock Hills Area of Outstanding Natural Beauty (AONB) and is adjacent to National Trust (NT) landholding. It is also an area designated as

a Site of Special Scientific Interest (SSSI). No objections to the building of an agricultural feed store were raised by the planning authority in June 2018.

The Site

Extensive groundworks have been undertaken by the applicant without reference to the National Trust (NT) or AONB. In fact the applicant failed to mention to the NT that a building of this scale was proposed and only indicated to them that there was a “Retrospective application for earthworks and flue”.

To quote the letter received from the National Trust (posted on the Planning Portal of the West Somerset Council website)

“Local Plan policy OC1 states that “development is not generally appropriate” in the open countryside, and to be permitted in “exceptional circumstances” it should be “beneficial for the community and local economy”. Again, it is not clear that exceptional circumstances exist and that there appear to be no benefits to the community or the local economy. This development appears to be solely in the interest of the individual applicant and therefore does not comply with this directive.

With reference to the designation of the area as an AONB we quote the guidelines which state “New agricultural buildings need careful consideration of their design and location if they are not to have a negative impact on the landscape”. Quite clearly this development does not comply with this requirement.

The area around the building has already been extensively excavated to some depth to accommodate the building.

Damage to the access routes to the area

There has been an impact on ground conditions, and this affects members of the public using the route in question which is a bridleway and also forms part of the Coleridge Way. The access from the layby on the A39 has been subject to increased use by an ex-military heavy vehicle causing severe damage to the access from the layby on the A39 which is one of the main points of access to the hills for walkers. Vehicle access has also significantly degraded the bridleway. The development on the applicants site of a new access to the property is both unsightly and damaging to SSSI woodland due to this newly created trackway along which are stored a number of vehicles including agricultural equipment and a large ex-army truck.

Vehicle movements appear to be causing damage to the SSSI within the National Trusts landholding as mentioned in its letter to the planning authority.

The Building

Whilst there is, at present, insufficient evidence to suggest that the intention is to use this building as a dwelling there are a number of points which raise concerns. The new application is for a larger building (although not substantially so) which is now in situ with the roof line extended some way outside the building footprint.

The building is of a very substantial, permanent nature and not of the type suggested in the initial planning application for a steel framed and clad agricultural

feed store.

Works to the building

The large door shown on the South East elevation has not been installed.

The applicant appears to have installed a fuel tank outside the building. It was not possible to ascertain if this was for use of the store or for tractor fuel. In the future this may pose a risk of leakage and subsequent pollution of water courses.

A window on the South West elevation which is shown as being removed has in fact been maintained and an inappropriate uPVC white window frame installed. Other windows around the building have also been installed with these type of frames which are entirely out of keeping with a site in an AONB. The application states that these frames are to be removed but there is no indication of when this might happen. Without a final date for completion this unsightly construction site bordering an SSSI and within the AONB could be very prolonged.

There is a platform in place on the North West side which may be simply for use during construction work. However the existing door to enter the building has not yet been removed neither has a window shown on the plans. This may also happen in due course.

Planned use of the site

The Parish Council members were greatly concerned by the proposed development of this site. Holford residents and other visitors to the area greatly value the beauty and unspoilt nature of this area of the Quantocks. Both the National Trust (NT) and The Quantock Hills Area of Outstanding Natural Beauty (AONB) Service, on behalf of its Joint Advisory Committee have raised grave concerns over the application. The primary purpose of AONB designation is the conservation and enhancement of the landscapes natural beauty. The proposal is directly contrary to this aim and has already caused some considerable damage to the area to the detriment of the SSSI. The keeping of pigs on site may further add to the damage to the delicate ecosystem.

The National Framework quotes

“When determining planning applications, local planning authorities should apply the following principles: development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted.”

In conclusion

It may be that the National Trust and the Quantock AONB should take up certain issues raised within this application. The Parish Council feels that given the benefits for residents and visitors to the area in protecting the beauty of the site this is an inappropriate development and may be simply a ‘back door’ way of erecting a dwelling.

Quantock Hills AONB - The Quantock Hills was the first landscape in England to be

designated as an Area of Outstanding Natural Beauty (1956). The primary purpose of AONB designation is the conservation and enhancement of the landscape's natural beauty. The Quantock Hills AONB Service, on behalf of its Joint Advisory Committee, undertakes its work according to this primary purpose – to ensure this beautiful and nationally protected landscape remains outstanding now and into the future. Please accept the following within this context.

We are very concerned that this is an intrusive structure in an entirely inappropriate location. It appears to have involved changes to ground levels and earth moving without appropriate permissions and has further resulted in damage to the sensitive SSSI habitats and public enjoyment of the AONB through damage to a bridleway and the creation of a new vehicle access track. We ask that you consult your Landscape Officer in respect of this application as it is essential that potential effects, particularly on visual amenity, are properly considered. This will ensure that approval is only given where it is judged that there would be no adverse effects or that these could be successfully mitigated. New development within the AONB, of any kind, must not be at the expense of the natural beauty of this nationally protected landscape. When considering this application, we ask that consideration be given to the following text from the 2014-2019 Quantock Hills AONB Management Plan:

“The prime objective of the AONB is conservation and enhancement of the natural beauty of the landscape. The Quantock Hills AONB is visually very vulnerable, with much of the landscape having a pronounced physical form - open slopes, prominent ridgeline and exposed summits are visible from considerable distances”.

“New agricultural buildings need careful consideration of their design and location if they are not to have a negative impact on the landscape. These structures are erected when required by farmers for their business and are therefore important to the management of the farmed landscape, however location, size, design and materials need careful consideration to ensure they do not have an adverse landscape impact”.

We trust that the Quantock Hills AONB and impacts on the main Quantock SSSI will be given due consideration during your assessment of the application in line with the revised NPPF which among other relevant sections clearly states that:

172. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.

175. When determining planning applications, local planning authorities should apply the following principles:

b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;

Landscape Officer - having looked at the plans I would consider that as this new building is isolated and completely unrelated to other buildings in the area it forms an intrusive feature within this AONB landscape . I note concerns about damage to the SSSI .

In addition I agree with the Parish Council that the outward appearance of the building does not look agricultural . I would therefore share their concerns that there may be future applications for change of use to residential.

Highways Development Control - No observations.

Representations Received

Seven representations received from six households objecting to the proposal on some or all of the following grounds:

- The site is within the AONB and adjoining the SSSI which should be protected
- The building should revert back to an agricultural store
- Access is through an SSSI and is disruptive to birds and wildlife
- The building has the appearance of a residential home, with chimney, windows and a first floor
- Earth closet, with no mains water or sewerage
- Building should only be used for storage

Following the receipt of amended plans , three objections have been received:

- The building could be used as a weekend retreat
- A new route has been cut through existing banks, woodland eco systems and SSSI
- Unnecessary construction in the SSSI and AONB
- The applicant should live nearer if it was to be farmed
- The application form information is misleading
- No details of proposed sawmills

Representations have been received from the National Trust, making the following comments:

Procedural:

The Trust received a notification from the applicant dated 19th May 2018. This described the proposed development as “Retrospective application for earthworks and flue”. There was no mention of a building. However, the application seeks planning permission for a building (with flue) and associated earthworks. We are therefore commenting on the fuller description of the development.

Planning merits:

Firstly, we are concerned that development at the application site has involved vehicle movements across our land, and such movements appear to have increased. There has been an impact on ground conditions, and this affects

members of the public using the route in question, which is bridleway and also forms part of the Coleridge Way.

Linked to this, we are concerned that vehicle movements are causing damage to the SSSI within our landholding. On the applicants land, damage appears to have been caused to SSSI woodland due to a newly created trackway.

There are some photos attached; these which relate to the *easternmost* access shown in the applicants plan listed online as “Location plan showing access routes”. We are also concerned about the negative impact of the development on the aesthetic appearance of the application site, and the intrinsic rural character of the area. The site lies within a nationally designated landscape, where great weight should be given to conserving landscape and scenic beauty.

Based on the submitted plans, the size, design and appearance of the building, including its external flue, suggest a residential dwelling. The application documentation does not state why the building might be necessary to support agriculture taking place on the land, and why the earthworks are required in order to create the building.

Finally, Local Plan policy OC1 states that “development is not generally appropriate” in the open countryside, and to be permitted in “exceptional circumstances” it should be “beneficial for the community and local economy”. Again, it is not clear that exceptional circumstances exist and that there would be public benefits resulting.

I trust the above points can be taken into account in the determination of this planning application.

Planning Policy Context

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for the West Somerset planning area comprises the West Somerset Local Plan to 2032, retained saved policies of the West Somerset District Local Plan (2006) Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

West Somerset Local Plan to 2032

OC1	Open Countryside development
NH14	Nationally designated landscape areas

Retained saved polices of the West Somerset Local Plan (2006)

BD/6 Agricultural Buildings
NC/1 Sites of Special Scientific Interest

Determining issues and considerations

The main issue in the consideration of this application is the differences between the building allowed under the prior notification application and what has been built and is the subject of this application.

Prior Notification application

The applicant has indicated that the building has been constructed in accordance with the prior approval and that the current application is for the engineering operation for the earthworks around the site which has been necessary to provide a level platform on which to construct the approved building. The Council is of the opinion that the application description should include the erection of an agricultural building as the building has not been constructed in accordance with the prior notification.

The prior approval was for the erection of a building measuring 5m by 10m with a maximum height of 4m, with timber and box profile cladding walls in green and timber, with a roof in green box profile roofing sheets. The building has been constructed with a slightly larger footprint and height and using different materials. The revised plans indicate that the floor area of the building measures 10.4m by 5.3m. The ridge height of the building is 4.12m at the south east end of the building and is 7.1m at the south west end of the building. It should be noted however that for the prior notification application there is a definition on how the height of a building is determined and this is contained within Article 2 - Interpretation of The Town and Country Planning (General Permitted Development) (England) Order 2015 where height is defined as -

(2) Unless the context otherwise requires, any reference in this Order to the height of a building or of plant or machinery is to be construed as a reference to its height when measured from ground level; and for the purposes of this paragraph "ground level" means the level of the surface of the ground immediately adjacent to the building or plant or machinery in question or, where the level of the surface of the ground on which it is situated or is to be situated is not uniform, the level of the highest part of the surface of the ground adjacent to it.

This means that had the building been erected with the ridge height being 4m instead of 4.12m at the south east end of the building (and the other dimensions had been 5m x 10m) that this building could have been erected under the prior notification application.

Extensive engineering work has also been carried out in the form of cut and fill in the vicinity of the building which requires planning permission. However the extent of

engineering works has not resulted in a level platform as the building as constructed is in part two storeys high.

The application needs to be assessed in terms of whether the larger building would have any additional impacts beyond those previously considered acceptable.

Following discussions with the applicant's Agent, amended plans were received in December 2018. The revised drawings indicate proposed changes to the building including the removal of a door and window from the north-western elevation and the platform and access removed, removal of a window from the south-western elevation, the insertion of doors in the south-eastern elevation and the insertion of a small window in the north-eastern elevation. The two windows on the lower south-western elevation will have timber shutters installed. The changes help to minimise the domestic appearance of the building. Some window openings are to be retained to provide light to the building and the plastic framed windows are to be replaced with natural colour timber framed windows. Conditions requiring the new window frames to be installed within 6 months together with the removal of the windows, addition of the shutters, platform and access are considered appropriate.

Retained Policy BD/6 relates to agricultural buildings and states that :

Proposals for new agricultural buildings or extensions which require planning permission will only be permitted where:

(i) the siting of the building will be determined having regard to existing landscape features, local land form and tree and hedgerow cover - together with the relationship with other buildings.

(ii) The general design (including form, materials and colour) and mass of the building will be appropriate to the character of the area whilst also meeting the functional needs of the farming business.

(iii) Indigenous landscaping to soften any hard outlines should form an integral part of the development - including the retention of existing trees and hedgerows where their removal would significantly harm the character of the area.

No further information regarding siting, design and external appearance was requested during the consideration of the prior notification. It is considered that the siting and design of the current proposal is not too dissimilar to the prior notification as to warrant a refusal. The external appearance, using timber cladding and a green profile metal sheet roof, is appropriate and consistent with other agricultural buildings in the area. The differences between the earlier approved building and the current proposal are minimal and are not so substantially different that the impacts of the building would have a greater detrimental impact on the important landscape area and the wider rural location.

The size of the agricultural holding is large enough to warrant a functional need for a building of the size proposed.

Issues raised in submissions

The main issue of concern is the potential use of the building for residential purposes. Such a use would be contrary to the relevant policies in the local plan in that it would be in an unsustainable location and would not be supported. A condition requiring the use of the building for agricultural purposes is considered appropriate.

Issues have been raised regarding the impact of the building on the AONB and SSSI. However it is considered that the slight changes to the scale of the building and the materials to be used to clad the building would have no greater impact on these nationally recognised areas.

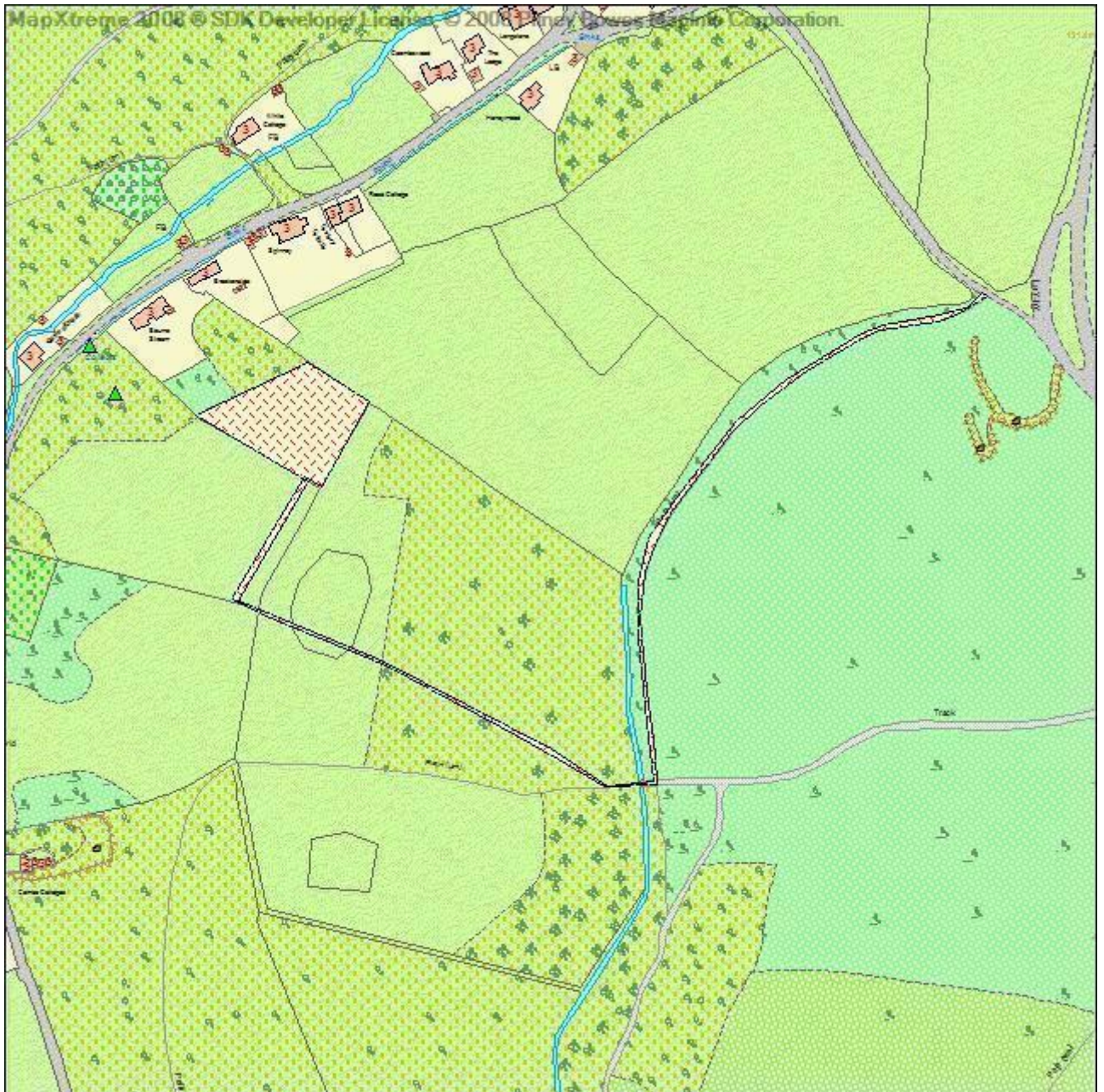
The granting of planning permission does not give rights of access over land not in the applicant's ownership. The National Trust, as owners of part of the application site can if they feel necessary, withdraw permission for the applicant to use their land, in order to protect their assets.

The sawmill referred to in the Planning Statement will be stored in the agricultural building and will be used to manage the woodland in the ownership of the applicant, which is considered an acceptable use of the building.

Conclusion

The proposal complies with the requirements of the relevant local plan policies and approval is recommended.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.



Application No 3/16/18/006
Erection of an agricultural building with a twin wall flue pipe and associated earthworks (retention of works already undertaken)
Strawberry Fields, Combe Lane, Holford, Bridgwater, TA5 1RZ
Planning Manager
West Somerset Council,
West Somerset House
Killick Way
Williton TA4 4QA
West Somerset Council
Licence Number: 100023932



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