

Chapel Allerton

15/23/00002/EC registered 17/04/23
Expiry Date: 11/06/2023
(Full Planning Permission)

Proposal:

Erection of agricultural storage building and solar panels (revised scheme). at Land At, Scotland Lane, Chapel Allerton, Axbridge, Somerset, BS26 for Chellaraj & Wilson



Committee decision required because

This application is referred to the Chair and Vice Chair to enable the issues raised by the Parish Council to be debated

Background

The application site is located in countryside to the south west of the hamlet of Chapel Allerton. The application site is accessed via Scotland Lane, an unclassified single track highway that extends to the south east of the application site. The site is formed of a parcel of agricultural land and permission is sought for the erection of an agricultural building and installation of solar panels.

The application follows a previously refused scheme that sought consent for the erection of agricultural building and garage, the installation of solar panels and wind turbine and the siting of static caravan.

Relevant History

Reference	Case Officer	Decision	Proposal
15/22/00004	EC	REF	Erection of an agricultural building and garage, including the installation of solar

			panels and wind turbine. Also with, the siting of static caravan.
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Supporting information supplied by the applicant

Planning Statement

Consultation Responses

Chapel Allerton Parish Council – object:-

1. The application site is approx. 3.5 acres (as stated by the applicants) and situated off Scotland Lane and in the reasonably remote part of Binham Moor. It has no direct access to a public highway as confirmed by Somerset Highways Authority in response to application 15/22/00004.

2. An application for the erection of an agricultural building and garage, including the installation of solar panels plus the siting of a static caravan was made in 2022 under application number 15/22/00004. The application was refused.

3. The Parish Council objects to the application on the following grounds:

3.1. It is inappropriate development in open countryside. The National Planning Policy Framework establishes in paragraph 84 support for the development and diversification of agricultural businesses this cannot apply to this site which is under 4 acres in total and where the applicant only intends to use a small percentage of the site for agricultural and horticultural purposes. The applicants have not submitted any business plan to show how the business on such a small site will be sustainable. This small area would not be economically viable and could not support any sustainable business of supply of hay to the local farming community as the applicants have stated.

3.2. Whilst the proposed building is said to be linked to running an agricultural business there is no evidence of any activity of any meaningful nature taking place at the time or since the last planning application.

3.3. The horticulture would result in the use of fertilizers. Following the judgement (known as Dutch N), Natural England have advised that, in light of the unfavourable condition of the Somerset Levels and Moors Ramsar, due to high levels of phosphates leaching into the local ecosystem any application that would result in additional phosphate loading in the catchment should be subject to a Habitats Regulations Assessment and if necessary, mitigation measures. No mitigation solution has been put forward to address this issue. In the absence of any such information, an unacceptable impact in the form of increased phosphate loading cannot be ruled out and as such the application is considered to be contrary to policy D20 Sedgemoor Local Plan 2011-2032.

3.4. The application includes solar panels on the roof of the shed which could be in part be used for lighting. If the application is to be approved the Council would request a condition that no external lighting is to be allowed this is to ensure that nocturnal wildlife is not to be disturbed.

3.5. The Council is concerned that with a shed of this size it could in part be converted to residential use. The Council would request that any planning consent prohibit all future domestic use. Further that there is a prohibition on the use of the field for the storage

including a static caravan. The applicants currently have stationed a touring caravan on the site.

Somerset Ecology Services – No objection. Recommend conditions regarding hand clearance of existing vegetation, to secure a biodiversity enhancement plan and informatives reminding the applicants and any operatives of the protection afforded to bats, badgers and nesting birds

County Highways – No observations

Environmental Health – No observations/comments

Axe Brue Drainage Board – Standing Advice

Representations

No comments received

Most Relevant Policies

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF require that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

National Planning Policies

National Planning Policy Framework 2021

Sedgemoor Local Plan

S2 Spatial Strategy for Sedgemoor

CO1 Countryside

D1 Flood risk and surface water management

D2 Promoting high quality and inclusive design

D13 Sustainable Transport and Movement

D14 Managing the Transport Impacts of Development

D19 Landscape

D20 Biodiversity and geodiversity

Main Issues

Principle of development

The application site measures approximately 3.18 acres and lies within the countryside where, in line with national planning policy, development is appropriately controlled. Policy S2 sets out the spatial strategy for the district and directs development to the most sustainable of locations. Policy CO1 sets out that this approach reflects the environmental and landscape constraints, more limited local services and fewer opportunities for sustainable transport. The policy goes on to recognise that there can be exceptional reasons for development to be more appropriately located in the countryside and such development is supported where proposals are specifically addressed by way of exception policy or where the proposal can demonstrate a specific countryside need.

This scheme seeks to address the reasons for refusal of the previous scheme. The proposal now seeks consent for a reduced scheme of a steel portal framed agricultural building that

will measure 9m x 5m and have height to eaves of 2.5m. Solar panels are proposed to be installed to the roof to provide electricity for the tools and equipment used in connection with the agricultural activity proposed on site.

The supporting statement provides that the applicants purchased the plot in 2021 and intend to rewild 40% of the land over a five year period and to plant native trees, grasses, crops, herbs and shrubs. They intend to use the building proposed for the storage of machinery, including a tractor, trailer, back hole, hedge trimmer and topper and to then store cut grasses to be used as animal feed.

To overcome previous concerns, the building is to be sited 10m from the watercourses.

The applicants advise that they reside approximately 1 hour away. It is no longer proposed that any animals would be kept on site and on the scale and nature of the development proposed is not considered to be unacceptable subject to a detailed assessment of the site-specific constraints.

Visual Impact

The revised proposal has significantly reduced the level of built form and sees the removal of the caravan/associated paraphernalia from the scheme and the proposed agricultural building is not considered to give rise to any unacceptable visual impact. It takes the form of a modest, modern agricultural building that is not inappropriate in a countryside location. As such the changes made are considered to have sufficiently address the previous reason for refusal on visual impact. The development now proposed is sufficiently justified by the supporting statement and accordingly the proposal is considered to amount to sufficiently justified development of an appropriate scale and appearance and therefore is considered to comply adequately with the requirements of policies D2 and D19 Sedgemoor Local Plan 2011-2032.

Ecological Impacts

The application site lies within the Somerset Levels and Moors RAMSAR, however there are no livestock on the small parcel of agricultural land and the building proposed is for use as an agricultural storage building. A condition can be applied to prevent the housing of livestock within the building and given the size and scale of the operation, the applicants do not benefit from permitted development rights for further development. Therefore, and subject to a condition to prevent the housing of livestock, there are sufficient controls for the Local Planning Authority to be satisfied that the development, if permitted, would not give rise to any increase in livestock on the holding. SES have been consulted and provided comments confirming that they have no objection to the development proposed. They suggest conditions to ensure vegetation is first removed by hand and to secure a biodiversity enhancement plan. The removal of vegetation by hand is commonly applied as an informative together with the balance of recommended informatives regarding the protection of bats, badgers and nesting birds. A condition will be applied to secure a biodiversity enhancement plan and a further condition will be applied to restrict lighting on the site given the countryside location and that the site is within Band C of the bat consultation zone. The scale and nature of the proposal is such that subject to conditions it is not considered to give rise to any unacceptable impacts in terms of ecology and to sufficiently comply with the requirements of policy D20 Sedgemoor Local Plan 2011-2032.

Highway safety

Somerset County Highways have confirmed they have no observations. Given the scale and nature of the development, notwithstanding the concerns of the Parish Council, it is not considered likely to give rise to a material increase in vehicular use of the local highway network that would be considered to be to the detriment of highways safety on the rural road network. As such no conflict is identified with policy D14 Sedgemoor Local Plan 2011-2032.

Other Matters

The Parish Council have maintained an objection of the revised scheme and requested conditions to prohibit the siting of caravans on the site and to prevent the change of use and conversion of the building to a dwelling in the future. Whilst the reasons for objection are considered to have been addressed within the body of this report, with regards to the proposed condition wording, it is not considered that the nature of the proposal results in such condition wording being necessary and as such, such conditions would fail to meet the conditions tests. The revised proposal does not seek consent for the siting of the caravan or for any residential use of the site, which would require consent in its own right.

Summary

The revised proposal for a more modest and sufficiently justified scheme is considered to adequately address the previous reason for refusal and as such the proposed development is, subject to conditions, recommended for approval.

RECOMMENDATION

GRANT PERMISSION

- 1 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 by Section 51 of the Planning and Compulsory Purchase Act 2004).

- 2 The development hereby permitted shall be carried out in accordance with the approved plans listed in schedule A.

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

- 3 No external lighting shall be erected or installed on the building hereby permitted or within the application site unless prior written consent is sought from the Local Planning Authority.

Reason: In the interests of visual amenity, to protect the dark skies of the countryside and in the interests of the Favourable Conservation Status of local populations of European Protected Species in accordance with policies D2, D20 and D24 of Sedgemoor Local Plan 2011-2032

- 4 The building hereby permitted shall not be used for the housing of livestock without the prior written consent of the Local Planning Authority

Reason: to prevent unacceptable impacts as a result of increased phosphate loading associated with housing livestock and to prevent unacceptable impact on the amenity of neighbouring residents in accordance with policies D20, D24 and D25 Sedgemoor Local Plan 2011-2032

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A Biodiversity Enhancement Plan (BEP) shall be submitted to and approved in writing by the Local Planning Authority prior to first use. The BEP shall include measures to ensure that no net loss to biodiversity occurs as a result of the development should include measures to enhance the site for horseshoe bats (such as the creation of species rich grassland around field margins). The BEP should also include a landscape masterplan which identifies the areas of planting proposed, a planting schedule and specification of seed mixes/species of stock and general implementation.

Reason: To ensure that development sites are appropriately landscaped to provide enhancement of the environment, mitigation for vegetation that is to be removed, to ensure biodiversity is maintained and that planting schemes are established and managed into the future, in accordance with policy D20 Sedgemoor Local Plan 2011-2032.

Schedule A

Location Plan Drg No. 01

Proposed Block Plan Drg No. CPS/141/AB25

Proposed Agricultural Shed Drg No. CPS/141/AB24

DECISION
