

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Item No: 12
Address: Beech Tree Calcot Lane Curdridge Hampshire
Parish/Ward Curdridge
Proposal Description: Steel clad barn with open front store
Applicants Name Mr Roger Packer
Case No: 04/01957/AGA
W No: WAG/253
Case Officer: Lisa Booth
Date Valid: 26 July 2004
Delegated or Committee:
Reason for Committee: Parish Council submitted representations contrary to officer recommendation
Site Factors: Countryside

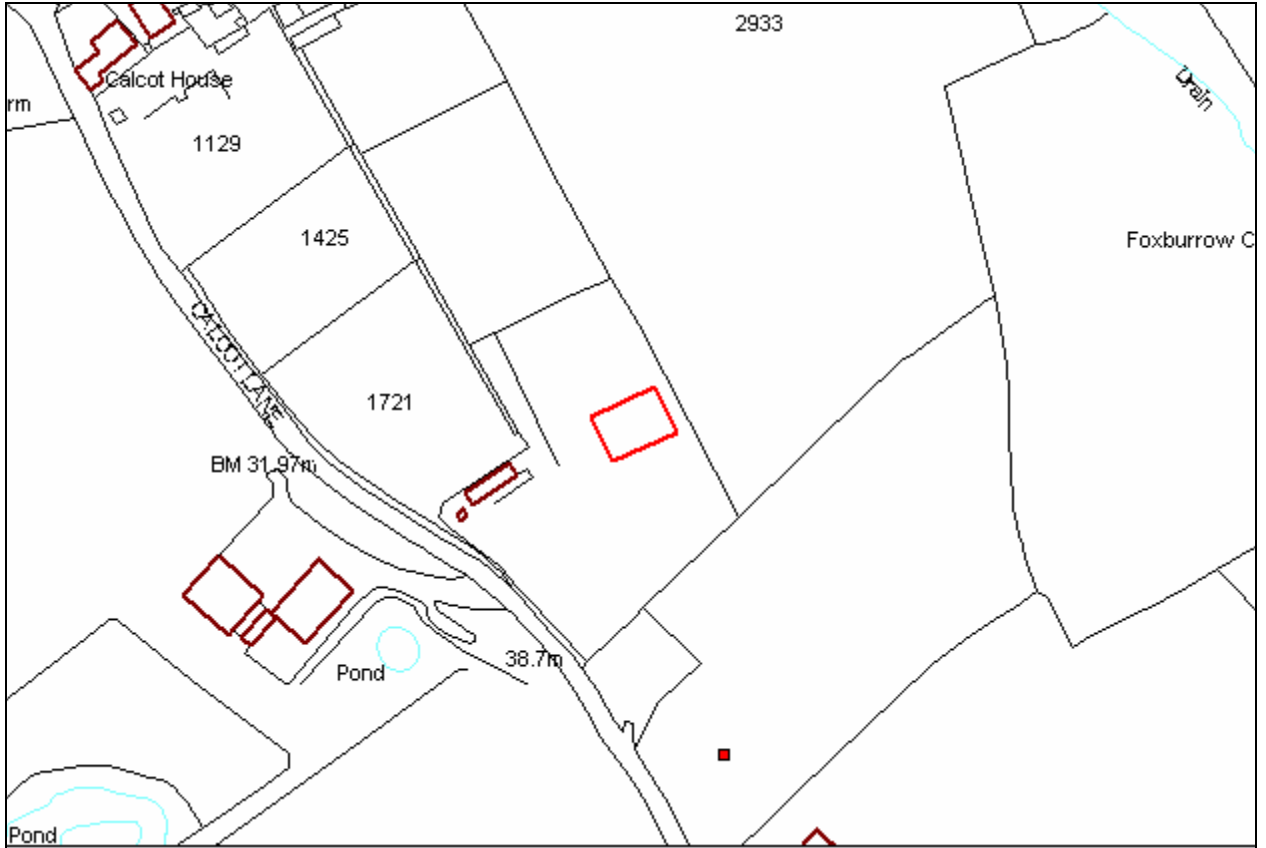
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SITE LOCATION PLAN

Case No: 04/01957/AGA **W No:** WAG/253

Address: Beech Tree Calcot Lane Curdridge Hampshire

Proposal Description: Steel clad barn with open front store



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Site Description

- 6.50 hectares of mixed use agricultural/grazing land.
- Stabling for horses and barn on land
- Thick tree belts surrounding the site

Relevant Planning History

- W17027 - Erection of stable block/tack room and storage/garage building – Permitted 18/06/01
- W17027/02- Relief of planning condition 2, stables not to be used for commercial of livery purposes, on planning permission W17027 – Refused 16/09/04

Proposal

- To erect a barn for the storage of agricultural implements and a tractor, deemed agricultural permitted development under the Town and Country Planning (General Permitted Development) Order 1995
- Originally submitted as a prior notification, but 'called-in' to apply landscape conditions and to lower the height of the barn.

Consultations

Landscape:

- *At prior notification stage*
- No objections to the proposed siting of the barn as it is adjacent to an existing barn and is not visible from any public footpaths or from the road and does not impact on the SINC sites to the north and east.
- However, as the proposed location is on a sloping site, the ridge height needs to be lower than existing barn with additional reinforcement planting along the field side to the north to marry in within the rural surrounds.
- Having met the client on site, I understand that further details are being submitted regarding the eaves height and that he is agreeable to above.
- Approve subject to additional information being acceptable as outlined above.
- *At called-in stage*
- Height reduction is better as it relates well to the adjoining barns and sloping ground
- Regarding reinforcement of newly planted hedgerow along the northern boundary, infill planting of native species is required, using species such as beech, holly, thorn, native privet, guilder rose. Methods for rabbit protection will also be needed.
- Approve, subject to inclusion of a landscape condition for a detailed planting layout as outlined above, covering both the infill planting of new hedgerow and the retention of existing vegetation on site. Min 5 year maintenance/management clause to apply.

Legal:

- Confirmation from the Legal Department was requested, as to whether the barn constituted permitted development, after it was questioned by a neighbour.
- It is important to note that the possible grant of a Prior Notification application only confirms that the development would appear to fall within PD rights. Therefore, if it were to evolve that Mr Packer is not using the land for agriculture for the purpose of a trade or business, he would risk possible enforcement action.
- Only preliminary examination of the evidence provided, it would appear that Mr Packer will be able to enjoy PD rights in respect of his barn, under Schedule 2, Part 6 of the GPDO.
- However, if you are minded to grant the application, it would be important to make it clear to Mr Packer that the Council has serious concerns about whether his hay making business constitutes a trade or business under the terms of the Order, and that as a result if it does not constitute a trade or business, possible enforcement action may follow.

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- It would appear that the land is in use for mixed agricultural/recreational use (unfortunately the law is not definitive in this area), and there is a suggestion in case law that land may still be taken to be in agricultural use for PD purposes where the agricultural use is mixed with another use.
- Hay making is included in the definition of agriculture in Section 336 of the T&CPA 1990.

Representations:

Curdrige Parish Council

- *No comment on Prior Notification*
- Object – on ‘called-in’ application
- Concerned at the height of the structure
- Object to barn being a substitute for the barn that is already there (which we understand – from the submission – is being changed to stabling)
- The plan omitted to show the access and the sight line, which is a dangerous access onto a country lane.

Letters of representations have been received from 2 Neighbours

- Objection (Calcot House)
- Site adjacent a SINC, lots of wildlife, further development will significantly affect the preservation of “the interests of the amenity of the locality”, which have already been recognised by the planning authority.
- Barn already on site, which was stated to be for “storage/tractor garage/horse box garages and other ancillary uses”. This barn is again for the tractor.
- Believe the agricultural and equestrian use of this holding does not justify an additional barn. The other buildings should provide adequate storage. No reason given to justify reason for additional storage.
- Area proposed on sloping land, very prominent, structure will not blend in well with surrounding countryside.
- Suggests an alternative site.
- Will be extremely prominent and fully visible from surrounding land including a dwelling called Deorlye in Durley on the other side of the valley.
- 2nd letter
- Questions the agricultural PD – LA should determine if it is indeed an agricultural holding or unit or trade or business is being carried out.
- Refers to Planning Encyclopedia and that the keeping of horses is for pleasure and social enjoyment. Cannot be said that this is a trade or business. Cannot accept that the mere storing of agricultural implements is such a trade or business.

- Object (The Granary)
- Objects for the same reasons as Mr & Mrs Taylor (see above)

Relevant Planning Policy:

Hampshire County Structure Plan Review:

- UB3, C1, C2

Winchester District Local Plan

- EN5, C1, C2, C7, C9

Winchester District Local Plan Review Deposit and Revised Deposit:

- DP3, C1, C6, C9, C12

Supplementary Planning Guidance:

- Curdrige Village Design Statement
- Farm Buildings: A Design Guide for Hampshire
- Winchester District Landscape Assessment

National Planning Policy Guidance/Statements:

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- PPG 1 General Policy and Principles
- PPS 7 Sustainable Development in Rural Areas

Planning Considerations

The main considerations in respect of this application are:

Principle of development

- Originally submitted as a prior notification, but 'called-in' to apply landscape conditions and to lower the height of the barn.
- The LA is satisfied that the storage of agricultural implements and a tractor are required for the making of hay, which constitutes an agricultural use.
- The applicant sows the land for hay and the hay is cut, yielding 1,000 bales of hay a year. He keeps 100 bales for his horses and the rest is sold to Maple Farm, who are hay merchants.
- It is noted that the site is a mixed use and that there are horses and stables on the land. However, the barn is to be used purely for agricultural purposes and should in the future it be recognised that this is not the case then enforcement action for the removal of the barn will be taken.

Impact on the character of the area/spatial characteristics/street scene

- The site is well screened by mature trees around the boundaries of the site and it cannot be seen from the lane or SINC.
- Within the site the position of the proposed barn is elevated from the neighbouring fields, which slope away, and the dwellings to the north.
- The barn is grouped with the existing buildings, thus reducing its impact from any views.

Detailed design

- The design of the building is in accordance with 'Farm Buildings – A Design Guide for Hampshire'.

Residential amenities

- The proposed barn is approx. 200m from the dwellings to the north of the site (Calcot House, etc)
- The building is on the brow of the hill, but it is grouped together with the existing buildings on the site, which reduces the overall impact of distant views.
- The height reflects that of the existing barn building that is used in connection with horses.
- It is approx. 90m from buildings to the west .

Comments on representations

- The Parish Council made no comment initially, but objected to the called-in application, after the barn was reduced in height.
- The applicant has stated the existing barn has not been converted to stabling and would not be suitable for such a use.
- The access and site lines are shown on the submitted site location plan drawing no: WIN253, which was submitted at prior notification stage.
- The Legal opinion sought indicated that the existing use is mixed.

Recommendation

APPROVE– subject to the following condition(s):

Conditions/Reasons

01 The building is authorised only for agricultural use. In the event that following occurs:

- i) the use of the building hereby permitted for the purposes of agriculture within the unit permanently ceases within ten years from the date upon which the development was substantially completed; and

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ii) planning permission has not been granted on an application or deemed to be granted under Part III of the Town and Country Planning Act 1990, for development for purposes other than agriculture, within three years from which the date upon which the use of the building for the purposes of agriculture permanently ceased,

Then the development hereby permitted shall be removed from the land and the land restored to its former condition, unless otherwise agreed in writing by the Local Planning Authority.

The developer shall notify the Local Planning Authority, in writing, within 7 days of the date on which the development is substantially completed.

01 Reason: To ensure that the development is removed if it ceases to be used for agricultural purposes within the unit, since the development is located in a sensitive area of countryside wherein new development is only acceptable on the basis that it is essential for agricultural purposes.

02 A detailed scheme for hedgerow planting along the northern boundary including reinforcement of newly planted hedgerow and infill planting of native species, such as beech, holly, thorn, native privet and guelder rose and also methods of rabbit protection measures shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall specify species, density, planting, size and layout. The scheme approved shall be carried out in the first planting season following the occupation of the building or the completion of the development whichever is the sooner. If within a period of 5 years from the date of planting, any trees, shrubs or plants die, are removed or, in the opinion of the Local Planning Authority, become seriously damaged or defective, others of the same species and size as that originally planted shall be planted at the same place, in the next planting season, unless the Local Planning Authority gives its written consent to any variation.

02 Reason: To improve the appearance of the site in the interests of visual amenity.

Informatives

01. This permission is granted for the following reasons:-
The development is in accordance with the Policies and Proposals of the Development Plan set out below, and other material considerations do not have sufficient weight to justify a refusal of the application in accordance with Section 54A of the Town and Country Planning Act 1990 (as amended), planning permission should therefore be granted.

02. The Local Planning Authority has taken account of the following development plan policies and proposals:-

Hampshire County Structure Plan Review: UB3, C1, C2
Winchester District Local Plan Proposals: EN5, C1, C2, C7, C9
Emerging Development Plan- WDLP Review Deposit and Revised Deposit: DP3, C1, C6, C9, C12