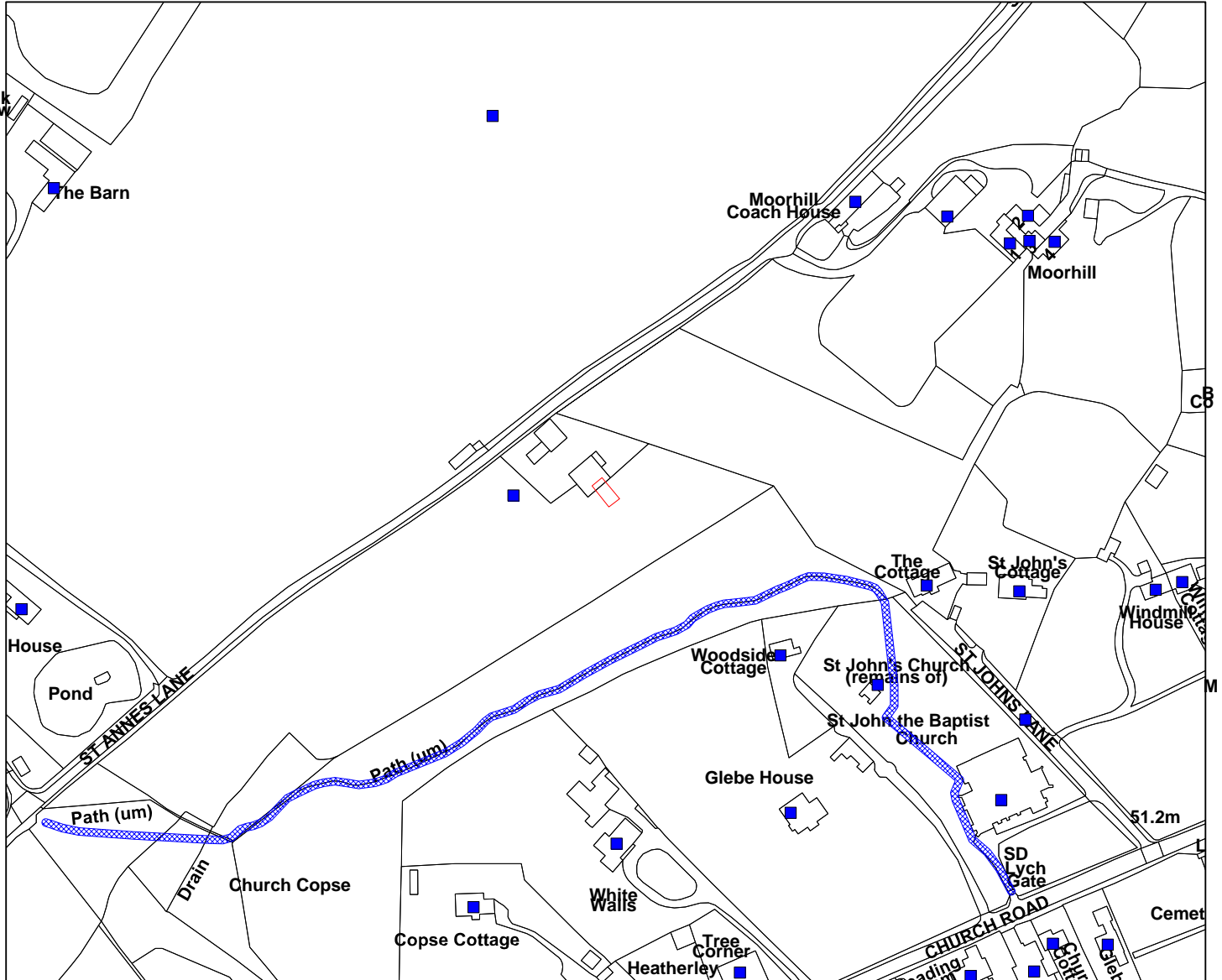


Church Meadows, St Annes Ln, Shedfield



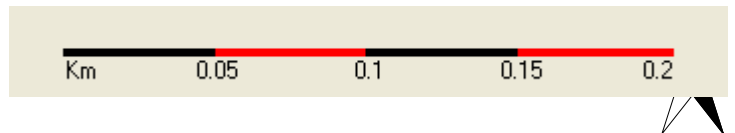
Winchester
City Council

11/00206/AGA



Legend

Scale:



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Organisation	Winchester City Council
Department	Development Services
Comments	
Date	09 March 2011
SLA Number	00018301

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Item No: 8
Case No: 11/00206/AGA / WAG/166/05
Proposal Description: Erection of hay/straw storage barn
Address: Church Meadows St Anne's Lane Shedfield Hampshire
Parish, or Ward if within Winchester City: Shedfield
Applicants Name: Mrs Louise Symes
Case Officer: Mr Ian Cousins
Date Valid: 1 February 2011
Site Factors: Countryside

Recommendation: Application Permitted

General Comments

This application is reported to the Committee for the following reasons:

- i) at the request of Councillor Huxstep, whose request is appended in full to this report (see Appendix A);
- ii) at the request of Shedfield Parish Council, whose request is appended in full to this report (see Appendix B); and
- iii) because of the number of objections received.

The barn which is subject to this application is considered to be permitted development under the provisions of Class A, Part 6, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (GPDO). This class allows for the carrying out on agricultural land of certain works, including the erection of buildings, which are reasonably necessary for the purposes of agriculture within that unit, without a grant of full planning permission. However, before going ahead with works, the Order requires a landowner/occupier to give the Council 'prior notification' of the development to allow the Authority the opportunity to consider whether it should exercise its right to 'prior approval' in respect of the siting, design and external appearance of the building. The Local Planning Authority has 28 days from receipt of the 'prior notification' to determine whether 'prior approval' will be required.

A prior notification for the barn was submitted to the Local Planning Authority on 4th January 2011 and registered under ref: 11/00004/APN. Within the 28 day period, and further to a request by Councillor Huxstep for referral to the Committee, the Council decided to exercise its right of prior approval, which would allow more time to consider the impact of the development.

The details submitted under ref: 11/0004/APN were considered to be satisfactory for the purposes of the prior approval application. The APN case was re-classified as a 'prior approval' case and assigned the new case number of 11/00206/AGA.

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Site Description

The site comprises a parcel of land, measuring approximately 3.28 hectares, and is located to the north of the settlement of Shedfield. It is reached via St Anne's Lane, which is a narrow road that links the Botley Road (A334) at the south west end to Winchester Road (B2177) at its north east end.

An area of trees, known as Church Copse, runs along the south eastern boundary, with the land rising gently in a south easterly direction. The access onto the land is to the northern point of the site, where there is a group of farm buildings.

Proposal

The proposal seeks to erect a pole barn for the storage of hay/straw. The barn measures approximately 18 metres x 9 metres with a height of approximately 7 metres, and it would provide 162m² of covered floor space. It would be located adjacent to existing farm buildings on the site.

Relevant Planning History

Application History

99/01374/APN: Extension to agricultural building to provide cow shed/feed store - Application Terminated.

99/01560/FUL: Erection of stables including barn, tack room and feed store - Refused, 4th October 2001.

04/02296/APN: Barn for general use - No objection raised, 11th October 2004.

06/01724/APN: Extension to existing shed for feed store and general agricultural use - No objection raised, 22nd May 2006.

07/01255/APN: Dutch barn for hay/straw storage - No objection raised, 18th June 2007.

09/02279/APN: Erection of farm office and feed store building - No objection raised, 14th December 2009.

10/00078/FUL: Erection of poly tunnel (retrospective) - Refused 2nd June 2010.

11/00004/APN: Erection of hay/straw storage barn - Prior approval required, 31st January 2011.

Appeal History

09/00133/ENF: Without planning permission for the material change of use of the land from agriculture to the mixed use of the land for agriculture and the siting of a caravan for residential use - Appeal dismissed 2nd August 2010 - Enforcement notice complied with.

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10/00067/ENF: The erection of a polytunnel - Appeal against enforcement notice - Dismissed 22nd December 2010. Enforcement notice complied with.

10/00073/REF: Erection of polytunnel (retrospective) - Appeal against refusal of planning permission - Dismissed 22nd December 2010.

Consultations

None

Representations

Shedfield Parish Council:

Objects, on the following grounds:

- a) The site is already fully and intensively developed with agricultural buildings;
- b) The site is in a visually prominent position;
- c) Recent planning applications/appeals have rejected future development on the site;
- d) The owners, in justifying past requests, have referred to agricultural land elsewhere in defining the size of their holding/business. They should be put to proof in these claims and as to why the building cannot be sited elsewhere;
- e) There is much local concern about the current level of development.

Shedfield Parish Council also requests that this application is considered by the Committee (see Appendix B)

Neighbour Representations:

6 representations received objecting to the application, for the following reasons:

- Detrimental visual and environmental impact in the countryside;
- Overdevelopment of the site;
- The possible future use of the barn;
- No justification for the barn;
- Incorrect information on the application forms;
- Agricultural holding insufficient in size for application to be considered under the prior notification process.

No letters of support received.

Relevant Planning Policy

South East Plan 2009:

C4

Winchester District Local Plan Review

DP3, CE5, CE13

National Planning Policy Guidance/Statements:

PPS 7 Sustainable Development in Rural Areas and, in particular, Annex E.

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DEVELOPMENT CONTROL COMMITTEE AGENDA

Planning Considerations

Principle of development
Siting, design and external appearance
Other matters

Principle of development

Annex E of PPS7 deals with agricultural permitted development and makes it clear that the principle of development is not under consideration in cases relating to prior approval. It should be noted that, if the development is not reasonably necessary for the purposes of agriculture within the unit, it could not be erected as permitted development in the first place.

The Annex further advises that such applications should be considered in a similar way to the approval of reserved matters following the grant of an outline planning permission. The guidance explains that planning considerations for this type of application should be confined to the siting, design and external appearance of the building.

Siting

The proposed barn is to be located adjacent to a cluster of existing farm buildings, against a backdrop of trees that lie to the south east. The barn would be visible from St Annes Lane, but it is considered that this location is acceptable, as the development would be well related to existing farm buildings and neighbouring trees. These will assist in screening or softening views of the development from certain vantage points in the locality and will help to integrate the structure into the landscape. The building would be located well away from neighbouring houses, thus avoiding any significantly detrimental impacts upon the amenities of local residents.

Design and External Appearance

The proposed barn has the appearance of a typical agricultural structure, as it is simple in its form and design (open sided with shallow pitched roof) and constructed of materials typically found in rural areas (black tin roof supported by poles). Its size is modest for a farm building (c18m by c9m with ridge height of 7m approximately). It is therefore considered that the barn will not appear as an incongruous structure in the landscape and will not be materially harmful to the rural character of the area.

Other Matters

There is a recent appeal history relating to this site (see above). A polytunnel was erected near the existing Dutch barn without the benefit of planning permission and a retrospective application was refused (ref: 10/00078/FUL). An enforcement notice requiring the removal of the structure was issued. The application refusal and the enforcement notice were the subjects of appeals, and both cases were dismissed by a Planning Inspector in December 2010. A copy of the appeal decision notice is attached as Appendix C to this report.

The Inspector did not dispute the agricultural need for the polytunnel and did not dismiss the appeals because the development was unacceptable in principle. However,

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

he concluded that the appearance of the polytunnel was harmful to the character of the countryside, stating:

“Although from some angles it (the Polytunnel) is seen as part of a cluster of farm buildings, it is a reflective white structure which stands out starkly in the landscape...”

The Inspector was of the opinion that the structure was visually prominent, being visible from St Anne’s Lane and public footpaths, and was detrimental to the rural landscape.

It is accepted that the proposed barn is in a similar position to the polytunnel and is a larger and taller structure. It will be visible from the public domain. However, it has a very different design and materials to the polytunnel, with open sides and a pitched tin roof. It is considered that the barn would have a markedly different appearance to the polytunnel and it would not represent an incongruous or intrusive form of development. For these reasons, the building is considered to be acceptable and it would not result in material harm to the countryside.

Agricultural permitted development rights, as detailed in the General Permitted Development Order, extend to landowners/occupiers who have an agricultural holding greater than 5 hectares, provided that the proposed development being undertaken is on a parcel of land comprised within that holding, with an area over 1 hectare.

The size of the applicant’s holding has been queried in relation to this application. This matter has been previously investigated by officers, following the submission of earlier applications on the site, and the information available at that time indicated that the agricultural unit was comprised of parcels of land which had a combined area much greater than 5 hectares.

As the proposed barn is located on an area of land within that agricultural unit of over 3 hectares, the proposed development can be considered under Class A, Part 6, of Schedule 2 to the General Permitted Development Order 1995 (GPDO).

If a building has been provided on site within the two years preceding the ‘prior notification’ being submitted to the Local Planning Authority, then the floor area of the proposed building, combined with the floor area of previous development, must not exceed 465 square metres. The farm office and feed store building, as notified to the Council in 2009 (ref: 09/02279/APN), has a floor area of approximately 55 square metres. This figure, combined with the floor area of the proposed pole barn of approximately 162 square metres, totals 217 square metres, which is well below the 465 square metres aggregated development limit imposed by the GPDO.

Recommendation

Application Permitted

Conditions

None

WINCHESTER CITY COUNCIL
DEVELOPMENT CONTROL COMMITTEE AGENDA

Informative

The Local Planning Authority has taken account of the following Development Plan policies and proposals:

Winchester District Local Plan Review 2006: CE13
South East Plan 2009: C4

Item 8 - 11/00206/APN - Appendix A

City Councillor's request that a Planning Application be referred to
Planning Development Control Committee

Request from Councillor Roger Huxstep,
Member for Shedfield, Shirrell Heath & Waltham Chase.
26th January 2011.

Case Number: 11/00004/APN – W Number AG/PN/166/05

Site Address: Church Meadows, St Anne's Lane, Shedfield

Proposal Description: Erection of hay/straw storage barn

Requests that the item be referred to the Planning Development Control Committee for the following material planning reasons:

If the subject application were to be permitted it would further intensify the overdevelopment of this site which already adversely affects the character and appearance of the local environment. It would also have an unacceptable adverse impact on adjoining land and property.

While it is unusual for this form of application to go to PDC it is submitted that it is in the public interest that this application should be determined under public scrutiny because of its planning history and its ability to attract highly unfavourable criticism from many residents in the ward.

Additionally there is a public perception that previous determinations affecting this site have not been as thorough as they might have been owing to pressure on the resources available to the council's planning department.

Section 4 at 4.1 of the council's constitution re Planning Development Control Committee – Function 7 enables: "Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights". Part 6 of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 1995 (S.I. 1995/418) applies where local planning authorities are satisfied that a development should not be carried out unless permission is granted subject of a planning application.

Furthermore, with the Localism Bill having completed its second reading it is now a serious material consideration in matters planning.

Item 8 - 11/00206/APN - Appendix B

Please return this form to the Case Officer, Ian Cousins.....

From: Shedfield Parish Council

Case No: 11/00206/AGA

Closing Date for comments: **25 February 2011**

Location: Church Meadows St Anne's Lane Shedfield Southampton SO32 2

Proposal: Erection of hay/straw storage barn

LISTED BUILDING GRADE:

Comments:

- a) The site is already fully and intensively developed with agricultural buildings.
- b) The site is in a visually prominent position.
- c) Recent planning applications/appeals have rejected future development on the site.
- d) The owners, in justifying past requests, have referred to agricultural land elsewhere in defining the size of their holding/business. They should be put to proof in these claims and as to why the building cannot be sited elsewhere.
- e) There is much local concern about the current level of development.

Request for application to be considered by Committee:

(NB: Case Officer to forward form to Head of Planning Control if this section completed)

Shedfield Parish Council request that this application is considered by Committee

Signed: Yvonne Wheadon, Clerk_

Date: 24 January 2011

Appeal Decisions

Site visit made on 23 November 2010

by **George Mapson** DiPTP DiplD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 December 2010

Appeal 1 - Ref: APP/L1765/C/10/2136144
Appeal 2 - Ref: APP/L1765/A/10/2136038

Church Meadows, St Anne's Lane, Shedfield, Southampton, Hampshire, SO32 2HR

- Both appeals are made by Mrs Louise Symes against the decisions of Winchester City Council firstly, to issue an enforcement notice and secondly, to refuse to grant planning permission.
- **Appeal 1** is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against the enforcement notice.
- The Council's reference is Enf.10/200.
- The notice was issued on 11 August 2010.
- The breach of planning control as alleged in the notice is: "*Without planning permission, the erection of a poly tunnel [sic] as shown in the approximate position hatched green on the attached plan.*"
- The requirements of the notice are: "*Demolish the poly tunnel [sic] (in the approximate position shown hatched green on the attached plan) and permanently remove all resulting materials from the land.*"
- The period for compliance with the requirements is one month.
- The appeal is proceeding on the grounds set out in section 174(2) (a), (e), (f) and (g) of the Town and Country Planning Act 1990 as amended.
- **Appeal 2** is made under section 78 of the Town and Country Planning Act 1990 against the refusal to grant planning permission.
- The application Ref 10/00078/FUL, dated 23 January 2010, was refused by a notice dated 2 June 2010.
- The development proposed is the erection of a polytunnel.

DECISIONS

APP/L1765/C/10/2136144

1. I dismiss the appeal and uphold the enforcement notice. I refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

APP/L1765/A/10/2136038

2. I dismiss the appeal.

Approved

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BACKGROUND TO THESE APPEALS

The appeal site and surroundings

3. The appellant says that her family has farmed land that includes the appeal site since the 1950s. Her current land holding, either owned or rented, totals about 45 hectares, of which some 3.27 hectares are at 'Church Meadows' (the wider area to which the enforcement notice relates). Part of this land consists of grass paddocks; the rest is woodland, known as Church Copse.
4. The site lies in the open countryside, outside the village of Shedfield and adjacent to the designated Shedfield Conservation Area³. It has a long frontage to St Anne's Lane. At the north-eastern end of this frontage there is a complex of farm buildings and a yard. Close to this complex is the polytunnel, the subject of this appeal.
5. The appellant uses Church Meadows as the base for an established sheep and beef rearing enterprise, but contends that the existing buildings do not have sufficient capacity for lambing. The polytunnel is used to house ewes during the lambing season and to grow vegetables at other times of the year.

APPEAL 1 ON GROUND (e)

6. An appeal on ground (e) is that the notice was not properly served on everyone with an interest in the land as required by s.172 of the 1990 Act, as amended.

The parties' cases

7. The notice was issued on 11 August 2010. The appellant's case is that it was not properly served because a copy was not served on Ms Rosemary Veck (the appellant's sister). According to the certificate attached to the planning application, Ms Veck owns the land.
8. The appellant says that the notice was posted to an address in Portsmouth that she vacated before Christmas 2009. The Council says that it undertook a Land Registry search before serving the notice. The Land Registry record dated 29 July 2010 showed Ms Rosemary Veck's address to be the one on which the notice was served.
9. In her 'final comments' of 20 November 2010, the appellant acknowledged that Ms Veck has not yet updated her details at the Land Registry.

General points about the service of a notice

10. S.172(2) of the Act provides that a copy of the notice shall be served on the owner and occupier of the land to which it relates, and on any other person having an interest in the land, including mortgagees, tenants and sub-tenants.
11. The 'interest in the land' is one which, in the opinion of the local planning authority, is materially affected. It is for the authority to decide who is materially affected, but it might risk an appeal on ground (e) if it exercises its discretion wrongly.
12. S.176(5) gives the Secretary of State or the Inspector power to disregard non-service, provided that neither the appellant nor the person in question, if different, has been substantially prejudiced by the failure to serve him or her.

Conclusions on Appeal 1 on ground (e)

13. In this case there is no evidence to suggest that either the appellant or Ms Veck has been substantially prejudiced. For that reason, I can disregard non-service. Accordingly, the appeal on ground (e) fails.

³ http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/102022/102022.pdf

APPEAL 1 ON GROUND (a), THE DEEMED APPLICATION, AND APPEAL 2

14. An appeal on ground (a) is that planning permission should be granted for what is alleged in the notice. Appeal 2 seeks the same outcome; planning permission for the polytunnel.

Main issue

15. The Council does not dispute that the appellant's agricultural enterprise is well established or that the polytunnel is not reasonably necessary for the purposes of agriculture within the unit. Its concern is with the siting of the polytunnel. Consequently, the main issue is the effect of the polytunnel, in this location, on the rural character and appearance of the countryside.

Reasons

Planning policy

16. The statutory development plan for the area provides the essential framework for planning decisions and is therefore the starting point in my consideration of these appeals. Where the development plan contains relevant policies, applications for planning permission must be determined in accordance with the plan, unless material considerations indicate otherwise. This also applies to deemed planning applications made within the context of an appeal against an enforcement notice.

17. The development plan policies of particular relevance to these appeals are 'saved' policies CE.5, CE.13, DP.3 and DP.4 of the adopted Winchester District Local Plan Review (2006). These policies have general application throughout the district. Although the appeal site adjoins a conservation area, no special policies, controls or designations apply here. Nevertheless, the Council aims to protect and enhance the character of the countryside and the setting of the settlements in the District. Development will not be permitted in the countryside unless it accords with policies CE.5 – CE.27 (paras 4.3-4.4).

18. Policy CE.5 deals with landscape character. It states that development that fails to respect the character of the countryside, or harms key characteristics of a 'Landscape Character Area' will not be permitted. The explanatory text (para 4.10) explains that the District's distinctive landscape derives from a combination of natural and man-made elements and that its conservation relies on retaining these elements. Development proposals should respect the local landscape by protecting, enhancing and restoring the key characteristics of the landscape (para 4.14).

19. The plan recognises that farming needs to be efficient and flexible (para 4.32). Although agriculture is undergoing change, it remains an important element of the rural economy and will remain the major land use in the countryside. However, the countryside is also important for its amenity, natural beauty, recreation, ecology, history, and for defining the extent of settlements (para 4.33). Proposals for development should justify the use of a particular location, following an assessment of the importance of the land in relation to other land in the locality. That assessment should cover landscape character and quality (para 4.34).

20. Policy CE.13 deals with agricultural development for which a rural location is essential. It will be permitted where no suitable alternative building or facility is available which could reasonably be used for the intended purpose, and located where the impact of the new development is minimised (para 4.36).

21. Policy DP.3 requires new development to respond positively to the character, appearance and variety of the local environment, in terms of its design, scale and layout, and to avoid having "*an unacceptable adverse impact on adjoining land, uses or property.*" Policy DP.4 requires new development to maintain or enhance the District's townscape and landscape.

22. The broad objective of these policies is to promote high quality design that reflects and responds to the existing landscape character of each locality. In this respect they are consistent with Government advice in PPS1⁴ (para 34), which states that good design should contribute positively to making places better for people. Design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions, should not be accepted.

My consideration of the main issue

23. The polytunnel is a large fixed structure consisting of a series of semi-circular hoops set in concrete over which opaque polythene is stretched. It is intended to be permanently located in this position. It occupies an area of about 105 sqm and measures about 15m long, 6m wide and 3m high to the ridge. Although from some angles it is seen as part of a cluster of farm buildings, it is a reflective white structure which stands out starkly in the landscape.

24. From my reading of the parties' evidence, I find little to suggest that there has been an assessment of the importance of this land in relation to other land in the locality, or of landscape character and quality in this locality, to justify the use of this particular location for the polytunnel.

25. It has not been located where its impact would be minimised. On the contrary, it is conspicuously located on rising ground, fairly close to St Anne's Lane. From the road, and from nearby public footpaths, it is clearly visible to the passing public through gaps in the hedgerow. It is intrusive in the landscape and erodes its rural character and appearance, contrary to the aims of the development plan and national planning guidance.

26. Although the appellants has suggested that it could be screened from public view by a holly hedge, such a hedge would in itself be incongruous, given that native hedgerows consist mainly of hawthorn and other deciduous species.

Other material considerations

27. The appellants has provided newspaper articles that highlight the economic and sustainability benefits that can be derived from the use of "modern farming techniques, such as polytunnels" and from consuming a greater proportion of locally produced food.

28. I appreciate the value of modern farming techniques in increasing food production and the part that polytunnels can play, not only in terms of increasing the yield and lengthening the growing season for fruit and vegetables, but also in assisting livestock rearing. I appreciate also the importance to the country of having a sustainable and secure⁵ food system.

29. These needs, though important, do not have to be met at the expense of the character and quality of the landscape in this particular location, when there might be other less visually intrusive locations for a polytunnel. So far, there is no evidence to suggest that such an analysis has been carried out. Consequently, I am not persuaded that these wider arguments outweigh the particular planning objections in this case.

Conclusions on Appeal 1 on ground (a), the deemed application, and Appeal 2

30. For the reasons given I find that the appeal development is unacceptable. The harm caused could not be overcome by any of the suggested planning conditions. Accordingly, the appeal on ground (a) fails.

⁴ Planning Policy Framework, Chapter 11, Design and the Built Environment, 12.10.10

⁵ The Department for Environment, Food and Rural Affairs, 'The National Food Strategy: A New Model for Food Production and Distribution', 2010, available at <http://www.defra.gov.uk/food/future/foodstrategy/foodstrategy.pdf>, accessed 12.01.11

