

**Parish: Exelby, Leeming and Newton**

Committee date: 22 June 2017

Ward: Bedale

Officer dealing: Mrs H Laws

**2**

Target date: 30 June 2017

**17/00757/FUL**

### **Construction of an agricultural storage barn**

**At Prospect House, 22 Mill Lane, Leeming**

**For Mr & Mrs Faith**

**This application is referred to Planning Committee at the request of Councillor Noone**

#### **1.0 SITE, CONTEXT AND PROPOSAL**

- 1.1 The site lies on the western side of the village adjacent to the children's play area. The dwelling lies on the corner of Mill Lane and Sycamore Lane and the application site, which is agricultural in character (paddock), lies beyond the domestic curtilage with access only through that site. The site is bounded by mature trees and hedgerows
- 1.2 It is proposed to construct a building near the western boundary of the site and set back approximately 60m from Mill Lane. It would be used to store equipment for the maintenance of the land and its agricultural and equestrian use.
- 1.3 The footprint of the proposed building would be 10.5m x 6m with a ridge height of 5m and would be finished in Yorkshire boarding with an anthracite coloured sheet roof.
- 1.4 Planning permission was refused for a similar but larger building, with footprint of 15m x 9.1m, in December 2016 in the north western corner of the paddock.

#### **2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY**

- 2.1 2/00/048/0343A - Construction of a detached dwelling; Granted 13 November 2000.
- 2.2 2/04/048/0343B - Change of use of agricultural land to domestic curtilage; Refused 9 September 2004.
- 2.3 08/00113/FUL - Change of use of agricultural to equestrian and construction of a stable block; Granted 14 March 2008.
- 2.4 16/02285/FUL - Construction of a storage building; Refused 21 December 2016 for the following reason:

The proposed development is contrary to Policy CP4 of the Hambleton Local Development Framework as no exceptional circumstance has been demonstrated for the construction of a building of this scale outside of the Development Limits of a settlement within the hierarchy set out in Policy CP4. No essential requirement has been identified for this building to be located within this countryside location.

#### **3.0 RELEVANT PLANNING POLICIES**

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development  
Core Strategy Policy CP2 - Access  
Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets  
Core Strategy Policy CP17 - Promoting high quality design  
Development Policies DP1 - Protecting amenity  
Development Policies DP9 - Development outside Development Limits  
Development Policies DP30 - Protecting the character and appearance of the countryside  
Development Policies DP32 - General design  
National Planning Policy Framework - published 27 March 2012

#### **4.0 CONSULTATIONS**

- 4.1 Parish Council – Expresses concern over the precise use of the proposed building and access from Mill Lane on to the applicants’ land to access the proposed building.
- 4.2 Highway Authority – No objection.
- 4.3 Ministry of Defence – No safeguarding objection.
- 4.4 Environmental Health Officer - No objection.
- 4.5 Public comments - Two objections have been received, which are summarised as follows:
- The application appears to be a re-configuration of the previous submission and the building is too big to serve agricultural land of about an acre given there are already stables and another building on site;
  - Assurance is sought that it will only be used for agricultural purposes and as to what would be stored;
  - Future uses should be restricted;
  - Access via Mill Lane should be restricted because the site is next to a play area;
  - The applicants’ storage needs could be achieved by extending the existing stables;
  - The building has the appearance of an industrial building rather than a traditional barn; and
  - The lane is in a poor state and would deteriorate further if more vehicles use it.

#### **5.0 OBSERVATIONS**

- 5.1 The main issues to consider are: (i) the principle of development in this location; (ii) the design and visual impact of the development; (iii) the effect on the amenity of local residents; and (iv) highway issues.

##### Principle

- 5.2 Following the previous refusal for similar development the applicant has amended the scheme to group the proposed building with the existing stable block and has provided justification in terms of the need for the building.
- 5.3 The site lies outside the Development Limits of Leeming. Policy CP4 supports development outside of these Limits only when an exceptional case can be made for the proposals in terms of Policy CP1 and CP2 and where one of six criteria can be met. Criterion i of Policy CP4 relates to the development being necessary to meet the needs of farming, forestry, recreation, tourism and other enterprises with an essential requirement to locate in a smaller village or the countryside that will help to support a sustainable rural economy. The land does not form part of an agricultural

holding and extends to just 0.45ha in area. The building would have a footprint of 63sqm, which is considered to be of a small scale relative to the size of the plot and not inappropriate for the storage of machinery required in connection with the maintenance of the land. The principle of the development is therefore acceptable.

#### Design and visual impact

- 5.4 The field in which the development is proposed is bounded by mature hedgerows and trees with an access from the south off a private track which serves a children's playground and two other properties. The building would be sited adjacent to the western boundary, immediately to the north of the existing stable block where it would not be clearly visible from the track or be unduly prominent from the countryside beyond. It is not considered that the building would have an adverse impact on the visual amenity of the surrounding locality and would be in accordance with LDF Policies CP16 and DP30.
- 5.5 One of Hambleton's strategic planning objectives, set out in The Core Strategy Local Development Document (2007), is "To protect and enhance the historic heritage and the unique character and identity of the towns and villages by ensuring that new developments are appropriate in terms of scale and location in the context of settlement form and character."
- 5.6 Policies CP17 and DP32 require the highest quality of creative, innovative and sustainable design for buildings and landscaping that take account of local character and settings, promote local identity and distinctiveness and are appropriate in terms of use, movement, form and space.
- 5.7 The National Planning Policy Framework Planning supports this approach and, at paragraph 64, states that planning permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.
- 5.8 The submitted Design and Access Statement proposes the use of vertical Yorkshire boarding to match the adjacent stable block. The proposed building is of a simple design and of agricultural character, and the materials are acceptable and would be in accordance with LDF Policies CP17 and DP32.

#### Amenity of local residents

- 5.9 LDF Policy DP1 requires all development to adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution, odours and daylight). The building would be visible from the rear of the dwellings on Sycamore Lane but would lie at a distance of more than 40m from the end of the neighbouring gardens. The building would not therefore have an adverse effect on residential amenity and would not be contrary to Policy DP1.
- 5.10 If the building was to be used for commercial purposes further planning permission would be required.

#### Highway issues

- 5.11 The proposed building would be used in association with the existing occupation of the site and would not give rise to additional vehicle movements. The Highway Authority has no objections.

## **6.0 RECOMMENDATION:**

6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:

1. The development hereby permitted shall be begun within three years of the date of this permission.
2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawings numbered 301/201; 202; and 203 received by Hambleton District Council on 3 April 2017 unless otherwise approved in writing by the Local Planning Authority.

The reasons are:

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policies.