

Case Officer: George Smith

Recommendation: Approval

Applicant: Mr S G White

Proposal: RETROSPECTIVE - Change of Use of a former agricultural building to form an egg storage, packing and distribution plant

Expiry Date: 17 February 2020

Extension of Time: 2 March 2020

1. APPLICATION SITE AND LOCALITY

- 1.1. The site is located between the villages of Shutford and Sibford Gower, accessed from the Shutford Road. The site is in an isolated location within the middle of open countryside, well outside any settlement, and is bound by open fields.
- 1.2. The agricultural holding extends to around 75 acres in total with the farm yard comprising a range of agricultural barns and buildings extending to 1,896 sq m in total.

2. DESCRIPTION OF PROPOSED DEVELOPMENT

- 2.1. The application seeks retrospective planning permission for the use of one of the existing barns for B8 use, a business which packs and distributes eggs. There is no production of eggs anywhere on the holding, i.e. the use subject of this application is not ancillary to the activity carried out across the wider holding. The applicant states that, in light of a difficult financial climate in the livestock farming industry, he is seeking to make use of under utilised assets at the farm to support agricultural income.

3. RELEVANT PLANNING HISTORY

- 3.1. The following planning history is considered relevant to the current proposal:
- 3.2. **09/00986/AGN** – Agricultural building for secure storage of hay and straw – Prior Approval Not Required
- 3.3. (separate building) **18/00759/F** – Change of Use of a former agricultural building (subsequently equestrian) to B8 storage use and associated external parking of commercial vehicles in connection with the business occupier (Gentle van Removals) (existing unauthorised) – Application approved with no conditions

4. PRE-APPLICATION DISCUSSIONS

- 4.1. No pre-application discussions have taken place with regard to this proposal.

5. RESPONSE TO PUBLICITY

- 5.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **13 February 2020**, although

comments received after this date and before finalising this report have also been taken into account.

5.2. The comments raised by third parties are summarised as follows:

- The barn was never used as part of the equestrian hay and straw business. The barn was for personal use of a third party.
- The applicant does not need another business on the property.
- The sewage digester will be overloaded by a further business and its waste water.

5.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

6. RESPONSE TO CONSULTATION

6.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

6.2. SIBFORD GOWER PARISH COUNCIL: **Objects** – on the grounds of visual impact, pressure on facilities (i.e. access, water and sewage) and increase in employees and vehicle movements, detrimental to adjacent neighbour.

OTHER CONSULTEES

6.3. OCC HIGHWAYS: **No objections** – as the proposal would not have any adverse impact on the local highways network.

6.4. CDC ENVIRONMENTAL HEALTH: **No objections** – subject to the hours of operation of the business to be restricted to 7am – 6pm on Monday – Friday, with no working hours at weekends or bank/public holidays. This is to ensure that the activity is not detrimental to the amenity of the area or nearby residents.

6.5. CDC BUILDING CONTROL: **No comment**

7. RELEVANT PLANNING POLICY AND GUIDANCE

7.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

7.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- SLE1 – Employment Development

- ESD15 - The Character of the Built and Historic Environment

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- ENV1 – Environmental Pollution

7.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

8. APPRAISAL

8.1. The key issues for consideration in this case are:

- Principle of development
- Design, and impact on the character of the area
- Residential amenity
- Highway safety

Principle of development

- 8.2. Policy SLE1 applies to B use class development and sets out that, new proposals within rural areas on non-allocated sites will be supported if they meet the criteria set out in the policy. Paragraph 28 of the NPPF supports growth in rural areas including the promotion of the development and diversification of agricultural and other land-based rural businesses.
- 8.3. Whilst the site is not allocated for employment use, it is an existing and established agricultural holding where the principle of diversification into *certain* other commercial uses could be considered acceptable in accordance with Policy SLE1 of the Local Plan and Government guidance set out in the NPPF and provided that any commercial use remained minor in nature, extent and activity relative to the main agricultural operation at the wider site, i.e. Parsons Barn Farm.
- 8.4. The applicant has set out that the building in question extends to around 273 sq m, a relatively small proportion of the overall 1,896 sq m total of agricultural buildings. A separate building within the holding (of 172 sq m, to the north of the application building) has already been converted to a Class B use (see planning history section of this report).
- 8.5. Given the nature of the use, which is considered to be of a broadly agricultural nature i.e. involving agricultural produce and a farm-related activity that is appropriately located in a rural area, the proposal is thus considered generally compliant with relevant policy.

Impact on the Character of the Area

- 8.6. Government guidance contained within the NPPF requiring good design states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps makes development acceptable to communities. Further, permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions.

- 8.7. Saved Policy C28 of the CLP 1996 exercise control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context.
- 8.8. Policy ESD15 of the CLP 2031 states that: "New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high-quality design. All new development will be required *to meet high design standards.*"
- 8.9. The building in question comprises a steel frame barn clad in green steel cladding with grey fibre cement cladding to the roof. Although some alterations have been made to the building, it remains agricultural in appearance.
- 8.10. The farmhouse and buildings are set down within a small valley so that they are not prominently visible within the surrounding wider open countryside. Mature trees form an established soft boundary to the eastern side of the farm yard, which provides some screening from views from the road.
- 8.11. Whilst some external parking of staff vehicles associated with the business does take place within the site, as set out above, this is not widely visible within the surrounding area and is considered to result in no adverse impact within a 'farmyard' environment where you would expect to see agricultural machinery and vehicles in any case.
- 8.12. There is considered to be no adverse impact to the character of the area and the surrounding open countryside as a result of the commercial operation in accordance with Policy SLE1 of the CLP 2031.

Residential Amenity

- 8.13. Policy ESD15 of the CLP 2031 states that: 'new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space'. Saved Policy ENV1 of the CLP 2031 seeks to protect residents against harmful levels of environmental pollution, including noise.
- 8.14. The nearest residential properties are the Farm House at Parsons Barn Farm itself and the neighbouring property at Five Corners. Five Corners is accessed through Parsons Barn Farm but the dwellinghouse is located away from the farmyard behind Parsons Barn Farm House.
- 8.15. Whilst there is a physical separation between this business and the neighbour at Five Corners, the neighbour is at relatively close quarter, and it is therefore considered appropriate to condition that a further change of use to another B8 or other use class requires planning permission, as to ensure that the operations of this business would not harm the amenities of adjacent neighbours. In order to safeguard residential amenity, a condition is also required to restrict the operational hours of the current business.

Highway safety

- 8.16. Policy ESD15 of the CLP 2031 Part 1 states, amongst other matters, that new development proposals should: be designed to deliver high quality safe...places to live and work in. This is consistent with Paragraph 110 of the NPPF which states that: developments should create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles.

8.17. The County Council Highway team has been consulted and has raised no objection to the proposal. It is therefore considered that the proposed use does not result in undue detriment to the highway network in accordance with Policy SLE1.

9. PLANNING BALANCE AND CONCLUSION

9.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.

9.2. The additional B8 commercial use is of small scale when viewed within the context of the wider agricultural holding, i.e. would be minor in nature, extent and activity relative to the main agricultural operation at the wider site, and is predicated on agricultural activity. There are no significant adverse impacts on the character of the area or the wider landscape character and no undue detriment to residential amenity, the highway network and the environment generally so that the development is in accordance with CLP Policy SLE1 in this respect.

9.3. Whilst the site is not allocated for employment development, the principle of small-scale changes of use to support existing agricultural holdings is generally considered to be acceptable.

9.4. Overall, the development is acceptable in accordance with the NPPF and Policy SLE1 of the Cherwell Local Plan 2011-2031 Part 1.

10. RECOMMENDATION

That permission is granted, subject to the following conditions:

1. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application forms and the following plans and documents:

- Site Location Plan
- Block Plan showing Application Building and Parking

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

2. The Application Building shall be used only for the purpose of the storage, packing and distribution of eggs and for no other purpose whatsoever, including any other purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended).

Reason - In order to maintain the character of the area and safeguard the amenities of local residents and the occupants of the adjoining premises in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policies C28 and C31 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

3. The operational use of the premises shall be restricted to the following times:-

Monday-Friday – 0700 hours to 1800 hours

Saturday, Sunday and Public Holidays — No time

Reason - In order to safeguard the amenities of the area including the living conditions of local residents and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, Saved Policies C31 and ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Case Officer: George Smith

DATE: 27/02/2020

Checked By: Nathanael Stock

DATE: 28.02.2020
