

BOROUGH OF KETTERING

Committee	Full Planning Committee - 08/04/2014	Item No: 5.9
Report Originator	Marie Down Assistant Development Officer	Application No: KET/2014/0133
Wards Affected	Slade	
Location	35B Loddington Road, Cransley	
Proposal	s.73 Application: Variation of condition 1 of KET/2008/0979, in respect of temporary permission	
Applicant	Mrs F Seed	

1. PURPOSE OF REPORT

- To describe the above proposals
- To identify and report on the issues arising from it
- To state a recommendation on the application

2. RECOMMENDATION

THE DEVELOPMENT CONTROL MANAGER RECOMMENDS that this application be APPROVED subject to the following Condition(s):-

1. In the event that the building ceases to be used for sheep or any animals associated with an agricultural use the building hereby approved shall be demolished, the resultant materials permanently removed from the site and the land restored to its former condition.

REASON: In the interest of amenity in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

2. The building hereby approved shall not be used in accordance with any non-agricultural activity including the stabling of horses.

REASON: To reflect the terms of the application and in the interests of amenity in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy.

Officers Report for KET/2014/0133

This application is reported for Committee decision because there are unresolved, material objections to the proposal.

3.0 Information

Relevant Planning History

KET/2008/0979 – Agricultural building to house sheep and lambs and storage of equipment and machinery – Approved 03/03/2009

KET/2006/0042 – Erection of one dwelling on plot 2, approval of reserved matters to KE/2004/0640 – Approved 10/03/2006

KET/2005/0322 – Approval of Reserved Matters: Two no. dwellings – Approved 27/05/2005

KE/2004/0640 – Outline for two detached houses – Approved 11/08/2004

Site Description

Officer's site inspection was carried out on 07/03/2014. The application site is located outside of the village envelope of Cransley and is used as a paddock in the same ownership as No. 35B Loddington Road. The application site borders rear gardens of properties to the east and south and open countryside to the north and west. The site is approximately 0.75ha in size and is defined by a timber picket fence. The site is used for the grazing of sheep and lambs. An agricultural building, which is the subject of this application, is located in the south western corner of the plot. The building is an 'L' shape and has the appearance of a stable block. The floor area of the building is 63.5 square metres and has a total height of 3.1 metres. The building is used for lambs and the storage of machinery and feed. The building is a timber construction which has been stained green in colour with a black corrugated roof. The building has been retained in good condition over the past number of years. The application site is accessed via the driveway of Nos. 35A and 35B Loddington Road and a further access track to the west of No. 35B.

Proposed Development

The proposal seeks to vary Condition 1 of KET/2008/0979 which granted a five year temporary permission for the agricultural building to house sheep and lambs and for the storage of equipment and machinery. The proposal seeks to retain the building permanently.

Any Constraints Affecting The Site

SSSI

LWT Prime Site

Open Countryside

4.0 Consultation and Customer Impact

Parish Council

Object to the proposal on the following grounds:

- The access drive is designed to serve Nos 35A and 35B Loddington Road for domestic use. No 35B only has right way past No 35A. The drive is not adopted and is not suitable for movement of any machinery. The application would be detrimental to existing properties.
- Kettering Borough Council has taken action against residents to the north of the application site who purchased an area of field, enclosed it and planted trees and daffodils. They were made to remove everything including the fence and were told that if they grazed sheep on this area it would be considered a hobby as opposed to farming and would be unacceptable.
- Kettering Borough Council also took action against the owner of 23 Loddington Road who put down a concrete area to feed his horses. This was overturned on appeal.
- 35B Loddington Road is a private house. Despite having land around it, it can not be considered as a farm. There should be a consistent approach to this issue to enable local people to have confidence of fair treatment for similar applications.

Environmental Health

No comment or objection.

Wildlife Trust

No comments received.

Neighbours

One letter received fully supporting the application.

5.0 Planning Policy

National Planning Policy Framework

Paragraph 17 – Core Planning Principles

Policy 7 – Requiring Good Design

Development Plan Policies

North Northamptonshire Core Spatial Strategy

Policy 1 – Strengthening the Network of Settlements

Policy 9 – Distribution and Location of Development

Policy 13 – General Sustainable Development Principles

Local Plan

Policy 7 – Protection of the Open Countryside

6.0 Financial/Resource Implications

None.

7.0 Planning Considerations

The key issues for consideration in this application are:-

1. Principle of Development
2. Design and Impact on Character

1. Principle of Development

Planning permission was granted for the erection of the agricultural building in 2008 under application reference KET/2008/0979. Condition 1 states that permission shall be limited to a period of five years and at or before the expiration of this period the building shall be permanently removed and the land restored to its former condition. This condition was applied to enable the Local Planning Authority to re-assess the situation given the temporary nature of the building, in accordance with Policy 13 of the North Northamptonshire Core Spatial Strategy. This application seeks to vary this condition to retain the building permanently.

The application site is located within the open countryside, is agricultural in use and is used for the grazing of sheep and lambing. The agricultural building was erected for lambs and the storage of machinery and thus facilitates this agricultural use. Therefore, the principle of agricultural development is not an issue for consideration in this instance but rather whether the building is of an appropriate design and appearance given the Council's previous concerns relating to the temporary nature of the building. This is discussed in further detail below.

Comments from the Parish Council in relation to the access have been noted. However, the application site is in agricultural use and this application seeks to permanently retain the agricultural building on site to house existing livestock and machinery, which in itself does not raise any access issues. The Parish Council also raises concerns about the action taken by Kettering Borough Council in relation to properties to the north of the application site (Nos. 61, 63 and 63A – 67 Loddington Road) and feel there should be a consistent approach to land in this area. Enforcement Notices were served on the above properties in May 2012 in respect of a material change of use of agricultural land to private garden land. The Notices were subsequently appealed and upheld with the Inspector finding that the character of the land had materially and significantly changed from agriculture to use as a private garden.

This application site is used as agricultural land and the erection of the building facilitates this use. There was no evidence at the time of the site visit that the land was in any way being used for domestic purposes and as such it is considered that the Council has had a consistent approach in dealing with land in this area.

Furthermore, the Council did investigate a breach of planning control at the application site in 2013 in relation to the erection of a tree house on the site. The owners were advised that the development was on agricultural land in the open countryside and as there was no justified agricultural need for the development, the development was unacceptable. The Council successfully secured its removal and as such it is considered that a consistent approach has been taken against unjustified development in the open countryside.

2. Design and Impact on Character

The building is located in the south western corner of the application site and is an 'L' shaped timber construction with a black corrugated roof. The building has an appearance of a stable block with a low height of 3.1 metres and a floor area of 63.5 square metres. The building has been maintained in excellent order since its construction and given that it is a traditional construction which is not visible from any public vantage point the building does not have an adverse impact on the character of the area. The building is typical of what one would expect to find in a rural location. It is considered that the variation of this condition to allow the building to be retained permanently is acceptable and accords with Policy 7 of the National Planning Policy Framework which requires good design and Policy 13 (h) of the North Northamptonshire Core Spatial Strategy which requires development to be of a high standard of design and to respect the character of its surroundings.

Conclusion

The building has been maintained in good order and is of an appropriate design and appearance given its location in the open countryside. There are no material planning considerations which would indicate against the proposal to retain the building permanently and therefore the application is recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Marie Down, Assistant Development Officer on 01536 534316

Previous Reports/Minutes

Ref:

Date: