

BOROUGH OF KETTERING

Committee	Full Planning Committee - 18/12/2018	Item No: 5.4
Report Originator	Alison Riches Development Officer	Application No: KET/2018/0715
Wards Affected	Slade	
Location	Steeples, 35B Loddington Road, Great Cransley	
Proposal	Full Application: Retention of existing barn building on site for agricultural purposes. Single storey side extension to barn and hardstanding to the front and side	
Applicant	Mr S Payne	

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. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990 (as amended) and to prevent an accumulation of unimplemented planning permissions.

2. The development hereby permitted shall not be carried out other than in accordance with the approved plans and details listed below.

REASON: In the interest of securing an appropriate form of development in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy.

3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match, in type, colour and texture, those on the existing building on site.

REASON: In the interests of visual amenity and to protect the character and appearance of the open countryside, in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy and Policy 7 of the Local Plan for Kettering Borough.

4. The materials, layout, surfacing and construction of the area of hardstanding surrounding the barn building on site shall be as detailed on approved plan 03-09-18, received by the Local Planning Authority on 13th September 2018.

REASON: In the interests of visual amenity and to protect the character and appearance of the open countryside in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy and Policy 7 of the Local Plan for Kettering Borough.

5. The development hereby permitted shall be used for agricultural purposes only by the owners of 35B Loddington Road and not for any other purpose.

REASON: To protect the general amenity of the area in accordance with Policy 8 of the North Northamptonshire Joint Core Strategy and to protect the open countryside in accordance with Policy 7 of the Local Plan for Kettering Borough and Policy 13 of the North Northamptonshire Joint Core Strategy.

Officers Report for KET/2018/0715

This application was originally reported for Committee decision at the Committee of 20th November 2018 because there were unresolved material objections to the proposal. The decision was deferred to amend the proposal to include the retention of the existing barn on site, to be consulted on and then returned to Committee for a Committee decision.

This application is reported back to Committee as there are unresolved material objections to the proposal.

3.0 Information

Relevant Planning History

KET/2014/0133. Variation of Condition 1 of KET/2008/0979 in respect of temporary permission. Approved 15/04/2014.

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

KET/2006/0042. Approval of Reserved Matters (KE/04/0640). Erection of one dwelling on Plot 2. Approved 10/03/2006.

KET/2005/0322. Approval of Reserved Matters (KE/04/0640): Two no. dwellings. Approved 27/05/2005.

KE/04/0640. Outline. Two detached houses. Approved 11/08/2004.

Site Visit

Officer's site inspection was carried out on 12/10/2018

Site Description

The application site is located at the northwest edge of Great Cransley village, behind a row of dwellinghouses on the southwest side of Loddington Road.

The application site consists of a piece of land in the ownership of No.35B Loddington Road which is the most south-westerly dwellinghouse of two new dwellinghouses built behind No.35 Loddington Road in the mid 2000s. The land in the ownership of No.35B comprises both residential and non-residential land.

The residential land at No.35B is within the Great Cransley village boundary and comprises a detached two-storey red brick L-shaped dwellinghouse with a slate tile roof, a double garage attached to the side (northeast) elevation and a D-shaped wooden conservatory attached to the rear (northwest) elevation. To the front of the property is a large crushed stone driveway which includes a circular turning area and which is bounded by a brick wall and gates along the side (northeast) elevation and by wooden post and rail fencing on all other boundaries. To the rear is a garden which has a 1.8 metre high wooden boundary fence to the side (northeast) with the adjacent neighbour at No.35A Loddington Road and a brick wall and a low hedge to the rear (northwest). The southwest edge of the garden abuts a gravelled access track.

This non-residential land at No.35B is to the northwest of the residential curtilage and is outside the Great Cransley village boundary in the open countryside. This land has an agricultural use as defined by the Town and Country Planning Act 1990, as amended. On the land is an L-shaped dark green painted wooden barn building which is located to the northwest of the dwellinghouse and is accessed via a track running to the southwest of the dwellinghouse and its garden. The barn building has a compacted stone turning and manoeuvring area to its northeast and southeast for access, manoeuvring and turning. The rear of the barn building abuts the boundary fence with the adjacent farm land to the southwest. The agricultural land is bounded on all sides by wooden post and rail fencing.

The area of Great Cransley surrounding the application site comprises residential development within the village boundary to the northeast and southeast, and agricultural land to the northwest and southwest.

Proposed Development

The red line denoting the application site was originally submitted as including all land in the ownership of No.35B. The proposed development only relates to an area of land within the agricultural part of the curtilage and not the residential part.

During the application process the red line has been amended to only include the existing barn building and an area of agricultural land surrounding it which is affected by the proposed development. All other land in the ownership of No.35B has been marked by a blue line.

As such, the application site is in the open countryside and the proposal is for an extension to the existing barn and alterations to the agricultural area at the site, as follows:

- A single storey gable roofed side extension at the southeast end of the existing L-shaped barn building on site.
- An increase in size of the existing compacted stone turning and manoeuvring area to the northeast of the existing barn building, and a new area of compacted stone to the northwest of the existing barn building.
- The construction of a retaining wall for the new turning and manoeuvring area, faced with vertical timber boarding 1.25 metres high to accommodate the change in land levels, and a wooden post and rail fence along the edge of the turning area.

The amendment to the red line denoting the application site was reconsulted on for 10 days.

Following deferral from Committee on 20th November 2018, the proposal was amended to include the retention of the barn on site for agricultural purposes as well as for an extension to the existing barn and alterations to the agricultural area at the site, as follows:

- A single storey gable roofed side extension at the southeast end of the existing L-shaped barn building on site.
- An increase in size of the existing compacted stone turning and manoeuvring area to the northeast of the existing barn building, and a new area of

compacted stone to the northwest of the existing barn building.

- The construction of a retaining wall for the new turning and manoeuvring area, faced with vertical timber boarding 1.25 metres high to accommodate the change in land levels, and a wooden post and rail fence along the edge of the turning area.

The further amendment was consulted on for 14 days before being reported back to Committee for a decision.

Any Constraints Affecting the Site

Outside Cransley village boundary

4.0 Consultation and Customer Impact

Initial Consultation – 27/09/2018 – 21 days

Great Cransley Parish Council

- Objection.
- KET/2014/0133 was a variation of condition of KET/2008/0979 for a timber stable block and machinery store. These applications were objected to by the Parish Council but were granted by KBC.
- KET/2014/0133 was conditional that if the building ceases to be used for sheep or any other agricultural animal then it is to be demolished and the land restored to its former condition, and the building is to be used for agricultural purposes only.
- The current application states the site is an agricultural small holding and the activity is general agricultural holding non-livestock.
- For KET/2014/0133, the Parish Council submitted views which still stand as follows:
- In light of the proceedings lasting over four years which KBC has taken against residents to the north of the site who purchased and enclosed an area of field, planted trees and daffodils and have been made to remove everything including the fence for the reason that the field should have an unobstructed view from other properties, this application should be refused.
- The residents were told that if they grazed sheep on these areas this would be considered as hobby farming and would be unacceptable to the Planning Authority.
- No.35B is a private house and despite having a certain area of land around it, similar to the properties mentioned above, it cannot be considered as a farm.
- There should be a consistent approach to land in this area to enable local people to have confidence of fair treatment for similar applications.
- It is unacceptable that KBC would ever consider allowing the retention of this building which is in contravention of its own policy.

Environmental Health

- No comments to make on this application.

Neighbours

- No comments received.

Ward Councillor

E-mail received from Cllr Hakewill on Committee day - 20/11/2018 – raising the following issues to be asked in his right to speak:

- Due to concerns expressed in this e-mail I would like to request the application is deferred.
- I'm assuming the report to Committee due to unresolved material objections refers to the Parish Council's objection being material and relevant to either approval or refusal.
- Approval of KET/2014/0133 was conditional on the building being used for the housing of sheep and lambs and for the storage of agricultural equipment and machinery. Is this condition effectively being removed by the application under consideration? The condition was there for a reason at the time because of the relevance of animal husbandry, sheep and lambing, given that element is no longer relevant it's difficult to see why a larger foot print is required or should be approved of.
- Could the definition of "agricultural use" be expanded upon and how it applies to such a small area of land which has no intensive element of livestock use to support that terminology, the application is stating "general agricultural holding non-livestock".
- What professional advice has been taken in relation to the necessity and viability of an agricultural use to justify the extended development in open countryside? In that I mean for example from the NFU or similar neutral consultancy?
- If we are reading the application correctly there is a justification for an increase from one tractor and no implements to three tractors and four implements. It is difficult to see the justification for this level of machinery on 1.2 hectares of land, which logically could not generate agricultural revenue to justify the machinery described.
- Could it be clarified that this is not for other than agricultural use and that uses for example equestrian are not within this application should it be approved.
- Approval of this application this evening will be changing and reinforcing a use in open countryside that many feel is little different from encapsulating areas of land into gardens that is mentioned in the report. In that case residents purchased additional land, in good faith, not realising the policy implications, and were enforced to cease use of their newly owned land for even controllable extensions to their gardens. This application is to extend a building, a physical structure, in open countryside in stark contrast to the softer amenity uses. It's just hard to explain to local people how the two scenarios can be treated differently.
- It is noted that there is no condition relating to open storage outside the extended building footprint.
- Could the term "continuing agricultural management" of the land be defined a little more clearly?
- Is it desirable to include a condition that the equipment proposed to be located in the building is specifically, and necessarily for use on the adjacent 1.2 hectares of land to alleviate any concerns that it could be utilised for the repair and maintenance of agricultural equipment not related to the holding? To reassure local people that there would not be increased traffic movement

to and from the buildings.

Due to the late submission of this e-mail, any issues not already discussed in the original committee report were answered directly at Committee.

Reconsultation – 22/11/2018 – 14 days

Great Cransley Parish Council

The Parish Council include their previous objection and the following further comments:

- Objection.
- The barns can be partially seen from footpath GG7.
- At the recent planning committee the applicant referred to fields elsewhere to which he has access. This information is not relevant to this application.
- There is no point having conditions on an approval and then subsequently ignoring them.
- Whilst appreciating the residents of Nos. 61, 63, 63A and 65 Loddington Road who purchased part of the same field to extend their gardens cannot be considered with this application, double standards are being applied when the letter of the law is upheld against these residents and completely ignored for the resident of No.35B.
- If this application is approved the other residents would have grounds to have their applications to plant shrubs and flowers etc. reconsidered. However, this means that once again conditions would have to be ignored.

Environmental Health

- No further comments received.

Neighbours

- No comments received.

Ward Councillor

- Most of my points are in the last e-mail.
- The key is that the original permission was exclusively and by nature of keeping livestock necessary. If I remember at the time there was concern about the development and the committee/LPA were comforted by the condition that if livestock was not there then the building would be demolished and the site returned to its grassed state.
- The local feeling is that this should be exercised and not in the view of many a way to make it permanent by what could be called stealth, outside the original decision.
- I haven't had any contact from the applicant or do I feel that the application is any more than a genuine plan to improve storage.
- The outside storage of machinery shown at Committee was not particularly attractive and I'm assuming if committee refused the application that outside storage would also go as opposed to it being made permanent and the current outside storage would remain.
- The application made no reference to the other fields the farming of which was indicated needed the additional building. So on the face of it there is no need for the number of tractors or implements being applied for.

- We don't know how much land the holding incorporates including the other fields or whether additional applications at this location may come along if additional land is acquired/rented.
- Given that the building extension required is for storage/parking for land elsewhere, the question would be whether buildings exist in those locations or whether they are in a less sensitive position to build than this one?
- Naturally it will be for the committee to review your professional advice and come to a conclusion, but my feeling is that there were too many unanswered questions at the meeting and unless there are satisfactory answers in front of the committee in December the application should be refused.
- That said and without prejudice to the above comments if permission were to be given I feel that there should be a firm condition that there not be outside storage of tractors and equipment.

5.0 Planning Policy

National Planning Policy Framework

Policy 5. Delivering a sufficient supply of homes

Policy 9. Promoting sustainable transport

Policy 11. Making effective use of land

Policy 12. Achieving well-designed places

Policy 15. Conserving and enhancing the natural environment

Development Plan Policies

North Northamptonshire Joint Core Strategy

Policy 8. North Northamptonshire Place Shaping Principles

Policy 11. The Network of Urban and Rural Areas

Policy 13. Rural Exceptions

Saved Policies in the Local Plan for Kettering Borough

RA3. Rural Area: Restricted Infill Villages

7. Environment: 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. The Principle of Development
2. Character and Appearance
3. Residential Amenity
4. Parking and Highway Safety

1. The Principle of Development

The land ownership at No.35B Loddington Road comprises both residential and non-residential land.

The application site consists of a piece of agricultural land within the ownership of No.35B which is in the open countryside to the northwest of Great Cransley village.

The land has an established agricultural use and was formerly used for the grazing of sheep and for lambing. A 5-year planning permission was granted in March 2009, under reference KET/2008/0979, for construction of the existing barn building for the housing of sheep and lambs and for the storage of agricultural equipment and machinery. A subsequent permanent approval was granted for the retention of the barn building on site in April 2014, under reference KET/2014/0133. This approval was conditional on the building being used for the housing of sheep and lambs and for the storage of agricultural equipment and machinery.

As the land has an established agricultural use, the principle of an agricultural use at the site is not an issue for consideration.

Subsequent to the grant of permission in 2014, the land has transferred to a new owner and sheep and lambs are no longer grazed or kept on the land. Great Cransley Parish Council has objected that the agricultural land is not being used in conjunction with the conditional approval granted by KET/2014/0133.

Although sheep and lambs are no longer being kept at the site, a site visit has established continuing agricultural management of the land and the use of the barn building for the storage of agricultural equipment and machinery. This is therefore considered to be acceptable as the planning permissions were originally intended to ensure continuation of a use in association with the management of the land for agricultural purposes.

The Parish Council has also raised the same objection it raised against the 2014 application, regarding action taken by Kettering Borough Council against residents to the north of No.35B Loddington Road as they feel there should be a consistent approach to land in this area.

The land in question was a piece of agricultural land, outside of the village boundary in the open countryside, which sold to the owners of Nos. 61, 63 and 63A – 67 Loddington Road. The occupiers of these properties incorporated the agricultural land as part of their rear private gardens, without applying for planning permission for a change of use of this land. Enforcement notices were served on the properties in May 2012 requiring the removal of all fencing, trees, plants and residential paraphernalia and the return of the land to agricultural. The Notices were subsequently appealed by the owners and were upheld by the Planning Inspectorate, with the Inspector finding that the character of the land had materially and significantly changed from agriculture to use as private gardens.

This application site is used as agricultural land and the existing barn 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 residential purposes and as such, it is considered that the Council has had a consistent approach in dealing with residential and agricultural land in this area. A condition is to be added to the approval to secure the use of the land as agricultural.

The principle of development for this proposal is therefore established subject to the satisfaction of the development plan criteria.

2. Character and Appearance

Policy 8(d)(i) of the North Northamptonshire Joint Core Strategy requires new development to respond to the site's immediate and wider context and local character.

The proposed extensions and alterations are to support the existing agricultural use on this piece of land, are confined to agricultural land within the ownership of No.35B, and are not for any residential purpose.

The existing barn on site is a green painted wooden timber panelled building with a corrugated bitumen roof which is located in the open countryside, within the agricultural curtilage of land in the ownership of No.35B Loddington Road, and has been on site since the grant of planning permission in 2008. When granting planning permission for previous applications under reference KET/2008/0979 and KET/2014/0133, the existing building on site has been judged to be typical of the type of building you would expect to find in a rural location.

Objections have been received that the barns can be partially seen from public footpath GG007. GG007 is located to the south of the application site and at its closest point to the application site is 170 metres away. The proposed extension will be at the southeast end of the building, nearest to the dwellinghouse at No.35B. It has been designed to reflect the size scale, and proportions of the existing barn building, and although it is slightly wider, it will not have the roof overhang of the adjacent part of the building, which means that the roof style and pitch will be the same as on the existing building.

Provided the materials match those on the existing building, which can be secured by condition, it is considered that this part of the proposal will not adversely impact on the character and appearance of the existing barn building, and will retain the character and appearance of the agricultural use on this part of the site, and will not adversely impact on longer views from the public footpath, which is in compliance with Policy 8(d)(i) of the North Northamptonshire Joint Core Strategy.

The proposed extension to the area of compacted stone surrounding the existing barn to its northeast, northwest and southeast, and the associated retaining wall is considered to reflect the character and appearance of the agricultural use at the site. The applicants propose using 100mm Type 1 compacted granular ballast to match the existing driveway, access and parking area, coated timber fencing in front of the retaining wall and wooden post and rail fencing above and, subject to the addition of a condition to secure the material details shown on the submitted plans, it is considered that this part of the proposal will not adversely impact on the character and appearance of the existing agricultural use or the nearby residential uses, which is in compliance with Policy 8(d)(i) of the North Northamptonshire Joint Core Strategy.

3. Residential Amenity

Policy 8(e)(i) of the North Northamptonshire Joint Core Strategy seeks to protect amenity by new development not resulting in an unacceptable impact on the amenities of future occupiers, neighbouring properties or the wider area.

The proposed retention of the existing barn building on site and the proposed extension, the extension to the turning and manoeuvring area, and the addition of the fence above, are located in the open countryside within the agricultural curtilage of No.35B at the southwest edge of the application site, to the northwest of the nearest residential neighbours at No.35A Loddington Road, and to the southwest of other residential neighbours on the southwest side of Loddington Road.

Objections have been received regarding how unattractive the outside storage of machinery is, the need for the additional equipment and the amount of additional land the applicant owns. The objectors have suggested that a condition be added to prevent the storage of machinery on the land.

The definition of agriculture is provided in Section 336 of the Town and Country Planning Act 1990 as follows:

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly.

Any land in the open countryside that does not have a specifically defined use through the planning system is agricultural land on which the activities listed above can occur. As such, without planning permission, agricultural equipment for the uses within the definition of agriculture can be stored on the land.

With respect to the imposition of a condition preventing the storage of agricultural equipment on agricultural land, Paragraph 55 of the National Planning Policy Framework states that:

Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

It is considered that preventing the storage of agricultural equipment on agricultural land, which could be stored there without reference to this application, would not satisfy the above 6 tests in the NPPF.

It is considered that the low-key nature of the proposed agricultural extensions and alterations together with the separation distance from the nearest residential neighbours and footpath GG007, is such that there will be no loss of amenity which is in accordance with Policy 8(e)(i) of the North Northamptonshire Joint Core Strategy.

4. Parking and Highway Safety

Policy 8(b)(ii) of the North Northamptonshire Joint Core Strategy seeks to ensure a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with adopted standards.

The proposed extensions and alterations are to support the existing agricultural use on this part of the site, and will be for the storage and manoeuvring of agricultural machinery within the agricultural curtilage of land in the ownership of No.35B Loddington Road. There will be no impact on the residential parking provision for No.35B which is provided by the existing double garage within the residential curtilage.

As such, the proposal maintains a satisfactory means of access and provision for parking, servicing and manoeuvring in accordance with adopted standards which is in accordance with policy 8(b)(ii) of the North Northamptonshire Joint Core Strategy.

Conclusion

Subject to conditions requiring the development to be carried out in accordance with approved plans and to secure the agricultural use for the owners of the application site only, the proposal complies with policies in the Development Plan and is recommended for approval.

Background Papers

Title of Document:

Date:

Contact Officer:

Previous Reports/Minutes

Ref:

Date:

Alison Riches, Development Officer on 01536 534316