

REPORT SUMMARY

REFERENCE NO - 15/502332/FULL		
APPLICATION PROPOSAL Erection of agricultural storage barn and repositioning of animal husbandry barn as approved under application MA/13/0895 as shown on drawing no. 200-01 and elevational drawings received on 17/3/15.		
ADDRESS Great Oak Farm Friday Street East Sutton Kent ME17 3EA		
RECOMMENDATION PERMIT		
SUMMARY OF REASONS FOR RECOMMENDATION The buildings proposed are necessary for the purposes of agriculture and would not cause significant harm to the character of the countryside.		
REASON FOR REFERRAL TO COMMITTEE My recommendation is contrary to the views of the Parish Council and committee consideration has been requested.		
WARD Headcorn	PARISH/TOWN COUNCIL East Sutton	APPLICANT Mr Damon Bridger AGENT Acorus Rural Property Services
DECISION DUE DATE 12/05/15	PUBLICITY EXPIRY DATE 12/05/15	OFFICER SITE VISIT DATE 21/4/15
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): 14/505560/LAWPRO - An application for a Certificate of Lawful Development for a proposed use under the provisions of Class MB(a), Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) Order 1995 (as amended) being the use of an existing agricultural building and land within its curtilage as a dwelling (in accordance with Condition MB.2(3) of the above Order) – Permitted 14/502032/PNBCM - Prior approval - Change of use of Agricultural building to a dwelling house – Determined that planning permission would be required for the building works aspect of the conversion. MA/13/1014 - Change of use of land for the siting of a temporary dwelling for a period of three years – Refused but permitted on appeal. MA/13/0895 - Erection of an alpaca husbandry unit – Permitted MA/13/0894 - Construction of eight alpaca field shelters – Permitted MA/11/2037 - Erection of a building to form an alpaca husbandry unit – Permitted MA/09/0861- Erection of an agricultural barn – Refused but permitted on appeal.		

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 Great Oak Farm is a commercial alpaca breeding holding located in open countryside off the west side of Friday Street. It involves approx. 11 ha. of land made up of grassland but with an area of mixed woodland with clearings at its northern end. The land provides associated grazing, and hay crops. A large oak tree just outside of the woodland is protected by TPO 8/2010. There is a vehicular access onto the highway opposite Stream Farm, with an access track into the site shared with a public footpath that crosses the land south east/north west. The barn permitted on appeal under reference MA/09/0861 has been constructed on grassland just to the south of the woodland edge. More recently a temporary dwelling (allowed on appeal) has been sited on the land to the south of the barn and the applicant and family currently live there and manage the holding.

1.02 In addition to that barn the applicant has an unimplemented permission for a further building on the land, to be located just to the west of the existing barn. The proposed building is described as an alpaca husbandry unit and is shown as an open-fronted structure of black feather-edged wooden boarding under a clay tile roof, measuring 12m by 6m, with a ridge height of 5.5m. The barn would be used as a husbandry unit for the herd of alpacas.

1.03 At the time of making the application there was a total of 24 alpaca with 9 more cria due to be born in the spring.

2.0 PROPOSAL

2.01 The proposal is for a general purpose agricultural building (approx. 20.0m x 10.0m, 5.0m to eaves and 8.9m to the ridge) to perform the same functions as the existing barn on the site (somewhat larger, being 22.0m x 11.0m) that was permitted (on appeal) under MA/09/0861 to serve the holding. It is also proposed to 'reposition' the aforementioned alpaca husbandry unit (12.0m x 7m). Both buildings would be sited in a north/south alignment, to the north west of the existing barn, in the corner of a clearing in a formerly wooded area. The buildings would be constructed of a steel portal frame under green profiled steel sheeting.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: ENV6, ENV28, ENV34, ENV43

4.0 LOCAL REPRESENTATIONS

4.01 East Sutton Parish Council states:

"The Parish Council wish to see this application refused and are prepared to go to Committee. The Parish Council does not believe that the intensity of building on such a small site is either appropriate or financially justified. They believe that the intensity of building is disproportionate to the agricultural income. The Parish Council has received complaints that a ballooning business is being run from this site generating traffic movement that this small lane cannot cope with. It has also been reported that a significant amount of ballooning equipment is being kept on site in the barns requested for agricultural use."

5.0 CONSULTATIONS

5.01 KCC Public Rights of Way Officer has no objection.

5.02 Rural Planning Ltd comments that the holding needs buildings of this size and nature. However, the point is made that the larger barn building already exists and is available for use until such time as it is converted to residential use. Comments are reproduced in full as an appendix hereto.

5.02 MBC Landscape Officer has no objection.

6.0 APPRAISAL

Principle of Development

9.01 As an exception to the general theme of development restraint in the countryside set by the prevailing policy and guidance, farm buildings that are deemed reasonably necessary for the purposes of agriculture are acceptable in principle. The site is within a Special Landscape Area where priority should be given to the preservation of the landscape. Local Plan Policy ENV43 governs the erection of farm buildings and that policy requires (inter alia) that:

(1) THE PROPOSALS ARE REASONABLY NECESSARY FOR THE PURPOSES OF AGRICULTURE

The main issues here are whether this building is reasonably necessary and the impact it would have on the character of the countryside.

9.02 On the first issue, the existing barn building and the alpaca husbandry unit have previously been deemed to be a necessary part of this holding. The expanding holding continues to demand space for hay making and other machinery, the storage of hay and for animal husbandry. That situation has not changed. Rural Planning Ltd. has examined the proposals and consider that buildings of this nature are reasonably necessary for the purposes of agriculture. However, the large barn already exists and it could be argued that, with that in mind, the new barn is not necessary.

9.03 Central Government has introduced a new Class of permitted development (Class Q, Part 3, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015) that allows farm buildings to be converted to residential without full planning permission. 'Prior notification' to the Local Planning Authority is required but the Council can only object on a very restricted range of issues. In my view it is very unfortunate that Central Government did not seek to exert more control over these conversions, particularly so in terms of preventing needed and actively-used farm buildings being lost to agriculture.

In this case the existing barn can be used as a dwelling, as has been confirmed by Certificate of Lawful Development reference 14/505560/LAWPRO (however the building works aspect of any conversion has not yet been approved). The applicant intends to take this up by occupying it himself as a farmhouse (in succession to his current occupation of the temporary home permitted on appeal under reference MA/13/1014). The application documentation includes the following statement:

"Mr Bridger and his young family intend to live in the barn once completed, and it will not be sold off away from the holding. Mr Bridger's son will be starting local pre-school this autumn."

9.04 Whilst I see the argument that this current application is 'premature' in advance of the actual residential occupation of the barn (and therefore its loss to agriculture) the fact remains that it can be occupied as such and the applicant clearly intends to occupy it as

soon as possible: hence the need for the replacement large barn and an alternative siting for the husbandry unit.

9.05 Against this background, it seems to me that there is a genuine need to replace these buildings and it would not be appropriate to withhold permission

Visual Impact

9.06 On the subject of visual impact, the buildings would be situated in a corner of the site where they would benefit from the screening effect of the existing barn; the woodland to the north and east; and the screening/softening effect of established field boundary hedging and trees to the west and between the site for the buildings and Friday Street. Therefore, whilst the new buildings would clearly add to sporadic development in the countryside, I consider them acceptable given the agricultural need and the low visual impact.

Residential Amenity

9.07 Turning to the issue of residential amenity, the nearest dwelling would be approx. 100m away from the proposed buildings and separated from them by trees and the public highway. I do not consider the proposal would have a negative impact in terms of loss of privacy or noise, smells, etc.

Highways

9.08 The land has an established access to Friday Street which I regard as adequate to serve the development so there is no justifiable reason to refuse permission on highways issues.

Landscaping

9.09 Whilst the site of the building is close to trees there is no objection from the Landscape Officer on loss of, or damage to, trees. This is an intensively managed corner of land that I consider to be of low ecological potential.

Other Matters

9.10 On the issue of the storage of ballooning equipment, a small amount is being stored on site but this is not sufficient to constitute a material change of use in my view.

10.0 CONCLUSION

10.01 I consider the above to be the significant planning issues. In all, I consider this application acceptable and recommend that permission be granted.

11.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Planning Committee Report

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

(2) The development hereby permitted shall be carried out in accordance with the following approved plans:

drawing no. 200-01 and elevational drawings received on 17/3/15;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was acceptable as submitted and no further assistance was required.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

Case Officer: Geoff Brown

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.