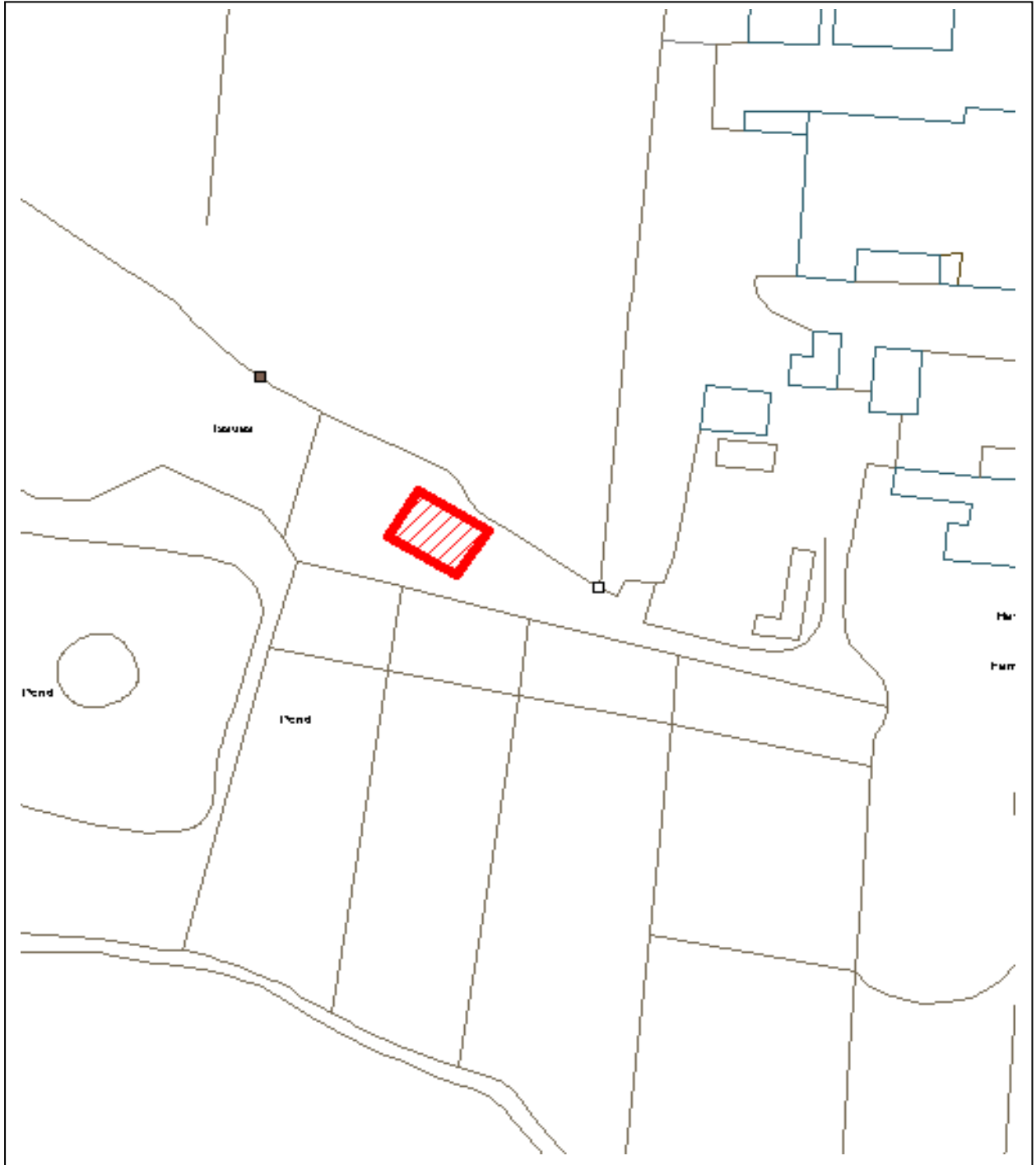


PLANNING COMMITTEE

28 JUNE 2011

REPORT OF THE TEMPORARY HEAD OF PLANNING

A.9 PLANNING APPLICATION - 11/00347/FUL - THE HAWK, HAWK LANE, WEELEY



DO NOT SCALE

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Application:	11/00347/FUL	Town / Parish: Weeley Parish Council
Applicant:	Hawk Rare Breed Farm - Mr J Sage	
Address:	The Hawk, Hawk Lane, Weeley	
Development:	Erection of agricultural building (Retention of existing building following internal and external alterations).	

1. Executive Summary

- 1.1 The application site relates to Hawk Farm, which is located to the north of Hawk Lane (off Colchester Road), Weeley. This is an area rural in character and outside of the defined settlement limits of Weeley.
- 1.2 This application follows an appeal for the existing agricultural building (LPA ref. 06/00745/FUL) which was dismissed on 07 January 2010. It is considered that this application for an agricultural building following internal and external alterations to the existing building is acceptable in terms of its need for the purposes of agriculture, design, siting, size and materials of construction and would not have an adverse impact upon its countryside setting.
- 1.3 It is recommended that this application is approved.

Recommendation: Approve

That the Temporary Head of Planning (or equivalent authorised officer) be authorised to grant planning permission for the development subject to:-

- a) No further material planning considerations being received before the expiry of the statutory consultation period (which expires on 29 June 2011).
- (b) Planning conditions in accordance with those set out in (i) below (but with such amendments and additions, if any, to the detailed wording thereof as the Temporary Head of Planning (or the equivalent authorised officer) in their discretion considers appropriate) and with the reason for approval set out in (ii) below.

Conditions:

- Building alterations to be completed in full within 4 months of grant of planning permission
- List of approved plans

Reason for approval:

The proposal for the erection of an agricultural building following internal and external alterations is in accordance with Local Plan policies EN16, QL9 and QL11. These seek to ensure agricultural buildings will not adversely affect visual amenity, and is reasonably required for agricultural purposes. In this case, it is considered that the building as amended is acceptable in terms of its need for the purposes of agriculture, design, siting, size and materials of construction and would not have an adverse impact upon its countryside setting.

2. Planning Policy

National Policy:

PPS1 Delivering Sustainable Development

PPS7 Sustainable Development in Rural Areas

Regional Planning Policy

ENV7 Quality in the Built Environment

Local Plan Policy:

QL9 Design of New Development

QL10 Designing New Development to Meet Functional Needs

QL11 Environmental Impacts and Compatibility of Uses

EN1 Landscape Character

EN16 Agricultural and Related Development

TR1A Development Affecting Highways

Core Strategy and Development Policies Proposed Submission Draft (2010)

DP1 Design of New Development

DP5 Landscape Impacts

DP12 Agricultural/Forestry Buildings and Structures

3. Relevant Planning History

06/00745/FUL Proposed agricultural barn. Refused 26.03.2009

Appeal against Refusal of Planning Permission 06/00745/FUL and Enforcement Notice dismissed on 7 January 2010.

4. Consultations

None received at the time of writing. An update will be given at the meeting.

5. Representations

None received at the time of writing. An update will be given at the meeting.

6. Assessment

6.1 The main planning considerations are:

- Context;
- Description of Proposal;
- Planning History;
- Principle of Agricultural Development;
- Justifiable Agricultural Need; and,
- Impact on Character and Appearance of Locality.

Context

6.2 The application site relates to Hawk Farm, which is located to the north of Hawk Lane (off Colchester Road), Weeley. This is an area rural in character and outside of the defined settlement limits of Weeley. Hawk Farm extends to 3.2 hectares (8 acres) of agricultural land subdivided into paddocks with various lightweight moveable field shelters.

6.3 The application site, and that site shown outlined in blue by the applicant, comprises a detached residential dwelling, with large garage/ domestic storage building. A large pigeon coop is also located on the site.

6.4 A public footpath is located to the south of the application site and runs along the southern boundary of Hawk Farm.

Description of Proposal

6.5 Planning permission is sought for the erection of an agricultural building. It is noted that this building has already been erected and planning permission for its retention has been refused previously by the Council, with an appeal also dismissed for its retention. This application proposed the retention of the building following internal and external alterations. The building measures 9.8m in width, 7m in depth and 7m in height, with a floor area of approx. 69 sq m. The materials used in the construction include red clay pantiles and black weatherboarding. The internal and external changes proposed to the existing building include:

- Removal the entire first floor living accommodation,
- Remove first floor,
- Remove 3 no. dormer windows,
- Remove external staircase,
- Remove first floor balcony,
- Remove gable end glazing.

Planning History

6.6 A planning application was refused in March 2009 (06/00745/FUL) for the retention of the agricultural building as built. The reasons for refusal included it had not been substantially demonstrated that there was a proven need for a building to be provided on the land to provide overnight accommodation to farm workers in connection with operational uses within the farm. Furthermore, the building was considered unsightly itself, prominently sited and appeared as an alien and intrusive feature in the countryside, to the detriment of visual amenity and the undeveloped rural character. As the building had already been erected, the Council issued an Enforcement Notice to seek its removal.

- 6.7 The applicant subsequently appealed against the refusal of planning permission and the enforcement notice. These were both dismissed on 7 January 2010, with the compliance period for the enforcement notice varied from 6 months to 12 months to remove the building. The date for compliance with the enforcement notice expired on 7 January 2011.
- 6.8 In dismissing the appeal, the Inspector considered the three main issues to be the suitability of the building in the countryside for agricultural use, whether the use of the first floor of the building as accommodation of a residential nature was appropriate for this particular farm holding, and the visual impact of the building upon the surrounding open countryside. Under all three issues the Inspector did not find favour with the building, and stated under the third issue that since the building was 50% in some form of residential use, the building gives the overall appearance of a two-storey house. This was compounded by the presence of an external staircase, dormer windows and a fixed first floor balcony. It was concluded that the design, siting, size and materials of construction harmed the attractive character and appearance of this area of open countryside in an unacceptable manner.
- 6.9 In varying the compliance period of the enforcement notice the Inspector considered a longer period was required for negotiations for a proper multi-function agricultural building, designed for the varied requirements of the small number of livestock normally kept at this holding.

Principle of Agricultural Development

- 6.10 Policy EN16 (Agricultural and Related Development) of the Tendring District Local Plan (2007), in line with PPS7 'Sustainable Development in Rural Areas, states that planning permission will only be granted for agricultural buildings if:
- It can be demonstrated that the proposed building is reasonably necessary for the purposes of the agriculture being carried out on the holding.
 - The design, siting, size and materials of construction, including any hard-surfacing, ensure that the development does not have an adverse visual impact on the local countryside, landscape character or to nature conservation interests; and
 - It can be demonstrated that the development cannot be located in an existing settlement or a suitable building in the countryside.
- 6.11 Therefore it is considered that providing the building now being proposed with internal and external alterations meets these criteria, and overcomes the reasons for dismissing the Appeal, the current proposed building can be recommended for approval.

Justifiable Agricultural Need

- 6.12 As stated previously Hawk Farm extends to 3.2 hectares (8 acres) of agricultural land. The applicant introduced rare breed livestock to the holding, which now includes pigs, cows, and sheep reared predominately for meat production, together with some breeding stock.
- 6.13 In addition, the applicant rents an additional 4 hectares (10 acres) off Hawk Lane and also further land at Thorpe-le-Soken. This land is generally used for hay making with livestock kept on the site closest to the existing farmstead.

- 6.14 Currently the 3.2 hectare (8 acre) site accommodates the following livestock:-
- 10 Suffolk ewes plus one ram. With 2 litters per annum this gives up to 30 lambs, based on a typical lambing percentage of 1.5 lambs per ewe.
 - 2 Gloucester Old Spot sows and 1 boar with 2 litters per annum at an average of 12 piglets per litter equates to 24 young stock per annum.
 - 2 Welsh black cows with 1 calving per year equating to 2 calves per annum.
- 6.15 As the site is used for the purposes of agriculture for the keeping of livestock, and no suitable existing buildings are present on the holding, it is considered that a general purpose barn is reasonably necessary for the purposes of agriculture on this holding, to provide accommodation for sick or injured animals and to provide a facility for births and newly born animals together with any quarantine requirements. The barn also provides storage for hay, bedding and feed stuffs.
- 6.16 The application site and holding is located outside of the defined settlement limits of Weeley, and therefore it is considered that a general purpose barn building to be provided for this holding cannot be located in an existing settlement. Similarly, the application site and holding does not contain any suitable existing buildings to provide for a general purpose barn.
- 6.17 It is considered that the provision of a general purpose agricultural barn on this holding is therefore acceptable, providing the proposed building as amended does not have an adverse visual impact on the local countryside, landscape character or to nature conservation interests.

Impact on Character and Appearance of Locality

- 6.18 Of the criteria of policy EN16 those where Officers consider that Members will need to exercise particular judgement include those which relate to the impact on the character and appearance of the area.
- 6.19 As stated previously, the existing building dismissed at Appeal was considered to harm the attractive character and appearance of this area of open countryside in an unacceptable manner by reason of its design, siting, size and materials of construction, and this being compounded by the presence of an external staircase, dormer windows and a fixed first floor balcony.
- 6.20 The applicant in this current application proposes internal and external changes to the existing building. It is considered that the removal of 3 no. dormer windows, external staircase, first floor balcony and glazed gable end achieves a more traditional agricultural looking barn. The use of black weatherboarding, and red clay pantiles compliments this traditional rural building appearance.
- 6.21 It is considered that the size of the building is necessary for the purposes of agriculture on this holding. It is also considered that as the building is sited adjacent to a boundary with natural vegetation screening, not too remote from existing farmstead buildings, and the building is only partially visible through existing mature vegetation from some distance from the public footpath which runs along the southern boundary of the site (approx. 60m), the building in its amended form and omitting its outwardly residential appearance is considered to be acceptable, and overcomes the previous reasons for refusal and the concerns of the Inspector in dismissing the Appeal. The application is therefore recommended for approval, in accordance with policies EN16, QL9, QL11 and EN1 of the Tendring District Local Plan (2007).

Background Papers

None