Planning Appeal

By

Mr Rob Edwards

Erection of agricultural building with associated access track (amended description)

At Land Adjacent to Whitehaven, Brook Lane, Botley, Southampton SO30 2ER

Planning Inspectorate Ref: APP/W1715/A/14/2214926

Statement of Case

Eastleigh Borough Council

(April 2014)

EASTLEIGH BOROUGH COUNCIL

Statement by the Borough Council

1. Application and reasons for refusal

1.1 The application subject of this appeal was received on 22nd November 2013 and validated by the Local Planning Authority (LPA) on 6th December 2013 for the erection of agricultural building with associated access track at land adjacent to Whitehaven, Brook Lane, Botley, Southampton SO30 2ER. The application was refused under delegated powers on 24th January 2014.

1.2 The application was refused for the following reasons:

(1) The proposed development is considered to result in a building that is in excess of that currently required and therefore the barn is not considered necessary at the size proposed for the purpose for which it is required. The proposed development is therefore considered to be contrary to saved policy 1.CO of the Eastleigh Borough Local Plan Review (2001-2011)

(2) The proposed development by reason of its size, mass and design is considered to cause unacceptable harm to the character and appearance of the countryside at this point. The proposed development is therefore considered to be contrary to saved policies 1.CO and 59.BE of the Eastleigh Borough Local Plan Review (2001-2011) and policies DM1 and DM14 of the revised draft Eastleigh Borough Local Plan 2011-2029.

(3) Insufficient information has been submitted to demonstrate that there are no other suitable alternative existing buildings on other sites thereby avoiding non essential building in the countryside and protecting the character and appearance of the area. The proposed development is therefore contrary to policy DM14 of the Revised Draft Local Plan (2011 - 2029).

(4) Note to Applicant: The application was refused following the assessment of the following plans: LOC 01, BLO 1, 02, 03, 04

(5) In accordance with paragraphs 186 and 187 of the National Planning Policy Framework, Eastleigh Borough Council takes a positive approach to the handling of development proposals so as to achieve, whenever possible, a positive outcome and to ensure all proposals are dealt with in a timely manner.

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2. The appeal site and surroundings

2.1 The site is located within the countryside and on land with an agricultural use. Although the questionnaire states that the site is partly within the Botley Conservation Area, this is not correct. The grass verge running alongside Brook Lane and immediately adjacent to the front boundary of the appeal site is fairly wide and this is included within the boundary of the Conservation Area, however that land forms part of the highway and is outside of the application site. The site is therefore immediately adjacent to, but not within, Botley Conservation Area.

2.2 The site is generally level with a very gentle slope down towards the rear boundary. At the time of the site visit when assessing the planning application the site comprised a small poly tunnel structure on site, machinery, a portacabin and a 2m fence. None of the strcuture have the benefit of planning permission. The north east (front) boundary comprises a mature hedgerow of varying height with some mature trees. The side (north west) boundary has no boundary treatment. The side (south east) boundary to Whitehaven comprises a 2m wooden fence and the rear boundary (south west) boundary comprises a number of mature trees with a ditch beyond.

2.3 The south eastern tip of the site falls within an 8m main river buffer and the site is within area 12 of the Landscape Character Appraisal for Eastleigh Borough. There are clear views into the site through the gate with further views above the hedge line which runs along the front boundary.

2.4 The area is semi rural in nature comprises a mixture of clusters of residential properties (detached two storey dwellings principally) and farmland. Brook Lane is a narrow single width lane with wide grass verges and low levels of traffic and the area is quite and has a peaceful character. Immediately north west of the site is an open field and beyond this also to the north west of the site is a field with agricultural buildings associated with Mistral Farm and dwellings beyond. Further north at Burgessland Field, Brook Lane is an agricultural barn which has recently been erected following a determination that prior approval was not required. To the north east, opposite the site, are detached and semi detached dwellings including the Old Rectory & The Little House, which are grade II listed buildings. Immediately south east of the site is Whitehaven, a detached chalet bungalow and to the west and south west is land associated with Manor Farm Country Park which is designated as historic park and garden.

3. Relevant Planning History

3.1 The Site:

3.2 F/13/72073 Erection of building for storage of hay and agricultural machinery WITHDRAWN BY APPLICANT 01/05/2013

3.3 Burgessland Field Brook Lane Botley

P/13/72409 Prior notification of intent to erect an agricultural barn for the storage of hay and machinery prior approval is not required 23/05/2013

3.4 Land At 'Mistral' Brook Lane Botley Hants

Z/33457/000/00 Construction of agricultural building comprising coldstore, parking shed and toilet. Permitted 21/11/1994

4. **Planning Policies**

4.1 **National Planning Policy Framework**

4.2 The following paragraphs are relevant in the consideration of this appeal:

- Paragraph 9 states “Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people’s quality of life, including (but not limited to): … replacing poor design with better design”.
- Paragraph 14 notes a presumption in favour of sustainable development.
- Paragraph 17 states that planning should take account of the intrinsic character and beauty of the countryside and encourages the re-use of previously developed land.
- Paragraph 28 supports economic growth in rural areas where they would create jobs and prosperity and notes this can be done through both conversion of existing buildings and well designed new buildings.

4.3 Eastleigh Borough Local Plan Review (2001-2011)

4.4 Saved Policies

1.CO (Countryside)

18.CO (Landscape Character)

43.ES (Flooding)

59.BE (General Design)

171.LB (Setting of Buildings in Conservation Areas)

175.LB (Setting of buildings of local importance)

4.5 Revised Draft Local Plan (2011 - 2029)

4.6 The emerging Local Plan is a material consideration however as this has not yet been through examination the weight of these policies are limited. The following policies are considered relevant.

S1 (Sustainable development)

S9 (Development in the countryside)

DM1 (Design)

DM10 (Heritage assets)

DM14 (Agricultural development)

4.7 Supplementary Planning Documents/Guidance

4.8 Landscape Character Appraisal for Eastleigh Borough (Background Paper to Emerging Local Plan) (2011) (appendix 2)

5. Statement of Case

5.1 This statement of case is based on the information contained within Mr Edwards Appeal Form.

5.2 **Reason for Refusal 1 - The proposed development is considered to result in a building that is in excess of that currently required and therefore the barn is not considered necessary at the size proposed for the purpose for which it is required. The proposed development is therefore considered to be contrary to saved policy 1.CO of the Eastleigh Borough Local Plan Review (2001-2011)**

5.3 The proposed development subject of this appeal is for the erection of an agricultural building and extension of driveway into the site with turning area located to the rear of the barn. The building will be 12.2m wide by 18.3m long with an eaves height of 4.3m rising to a ridge line of 5.5m. The building will be set back 42m from the edge of the road and is set behind an existing fence of 2m in height. The building is proposed to be constructed of corrugated fibre cement (grey) and clad with dark stained horizontally hung, rough cut shiplap cladding with the exception of the roller shutter door which will face south west towards the rear of the site.

5.4 The open lean to element of the proposed building would provide an area for heavier items of machinery and less valuable items of smaller equipment. Specifically the equipment proposed to be stored within or in the lean to of the building are as follows: two tractors, trailer, disc harrow, loader bucket, hedge cutter, mower, rotorvator, bale grab, roller, plough, wood chippers. Whilst the appellant has full time employment not related to the use currently operated on the appeal site, it is the appellant's intention is to grow the business through the acquisition of grassland lets to an extent where it can support his full time self employment (see Schedule of Supporting Documents/Planning Statement/Rural Economy submitted by Appellant)

5.5 The appellant has identified within their Traffic Movement Analysis (see Schedule of Supporting Documents/Planning Statement submitted by Appellant) that the proposed use will generate 582 vehicle movements a year and that at present the number of vehicle movements is 594.

5.6 The supporting information notes the purpose of the building is to provide a base for the appellant's developing agricultural enterprise which consists of the farming of various parcels of grassland totally 15.03 acres. The 15.03 acres includes the appeal site itself and land to the north of the site and the remainder at Sherecroft Farm and land adjoining Greenaway Lane, Warash. Of the farmed sites only the appeal site is owned by the appellant. The remaining sites are let to the appellant on a rolling annual basis. The lets do not include access to buildings on the farm land. The hay is delivered to customers and sales are carried out telephoncially. In other words there will be no retail use carried out on site.

5.7 The appellant has estimated that the 15.03 acres of grassland produces 60 tonnes of hay per annum based on two harvests per year, the second harvest producing approximately one third of the bales the first harvest yields. The appellant estimates this would be equivalent to 3000 conventional bales of hay. which would require 500m^3 of storage space. The appellant also states that in common with typical practice to retain on site a proportion of the season's crop on site, a further 100m^3 is required which represents 20% of the hay or 600 bales. The building, not including roof space, has a volume of 720m^3.

5.8 The proposed barn will allow the storage of hay on site that is harvested and baled off site. The agent advised that the appellant's business of harvesting hay off site has occurred for several years. With the erection of a barn on site this will allow dry storage of hay on site with deliveries of hay to the site rather than what currently happens which is delivery of the hay straight from the field where it is harvested to the customer. Therefore the change arising from the proposal will comprise the erection of the barn for the dry storage of hay/equipment and

deliveries of hay from the farms to the site for storage. The appellant has identified that as a result of the erection of the hay barn there will be a reduction of 12 vehicle movements a year.

5.9 The site is located within the countryside and saved policy 1.CO of the Local Plan permits development where it is necessary for the purpose of agriculture provided it meets criteria of other relevant policies within the local plan. The development is therefore acceptable in principle provided that the size of the barn proposed is necessary in relation to its use.

5.10 In this instance the volume of the barn is considered to be in excess of that necessary based on the amount of grassland harvested. This is calculated using guidance contained within the 'Agricultural Budgeting and Costing Book' (appendix 3). The appellant's calculations are based both on the book and actual average yields produced for the various sites they harvest. The Council in their assessment of the planning application received limited evidence from the appellant in this respect. One average yield figure was provided with no other data or sales information to support this.

5.11 There is a discrepancy between the appellant's figures and the Council's figures in respect of the yield of the land. Looking at this in more detail the appellant notes that 15.03 acres of grassland will produce 60 tonnes of hay (45 tonnes first cut and 15 tonnes second cut). The appellant therefore estimates that the land will yield 3000 conventional bales of hay which the agent advises equates to 500m3 of storage space needed. The appellant states it is common practice that additional space is required for up to 20% of previous years crop which equates to 600 bales or 100m3. This leaves 120m3 for storage of equipment.

5.12 Taken on its own the 'Agricultural Budgeting and Costing Book' states that a conventional bale of hay will need between 6m3 to 7m3 per tonne of storage space and that 1 ha will yield 7 tonnes of hay. For the purposes of this calculation the $7m^3$ size bale is assumed, which gives the appellant the largest volume per conventional bale. The 15.03 acres of land or 6.08ha will therefore yield 42.6 tonnes of hay in the first harvest and approximately a third of this amount within the second harvest which is 14.2 tonnes of hay. The resultant 56.8 tonnes of hay will therefore need a storage space of $397.6m^3$. An additional 20% of the crop would be 11.36 tonnes making a total space requirement for the hay of $477.12m^3$. This is 20% less space for hay storage than identified by the appellant and the discrepancy is too great justify the size of the barn proposed without detailed information which clearly shows the higher yields consistently produced over several years. Whilst this information has been requested, only average information has been received with no evidence to back up the data.

5.13 For these reasons it is considered the size of the proposed barn is in excess of what would be required for the harvesting of 15.03 ha of land for hay storage. It is noted that the appeal has been included within the 15.03 ha of harvested land however it is uncertain, with the erection of the barn, how much of this land would actually be available for growing hay. The development would therefore be contrary to saved policy 1.CO of the Eastleigh Borough Local Plan Review (2001-2011)

5.14 **Reason for Refusal 2 - The proposed development by reason of its size, mass and design is considered to cause unacceptable harm to the character and appearance of the countryside at this point. The proposed development is therefore considered to be contrary to saved policies 1.CO and 59.BE of the Eastleigh Borough Local Plan Review (2001-2011) and policies DM1 and DM14 of the revised draft Eastleigh Borough Local Plan 2011-2029.**

5.15 The barn is fairly large with a shallow pitch roof and dark stained shiplap cladding not including the roof which is proposed to be corrugated fibre cement (grey). The cladding will assist in lending a rustic feel to the building however its size, mass and height is such that the building will be clearly seen from Brook Lane despite its set back of 42m and shallow pitch of the roof will give the building an 'industrial' feel which is considered out of keeping with and harmful to the character of the area and moreover its overall design does not take opportunities to improve the character of the area which is encouraged by paragraph 9 of the NPPF and policy DM1 of the Revised Draft Local Plan (2011 - 2029).

5.16 The proposal includes the extension of the driveway to the barn with a turning area to the rear of the barn where its roller shutter door is located. It is considered the extended driveway which comprises loose gravel will add to the urbanisation of the site harmful to the character and appearance of the countryside.

5.17 It is noted that at the time of assessing the application a barn was in the process of being erected at Burgessland Field Brook Lane which is slightly north of the site on the other side of the road. That was determined under prior approval procedure. In comparison to the barn currently under consideration, the barn at Burgessland is set back slightly further from the road, is slightly smaller in footprint, is slightly lower at eaves level and has a more steeply pitched roof and noting its location adjacent to a line of trees it was determined that prior approval was not required. That barn cannot therefore be directly compared to that currently under consideration which is considered to have a materially greater impact upon the character of the area.

5.18 In terms of the impact upon setting of Botley Conservation Area and listed buildings the Conservation Officer objected to the application on the basis that the barn would harm the setting of the Botley Conservation Area however the planning application was not refused on this basis noting that the conservation area and both grade II listed buildings are located on the other side of the road to the appeal site and the barn will not be viewed in context of those special designations.

5.19 **Reason for Refusal 3 - Insufficient information has been submitted to demonstrate that there are no other suitable alternative existing buildings on other sites thereby avoiding non essential building in the countryside and protecting the character and appearance of the area. The proposed development is therefore contrary to policy DM14 of the Revised Draft Local Plan (2011 - 2029).**

5.20 Policy DM14 of the Revised Draft Local Plan (2011 - 2029) requires that information be provided to show that the use cannot be accommodated within an existing building. There are no other buildings on site that can be used and limited information has been submitted by the client to show no other buildings are available to be used on sites let by the appellant. No evidence has been submitted to support the appellant's statement that this issue has been properly been explored. The unique business model of this activity where sites farmed are let on an annual rolling basis means that there is no guarantee that sites farmed currently will remain available the following year. It is reasonable that the appellant locate the barn on land which he owns so that this investment is secure. Nevertheless no information has been submitted to show the availability or otherwise of sites for sale with existing barns which are served by a better road network. It is therefore considered that alternative site with an existing building for use should be explored in order to meet the requirements of policy DM14 of revised draft Eastleigh Borough Local Plan 2011-2029.

6. Representations

6.1 During the application process the Local Planning Authority received no written representation from members of the public. An objection was received from Botley Parish Council which is submitted as part of the Questionnaire.

7.0 Planning Obligations

7.1 The Traffic Movement Analysis submitted with the application and forming part of the appellant's supporting documents shows that the proposed development would result in a reduction of traffic movements. As such no financial contribution

towards infrastructure within the borough has been sought in respect of this proposal.

8.0 Conclusions

8.1 The LPA are of the opinion that the refusal of this application is justified for the reasons set out and amplified within this statement. The Inspector is respectfully requested to dismiss this appeal.