

REPORT FOR THE WESTERN AREA PLANNING COMMITTEE

Date of Meeting	20 December 2023
Application Number	PL/2023/05634
Application type	FULL
Site Address	Land to the south of The Old Rectory, Warminster Lane North, Upton Scudamore
Proposal	Erection of a building for the purposes of agricultural storage
Applicant	Mr D Whitewood
Town/Parish Council	Upton Scudamore PC
Electoral Division	Warminster North and Rural ED – Cllr Bill Parks
Case Officer	Julie Mitchell

Reason for the application being considered by Committee

This application has been 'called-in' by Cllr Bill Parks for Committee determination for the following reasons:

- Scale of development
- Visual impact upon the surrounding area
- Relationship to adjoining properties
- Outside settlement boundary
- Scale of building serving agricultural plot size

a) Purpose of Report

The purpose of this report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application should be approved subject to planning conditions.

2. Report Summary

The key determining planning issues are considered to be:

- Principle of Development (Use/Need)
- Landscape Impact
- Heritage Matters
- Highway Matters/Rights of Way
- Residential Amenity

3. Site Description

The application site forms part of an agricultural field in open countryside located to the south of the residential curtilage of The Old Rectory and settlement of Upton Scudamore. There is a newly formed access from the rural highway to the west of the site and the A350 trunk road lies to the south at a distance of approximately 275 metres from the southern edge of the field. The site is surrounded by agricultural land to the south and east, and to the west beyond the rural lane. The curtilage to the Old Rectory lies immediately to the north.



Site Location Plan of the application site



Mapping extract and aerial view of the site location

As shown in the plan and mapping extracts above, the Old Rectory has a generous residential curtilage which lies to the south of the dwelling. The agricultural land which relates to this application comprises the two parcels of agricultural land which adjoin the south and west boundaries of the garden and has an area of approximately 0.86 hectares. A new vehicular access has recently been formed onto the highway to the west of the field following the grant of planning permission on 16 February 2023 (PL/2022/08528).

The field in which the application site is located slopes from north to south as shown in the submitted landscape plan below, which also shows the position of the site in relation to the approved access.



Submitted Landscape Plan

Upton Scudamore is designated as a 'Small Village' in the Wiltshire Core Strategy; there are no limits of development for small villages although the site is clearly in the countryside outside of the built-up area of the village.

The application site is not within or near to a conservation area. The closest listed building is St Mary's Church (Grade II*) which lies to the northwest of the site at a distance of approximately 150 metres. Parks Court, (Grade II*) is a residential dwelling located to the northeast of the site at a distance of approximately 220 metres. The site is not within a National Landscape (previously known as Area of Outstanding Natural Beauty) or locally designated Special Landscape Area.

4. Relevant Planning History

W/08/01611/FUL -Proposed construction of underground bunded oil tank with underground access passage – Approved 1 July 2008

PL/2022/08528 - Formation of agricultural field gate access and pedestrian access on to eastern side of Warminster Lane North and associated landscaping works – Approved 16 February 2023

PL/2023/04343 – Erection of oak framed outbuilding comprising of storage room, entertainment room and BBQ space (with curtilage) – Withdrawn

5. The Proposal

This is full planning application for the construction of a new building.

The original description of development was for the "*erection of agricultural barn and associated works*" with the proposed building to be used for agricultural storage of plant, machinery, timber coppice and hay associated with the management of the land holding and also to accommodate a biomass boiler and woodchip storage which would serve the applicant's residential property on the adjacent land (known as The Old Rectory).

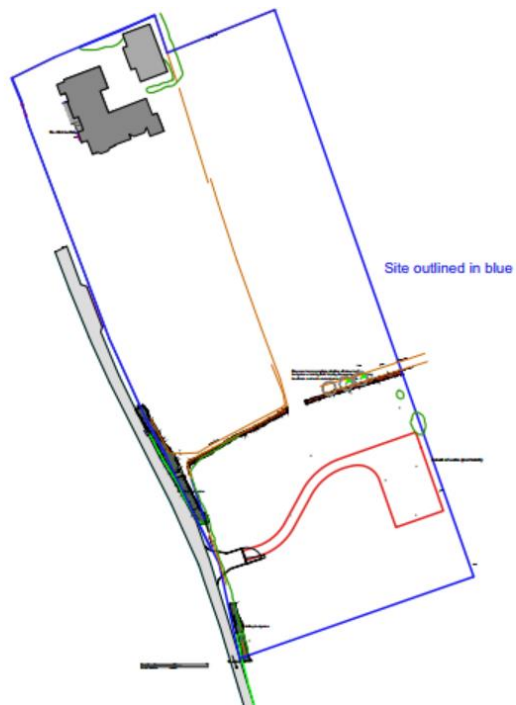
The biomass boiler element was subject to officer discussions with the applicant as such a facility would be ancillary to the domestic use of the adjacent dwelling and would not be for agricultural purposes. This discussion led to the description of development being revised and the removal the bio-mass boiler from the building and the description of the proposal changing to the "*Erection of a building for the purposes of agricultural storage*".

In addition, the siting, design and dimensions of the building were revised, necessitating a re-consultation with consultees and interested parties.

The proposed site plan and superseded plan are shown below for comparison purposes. The revised proposal has resulted in the proposed agricultural building being re-sited closer to the field boundary and the residential property boundary where there is a group of well-established trees which would form a robust backdrop for the building when viewed from the south.

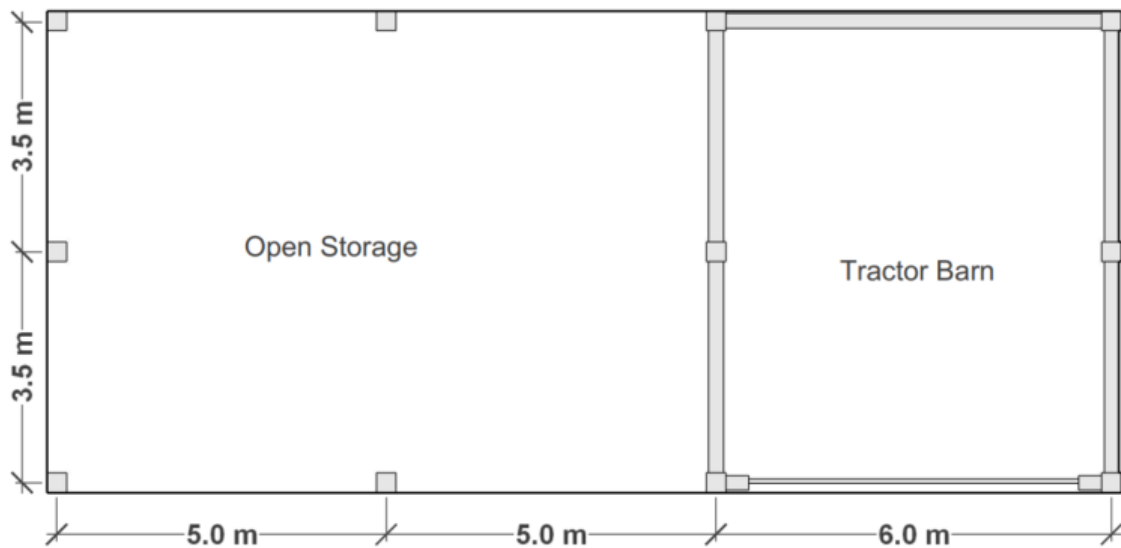


Proposed Site Plan



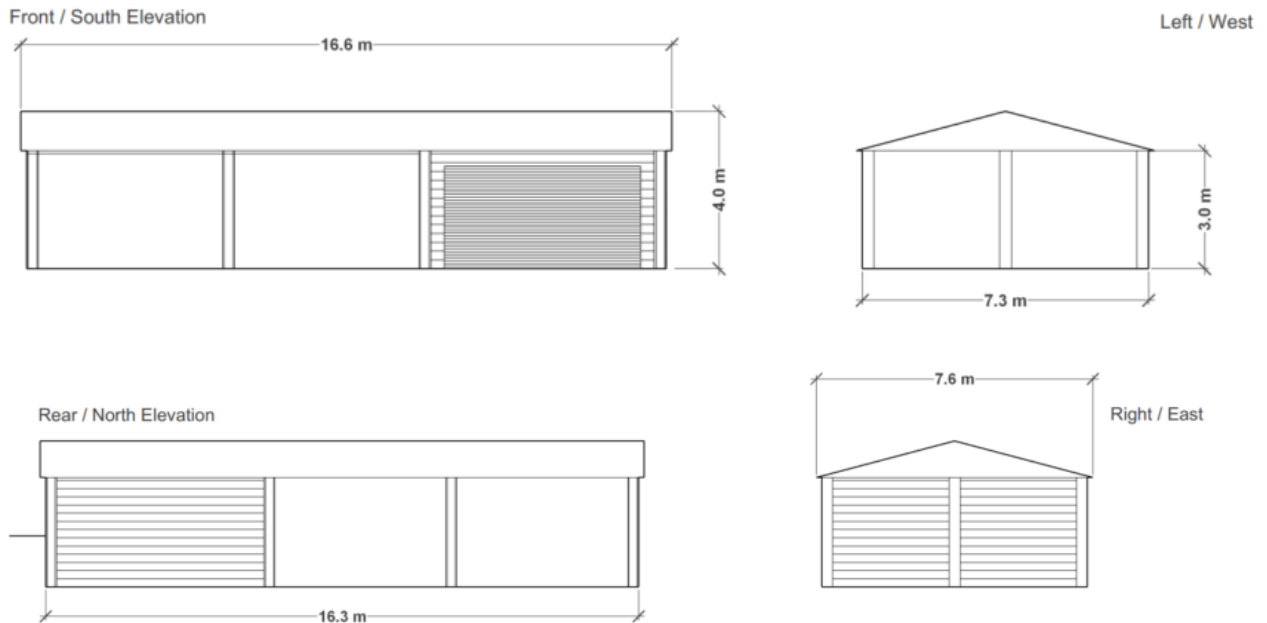
Superseded Site Plan

The dimensions of the proposed building are 16 metres by 7 metres. This represents a demonstrable reduction in the footprint of the building from the original proposal (20 by 10 m), with the height of the building also reduced from 5 metres to 4 metres. The intended uses of the building are shown in the floor plan below, comprising two open storage bays and a tractor barn with roller shutter door.



Proposed floor plan

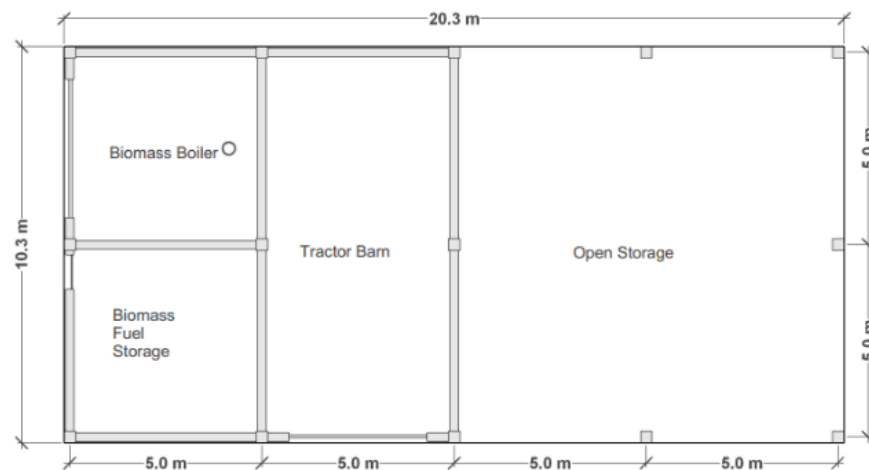
The building is proposed to be constructed of a steel frame with external walls comprising concrete blockwork clad in timber and a roof of corrugated metal sheeting in Juniper Green. The open bay and enclosed bay with a roller shutter door are shown in the elevation drawings below.

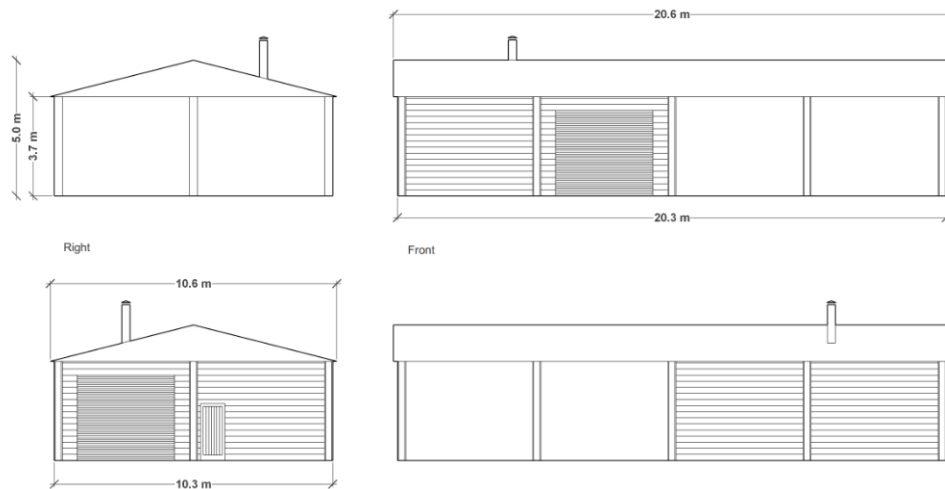


Proposed elevations

Access to the barn is provided by the established access from the highway, which would be extended with a 3-metre-wide reinforced grass track. There is also pedestrian access via a gate from the grounds to The Old Rectory. Tree and mixed native hedgerow planting are proposed around the perimeter of the field as illustrated in the proposed landscape plan which is included earlier in the report to show the gradient of the site.

For comparison purposes the floor plan and elevations of the building, as originally submitted, are shown below:





Superseded floor plans and elevations

6. Planning Policy

National Context:

The National Planning Policy Framework 2023 (NPPF) and Planning Practice Guidance (PPG)

The General (Permitted Development) Order 1995 as amended

Local Context:

Wiltshire Core Strategy (adopted Jan 2015):

Core Policy 1 – Settlement Strategy; Core Policy 2 - Delivery Strategy;
 Core Policy 3 - Infrastructure Requirements;
 Core Policy 31 - Spatial Strategy – Warminster Community Area;
 Core Policy 48 – Supporting Rural Life
 Core Policy 50 - Biodiversity and Geodiversity; Core Policy 51 - Landscape;
 Core Policy 57 - Ensuring High Quality Design and Place Shaping; Core Policy 58 - Ensuring the Conservation of the Historic Environment; Core Policy 60 - Sustainable Transport;
 Core Policy 61 - Transport and Development;
 Core Policy 62 - Development Impacts on the Transport Network;

7. Consultations

Upton Scudamore Parish Council – Upton Scudamore Parish Council has provided 2 consultation responses for this application as a result of changes to the siting and design of the proposed building. At the time of writing the report (at the beginning of December), updated comments from the parish council on the applicant's further revisions removing the initially proposed biomass boiler, are awaited and, if submitted before the committee meeting, these will be presented to the committee verbally.

4 August 2023 – Objection

Upton Scudamore Parish Council object to the application and request Cllr Parks, as the unitary Councillor, calls the application 'into planning committee' should the planning officer be looking to approve it. The following reasons for objection: -

1. As Upton Scudamore is a very small village it does not have its own development plan and, instead, is covered by the Wiltshire Council Core Strategy Policy (CP) within the Warminster Community Area. The CP defines Upton Scudamore as a small village. CP2 states development will be limited to infill within the existing built area. Proposals for development at the Small Villages will be supported where they seek to meet housing needs of settlements or provide employment, services and facilities provided that the development:
 - i) Respects the existing character and form of the settlement
 - ii) Does not elongate the village or impose development in sensitive landscape areas
 - iii) Does not consolidate an existing sporadic loose knit areas of development related to the settlement.

As the proposed building would be outside of any development limits it would be an unsustainable form of development and not meet CP2

2. In order to meet the requirement for an agricultural holding the site should be a minimum of 5ha. There is, therefore, no functional requirement for a building of this size to house plant and machinery to maintain 1ha of land and to provide storage for hay and wood farmed from a plot of this size.
3. 25% of the building is to be used for a biomass boiler. This would be an inappropriate use for a building on agricultural land. In addition, there is no indication of how the power generated is to be accessed by the main residence and the adjoining property. We would also question the semi-commercial use of this element of the proposed building.
4. The harmful impact on the landscape
5. English Heritage should be consulted in respect of the development being in sight line of a listed building, known as Parks Court.

25 October 2023 – Objection

Upton Scudamore Parish Council continue to object.

The Councils objections remain as submitted to planning department on the 4th August 2023 with the following in additions: -

1. *The proposed barn is a considerable distance from the existing built environment and encroaches on the space between Upton Scudamore and Warminster which protects the integrity of the village.*
2. *The revised landscape plan submitted clearly shows the extent of the 1ha agricultural land which will be taken up by the proposed barn and the trees planted to screen the development. This only serves to emphasise that there is no functional requirement for a building of this size.*

3. *In spite of the comments made in the letter accompanying the amended proposal, the revised plan shows 40% of the building is to be used for a biomass boiler which indicates a significant change with much less space available for agricultural use. This would be an inappropriate use for a building on agricultural land. In addition, there is still no indication of how power generated is to be accessed by the main residence.*
4. *Concerns over emissions from the biomass boiler could be extremely harmful to the village environment particularly if the plan is to use wood coppice from adjacent area.*
5. *The applicants and the planning department should also consider that the existence of a public footpath across the land is currently being investigated by Wiltshire Council.*
6. *If the proposed barn is permitted it would set a precedent for agricultural land of 1ha.*

The Council requested Cllr Parks call the application 'into planning committee' should the planning officer be looking to approve it.

12 December 2023 – Objection maintained.

Upton Scudamore Parish Council objections remain as previously submitted: -

1. *Upton Scudamore is designated a small village in both the current and the proposed Wiltshire Local Plan. Any development is limited to infill within the existing built environment and this barn is considerably outside of this.*
2. *The application does not meet the requirements for an agricultural barn given the size of the plot which has been described as 0.5 ha in one application and 1.0 in another, both of these falling considerably short of the 5 ha minimum requirement for permitted development. The latest plan submitted shows not only the extent of the agricultural land which will be taken up by the proposed barn and the trees planned to screen the development, but also adds plans for the laying of a driveway and heavy-duty material round the building's perimeter further reducing the area for agricultural use. This emphasises still further there is no functional need for a building of this size. Once the trees for coppicing have been planted there will be even less space for any other crop. If the proposed barn is permitted it would set a precedent for agricultural land of 1ha.*
3. *We note that the biomass boiler has been removed from the current revision but given the large area for storage for crops from such a small plot, we would seek assurances that domestic storage would not be permitted within this agricultural barn.*
4. *We would also argue that CP48, CP50 and CP51 do not apply in this case as not only has most of the existing biodiversity been damaged by the removal of the established trees and hedgerows, but the structure would also have a negative visual impact on the site and the surrounding area.*
5. *The applicant has now made 3 applications for a building on this site and a further application for a building including an entertainment area immediately adjacent to the current site. A total of 4 submissions, each with a different stated purpose. We would therefore ask that, if any permission is granted, strict conditions are attached regarding any future change of use, allowing Wiltshire Council to adhere to its priorities regarding the protection of the rural*

landscape and its environment and give the appropriate protections for Upton Scudamore as a “small village”.

6. *There has been considerable opposition within the village as shown by the registered consultation comments and attendance at Parish Council meetings.*

Wiltshire Council Highways Officer – No highway objection is raised.

8. Publicity

The application was publicised by neighbour notification letter. Reconsultation was undertaken following significant changes to the siting of the proposal and again as a result of the removal of the bio-mass boiler.

At the time of drafting the report, the consultation period for the final public consultation remains open and any further representations received will be verbally reported to the committee.

In response to the publicity exercise, a total of 10 third party representations of objection were received with most indicating that their initial objections were not addressed by the revised scheme. A summary of comments is set out below.

Objections:

Comments made prior to amendments:

- Invalid application
- No agricultural justification
- There are no crops or livestock
- Agricultural land is not large enough to be classified as an agricultural holding
- The need for tractor storage is disproportionate to the size of the land
- Barn is oversized relative to intended use/land holding
- Buildings are not permitted on agricultural holdings of less than 5 ha
- No detail given for proposed coppicing
- Coppicing and hay bales from this holding would not require 100 m² of storage space
- Biomass boiler is for domestic not agricultural use.
- Boiler is not connected to the house it is supposed to serve
- Ugly design better suited to industrial estate
- Inappropriate structure in inappropriate location
- Questionable usage now and in future
- Dangerous precedent for expansion which would fundamentally change character of village
- Outside boundary line of village, contrary to Core Policies 1 and 2
- Additional traffic on single lane access road
- Development motivated by future change of use for housing or commercial
- Obscures the view of Grade II* listed manor house, consultation with Historic England required
- Proposed landscaping is inadequate mitigation for felled trees and screening
- Materials to fuel biomass boiler needs to be carefully prepared to avoid emission of noxious gases

- Boiler could be accommodated within grounds of the house
- Unclear what services to the field/barn are intended
- Precedent for development outside village boundary and incremental planning creep
- Concern for future use for 'entertainment' purposes/commercial venue or small bungalow
- Contrary to NPPF p85
- Insensitive to surroundings due to scale and location
- Ground source heat pump would be preferable to biomass boiler
- No information on utility connection necessary for the boiler
- Unsustainable development
- Contrary to aims of Core Policy 51
- Traffic/safety implications on narrow village road

Comments made subsequent to amended siting and design:

- Agricultural land falls well short of the minimum 5 hectares
- Extremely large-scale building, with its flue and large metal doors, still resembles an industrial unit
- The site can be seen from a public road, this busy narrow road offers the first sight of the village from the south
- Would be exposed even with proposed screening
- Outside village building line
- Disrespectful to village
- Will disfigure the area
- Negative polluting effects of biomass boilers are well documented
- Domestic service unit should be sited within existing garden which is screened and lessens potential dispersal of dangerous gaseous emissions and particulates on road users
- Biomass boiler not required by neighbouring property as stated
- Not proven that source of heat so far from user is viable or would reduce CO2 emissions
- A small shed in garden would be more appropriate
- Unnecessary development
- Not justified by the 0.5 ha of agricultural land to be serviced
- By law, no building is allowed on agricultural land of this area
- It is not an agricultural building due to substantial element of domestic/commercial use
- Outside boundary for built area of village which has been in place for decades
- Contrary to Core Policy 2, outside built area and elongating village
- Encourages ribbon development/sets precedent for development
- Visible from A350, the lower road into village and public footpath to the east
- Visual impact is effectively unchanged from original proposal
- Contrary to Core Policy 51 due to potential public nuisance and pollution from noise, smell and light
- Domestic/commercial use contrary to approved use of land (agricultural)
- The revisions go some way to mitigating the impact on the landscape
- Concern remains to stated use of building as agricultural barn
- The two parcels of land constitute less than 5 hectares and are not used for agricultural purposes (Agricultural Act 1947 S109 (1) and (3) and Agricultural Holding Act 1986)
- Land has been subsumed into the curtilage of a domestic residence

- Intended use potentially for entertainment space (following withdrawal of previous application in curtilage)
- The building does not contribute to rural life
- Negative effect of biodiversity and geodiversity
- Landscape and rural locality will be poorer for this building
- Spurious reference to neighbouring property's use of biomass boiler
- A Definitive Map Modification Order (DMMO) application is being prepared which was not claimed in 1952 as a right of way
- This footpath crosses the applicants land although the revised position will not block the footpath
- Part of the height of the barn is not underground as suggested by the applicant at the PC meeting
- The very wide access and splay will leave the industrial looking unit extremely exposed to view
- The revised building will still be visible from various directions
- The visual impact will permanently scar the main approach to the village and adversely change the character of the village
- The village risks losing its unique appeal and charm which can never be regained
- There is a public footpath across the site

Further comments received following further reduction in size and removal of biomass boiler:

- Fourth iteration of this application
- Raises further questions about whether the building is needed or establish the principle of a building for other uses
- Lack of clarity on use of land, now described as a paddock
- Hay and timber are not current crops
- 1ha plot is small to gain a crop of hay/coppice wood
- Proportionality of land size and building is questionable
- Use appears to relate to domestic purposes
- Disproportionate amount of land is lost to hard standing and footprint of building
- Legislation indicates that the application cannot be determined as agricultural
- Any building on this land is inappropriate
- Visual impact of access is already considerable
- Very large intrusive building
- Would set a precedent
- The site outlines both curtilage and agricultural land in blue as one plot
- Design and access statement '77 m2 gross internal area' is misleading, the gross external area is 112 m2/119 m2
- Does not meet Core Strategy policies CP48, CP50 or CP51
- Biodiversity and geodiversity adversely affected by previous removal of trees and hedgerow
- No protection of historic landscape and skylines
- Landscaping works do little to shield building and planting would take a long to mature to a height of 4 m
- Use of 'Truckpave' material for the driveway and heavy duty SUDS suggests heavy traffic and parking not occasional agricultural use
- Domestic style gate has been installed on access

- Past applications to build outside the historic development boundary line have been refused or withdrawn
- The substantial new driveway and access could be considered a site for residential/leisure/business use
- Storage of machinery could be accommodated in a smaller building within the curtilage of the dwelling.

9. Planning Considerations

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan unless material considerations indicate otherwise.

9.1 Principle of Development (Use/Need)

The Wiltshire Core Strategy (WCS) sets out a 'Settlement Strategy' and 'Delivery Strategy' for development across the County. WCS Core Policy 1 defines the Settlement Strategy and identifies four tiers of settlement– 'Principal Settlements', 'Market Towns', 'Local Service Centres' and 'Large and Small Villages'. Within the settlement strategy (and the Warminster Community Area at Core Policy 31), Upton Scudamore is defined as a 'Small Village'. The Principal Settlements, Market Towns, Local Service Centres and Large Villages have defined limits of development, beyond which, is countryside.

WCS Core Policy 2 sets out the delivery strategy for development of new employment land and homes. CP2 states that development will not be permitted outside the limits of development, as defined on the policies other than in the circumstances as permitted by other policies within this plan, identified in paragraph 4.25, unless the limits of development are altered through subsequent site allocations DPDs or neighbourhood plans. However, it continues that development in small villages, which do not have limits of development, will be limited to infill within the existing built area where they meet the housing needs of settlements or provide employment, services and facilities. A proposal for a building on agricultural land for agricultural purposes falls outside of the scope of CP2. A proposal for ancillary domestic buildings also falls outside of the scope of CP2, in recognition that such buildings would ordinarily be sited within the established residential curtilage(s) of existing dwellings such that there would be no associated change of use of land. As noted above, the domestic element of the initial proposal i.e., the bio-mass boiler element no longer forms part of the application submission.

Core Policy 34 supports the principle for development in the countryside that support sustainable farming and food production through allowing development required to adapt to modern agricultural practices and diversification, or new and existing rural based businesses within or adjacent to Large and Small Villages. Core Policy 48 does not include provision for new agricultural buildings and as identified by the parish council and third parties, is not the applicable policy for this proposal.

As a proposed agricultural building, the primary consideration would be whether the building is sited and is of a scale which meets the needs of the agricultural holding. In this case the agricultural land extends to less than 1 ha in total. Third party representations indicate that buildings are either not to be permitted on units of less than 5 ha or that a unit of less than 5 ha

is not an agricultural unit, and further that the area of land which includes the site is not agricultural in use.

The land to which the application relates is agricultural land since there has been no application for its change of use to domestic curtilage or for any other use. Whilst it is stated by third parties that the use of the land has been subsumed into the applicant's garden, the land use would remain 'agricultural' until such time as an application for change of use or development, or a certificate of lawful use, is granted which changes the planning status of the land.

From the information provided, it is not the intention of the landowner to change the use of the land. The design and access statement asserts that the building is proposed in order *"to meet the functional need for secure storage of plant and machinery, and storage of timber and hay from the agricultural land holding"*.

In the interests of clarity, Section 366 of the Town and Country Planning Act 1990 provides a definition of agriculture 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;

Whilst the applicant does not operate an agricultural business, the definition includes 'meadow land' which is essentially grassland which may or may not be used for hay production. The LPA is satisfied that the management of agricultural land by a person whose sole or primary occupation is not agriculture does not alter the fact that the land to which this application relates to, is agricultural.

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), at Part 6, sets out the permitted development rights for Agricultural and Forestry development.

Class A of Part 6 relates to agricultural development on units of 5 hectares or more. That does not apply to this case as the landholding is less than 5 hectares.

It should be fully acknowledged that the applicant is not seeking to rely on Class A of the permitted development allowances hence the submission of this application.

Class B of Part 6 provides some Permitted Development allowances for agricultural development on units of less than 5 hectares.

This includes some allowances to extend or alter an agricultural building but not the construction of a new building, as is proposed in this case.

The applicant is not seeking to rely on Class B either.

For the avoidance of doubt, the permitted development rights set out what development can be undertaken without seeking full planning permission. This does not preclude a full planning application being made for agricultural development where the criterion for permitted

development is not met.

Whilst the permitted development rights are not applicable to the determination of this application, it is useful to note the reference to the area of an agricultural holding of anything over 0.4 hectares to refute the assertion that the holding being less than 5 hectares, is not used for agricultural purposes.

In response to the questions raised on the validity of the application, officers maintain that it is a valid application seeking full planning permission for the erection of an agricultural building on agricultural land.

The acceptability of such an application must be determined on its merits having regard to the impacts of the development and the use/need for a building.

Officers accept that the management of the agricultural land is likely to require non-domestic equipment and its suitable storage. Whilst the original application submission openly included a non-agricultural element, that was removed from the submission, and consequently, the associated impacts are no longer relevant to the consideration of this application.

The dimensions of the building measure as 16 m by 7 m, providing a secure storage area for a tractor and an open storage area suitable for hay/timber.

Compared with the dimensions of a typical domestic outbuilding such a garage/workshop, which would normally be no less than 4 m by 6 m for a single garage or 7 m by 6 m for a double garage, this proposed building would not appear excessive when considering its multiple uses to store a tractor, tools, hay and timber from the small holding.

The proposed height of 4 metres is considered acceptable in planning terms.

As the storage of machinery is intended for maintenance of the agricultural land and officers do not consider it would be reasonable to require that the applicant stores the agricultural associated equipment within the residential curtilage of the applicant's property since it would be not for purposes related to the residential occupation and enjoyment of the dwellinghouse.

It is therefore concluded, in principle, that the scale and siting of the building in respect of its proposed use for agricultural storage is acceptable. No precedent is set for the consideration of other buildings in the countryside, which would be considered on the individual need and impact.

In respect of concerns relating to future uses, and potential inclusion of a biomass boiler, a planning condition is recommended setting out the permitted uses of the building should planning permission be granted, as such any breach of condition would be investigated.

Procedurally there is a requirement for all other land within the ownership of an applicant to be outlined in blue. This does not indicate that the residential and agricultural land is of the same use.

9.2 Landscape Impacts

Core Policy 51 requires that development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.

The site is not within a National Landscape (previously known as an Area of Outstanding Natural Beauty) or a Special Landscape Area but is within the countryside of which views are afforded from the surroundings, including the A350 highway which lies to the south of the site and public rights of way to the west.

The building has been re-sited from where the applicant's initially proposed location position (from the middle of the field to a position further towards the edge of the field, and closer to the boundary with the residential property which is within the same ownership).

Whilst the proposed site is exposed to open public views from the south, but at some distance and, these would mostly be seen against the significant treed backdrop of trees, and the existing built forms of development further to the north, as evidenced below.

The series of photographs on the following page illustrate the site from various vantage points taken from various positions along the A350.



Views across open countryside towards the site

Views of the site from Upton Scudamore would be limited due to the proposed siting being beyond the existing dwelling and curtilage. The closest range views would be from the unclassified highway to the immediate west of the site, as shown below, which forms one of the main approaches to the village from the A350.



Photograph of site from public highway to west of the site

Views of the site have undoubtedly increased following the formation of the field entrance earlier this year. The photograph above looks towards where the proposed agricultural storage building would be constructed.

The building would be visible at fairly close range from this vantage point, however the sight of the proposed agricultural building in the countryside, and outside of the village, is not considered unacceptable.

To provide some local context, and aided by the following aerial insert, planning permission was granted on land south of 37 Upton Scudamore for stabling of a comparable size to what is proposed under this application.



The proposed structure would have a steel frame, timber clad exterior and sheet roofing – which are considered appropriate materials, and with the revised siting of the building with a reduced height, the proposal in land scape terms, is considered acceptable, and would not appear as a discordant feature in the countryside.

Additionally, it is noted that applicant proposes to level the site and construct the storage building on lowered ground levels, to reduce the visual impact of the structure. The bulk of the building has been reduced by 3 metres, and with these revisions, officers are satisfied that the proposal is of a scale and appearance that would not harm the immediate and wider landscape setting.

It is noted that the applicant includes a commitment set out within the revised design and access statement to provide additional mitigation with perimeter tree and hedge planting, which can be secured by planning condition.

The effects from any external lighting on the landscape could be suitably controlled by planning condition.

9.3 Heritage Assets Impacts

Upton Scudamore does not have a designated Conservation Area. The mapping extract below identifies the nearest listed buildings, the Grade II* Church of St Mary, the Grade II* Parks Court and the Grade II The Grange. The original siting of the building was identified by third parties to obscure the view of the Grade II* 'manor house' believed to refer to Parks Court.

The revised siting of the proposed building to the immediate south of the boundary to The Old Rectory and behind the well-established boundary of The Old Rectory would ensure that the 4m high agricultural storage building would not obscure views of the aforementioned listed building and would not affect its setting. Consequently, this proposal falls outside of the criteria for a consultation with Historic England.



Listed Buildings within the vicinity of the site

There are views towards the Grade II* listed Church of St Mary from the access into the field which has recently been created, as demonstrated by the photograph below. The extract site plan shows the building set in from the field boundary/highway by several metres. There is however significant separation between the site and the church, including the highway and field

boundaries.



View towards Church of St Mary from site access

Whilst there may be long range views from the A350 or public footpaths in which both the Church and the proposed building would be visible, it is considered that due to the height and scale of the proposed building and its separation from the church, the proposed building would not affect the setting of the Grade II* church and it is not considered that it would fall within the criteria for consultation with Historic England.

On the basis of the above, it has been concluded that the proposal would not cause harm to heritage assets.

9.4 Highway Matters/Rights of Way

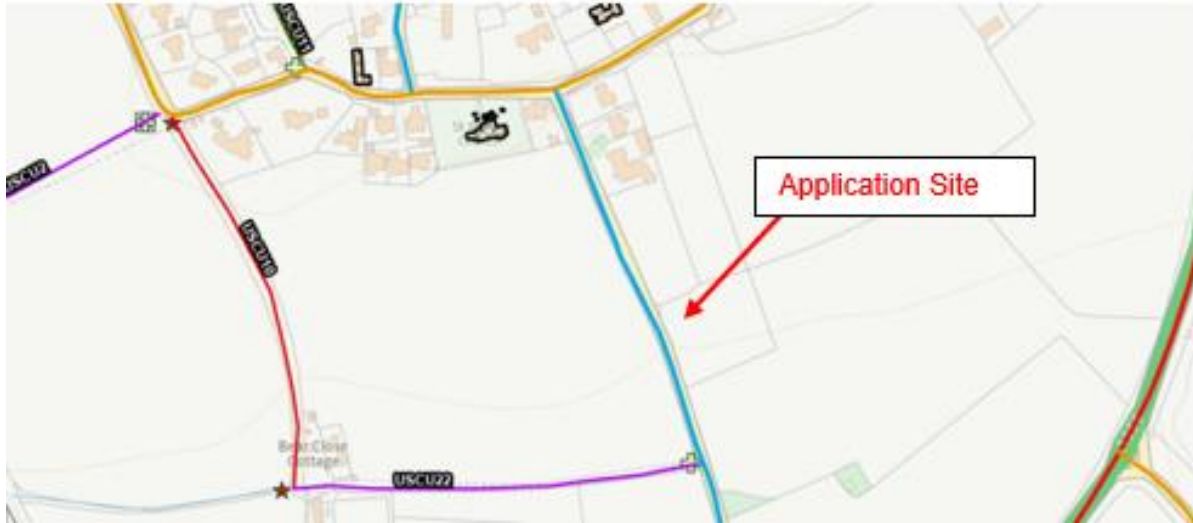
The site is served by an existing access which has been formed following the grant of an earlier planning permission. The Council's highway officer has confirmed that there are no objections to the current proposal on highway grounds.

There are no public rights of way on the definitive map directly affecting the site/proposal.

Third party representations have stated that there is a right of way across the site for which an application is being made, however the sketch provided in the third-party letter confirms that the siting of the building as proposed does not affect the routing of any right of way application.

There are no grounds to refuse the proposal on the above.

The application site would be visible from unclassified highway (denoted by the light blue line) even if there were to become a PRoW, but as argued above, the impacts of the development are considered acceptable in landscape terms, and allowing this application would not prevent any such PRoW application for the blue-coloured existing route to the west.



Public rights of way in relation to the site

9.5 Residential Amenity Impacts

The proposed building would share a common boundary with any neighbouring residential property. Given the separation distances (over 130m distant) the proposal would have no detrimental impact on residential amenity, and as such, the application complies with the aforesaid local plan policies.

The agricultural nature of the building, which is not designed for accommodating livestock, would not give rise to concerns of noise and/or odour.

10. Conclusion (Planning Balance)

Following officer discussions and negotiations during the application and in response to local objections, the applicant revised this application for agricultural storage purposes only. The character and use of the land is agricultural, and officers are satisfied there is a need for a storage building. Having regard to the siting, size, use of materials, and having due regard to the well-established landscape backdrop, officers are moreover satisfied the proposal would not lead be harmful in terms of landscape impacts. The closest heritage asset and third-party properties would be sufficiently distant to ensure this proposal would not result in causing harm. There is no definitive right of way across the land where the building would be constructed and, officers are satisfied that the proposal would not affect the use of the unclassified highway to the immediate west.

In view of the above, it has been concluded that the planning balance falls in favour of the proposed development and the application is supported by officers subject to planning conditions.

Recommendation

To grant planning permission subject to the following planning conditions -

Planning Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from

the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

Location Plan dated 17 November 2023

Site/Block Plan dated 17 November 2023

Floor Plan and Site Elevation/Section dated 17 November 2023

Elevations dated 17 November 2023

Revised Landscape Plan V5 dated 4 December 2023

REASON: For the avoidance of doubt and in the interests of proper planning.

3. The building hereby approved shall be used for the purposes of storage of agricultural machinery and associated materials and for no other purpose (including any purpose in Class B8 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) (or in any provisions equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification).

REASON: The proposed use is acceptable having regard to the needs of the agricultural holding.

4. No external lighting shall be installed on-site other than in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Professionals in their publication GN01:2021, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2021), and Guidance note 08/18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals to demonstrate that bat habitat (trees, scrub and hedgerows) on the perimeter of the site will remain below 1 lux.

REASON: In the interests of the amenities of the area and to minimize impacts on biodiversity caused by light spillage to areas above and outside the development site.

5. All planting and soft landscaping comprised in the approved details of landscaping (Revised Landscape Plan V5 dated 4/12/23) shall be carried out in the first planting and seeding season following the first use of the building or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the use/occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.