

**REPORT TO THE DEVELOPMENT CONTROL
COMMITTEE**

Report No.

Date of Meeting	25th February 2009
Application Number	08/02828/COU
Site Address	Manor Farm Cottage, Grittenham, Wilts
Proposal	Extension to Existing storage Yard (Revision of 08/01393/FUL)
Applicant	Mr D Horton
Town/Parish Council	Brinkworth
Grid Ref	401343 183736
Type of application	Full application

Reason for the application being considered by Committee

This application has been submitted to the Committee for decision under the scheme of delegation in force after the 8th April 2002 because Councillors Sturgis and Vines have requested that the application be the impact on the local employment and the positive contribution to the rural economy.

Summary of Report

This application proposes to extend the existing storage yard used in connection with an established civil engineering contracting depot. The site lies within the open countryside and therefore the key points to consider are as follows:

- Implications on Development Control Core Policy C3 and C4. Policies BD5 and NE15.
- Impact on the visual amenity of surrounding area

Officer Recommendation

Planning Permission be REFUSED

Contact Officer	Emma Lai	01249 706673	elai@northwilts.gov.uk
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Proposal and Site Description

The proposal is to extend the existing storage yard.

The site relates to an area of land to north and west of an existing civil engineering contractor's depot. The depot comprises of a workshop/storage building and associated yard. The use of the existing yard and building is recognised as being an established use and a certificate of lawful existing use was issued for this in June 2006.

The roadside hedge forms the boundary of the site to the west and partly to the south. The site 'wraps around' the rear of the storage/workshop building and the yard then extends into the field beyond. There are no natural boundaries separating the site from the wider field. The total area of the site is approximately 0.5 hectares in size.

The site lies within the open countryside.

Previous applications

Two similar applications for the extension to the storage yard (planning reference N.07.2365.COU and N.08.1393.FUL) were refused in November 2007 and July 2008 respectively, following consideration by the Development Control Committee.

The grounds of refusal for both of these applications were as follows:

'The proposed development would result in unacceptable harm to the rural character and appearance of the area, contrary to Policies BD5, C3, NE15 of the North Wiltshire Local Plan.'

Current application

The current application is a resubmission of application N.08.1393.FUL. The proposal includes the addition of a landscaping bund to the north of the site, the height of which, as seen from the section on the submitted plan, would be approximately 3.5m high excluding any planting on top.

The block plan also shows defined areas of hardcore and aggregate storage. In the interests of clarity, the agent has confirmed that whilst there will be some storage of aggregate, there will be no crushing of concrete on this site.

Planning History		
Application number	Proposal	Decision
N.87.02891.F	Agricultural Buildings	PER
N.06.02626.CLE	Certificate of Lawfulness - Use of Land And Building As A Civil Engineering Contracting Depot.	PER
N.07.02365.F	Proposed extension to existing storage yard	REF
N.08.1393.FUL	Proposed extension to existing storage yard	REF

Consultations

Town/Parish Council supports this application.

Wiltshire County Council Highways no objection on highway grounds.

Environment Health comments are awaited.

Representations

No letters of support or objection have been received.

Planning Considerations

Principle of development

The proposed and existing use of the site is considered to be mixed/sui generis since there is no identifiable primary use. However, the application does comprise elements of B2 and B8 uses and as such, the application may be considered against Policy BD5 of the Local Plan, which relates to rural businesses, in particular part iii) which relates to the limited expansion of existing premises.

It is important to note that Policy BD5 emphasises that 'a proposal which is extensive in size and scale, or which is unsympathetic to its surroundings will not be considered appropriate....'

Background

To understand the background for this planning application, it is important to include the history of another site located approximately 300m to the east of the application site.

The applicant also owns a separate piece of land opposite Manor Farm. This site appears to have been used historically in connection with agricultural storage and some agricultural contracting business use. However, in 2003-4 the use on site intensified to the point where it was no longer considered to be incidental to the agricultural use of the land and Enforcement action was taken against this.

The site was subject to the issue of two Enforcement notices. One requiring the discontinuance of the unauthorised use and removal of the non agricultural items on site including, plant, machinery, vehicles, skips, building material, hardcore, crushed stone etc. The second notice required the removal of an area of hard surfacing.

The applicant appealed both Enforcement Notices. The Inspector upheld the first notice in relation to the unauthorised use and storage on site, but granted permission for the retention of the hard-surfacing subject to its use being confined to that required by Manor Farm.

Following this decision, a planning application (N.06.01777.S73A) was submitted for the continued mixed use of the land for agricultural and storage of civil engineering plant and equipment. Planning permission was refused and once again dismissed at appeal on the grounds that the development would be harmful to the character and appearance of the surrounding area.

The current proposal is said to be required because of the decision by the Inspector to uphold the Enforcement Notice on the land opposite Manor Farm. The applicant now requires alternative land for the parking and storage of larger items of plant and aggregates used in connection with his business, which will otherwise be compromised by the loss of the Manor Farm site.

The applicant argues that the existing lawful yard cannot be used to accommodate larger items of plant, equipment and aggregates because there is insufficient space on site, and health and safety conflicts for staff and visitors to the site.

Since the refusal of the previous application, the applicant has ceased the unauthorised use on land

opposite Manor Farm, and have removed the equipment and materials in accordance with the requirements of the Enforcement Notice.

Impact on visual amenity

Although the site is an extension to an existing lawful use, it is also located within the open countryside. The site can be seen from parts of the main village of Brinkworth and School Hill.

The site is enclosed by hedgerow to the west and partly to the south, with some obstruction to views also by the existing workshop building, but the hedgerow is deciduous and in the winter months would provide less substantial screening to the site.

The proposed storage is also intended for larger items of plant and equipment, which could exceed the height of the existing hedgerow. Whilst a landscaping bund is proposed, this itself be considered an alien feature in the landscape, the planting of which would take time to establish and would not necessary provide any significant screening to larger plant and equipment that may be brought on the site.

In the appeal against the refusal for the continued mixed use of the land (N.06.01777.S73A) at applicant's other site, opposite Manor Farm, the Inspector stated the following:

'I note the presence of the Appellant's yard to the west. There is also a transport yard some way along the road to the east. These sites may enjoy lawful development rights but they are not, in my view, in keeping with the characteristics of the wider rural area. The development would intensify this conflict within the locality.'

Notwithstanding the lawful use of the site, the use remains out of character with the rural appearance of the surrounding area. The proposed extension of the site is not considered to be limited expansion by virtue of it area, and to increase and extend the use would only perpetuate a rural eyesore and unsightly external storage.

In light of the Inspectors clear and unambiguous conclusions on nearby sites the officers feel there is little option other than refuse the current application.

Employment

Policy C4 relates to new business development which promotes a diverse and robust economy whilst having regard to the environmental impact. The policy states that proposals in the open countryside will only be allowed if they are in keeping with the surroundings and exhibit potential to sustain the local rural economy. The development is clearly not in keeping with the surrounding area and therefore fails this Policy.

Recommendation and Informatives

Planning Permission be REFUSED for the following reason:

1. The proposed development would result in unacceptable harm to the rural character and appearance of the area, contrary to Policies BD5, C3, C4 and NE15 of the North Wiltshire Local Plan 2011.

Informative:

1. This decision relates to documents/plans submitted with the application, listed below.

Plan References

Location plan LDC.1244.001and LDC.1244.002b received by the Local Planning Authority on the 23 December 2008.

Appendices:	NONE
Background Documents Used in the Preparation of this Report:	1.21, 2.02, 3.03, 4.02, 5.01, 5.02, 5.05