

## TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT CONTROL

<b>Committee:</b>	Planning
<b>Date:</b>	20 October 2020
<b>Site Location:</b>	Kayte Farm Southam Lane Southam Cheltenham Gloucestershire GL52 3PE
<b>Application No:</b>	20/00767/FUL
<b>Ward:</b>	Cleeve Hill
<b>Parish:</b>	Southam
<b>Proposal:</b>	Change of use of agricultural building to B8 use for storage (retrospective).
<b>Report by:</b>	Dawn Lloyd
<b>Appendices:</b>	Site location plan Block plan Floor plan and Elevations
<b>Recommendation:</b>	Permit

The application is for committee determination as the applicant is a local councillor.

### 1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1 This application relates to Kayte Farm, which is located along Southam Lane. Kayte Farm was a former dairy farm which consists of approximately 70 acres. The buildings have since been used for equestrian use and agricultural storage. The majority of the farm is currently being let out on a Farm Business Tenancy. There are a range of farm buildings, some of which are retained in-hand, some are let out to a local farmer for hay/straw storage on a short term agreement and one is used for caravan storage.
- 1.2 The site lies within the Green Belt.
- 1.3 The application is retrospective in part as the storage use commenced in April 2020. Additional storage was required by the business QBD Ltd due to covid restrictions delaying installation of their products to their customers.

## **2.0 RELEVANT PLANNING HISTORY**

The planning history on the site relevant to the application include:

89/91785/FUL Use of land and existing stables and tack room for a riding school. PERMIT

12/00799/FUL Proposed new agricultural vehicle access off Southam Lane, Southam. New timber post and rail fence both sides of the access. Permitted 21<sup>st</sup> February 2013.

17/01348/FUL Change of use of existing agricultural building for the storage of caravans. Permitted on 14<sup>th</sup> February 2018.

## **3.0 RELEVANT POLICY**

The following planning guidance and policies are relevant to the consideration of this application:

### **National guidance**

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (NPPG)

### **Gloucester, Cheltenham and Tewkesbury Joint Core Strategy (JCS) - Adopted 11 December 2017**

Policies: SD 1 Employment, SD5 Green Belt

### **Tewkesbury Borough Local Plan to 2011 - March 2006 (TBLP)**

Policies: AGR 6 Re-use and adaptation of rural buildings

AGR 7 Re-use and adaptation of rural buildings – retention of character

### **Tewkesbury Borough Plan 2011-2031 – Pre-Submission Version (October 2019)**

Policies: AGR 2 Agricultural Diversification

Human Rights Act 1998 - Article 8 (Right to Respect for Private and Family Life)

The First Protocol, Article 1 (Protection of Property)

## **4.0 CONSULTATIONS**

Southam Parish Council - No objection in principle on the basis of the current level of visits of 1, 2 per week being maintained. However, it would suggest that, if permission is granted, a condition be included regarding a transport plan.

Gloucestershire County Highway Authority – No objection. The existing vehicular access on to Southam Lane have adequate levels of emerging visibility.

## **5.0 PUBLICITY AND REPRESENTATIONS**

The application has been publicised through the posting of a site notice for a period of 21 days and/or the neighbour notification scheme.

The site notice expires on the 13<sup>th</sup> October 2020, and any public comments will be presented to the Planning Committee as a planning updated.

## **6.0 POLICY CONTEXT**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. Section 70 (2) of the Town and Country Planning Act 1990 provides that the Local Planning Authority shall have regard to the provisions of the Development Plan, so far as material to the application, and to any other material considerations.
- 6.2 The Development Plan currently comprises the Joint Core Strategy (JCS) (2017), saved policies of the Tewkesbury Borough Local Plan to 2011 (March 2006) (TBLP), and a number of 'made' Neighbourhood Development Plans.
- 6.3 The Pre-Submission Tewkesbury Borough plan was submitted to the Secretary of State for Housing, Communities and Local Government on 18 May 2020 for examination. On the basis of the stage of preparation it has reached it is considered that the plan can be afforded at least moderate weight. However, the weight to be attributed to individual policies will be subject to the extent to which there are unresolved objections (the less significant the unresolved objections, the greater the weight that may be given) and their degree of consistency with the NPPF (the closer the policies to those in the NPPF the greater the weight that may be given).
- 6.4 The relevant policies are set out in the appropriate sections of this report.

## **7.0 PRINCIPLE OF DEVELOPMENT**

- 7.1 Under the terms of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)) the change of use of an agricultural building to a flexible commercial use which includes B 8 (storage and distribution) would be permitted development subject to the requirements of Class R and prior approval process. However, the prior notification process does not apply to retrospective development and therefore, a full application was required.
- 7.2 In terms of the principle of the business use, Policy SD1 of the JCS, supports employment-related development where it would encourage and support the development of small and medium sized enterprises, subject to other policies of the plan. Similarly, Policy AR6 of the Local Plan supports the conversion of rural buildings for employment uses where the following criteria are satisfied:
  - the proposed use is practical or viable within the building,
  - or suitable with regard to amenity, environmental or highway reasons.
  - The buildings must be of permanent and substantial construction and capable of conversion without major or complete reconstruction.

- 7.3 The principle of the employment use is also supported by Policy AGR 2 of the emerging Borough Plan that supports proposals for farm diversification where they enhance the viability of, and do not prejudice, the continued operation of the existing agricultural business.

Diversification proposals should maximise the use of redundant buildings or structures.

- 7.4 The agricultural business continues at Kayte Farm via a farm tenancy arrangement. Some of the buildings have diversified from their original agricultural to the storage of caravans. However, it is considered that the use of these buildings and the proposal would not prejudice the continued operation of the agricultural business undertaken at the farm.

### **Green Belt**

- 7.5 The Government attached great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence (paragraph 133 of the NPPF). One of the purposes of the Green Belt is to safeguard the countryside from encroachment (paragraph 134 of the NPPF). Section 13 of the National Planning Policy Framework (NPPF) sets out that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless potential harm to the Green Belt by reason of inappropriateness and any other harm resulting from the proposal, is clearly outweighed by other considerations.
- 7.6 Policy SD5 of the JCS considers that development will be restricted to that which is in accordance with the NPPF. Paragraph 146 holds that the re-use of buildings are not inappropriate development provided that they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it. The buildings must be of permanent and substantial construction.

#### The integrity of the building and viability for the proposed use.

- 7.7 The building to be convert for use for B8 storage is a single storey red brick building with a pitched roof of fibre cement covering, a concrete floor, a single door and windows in the side elevation with double doors to the rear with a large internal space. The building is adjacent to other agricultural buildings in the farmyard. The building is of substantial construction.
- 7.8 The building would provide storage of materials for a business which supplies windows, doors and conservatories. The business has alternative premises on an industrial estate in Cheltenham which includes the show room, office and storage. The agricultural building would be required for additional storage only and would not be accessed by the public.
- 7.9 The building is capable of providing sufficient internal storage with a large internal area and would not result in any external changes to the building.
- 7.10 The NPPF does not define openness, but the PPG provides guidance on what factors can be taken into account when considering the potential impact of development on the openness of the Green Belt. It clarifies that such an assessment requires a judgment based on the circumstances of the case. These include, but are not limited to:
- openness is capable of having both spatial and visual aspects – in other words, the visual impact of the proposal may be relevant, as could its volume;

- the duration of the development, and its remediability – taking into account any provisions to return land to its original state or to an equivalent (or improved) state of openness; and
- the degree of activity likely to be generated, such as traffic generation.

7.11 The proposal would be for the change of use of the building, hence no new built form and as the facility is not the main operation base the additional traffic generated would be relatively limited. Therefore, the proposal for the change of use of an existing building to storage preserves the openness of the Green Belt.

#### **Access and highway safety**

7.12 The County Highway Authority (CHA) considered the proposed change of use and use of existing site access, as acceptable in terms of highway safety and have no objection to the proposal.

7.13 The Highway Authority have considered the B8 use as acceptable. However, under The Town and Country Planning (Use Classes) Order 1987” (as amended) a B8 use to B1 would be a permitted change of use. The Highway Authority have consulted with regard to a B1 use and update will be provided to the committee. If a B1 use is not acceptable the proposal would be restricted by condition to solely B8.

#### **Impact upon residential amenity**

7.14 The nearest residential properties to the agricultural building, No.1 and No.4 Kayte Cottages, are located approximately 50 metres to the south of the site. There are a number of properties to the east of the building, located approximately 300 metres from the building.

7.15 The proposed use is not known to be a noisy activity and as mentioned previously the use would not have an adverse visual impact. When taking account of the authorised use of the building and what it could be used for, such as the keeping of livestock, storage of farm machinery, the proposed use should not generate any harm upon residential amenity over and above that already experienced from the occupiers of the neighbouring properties.

### **8.0 CONCLUSION AND RECOMMENDATION**

Taking into account all of the above, the proposal would result in an acceptable change of use of an existing under-used agricultural building which is capable of being converted without any substantial works. The development would support rural economic growth without adverse impacts upon the Green Belt, on amenity, highway safety or the character of the area therefore, the recommendation is to **Permit**.

### **CONDITIONS**

1.0 The development hereby permitted shall be carried out in accordance with the following approved documents submitted on 18<sup>th</sup> August 2020:

- Location plan
- Proposed Block Plan Drawing Number 003
- Elevations
- Ground Floor Plan

Except where these may be modified by any other conditions attached to this permission.

Reason: To ensure that the development is carried out in accordance with the approved plans.

2.0 The storage of materials and equipment associated with the B8 use hereby permitted shall only take place within the building, as identified by the red line on the approved proposed block plan, and there shall be no such storage outside of this building whatsoever.

Reason: To protect the visual amenities of the area and the openness of the Green Belt.

**INFORMATIVES:**

1. In accordance with the requirements of the NPPF the Local Planning Authority has sought to determine the application in a positive and proactive manner by offering pre-application advice, publishing guidance to assist the applicant, and publishing to the council's website relevant information received during the consideration of the application thus enabling the applicant to be kept informed as to how the case was proceeding.