

TEWKESBURY BOROUGH COUNCIL – DEVELOPMENT MANAGEMENT

Committee:	Planning
Date:	22 June 2021
Site Location:	Land Adjacent To Stump Lane Hucclecote Gloucester Gloucestershire
Application No:	21/00341/AGR
Ward:	Churchdown Brookfield With Hucclecote
Parish:	Hucclecote
Proposal:	General purpose agricultural building.
Report by:	Dawn Lloyd
Appendices:	Site location plan. Block Plan. Elevation and Floor Plan with materials.
Recommendation:	Prior Approval Granted

1.0 SITE DESCRIPTION AND PROPOSAL

- 1.1. The site comprises a large field located to the lower southern slopes of Chosen Hill which has been subdivided into smaller paddocks. The site lies within the Green Belt and a Special Landscape Area. The land occupies a relatively prominent and exposed location within the open countryside, with views from Chosen Hill. The field is bounded on its southern, eastern and northern boundary by a minor road which is also used as a public footpath.
- 1.2. The building is proposed to be located on the lower ground towards the western boundary adjacent to the neighbouring agricultural building. The western boundary is conifer hedge on the lower slopes with post and rail fence further towards the north. The southern boundary is screened by more native hedging.
- 1.3. There are two adjacent accesses off Stump Lane, one serving a small parcel of land the proposed site of the agricultural building and the adjacent access serving the existing stables.
- 1.4. This application is for an agricultural determination for a new agricultural building to replace an existing building on site.
- 1.5. The proposal is submitted for an agricultural building under Class A Part of The Town and Country Planning (General Permitted Development) (England) Order 2015 which was amended in 2018 to allow the construction of buildings with a larger floor area.
- 1.6. The application proposes a mono-pitched building to provide a storage for animal fodder (hay and straw) and livestock feed. The building would be 3.04m to the ridge and 2.43m to the eaves, 14.6m in length and 3.64 m in width area of 53.29 sqm. The eastern elevation would

be partially open with the remainder rough sawn timber cladding, southern, western and roof to be in green sheet cladding.

2.0 RELEVANT PLANNING HISTORY

Application Number	Proposal	Decision	Decision Date
03/8157/0510/FUL	Erection of a block of four stables and separate field shelter	Permit	03.06.2003
02/8157/1505/FUL	Erection of block of five stables and tack room and separate field shelter.	Refuse	02.04.2003
APP/G1630/A/03/1119895		Dismissed	07.10.2003

3.0 RELEVANT POLICY

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

National guidance

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

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

3.3. Policy SD4 (Design Requirements).

3.4. Policy SD5 (Green Belt).

3.5. Policy SD6 (Landscape).

3.6. Policy SD14 (Health and Environmental Quality).

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

3.7. Policy LND2 (Special Landscape Area).

3.8. Policy AGR 5 (New Agricultural Buildings).

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

3.9. Policy AGR 1 (Agricultural Development).

3.10. Policy LAN1 (Special Landscape Areas).

3.11. Neighbourhood Plan.

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

3.13. The First Protocol, Article 1 (Protection of Property).

4.0 CONSULTATIONS

5.0 Hucclecote Parish Council- Objection

- Parish Council objects to development on the Green Belt and Special Landscape Area.

Public Rights of Way Officer – No objection not proposal does not appear to the affect public right of way which should not be obstructed by vehicles or construction at any time.

Highway Authority – No objection.

Full copies of all the consultation responses are available online at <https://publicaccess.tewkesbury.gov.uk/online-applications/>

6.0 PUBLICITY AND REPRESENTATIONS

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

6.2. A letter of objection received from The Churchdown Hill Alliance (in summary)

- The development is within the Green Belt and Special Landscape Area.
- Visual impact due altering the character of the area with the addition of buildings, vehicles and equipment.
- The stables have generated more vehicle movements and impact highway safety.

6.3. Full copies of all the representations responses are available online at Insert text <https://publicaccess.tewkesbury.gov.uk/online-applications/>

7.0 POLICY CONTEXT

7.1. 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.

7.2. 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.

7.3. 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).

7.4. The relevant policies are set out in the appropriate sections of this report.

8.0 ANALYSIS

- 8.1 The application was supported by information which demonstrated that the new building would be required for agricultural purposes, the rearing of a small flock of sheep. Information was also provided showing income, albeit not substantial, generated through the sale of up to weight lambs to a local farm shop to demonstrate that the unit benefits from permitted development rights. Appeal Decisions have indicated that the lack of profit does and level of income is not prevent the agricultural from being a trade or business and if the is nothing to suggest the activity as eccentric or a hobby (McKay & Walker v SSE & South Cambridgeshire DC [1989] and Kerrier DC v SSE & Stevens [1995]). Therefore, in view of the activity on the site and evidence presented the building would be required for the purposes. The proposal complies with the requirements of Part 6 Class A and constitutes permitted development.
- 8.2 Under paragraph A.2 (2) (i) of Part 6, Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), development is permitted subject to condition that the developer must, before beginning the development, apply to the Local Planning Authority for a determination as to whether the prior approval of the authority will be required as to the siting, design and external appearance of the building.
- 8.3 The site lies within Special Landscape Area due to the sensitive landscape designation the Authority had concerns regarding the siting of the building, and prominence within the landscape.
- 8.4 The site lies within the green belt. Under paragraph 145 of the national planning policy framework new buildings are considered inappropriate development in the green belt. However, buildings for agriculture or forestry form one of the exceptions and therefore the proposal is not inappropriate in this regard.

Landscape and Visual Impact

- 8.5 Saved Local Plan Policy LND2 states that in proposals for development special attention will be accorded to protection and enhancement of the landscape character and proposal must demonstrate that they do not adversely affect the quality of the natural and built environment, its visual attractiveness, wildlife and ecology or detract from the quiet enjoyment of the countryside. The impact of development on the landscape features of significance, maintenance of the quality of the natural and built environment is reiterated in Policy LAN1 of the Emerging Tewksbury Borough Local Plan, which has recently undergone examination in public and therefore can be attribute moderate weight.
- 8.6 Chosen Hill has high landscape sensitivity, and its periphery is considered high to medium in landscape sensitivity. The concerns of the Parish Council and local residents are noted in this regard. A site visit was undertaken to enable a full assessment of the proposal within this sensitive landscape.
- 8.7 The site is adjacent to the highway, situated on the lower slopes of the escarpment where agricultural buildings are more prevalent. The site is screened from public vantage by existing native hedgerow adjacent to the highway and conifer hedges to the east, west and northern boundaries. The building would be sited in an area of existing hardstanding in close proximity to agricultural buildings of the neighbouring holding. The building is small in scale, well screened and would be read within the context of existing agricultural buildings. Views are directed towards the more open fields on the higher slopes of the escarpment therefore, the proposal is considered not visual prominent in the wider landscape.

Design

- 8.1. JCS Policy SD4 of the Joint Core Strategy requires new development to respond positively to and respect the character of the site and its surroundings. The proposed building is small in scale and would appear subservient to the adjacent agricultural building. The materials of the building would be utilitarian and agricultural in appearance with the use of timber and green metal sheet cladding. The building is considered appropriate to the agricultural use of the land and is acceptable in terms of design.

Highway safety

- 9.1 Policy INF1 considers development should provide safe and accessible connections to the transport network. Concerns have been raised with regard to impact on the road network. The site has an existing access and the Highway Authority have no objection to the proposal in terms of highway safety.

CONCLUSION AND RECOMMENDATION

- 10.0 It is considered that whilst the building would be located within the SLA it would not appear visual prominent from wider views, its design and sitting would have a minimal impact upon the wider landscape. It is therefore recommended that the prior approval of the authority to the siting, design and external appearance of the building is **GRANTED**.

CONDITIONS:

1. The works hereby permitted shall be begun before the expiration of five years from the date of this consent.

Reason: To comply with the requirements of paragraph A.2 (2) (vi) (aa) of Class A of Part 6 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015.

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

- Location plan received 11 March 2021
- Proposed Elevations and Floor Plan with materials received 11 March 2021
- Block Plan received 13 April 2021

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.

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.