

DELEGATED DECISION REPORT

APPLICATION NUMBER P143444/CU

Agricultural buildings adjoining Uplands Farm, Burtons Lane, Wellington Heath, Ledbury, HR8 1NF

CASE OFFICER: Mr C Brace
DATE OF SITE VISIT: 6th January 2014

Relevant Development Plan Policies:

- S1 – Sustainable Development
- S2 – Development requirements
- DR1 – Design
- DR2 – Land use and activity
- DR3 – Movement
- E11
- HBA12 – Re use and adaptation of rural buildings

Relevant Legislation: GPDO Class M

Relevant Site History:

CONSULTATIONS

	Consulted	No Response	No objection	Qualified Comment	Object
Transportation	√		√		
Environmental Health	√			√	
Neighbour letter/ Site Notice	√	√			
Local Member	√				

PLANNING OFFICER'S APPRAISAL:

Site description and proposal:

The application is located in an open countryside location comprising an agricultural building historically associated with and adjoining Uplands Farm, an active agricultural enterprise. The site is accessed from Burtons Lane, an unclassified single width rural road by a driveway access that serves the farm and adjoining residential properties including Grade II listed Uplands and its associated curtilage listed stone outbuilding/ barn.

The proposal is a change of use of agricultural building to B1(C) business use under the Prior Notification system.

Representations:

The Council's Area Engineer has no objection, considering trip generation comparable to existing uses.

The Council's EHO has concerns regarding the proposal as it is unspecified in nature so noise and other impacts on adjoining residential properties can not be assessed.

Pre-application discussion:

None

Constraints:

Impact on the character and appearance of the open countryside
Criteria of Class M

Appraisal:

Under Class M, M.3 6 (b) where the cumulative floor space of the building or buildings which have changed use under Class M within an original agricultural unit exceeds 150 square metres and does not exceed 500 square metres, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

- (i) transport and highways impacts of the development;
- (ii) noise impacts of the development;
- (iii) contamination risks on the site; and
- (iv) flooding risks on the site,

and the provisions of paragraph N shall apply in relation to any such application.

Furthermore it states in paragraph N 8 (b) The local planning authority shall, when determining an application have regard to the National Planning Policy Framework issued by the Department for Communities and Local Government in March 2012 as if the application were a planning application.

Paragraph 8 of the NPPF sets out the economic, social and environmental roles of planning should not be undertaken in isolation, because they are mutually dependent. Economic growth can secure higher social and environmental standards, and well-designed buildings and places can improve the lives of people and communities. Therefore, to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.

Paragraph 9 of the NPPF 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):

- making it easier for jobs to be created in cities, towns and villages;
- improving the conditions in which people live, work, travel and take leisure

Paragraph 58 requires development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

The application supporting statement acknowledges *this is a busy farmyard with agricultural machines and vehicles manoeuvring throughout the day*. Indeed the building subject of this application is at the centre of this active, working area in between existing retained and used agricultural buildings and accesses, including one that will potentially serve ten workers accommodation units (application reference 143450/F is pending). The nature of agricultural activities results, from visiting the site, in an unexpectedly 'messy, dirty, unsafe, muddy' environment, especially in Winter as evidenced by photographs. This is not conducive to a safe, pleasant, or desirable and viable speculative B class use. It is considered the proposal represents an unacceptable conflict in uses that risk personal safety and the safe movement of people and traffic in and through the site. This also undermines the viability and realistic use of the application building as an independent B Class use.

A Core Principle of the NPPF as listed under paragraph 17 is supporting the transition to a low carbon future. The site is in an unsustainable open countryside location where any employees/ users/ customers will be reliant on the use of the private motor vehicle to access the site.

Having regard to the size, location and context of the proposal, it is considered unsustainable development and development of a speculative nature that does not address or meet any identified need for such development in the local area and as such is contrary to paragraph 10 and 14.

Furthermore, in the absence of information regarding the proposed activity in the development and therefore the inability to current undertake a noise survey of the potential impact on neighbouring residential premises to BS4142 (2014).

RECOMMENDATION: PERMIT ☐ REFUSE ☒

REASONS FOR REFUSAL:

Prior Notification is refused as the Local Planning Authority considers the proposal to represent unsustainable development by virtue of its location, dependency on users of the proposal to be dependent on the use of private vehicles, conflict between the proposal and impact upon existing and adjoining land uses and its speculative nature that does not address or fulfil any evidenced local requirement or need, contrary to The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 Class M, M 3.6 (b) and paragraph N 8 (b) and the associated relevant aims and objectives of the National Planning Policy Framework.



Signed:

Dated: 8/1/2015

TEAM LEADER'S COMMENTS:

DECISION:

PERMIT ☐

REFUSE ☒

Signed:



Dated: 9/1/15.....