

Screening Opinion Required?

No

DCR2015 (Dwelling House) (Use Class A1)	X	DCR2015 (Dwelling House) (Use Class A1)	
DCR2015 (Trade Premises) (Use Class E)		DCR2015 (Trade Premises) (Use Class E)	

Proposal and Location	Use of land for siting of storage container and formation of means of access at land to the south of Lamb Lane, Letwell
Recommendation	Grant Conditionally

OFFICER'S REPORT**1. Site Description & Location**

The site of application is agricultural land to the south of Lamb Lane in open countryside outside of the village of Letwell. The site is immediately to the south of Lamb Lane and there is a mature hedgerow fronting the road. The site is part of a small holding which is used for the rearing of pigs. The surrounding area is entirely rural and is designated as an area of high landscape value. There are no residential properties neighbouring the site.

2. Background

There is not any planning history relevant to this application.

3. Proposal

The proposal is retrospective for the siting of a storage container, static caravan and the formation of a vehicular access to the site.

The storage container is positioned at a 90 degree angle to Lamb Lane, immediately adjacent to the access to the site. The container measures 6.2 metres in length and 2.5 metres in width. The static caravan is positioned alongside the storage container and measures 5.2 metres in length and 2.3 metres in width. There are access gates set back from the road with the proposals showing a hard surfaced turning area on the site. The turning and parking area is currently not hard surfaced at present.

The vehicular access shows 2.4 metre x 215 metre sight lines. The plan shows that the area that would be used for the sight lines would be cleared of all obstructions in excess of 900mm in height measured about the adjacent carriageway.

4. Development Plan Allocation and Policy

The site is allocated as Green Belt and is designated as an area of high landscape value in the adopted Unitary Development Plan and the following Policies are considered to be relevant:

ENV1 'Green Belt'

ENV1.2 'Development in Areas of High Landscape Value'

ENV3.1 'Development and the Environment.'

ENV3.7 'Control of Pollution.'

5. Other Material Considerations

Interim Planning Guidance - 'Development in the Green Belt'. This has been subject to public consultation and adopted by the Council on 3rd March.'

National Planning Practice Guidance (NPPG) - On 6 March 2014 the Department for Communities and Local Government (DCLG) launched this planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning practice guidance documents cancelled when this site was launched.

National Planning Policy Framework: The NPPF came into effect on March 27th 2012 and replaced all previous Government Planning Policy Guidance (PPGs) and most of the Planning Policy Statements (PPSs) that existed. It states that "Development that is sustainable should go ahead, without delay – a presumption in favour of sustainable development that is the basis for every plan, and every decision.

The NPPF notes that for 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework. The Rotherham Unitary Development Plan was adopted in June 1999 and the NPPF adds that in such circumstances due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given.)

The Unitary Development Plan policy(s) referred to above are consistent with the NPPF and have been given due weight in the determination of this application.

6. Publicity

The application has been advertised by means of site notice. One representation has been received from Letwell Parish Council objecting to the proposal. The comments raised are summarised below:

- The Council urge RMBC to prevent any residential use of the caravan on the site. The Parish Council would also like RMBC to add a further condition preventing placement of any other caravans on the site.
- The access to the site presents a danger to road users. The Parish Council would ask Streetpride to review their opinion in light of public concern.
- The Parish council feels that the unsightly piles of used bricks which have appeared alongside the site verging the highway should be removed.
- The Parish council would like to be re-assured that DEFRA are aware of the pig rearing operation on the site. If not then we would like RMBC to contact the relevant authority.
- In view of previous incidents, where pigs have escaped from the site, can the Council be re-assured that the area is now safely secure as any pigs escaping on to the highway will inevitably endanger human life?

7. Consultations

Streetpride (Transportation and Highways) Unit: Note that the site has been visited on two separate occasions in light of concerns received from Letwell Parish Council. At one of the visits, issues of access arrangements were discussed with the applicant and visibility issues at the junction were investigated and found to be acceptable. A subsequent visit investigated the concerns over mud etc. being deposited in Lamb Lane though there was no evidence of this on site.

The Transportation Unit did observe from both visits that Lamb Lane is subject to high vehicle speeds but overall traffic use appears low key and it was further concluded that the position of the access is probably a longstanding issue.

With the above in mind Transportation and Highways do not consider that the proposals would be prejudicial in highway safety terms subject to the imposition of the recommended conditions with regard to sight lines at the access being maintained (to assist with visibility); as well as surfacing/drainage of the access and the provision of a vehicular turning area on site.

8. Appraisal

The main issues to be considered in respect of this proposal are:

- Principle of the development.
- The effect on the openness and visual amenity of the Green Belt.
- Impact on character and appearance of the surrounding area.
- Impact on the neighbouring residents.
- Impact on highway safety.

Principle of the development:

The site in question is rural in character and forms part of a working smallholding. The site is designated as Green Belt in the Rotherham UDP.

UDP Policy ENVI 'Green Belt,' advises: "In the Green Belt, development will not be permitted except in very special circumstances for purposes other than agriculture, forestry, recreation, cemeteries and other uses appropriate to a rural area. The construction of new buildings inside the Green Belt is inappropriate unless it is for (amongst other things) the following purposes:

- (i) agriculture and forestry (unless permitted development rights have been withdrawn)."

Chapter 9 'Protecting Green Belt land,' of the NPPF is considered to be of relevance to the determination of this application and states at paragraph 89 that: "A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this (amongst others) are:

- ? Buildings for agriculture and forestry

In addition, paragraph 28 of the NPPF relating to 'Supporting a prosperous rural economy' notes that local plans should support the sustainable growth and expansion of all types of business and enterprise in rural areas through well designed new buildings, and promote the development of agricultural businesses.

Furthermore the NPPG notes that: "support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings."

Turning to the issue of the static caravan as applied for, this is freestanding not physically affixed to the ground through services etc and does not involve the provision of any permanent hardstanding area. It has been noted during numerous visits to this site on different occasions by Council officers that primarily this caravan is being used by the applicant as a day shelter and mess room in connection with his established pig rearing business. The Council has not found any evidence to suggest that the caravan is being used as a permanent residential dwelling and therefore being located upon an existing agricultural holding its use is considered to be ancillary to the wider agricultural operation i.e. pig rearing and therefore does not require planning permission for its retention.

In reaching the above conclusion regard has been given to established case law and appeal decisions and in particular, similar comparisons can be made to a Court of Appeal case (Wealden DC v SOS & Colin Day 7/12/1987) which showed that a use of a caravan which was being used as a place to mix animal feed, as a farm office and as a shelter for agricultural workers did not constitute a material change of use on an established agricultural holding. In respect to this case, a Lawful Development Certificate was requested relating to the use of a caravan for the preparation and taking of meals and refreshments and for resting. The

site was a farm where the farm worker lived some distance away. It was found that there was an insignificant amount of overnight use and the use that had been made of the caravan was an integral part of any farming process. The use was therefore considered ancillary to agriculture.

As such, in light of the above case law and appeal decisions the Council considers that the siting of this caravan is for ancillary use in relation to the agricultural use of the site and as such, does not require planning permission.

With regards to the storage container on the site it is noted that it is being used for agricultural storage in relation to the agricultural activities on the site. As such, the principle of its siting is acceptable in the Green Belt and accords with Policy ENVI 'Green Belt' and the NPPF.

With respect to the access arrangements taking account of its established location its retention is not objected to on Green Belt grounds as again its development reasonably required in relation to the agricultural use of the site this is considered to represent appropriate development in the Green Belt.

The effect of the proposal on the openness of the Green Belt:

Paragraph 79 to the NPPF notes that: "The Government attaches 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."

With the above taken into account, in respect of the harm to the Green Belt having assessed the storage container in situ, it is noted that this is a relatively modest structure in size, being only approximately 2 metres in height. In addition it is viewed against the backdrop of a mature hedgerow and is not considered to be in an exposed or visually prominent part of the site where wide ranging views from surrounding public vantage points can be achieved.

As such it is considered that the building would have a minimal impact on the openness of the Green Belt, owing to its relatively modest size and its location on the site alongside a mature hedgerow. As such, the development is considered to be in accordance with UDP Policy ENVI 'Green Belts,' as well as the guidance within the NPPF.

Impact on character and appearance of the surrounding area including the Area of High Landscape Value:

The Council's Interim Planning Guidance 'Development in the Green Belt' states at paragraph 7 (a) that: "... all applications for new agricultural or forestry buildings or structures must be needed and designed only for agricultural or forestry purposes. This prevents the building of property which is intended to be converted (for example, into a home)."

Policy ENVI.2 'Development in Areas of High Landscape Value' states that: "In areas of High Landscape Value, development other than for agriculture will only be allowed where it will not result in a significant, and permanent adverse impact on the landscape. New agricultural buildings and ancillary development requiring planning permission will normally be allowed, provided they are not detrimental to the local environment, as will agricultural dwellings where a genuine agricultural need for them is demonstrated. Strict control will be exercised over the development that does take place to ensure that the visual character of these areas is not affected."

With regards to the harm to the Area of High Landscape Value, the landform in this locality is characterised in the Council's Landscape Character Assessment 2010 as falling under Section 10b Sandbeck Parkland fringes. It was assessed in 2010 as having a moderate strength of character, with a desire to improve and conserve.

The NPPF further notes at paragraph 109 that the Planning system should contribute to and enhance the natural and local environment by: (amongst other things) protecting and enhancing valued landscapes, geological conservation interests and soils."

In respect of design matters, UDP ENV3.1 'Development & the Environment,' notes that: "Development will be required to make a positive contribution to the environment by achieving an appropriate standard of design

having regard to architectural style, relationship to the locality, scale, density, height, massing, quality of materials, site features, local vernacular characteristics, screening and landscaping, together with regard to the security of ultimate users and their property."

The NPPF further notes at paragraph 56 that: "The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people." Paragraph 64 adds that: "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions."

With regards to the design and appearance of the storage container it is considered that it has a functional and utilitarian appearance and does not have a traditional or agricultural appearance. It is considered that the size of the storage container is not excessive and is appropriate for the size of the holding and the agricultural activities that are being undertaken at the site. It is noted that the storage container is relatively discreetly located on the site at a 90 degree angle to the road set behind a mature hedgerow, though it is visible from the road at the site entrance. It is considered that the storage container is not an attractive or typical agricultural feature within the landscape and does not enhance the area of high landscape value and as such its permanent retention is not considered desirable.

With the above in mind, the NPPG advises on temporary periods that the Council can (under Section 72 of the Town & Country Planning Act 1990) grant planning permission for a specified temporary period only. The NPPG notes that: "It will rarely be justifiable to grant a second temporary permission – further permissions should normally be granted permanently or refused if there is clear justification for doing so. There is no presumption that a temporary grant of planning of planning permission should be granted permanently."

Taking account of the above, the Council would not consider the storage container to be appropriate to be retained upon the site for an indefinite period (due to its design and siting). As this is a relatively new business venture, which in itself is acceptable, it is considered reasonable to grant the applicant a temporary permission (for 1 year) to allow the business to become established during which time steps can be taken to secure a more suitable agricultural building on the site.

In light of the above, it is considered that subject to a condition granting a temporary permission for 1 year the proposed storage container can be supported in this instance.

Impact on neighbouring amenity

The site has no near neighbouring properties and as such, there would be no impact on the amenity of neighbouring residents.

Impact on highway safety:

The Streetpride (Transportation and Highways) Unit visited the site twice, once in light of concerns raised by Letwell Parish Council. They commented that the applicant received pre application advice about the site and the submitted access arrangements reflect this. The Officer reversed his car to check visibility and found the visibility at the junction to be acceptable though recommended a condition requiring that the sight lines at the access be maintained.

There was no evidence of mud etc. being deposited in Lamb Lane however, a condition is recommended that requires better surfacing/drainage of the access and on site vehicular area which should be laid out so as to provide a suitable turning area.

It was noted that Lamb Lane is subject to high vehicle speeds but the use appears low key and with the above access improvements no objections are raised in a highway safety context.

Other issues raised by the Parish Council

The Parish Council have requested that RMBC prevent any residential use of the caravan on the site, and that they add a further condition preventing placement of any other caravans on the site. It is noted that the

caravan is not in a residential use presently (and given the current state is incapable of being used as such), and that the use of the caravan for residential accommodation would constitute development requiring planning permission.

With regards to additional caravans being placed on the site this would have to form a separate investigation which the Council would need to assess as appropriate, taking account of matters such as the function, permanency and ancillary nature to the agricultural use of the site. It is not considered that the Council could impose such restrictions on the current application requiring that no more caravans are located on the site as this would run counter to the guidance as set out in the recently issued NPPG which notes that: "Third parties such as statutory consultees can suggest conditions to mitigate potential impacts and make a development acceptable in planning terms. The decision as to whether it is appropriate to impose such conditions rests with the local planning authority. As with any condition, the local planning authority should consider whether the six tests will be met."

The Parish Council raised concerns about the unsightly piles of used bricks which have appeared alongside the site verging the highway and should be removed. This is a separate matter and was not obvious from site visits by various officers, and should fly tipping occur this would be for Community Protection (Environmental Health) to resolve under their legislation.

The Parish Council have also sought re-assurances that DEFRA are aware of the pig rearing operation on the site. If not then they would like RMBC to contact the relevant authority. In response to this point, the Council's Environmental Health Department have been consulted on the current application and have confirmed that the holding at Lamb Lane is registered with DEFRA (Rural Payments Agency) and the applicant is registered as a pig keeper with DEFRA (Animal, Health and Veterinary Agency).

The Parish Council further raised concerns over previous incidents where pigs have escaped from the site, and what further assurances can be given to ensure that the area is now safely secured as any pigs escaping on to the highway will inevitably endanger human life. The Council's Community Protection (Environmental Health) Service has subsequently confirmed that an inspection of the holding has recently been carried out and they are satisfied that the pigs are being kept securely and had no concerns for their welfare. They were made aware that pigs had escaped from this holding last year and this matter was dealt with by them, and they have subsequently confirmed that no further complaints from members of the public of pigs escaping from these premises have been received.

9. Conclusion

It is noted that the caravan is merely used for respite accommodation for the agricultural worker on site so does not constitute development and has been removed from the description.

It is considered that the formation of the vehicular access and the siting of a storage container in relation to this agricultural site are appropriate development in the Green Belt. However, it is considered that the design and appearance of the storage container being utilitarian and non agricultural in appearance is not acceptable for its permanent siting in the Green Belt and the Area of High Landscape Value. However, it is considered that the business venture is relatively new and it would be unreasonable to require the removal of the storage container. As such, it is recommended that temporary planning permission is granted for a period of 1 year to allow the applicant time to establish his business, before the Council requires the construction of a more suitable agricultural building on the site. As such, subject to this recommended condition the proposals can be accepted.

In addition it is considered that subject to the recommended conditions, the access does not lead to any issues of highway safety.

Accordingly it is therefore recommended that planning permission be granted subject to the suggested conditions as set out below.

Conditions

01

The storage container hereby consented shall be valid for a period of one year only and at the end of that period (unless further permission be granted by the Local Planning Authority prior to the end of that period), the storage container shall be wholly removed and the site restored in a manner to be agreed with the Local Planning Authority.

Reason

In order to assess the effect of the development on the area and in accordance with UDP Policies ENV1 'Green Belt,' ENV1.2 'Development in Areas of High Landscape Value,' and ENV3.1 'Development and the Environment'.

02

The permission hereby granted shall relate to the area shown outlined in red on the approved site plan and the development shall only take place in accordance with the submitted details and specifications as shown on the approved plans (as set out below)

(Location Plan)(received 25/03/2014)

(Site location plan)(received 25/03/2014)

Reason

To define the permission and for the avoidance of doubt.

03

Within 3 months of the date of this permission, the sight lines as indicated on the submitted plan shall be rendered effective by removing or reducing the height of anything existing on the land between the sight line and the highway which obstructs visibility at any height greater than 900mm above the level of the nearside channel of the adjacent carriageway and the visibility thus provided shall be maintained.

Reason

To provide and maintain adequate visibility in the interests of road safety.

04

Within 3 months of the date of this permission, details of a turning facility on site shall be submitted to and approved by the Local Planning Authority and the development shall thereafter be implemented and retained in accordance with the approved details.

Reason

To enable a vehicle to enter and leave the highway in a forward gear in the interests of road safety.

05

Within 3 months of the date of this planning permission, that part of the site to be used by vehicles shall be constructed with either;

a/ a permeable surface and associated water retention/collection drainage, or;

b/ an impermeable surface with water collected and taken to a separately constructed water retention/discharge system within the site.

The area shall thereafter be maintained in a working condition.

Reason

To ensure that surface water can adequately be drained and to encourage drivers to make use of the parking spaces and to ensure that the use of the land for this purpose will not give rise to the deposit of mud and other extraneous material on the public highway in the interests of the adequate drainage of the site and road safety.

Informative(s)

01

The Council has determined this application on the basis that the static caravan located on the site is used for respite accommodation for the agricultural worker on site so does not constitute development and has been

removed from the description. As such, planning permission would be required should the caravan be used as residential accommodation.

POSITIVE AND PROACTIVE STATEMENT

The applicant and the Local Planning Authority engaged in pre application discussions to consider the development before the submission of the planning application. The application was submitted on the basis of these discussions, or was amended to accord with them. It was considered to be in accordance with the principles of the National Planning Policy Framework.