

DELEGATED DECISION REPORT

SMD/2017/0262
Valid 19/05/2017

LUZLOW NURSERY
LUZLOW LANE
BAGNALL

**PROPOSED AGRICULTURAL
STORAGE BUILDING TO
REPLACE REDUNDANT POLY
TUNNEL**

(FULL - MINOR)

MAIN ISSUES

- Principle of Development
- Impact on Green Belt
- Landscape Character
- Design
- Amenity
- Trees
- Highway Safety

DESCRIPTION OF SITE

The application site comprises a parcel of land within the Green Belt, east of Luzlow Lane, Bagnall, which contains a single agricultural workers dwelling, implemented following outline consent in 2005 under App Ref: 05-00072-OUT and subsequent reserved matters consent in 2006 under App Ref: 05-01299-REM, obtained by previous occupiers Mr and Mrs Clews), and a clear area of land which currently accommodates 4 x polytunnels. Beyond these polytunnels to the north is a single shipping container.

Condition 6 relating to the original outline application for this agricultural dwelling requires that the occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed, in the locality in agriculture as defined in Section 336 of the Town and Planning Act.

The two storey agricultural dwelling is situated in the south eastern corner of the site. The polytunnels have a rectangular footprint positioned with the entrances fronting on to the clear area. All are slightly different in size, but generally have the same depth of 14m. The widest most northerly polytunnel has a width of approximately 8m and the narrowest polytunnel being 4m in width.

A site inspection showed these polytunnels to house various plant and machinery which are used by the applicant's business, A Parr Landscaping Services Ltd, which according to Companies House data was established in September 2006. Further photographic and written evidence has been provided showing the plant and machinery that is associated with the business, which includes those stored within the shipping container on site.

This company, as highlighted on their website, provide a wide variety of landscaping services which are listed as Full Garden Design and Construction; Block Paving; Tarmacing; Indian Stone Flagging; Patios; Garden Walls; Drainage; Garden Walls; Fencing; Timber Decking; Water Features; Turf Supply and Laying Service; Grass Cutting; Maintenance; All types of Tree Work; and Hedging.

The site has an agricultural holding number (37/1020255) which was linked to the Luzlow Nurseries and Garden Centre – a horticultural enterprise - which was operated by the previous occupiers Mr and Mrs Clews.

Luzlow Lane runs alongside the western border of the land occupied by the applicant in a north to south direction. The area of land immediately to the east of Luzlow Lane separating the application site from the public highway serves as a caravan/campsite business which is run by the applicant who resides at the agricultural dwelling associated with Luzlow Nursery.

The site has two access points from Luzlow Lane. The main access used to access the campsite and the dwelling lies to the south western corner of the site. The secondary trade access is located further north.

The site is surrounded on all sides by open agricultural land, with the nearest residential properties being New House Farm, situated on the opposite side of Luzlow Lane, approximately 60m south of the site entrance; and The Grove, located some 60m to the east of the site.

The site is well screened on all sides by banks of mature trees which are subject to protection under a Tree Preservation Order (TPO).

PROPOSAL

The applicant and current occupiers of the residential dwelling Luzlow Nursery, Mr Parr (A Parr Landscaping Ltd), is seeking full planning permission to replace the existing polytunnels with an agricultural building to store plant and machinery which is associated with the Company. The justification for this proposal provided by the applicant when visiting the site was for security reasons.

The proposed building is shown on the Proposed Block Plan to be orientated in a similar angle to the current polytunnels, and in the position of the most northerly polytunnel on site. The front elevation is shown to face southwards towards the existing dwelling, with the rear elevation facing northwards.

The Proposed Floor Plan shows the proposed building to span a length of 18m and a width of 9.1m. The building is shown to have a pitched roof, having a height to eaves level of 4.1m and an overall height of 5.6m.

The Application Form provides details of the materials to be used in the construction of the building. The building would comprise external walls made up of concrete panelling with power coated corrugated panels. The roof would be made up of corrugated fibre panels, and a single roller shutter door is shown on the rear elevation.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Section 38(6) of the Planning and Compulsory Act 2004 requires proposals to be determined in accordance with the Development Plan taking into consideration any material considerations relevant to the determination of the application.

The local development plan for this site comprises the Saved Policies of the Staffordshire Moorlands Local Plan (1998); Staffordshire Moorlands Core Strategy (adopted 26th March 2014) and any relevant Supplementary Planning Documents (SPD's).

The National Planning Policy Framework (NPPF) published in March 2012 sets out the Governments planning policies for England and how these are expected to be applied. As stated in paragraph 2 of the NPPF, the document is a material consideration which must be taken into account in planning decisions.

Core Strategy Development Plan Document (Adopted 2014)

S01 Spatial Objectives
SS1 Development Principles
SS1a Presumption in Favour of Sustainable Development
SS6 Rural Areas
SS6c Other Rural Areas Area Strategy
DC1 Design Considerations
DC3 Landscape and Settlement Setting
R1 Rural Diversification
NE1 Biodiversity and Geological Resources
T1 Development and Sustainable Transport

National Planning Policy Framework

Achieving Sustainable Development	Paragraphs 1-17
Requiring Good Design	Chapter 7
Protecting Green Belt Land	Chapter 9
Conserving and enhancing the natural environment	Chapter 11

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

98-0118-FUL	Temporary Siting of Agricultural Dwelling (Refused allowed on Appeal 26 th April 1999).
02-00442-FUL	Variation of Condition1 relating to 98-0118-FUL to allow continued siting of caravan for further 2 years (Refused 12 th June 2002)
03-00653-OUT	Outline permission for erection of dwelling to support horticultural business (Refused 2 nd Sept 2003)

05-00072-OUT	Outline permission for Agricultural/Forestry dwelling and temporary retention of existing mobile home (Approved 14 th March 2005)
05-01299-REM	Reserved Matters for Agricultural/Forestry dwelling (1 st February 2006)

CONSULTATIONS

Publicity

Site Notice expiry date: 14th July 2017
 Neighbour consultation period ends: 27th June 2017
 Press Advert: N/A

Public Comments

No comments received

Town / Parish Comments

Bagnall Parish Council – No Objection

Environmental Health

No Objection

OFFICER COMMENTS

Principle of Development

Policy SS1a of the adopted core strategy reflects the presumption in favour of sustainable development set out within the National Planning Policy Framework (NPPF).

Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with the development plan without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies indicate development should be restricted.

The site is located outside of the development boundary as defined on the Saved Policies Map (1998) and is within the Staffordshire Green Belt. As such the application is subject to strategic policies SS6 and SS6c which refer to development outside of development boundaries, and Policy R1 which refers to Rural Diversification.

As the site is located within the Green Belt, the application is subject to restrictive national planning policies which relate to the protection of the Green Belt contained within Chapter 9 of the NPPF, as listed at footnote 9 to paragraph 14 of the NPPF. The presumption in favour of sustainable development is not engaged.

Policies SS6 and SS6c respectively supports the diversification of existing (farm) enterprises in accordance with Policy R1.

Policy R1 states that appropriate development should not harm the rural character and environmental quality of the area by virtue of their scale, nature and level of activity involved. It goes on to state that development within the Green Belt, inappropriate development which is otherwise acceptable within the terms of this policy, will still need to be justified by very special circumstances.

Chapter 9 of the NPPF contains the restrictive national planning policies relating to the Green Belt.

Paragraph 87 of the NPPF highlights that as with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 88 of the NPPF goes on to states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Paragraph 89 and paragraph 90 of the NPPF lists the type of development which are exceptions to inappropriate development (and therefore acceptable in principle in the Green Belt).

Paragraph 89 of the NPPF allows for buildings which relate to agriculture or forestry. The term 'agriculture' is defined at Section 336 of the Town and Country Planning Act 1990 states the following:

"agriculture" includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" shall be construed accordingly"

The site was, prior to the construction of the agricultural dwelling that exists on site, home to Luzlow Nurseries Garden Centre; a horticultural business (i.e. the growing and selling of plants and crops) which has an agricultural holding number (37/102/0255).

Whilst a horticultural business operation was evident prior to the construction of the agricultural dwelling in 2006/7, an investigation into the history of Luzlow Nurseries

has revealed no written or visual evidence that a horticultural business has been, or currently is, operating from this site.

The applicant's current business, A Parr Landscaping Ltd established in September 2006, is not considered to be of an agricultural or horticultural nature, as it is clear from their website that it is predominately involved in construction works associated with Landscaping – not the growing or distribution of plants or crops.

As such, the proposed building cannot be reasonably argued to be for agricultural purposes and as such the development comprises inappropriate development within the Green Belt for the purposes for paragraphs 87-90 of the NPPF.

In order for the application to be considered acceptable in principle, 'very special circumstances' must be presented which clearly outweigh the substantial harm to the Green Belt by reason of inappropriateness, and any other harm, in line with Paragraph 88 of the NPPF, and any other material considerations.

Impact on the Green Belt

Based on the information submitted with this planning application, a review of the site's planning history, and research into A Parr Landscaping Ltd, it is considered that the proposed building cannot reasonably be considered to be for agricultural purposes, having regard to Section 336 of the Town and Country Planning Act 1990.

The proposed development is therefore inappropriate development in the Green Belt and should not be approved unless there are 'very special circumstances' which clearly outweigh the substantial harm to the Green Belt by reason of inappropriateness.

No supporting information has been submitted with this application giving any further justification or very special circumstances. Whilst conducting a site visit, the applicant made it clear that the key purpose of the building was to securely store plant and machinery associated with the Landscaping business to reduce the risk of theft.

Whilst I sympathise with the need to securely contain plant and machinery connected with the applicant's livelihood, they are not considered to comprise the 'very special circumstances' needed to outweigh the significant harm to the Green Belt that would arise by the introduction of a new permanent building which covers a floor area of 163 square metres with an height of 5.6m where there are currently smaller more transparent polytunnel structures.

Given the above, the application has not demonstrated compliance with the restrictive policy areas set out within Chapter 9 of the NPPF and as such it is considered that this proposal comprises an unsustainable form of development which would result in substantial harm to the Green Belt by reason of inappropriateness and to the openness of the Green Belt due to the introduction of a large permanent structure to the site, contrary to Paragraphs 87-89 of the NPPF.

Landscape Character

Policy DC3 of the Core Strategy refers to Landscape Character, and seeks to resist proposals which would harm or be detrimental to the character of the local and wider landscape or the setting of a settlement and associated views as identified within the Landscape and Settlement Character Assessment.

The site is effectively screened from the wider open agricultural landscape on all sides and as such the proposed building would not be easily visible from any public viewpoint, which includes the neighbouring caravan/campsite.

Whilst there is not considered to be adverse harm to the character of the wider landscape any therefore no direct conflict with Policy DC3 of the Core Strategy, there are considered to be design issues which would impact on the immediate landscape and setting and are explored within the following section.

Design

Policy SS1 of the adopted core strategy sets out a number of development principles which new development should adhere to in order to contribute positively to the social, economic, and environmental improvement of the Staffordshire Moorlands.

Policy DC1 of the adopted core strategy sets out a list of design considerations that new development should incorporate into any new scheme. In particular new development should be designed to respect the site and its surroundings and promote a positive sense of place and identity through its scale, density, layout, siting, landscaping, character and appearance.

Chapter 7 of the NPPF highlights the importance of good design, that good design is indivisible from planning and should contribute positively to making places better for people.

The proposed building has been designed to replicate the materials and visual appearance typically used in an agricultural building. Whilst there are not considered to be any issues with regards to materials and visual appearance (as such a building is widespread in the rural parts of the District) the proposed building is considered to be of a scale, height and massing which is wholly disproportionate to the existing structures of site, and would detract from its immediate setting. It therefore comprises an inappropriate and unacceptable form of design, contrary to the design principles set out within Policies SS1 and DC1 of the Core Strategy.

Amenity

Policy DC1 of the adopted Core Strategy states that new development should protect the amenity of the area, including residential amenity, in terms of satisfactory daylight, sunlight, outlook, and privacy.

The nearest residential properties to the site are located a minimum of 50m from the site boundary. Views of the site are very well screened in all direction by the dense

line of mature trees which are protected. The screening of the site also extends to the neighbouring caravan/campsite area to the west.

Given the site context set out above, it is considered that the proposed building would not harm the amenity of any neighbouring property or the recreational and residential amenity for users of the neighbouring campsite.

However, the fact that the proposed development will not result in any adverse amenity impacts does not outweigh the substantial harm to the Green Belt or the adverse harm to the immediate landscape character as a result of its design.

Trees

Policy NE1 of the Core Strategy refers to biodiversity and geological assets within the District. The site contains a block of mature woodland trees which are protected under a Tree Preservation Order (TPO).

The positioning and orientation of the proposed building is not thought to result in any adverse harm to these TPO areas. Any potential harm could be addressed and controlled via a suitably worded planning condition.

Nevertheless, the fact that the proposed development will not result in any adverse impacts with regards to protected trees, does not outweigh the substantial harm to the Green Belt or the adverse harm to the immediate landscape character as a result of its design

Highway Safety

Policy T1 of the Core Strategy refers to transport and accessibility. It states that new development should be located where it can be satisfactorily accommodated within the existing highway network. Paragraph 32 of the NPPF states that applications should only be refused on highway safety grounds where the impacts are considered to be severe.

The proposed building would not result in any material change to the number of vehicles on site or trip generation within the local highway network. As such there would be no adverse impacts on highway safety grounds as a result of this development.

Nevertheless, the fact that the proposed development will not result in any adverse impacts with regards to highway safety, does not outweigh the substantial harm to the Green Belt or the adverse harm to the immediate landscape character as a result of its design.

CONCLUSION / PLANNING BALANCE

The application seeks full planning permission for an agricultural building within the confines of what was previously the site of Luzlow Nurseries Garden Centre, Luzlow Lane, Bagnall. The site is located outside of the development boundary and within the Staffordshire Green Belt. The presumption in favour of sustainable development is not engaged.

The site has a long planning history. An agricultural dwelling associated with the previous horticultural business was approved in 2006. This previous business has an agricultural holding number. The current occupiers of the dwelling run a neighbouring caravan/campsite and operate a Landscaping Business 'A Parr Landscaping Ltd' from the site. The proposed building is set to replace 4 x existing polytunnel structures to house plant and machinery connected with this Landscaping Business.

National Green Belt policy makes provision for new buildings within the Green Belt that are for agriculture/forestry purposes. Agriculture is defined within Section 336 of the Town and Planning Act and includes horticultural practices (i.e. the growing and selling of plants and crops). The previous business Luzlow Nursery was indeed an agricultural operation, hence why the associated dwelling was approved.

Having liaised with the applicant on site and requested further written and photographic evidence, and from further research, it is clear that the current business operation and proposed building cannot be reasonably classified as an agricultural or horticultural operation.

As such, the proposed building is inappropriate development for the purposes of national Green Belt policies contained within Chapter 9 of the NPPF, and could only be supported if 'very special circumstances' were presented to the council which clearly outweigh the substantial harm to the Green Belt by reason of inappropriateness and any other harm, which includes the introduction of a substantial permanent structure in an area where there previously was not one.

No such circumstances have been put forward, and therefore the application is considered to result in substantial harm to the Green Belt, in direct conflict with Paragraphs 87-90 of the NPPF.

In addition, the proposed design of the building is considered to be of a scale, height and massing which is wholly inappropriate for its proposed intended use of storing a modest range of plant and machinery; tools; and other assets associated with Parr Landscaping Ltd, and therefore conflicts with the design principles set out within Policies SS1 and DC1 of the Core Strategy and Chapter 7 of the NPPF.

Whilst there are not considered to be any significant adverse impacts relating to Landscape Character, Amenity, Trees, or Highway Safety arising from this proposal, the application will result in substantial harm to the Green Belt contrary and is of an inappropriate and poor design by way of scale, height, and massing.

For the above reasons, the application is recommended for refusal.

OFFICER RECOMMENDATION: Refuse

Case Officer: James Stannard

Recommendation Date: 10th April 2018

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council