

Planning Statement & Heritage Statement in relation to the erection of an agricultural building

The End, Newton Solney

May 2019

Agricultural Building – The End, Newton Solney

Project	The End
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Reference	701
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Version	1.2

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1 Introduction

- 1.1 JMI Planning is a Midlands based town planning consultancy. Its directors are chartered town planners with over 30 years' combined experience in both the public and private sector.
- 1.2 The author of this appraisal, Jon Imber, has worked as both a development control and forward planning officer in local government, and more recently as a senior planning consultant in the private sector. He has extensive knowledge of the planning system and experience of the appeals process. He is a member of the Royal Town Planning Institute.
- 1.3 This statement should be read in conjunction with the accompanying plans prepared by BiDesign.

2 Site and Planning History

- 2.1 The application site comprises a smallholding at The End, Newton Solney. The site lies on the edge of a rural settlement.
- 2.2 The smallholding extends to approximately 5½ acres, which the applicant intends to use to graze sheep.
- 2.3 Surrounding uses include residential properties and an array of solar panels to the north-east, and adjoining agricultural land to the north-west, south-west and south-east.
- 2.4 The parcel is enclosed by native hedgerows. The site is relatively flat.

- 2.5 The site is accessed via The End, which emerges onto Newton Lane on the outside of a bend. Newton Lane and The End are both subject to a 30mph speed limit.
- 2.6 The site and its surroundings are shown on the aerial photograph below.



Figure 1 - Aerial photograph of site

3 The Proposed Development

- 3.1 The applicant intends to build up a herd of sheep on the unit, but there are currently no buildings suitable for the storage of feed and bedding or winter housing. There is also nowhere to store the machinery and implements currently used in the upkeep of the land.

- 3.2 It is therefore, proposed to build a portal-framed building on the land to address this issue. The building measures approximately 30 metres by 15 metres. It is to be cut into sloping ground, so that it has a ridge height of approximately 4.69 metres at one end and 3.69 metres at the other.
- 3.4 The building has been sited so that it is set within the context of a cluster of existing built development. This siting was chosen to make use of the existing access, and to avoid affecting the setting of listed buildings across the Main Street frontage.
- 3.5 The proposals do not affect access to the site.
- 3.6 This application has been prepared following pre-application advice from James Norton. The advice was that the proposed development appears acceptable in principle provided that the building's location within the countryside can be adequately justified. This Statement has been prepared to that effect.

4 Planning Policy Context

National Planning Policy Framework

- 4.1 Paragraph 11 of the NPPF states that “applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise”. Paragraph 12 expands upon this statement confirming that the Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

- 4.2 The South Derbyshire Local Plan Part 1 was adopted in June 2016 and the Local Plan Part 2 was adopted in November 2017. Both the Local Plan Part 1 and the Local Plan Part 2 are up to date.
- 4.3 Paragraph 80 of the NPPF prescribes significant weight to the need to support economic growth and productivity.
- 4.4 Paragraph 83 of the Framework supports the sustainable growth and expansion of all types of business in rural areas through both the conversion of existing buildings and the provision of well-designed new buildings. It specifically supports the development of agricultural and other land-based, rural enterprises.
- 4.5 Paragraph 170 of the Framework states that the planning system should contribute to and enhance the natural and local environment by '*protecting and enhancing valued landscapes*'.

[South Derbyshire Local Plan Part 2 \(2017\)](#)

- 4.6 Policy BNE5 of the Local Plan Part 2 relates to development beyond the District's settlement boundaries. It states:-

"Outside of settlement boundaries (as defined in policy SDT1) within the Rural Areas of the district planning permission will be granted where the development is:

- i) allowed for by policies H1, H22, E7, INF10, H24, H25, H26, H27 or H28; or*
- ii) otherwise essential to a rural based activity; or*
- iii) unavoidable outside settlement boundaries; or*
- iv) considered to be infill that is in keeping with the character of the locality and represents the infilling of a small gap for not normally more than two dwellings, within small groups of housing; and*

v) will not unduly impact on: landscape character and quality, biodiversity, best and most versatile agricultural land, and heritage assets.”.

5 Planning Considerations

Principle of Development

- 5.1 The application site lies in a rural area outside of any settlement boundary. Policy BNE5 of the East Staffordshire Local Plan is therefore applicable. Policy BNE5 lists categories of development acceptable outside of settlement boundaries.
- 5.2 It is accepted that, at present stocking levels, the smallholding does not contribute significantly towards the rural economy and it is not the appellant’s case that the proposed building is essential to the support and viability of an existing business.
- 5.3 However, Policy BNE5 allows for development otherwise essential to a rural based activity as well as development unavoidable outside settlement boundaries.
- 5.4 The function of the proposed building is intrinsically linked with the applicant’s smallholding, which is a legitimate and not unusual use of rural land. Rearing sheep is a land-intensive use which demands a rural as opposed to urban location. It follows that storage required in connection with this use constitutes development essential to a rural based activity.
- 5.5 The only part of the applicant’s ownership within the settlement boundary is the domestic curtilage of his dwelling. The dwelling is a Grade II listed building and as such siting the building within this parcel has the potential to impact upon the setting of the listed building.

- 5.6 Furthermore, since the storage requirement is connected with the smallholding rather than the domestic use of his property, it is not unreasonable for this storage to be accommodated within a building on the agricultural land rather than within his domestic curtilage. There is presently no suitable structure available to the applicant for winter housing of sheep or lambing.
- 5.7 In this instance the proposal constitutes development unavoidable outside of the settlement boundary.
- 5.8 The proposals are therefore compliant with Policy BNE5 in broad principle terms.

Other Material Considerations

- 5.9 The proposal safeguards the amenities of neighbouring land users. The building is sufficiently distant from neighbouring dwellings to avoid causing any unacceptable increase in noise, disturbance or odour.
- 5.10 The scale and its form of the proposed building reflects its agricultural function, meaning that it will not appear out of keeping within its rural context. The building has been sensitively sited in close proximity to an established hedgerow, which filters the view from The End, and where it would be viewed in the context of existing built development to the north-east. The building will not therefore appear unduly prominent and will not harm the character or appearance of its rural surroundings.
- 5.11 The End emerges onto the outside of a bend in Newton Lane, which is subject to a 30mph speed limit. However, the speed survey which accompanies the application shows that vehicle speeds are significantly lower. The building will not in itself result

in an increase in vehicle movements to and from the site. The proposals will not therefore prejudice the safe or efficient use of the highway network.

5.12 The proposals do not affect the best and most versatile agricultural land.

5.13 As such the proposal constitutes development appropriate within the countryside.

6 Heritage Statement

6.1 The application site lies outside but adjacent to the Newton Solney Conservation Area, which was designated in 1978. There are some listed buildings across the Main Street frontage, but these are distant from the proposed building and as such it is not considered that it would be read as falling within their setting.

6.2 Paragraph 189 of the NPPF requires that in determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the asset's importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

- 6.3 The application site lies towards the south-eastern end of the conservation area. Density of built form here is much lower than the tight knit arrangement of properties in the village centre, with detached and semi-detached cottages flanking The End and Newton Lane. There are two significant farmsteads on the eastern edge of the conservation area which set a visual precedent for modern agricultural buildings on the fringe of the settlement.
- 6.4 The significance of this part of the conservation area derives from its increasingly rural character and the vernacular qualities of its built form.
- 6.6 Paragraph 192 of the NPPF advises that in the determination of planning applications local planning authorities should take account of:
- The desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - The positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - The desirability of new development making a positive contribution to local character and distinctiveness.
- 6.7 Paragraph 193 advises that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be.
- 6.8 The proposals lie outside of the Conservation Area and as such any impact in this instance is limited to its setting.

- 6.9 The building is relatively low, and is screened from Newton Lane and Main Street by intervening built development. It is partially dug into the ground which further reduces its prominence. The building would not therefore appear as an isolated or unduly prominent feature.
- 6.10 The proposals involve the erection of an agricultural building. The scale, massing and materials of construction are reflective of the function of the building, and are similar to the modern agricultural buildings on the eastern edges of the Conservation Area. The proposals do not therefore introduce an alien feature and preserve the character and appearance of the conservation area.
- 6.11 Paragraph 196 of the NPPF states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 6.12 Because the proposals would not result in harm to the Conservation Area or its setting, there is no requirement in this instance to satisfy the test set out in Paragraph 196.

7 Conclusions

- 7.1 The proposals seek to meet a need for storage, safe lambing space and winter livestock accommodation at the applicant's smallholding. The requirement for storage is intrinsically linked to a legitimate and prevalent use of rural land and it follows that the development is therefore appropriate within the countryside.

- 7.2 The proposed building is modest in scale and is sited sufficiently distant from residential properties to safeguard the amenities enjoyed by their occupants.
- 7.3 The building has a character and appearance which are reflective of its function, meaning that it will assimilate well into its rural context. The building is sensitively sited and would not appear unduly prominent. The proposals will not therefore harm the character or appearance of the countryside.
- 7.4 The proposed building does not affect access arrangements and would result in fewer rather than greater vehicle movements to and from the site. The proposals will not therefore prejudice the safe or efficient use of the highway network.
- 7.5 The proposals do not harm the setting of the Newton Solney Conservation Area.
- 7.6 The proposals therefore satisfy all of the relevant criteria set out within Policy BNE5 of the Local Plan Part 2. It is therefore respectfully requested that this application be approved.