

<b>2.2 REFERENCE NO - 21/505047/AGRREQ</b>		
<b>APPLICATION PROPOSAL</b> Prior notification for erection of a steel portal framed agricultural building designed for the secure storage of hay, haylage and straw. For its prior approval to: - siting, design and external appearance.		
<b>ADDRESS</b> Muswell Manor Farm Shellness Road Leysdown-on-sea Kent		
<b>RECOMMENDATION</b> Prior Approval Required and Approved		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Parish Council objection		
<b>WARD</b> Sheppey East	<b>PARISH/TOWN COUNCIL</b> Leysdown	<b>APPLICANT</b> Burden Bros Contractors <b>AGENT</b> Burden Bros Construction
<b>DECISION DUE DATE</b> 09/12/21	<b>PUBLICITY EXPIRY DATE</b> 12/08/22	<b>CASE OFFICER:</b> Emily Clark

**Planning History**

SW/74/1055

Straw and hay barn

Approved Decision Date: 10.02.1975

**1. DESCRIPTION OF SITE**

1.1 The application site is located within the wider setting of Muswell Manor Farm which is situated within the countryside. Located within the immediate setting is the Muswell Manor Holiday Park and the Grade II Listed Muswell Manor with the wider area characterised by an agricultural landscape with sporadic farm buildings. A public right of way runs to the east of the site.

**2. PROPOSAL**

2.1 This application seeks confirmation as to whether the siting, design or external appearance of the proposed agricultural storage building for the intended storage of hay, haylage and straw requires prior approval from the Council under Class A(a) of Part 6 of Schedule 2 to The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).

2.2 The applicant was advised to revise the building to be of a smaller scale, provide detail as to why a new building of this size is required and also re-site the building to a more appropriate location.

2.3 Following amendments prior approval is sought for a building with an approximate floor area of 665 sqm (35m x 19m), with 7.5m eaves height and 9.7m ridge height together with its associated hardstanding.

2.4 Materials proposed would be:

- The proposed roof is Grey 0.7mm single skin plastic coated box profile with 20% roof lights, vented ridges and galvanised box gutters and downpipes in grey.
- Side Cladding is Juniper green 0.5mm single skin plastic coated box profile from eaves to ground level.
- The Gable ends will be cladded in Juniper Green, vertical 0.5mm 1000/32mm plastic coated forward box profile
- A 6.0m x 6.0m roller shutter door and personnel door will be located in the north side elevation

### 3. PLANNING CONSTRAINTS

3.1 Potential Archaeological Importance

3.2 Environment Agency Flood Zone 3

### 4. POLICY AND CONSIDERATIONS

4.1 Class A(a) of Part 6 of Schedule 2 to The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).

4.2 Policies CP1, CP4, CP8, DM3, DM14, DM21 and DM32 of the adopted Local Plan (2017) Bearing Fruits 2031.

### 5. LOCAL REPRESENTATIONS

5.1 Leysdown Parish Council were consulted three times, on various amendments. Only one response was received objecting to the application and stating the following:

*“The barn attracts children playing in it and there is an additional risk of arson.*

*Construction traffic causing hazards to cyclists on cycle path through Leysdown Road.*

*The current plan would place the barn near the wooden chalets that have gas bottles; fire risk especially with the real risk of arson.*

*We also feel that the extra farm traffic going through Leysdown would increase the danger to the public when the sites are open. Especially as this would coincide with the main traffic to and from the barn.*

*We do appreciate the farmers have to improve their facilities but we do feel this is in a very inappropriate place for a larger unit.”*

5.2 Ward members were consulted on the application. Cllr Tatton comments as follows:

*“Firstly be advised neither Leysdown Parish Council or I received any notifications of the application, now that I do via correspondence on Facebook & Muswell Manor I feel I should add my concerns.*

*Access to the proposed {barn} & fields by agricultural vehicles through the conurbations of Leysdown Parish Council on the B2500 Leysdown Road from Old Rides Farm & onto the national speed limit road in the costal park known as Shellness Road.*

*FYI: Commissioning, Environment & Leisure are trying to resolve the issues that exist with the Shellness Road.*

*If there is an across country / field alternative, then a consideration should be given, or any route that can keep Agriculture vehicles travelling on the Shellness Road & Leysdown Road*

*The Burden Bros. Are fully aware that metal buildings offer limited fire proofing subject internal combustion issues which Old Rides Farm experienced a couple of years ago”.*

A further comment was received from Cllr Tatton on the 01/09/22 which is included in full below:

*“I have to concur with Muswell’s issues / objections to this application. A further consideration that has not been highlighted as an adverse concern & well worthy of a site visit is the straw laying in the Leysdown Road blocking the surface water drains, along with blowing in all directions including pedestrians faces & bodies.”*

5.3 Residents were consulted three times over the course of the application, on various amendments. In total 18 comments from different addresses were received objecting to the application. Members should note some residents submitted comments more than once. These are summarised below:

- Will obstruct sunset and views across the fields
- Overshadowing from the barn
- Noise pollution due to extra tractors, trailers etc.
- Danger of chalet residents sharing the road with tractors
- Will bring more vermin closer to the chalets
- The dust from the hay and straw will affect health of residents
- Health and safety concerns of the hay catching fire and being so close to residents and arson attacks
- Shared access road with Muswell Manor Holiday Park is insufficient and will be made worse by additional vehicle movements
- Existing barn is in disrepair
- Muswell Manor is a grade 2 listed building, and the proposal would harm its setting
- Overhead cables have previously been damaged by larger vehicles

## **6. CONSULTATIONS**

6.1 Historic England comment that the proposal is outside their statutory remit to comment.

6.2 Rural Planning Consultant initially requested amendments to the size of the building and additional information to justify the need for the building. Upon receipt of amendments is satisfied that the building is reasonably necessary for the purposes of agriculture.

## **7. BACKGROUND PAPERS AND PLANS**

7.1 Application papers and plans for application reference 21/505047/AGRREQ

## **8. APPRAISAL**

Part 6 Criteria

8.1 It is important for Members to note from the outset that this is not an application for planning permission; it is a request to determine whether or not prior approval is required **only** in relation to: Siting, Design and External Appearance of the building. Part 6, Class A of the GPDO allows for agricultural development on units of 5 hectares or more. This is subject to certain limitations, assessed below:

A.1

8.2 The development must not be carried out on a separate parcel of land forming part of the unit which is less than 1 hectare – *it is not*.

8.3 It must not consist of the erection or extension of any agricultural building on an established agricultural unit (as defined in paragraph X of Part 3 of this Schedule) where development under Class Q or S of Part 3 (changes of use of this Schedule has been carried out within a period of 10 years ending with the date on which development under Class A(a) begins – *No Class Q or S development has taken place on the farm*.

8.4 It must not consist of, or include, the erection extension or alteration of a dwelling – *The development does not involve a dwelling*.

8.5 It must not involve the provision of a building, structure or works not designed for agricultural purposes – *The application form states the intended use for the storing of hay, haylage and straw associated with the agricultural business*.

8.6 It must not exceed 1000 sqm – *the building has a footprint of 665m<sup>2</sup> with an additional 172m<sup>2</sup> of hardstanding*.

8.7 The height of any part of any building, structure or works within 3km of the perimeter of an aerodrome must not exceed 3m – *the site is not within 3km of an aerodrome*.

8.8 The height of any part of any building, structure or works not within 3km of the perimeter of an aerodrome must not exceed 12m – *the building has a maximum height of 9.7m*.

8.9 Any part of the development must not be within 25m of a metalled part of a trunk road or classified road – *the development is not*.

8.10 It must not consist of, or include, the erection or construction of, or the carrying out of any works to, a building, structure or an excavation used or to be used for the accommodation of livestock or for the storage of slurry or sewage sludge where the building, structure excavation is or would be within 400m of the curtilage of a protected building – *the building will not be used for the accommodation of livestock or for the storage of slurry or sewage sludge*.

8.11 It must not involve excavations or engineering operations on or over article 2(4) land which are connected with fish farming – *the site is not article 2(4) and is not connected to fish farming*.

8.12 Any building for storing for or waste from a biomass boiler or an anaerobic digestion system – 1. Would be used for storing waste not produced by that boiler or system or for storing fuel not produced on land within the unit; or 2. Is or would be within 400m of the

curtilage of a protected building – *the development would not store waste from a biomass boiler or an anaerobic digestion system.*

- 8.13 The proposal complies with the criteria and conditions as set out within Part 6, Class A of the GPDO and as such, I am satisfied that the proposal can be considered under this scheme, and that the Council's determination is to whether prior approval is required as to the buildings siting, design and external appearance.

Siting, design and external appearance

- 8.14 The site is located approximately 97m from the Grade II Listed Muswell Manor which is situated to the east together with the Muswell Manor Holiday Park. Section 16(2) of the Listed Building and Conservation Areas Act 1990 states that *in considering whether to grant listed building consent for any works the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* The implementation of Policy DM32 (Development involving listed buildings) of the Bearing Fruits 2031: The Swale Borough Local Plan 2017 is consistent with the above-mentioned legislation
- 8.15 The proposed building has the potential to impact the setting of this important listed property due to its proximity and scale and therefore a careful assessment to the siting, design and external appearance must be carried out. The application lies outside the remit for Historic England to comment however the views of the Council's Conservation Officer have been sought to ensure the historic asset is not harmed as a result of the proposal.
- 8.16 Following discussions with the Conservation Officer, amendments have been sought to amend the scale and positioning of the building. The building was originally sited in a more exposed position to the northwest of the Muswell Manor Holiday Park and was of a greater size, the building is now positioned further to the southwest, contained behind the existing agricultural barn and has been reduced in footprint and height. Due to its height, views of the development from the south, north and west will occur across this largely open agricultural landscape however its positioning behind the existing barn will obscure views from the east and form a physical separation between the new building and the listed Muswell Manor. It is therefore considered that the impact on the listed building in this amended location would not be harmful as the proposed building is sufficiently removed from its setting.
- 8.17 The building would be fully sheeted with a roller shutter door, the applicant considers this design necessary for security purposes and to preserve the stock stored within the building. The design is typical of modern agricultural buildings and have no concern in this regard.
- 8.18 Some additional screen planting has been shown on the plans with a mix of Hawthorn, Blackthorn and Hazel to help soften the appearance of the building however it is considered that a greater degree of screen planting should be incorporated to the side and rear of the proposed building so a condition has been included below requiring this.
- 8.19 Concerns have been raised by local residents in relation to overshadowing, overbearing and loss of view as a result of the siting and scale of the building. Whilst loss of view is

not a material planning consideration, in its amended siting the building will be sited 60m from the nearest chalet with the existing barn located between the holiday site and the building. It is therefore not considered that any overbearing/overshadowing will occur to the adjacent chalets.

- 8.20 As such I do not consider that the new building would be excessively prominent or imposing due to its siting, design or external appearance and that it would not give rise to any significant harm to the character and appearance of the area or adjacent listed building.

#### Other matters

- 8.21 The proposed building would be accessed via an existing track and access which leads to the existing barn. This track is also shared with the holiday park residents and residents of the listed Muswell Manor. The site is already an agricultural holding and whilst there will be some additional vehicle movements as a result of this proposal it is not considered that these will be excessive. The access track itself comprises of gravel laid and is not in a poor condition.
- 8.22 Increased vermin, damage to overhead cables and increased risk of arson and fires are not material planning considerations.

### **9. CONCLUSION**

- 9.1 The proposal requires prior approval from the Local Planning Authority due to its proximity to the listed building and position in the open countryside. The dimensions and use of the building and associated hardstanding accords with the criteria set out in class A, and the amended proposed siting, design and external appearance of the proposed agricultural building would not cause significant harm to the character and appearance of the area in general in my view. Subject to the below conditions, I am also satisfied the development will not cause harm to setting of the nearby Grade II Listed Muswell Manor. As such, prior approval is granted.

### **10. RECOMMENDATION**

Prior Approval Required and Granted subject to the following conditions:

#### **CONDITIONS to include**

- (1) No development beyond the construction of foundations shall take place until a soft landscaping scheme including additional tree planting has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- (2) All landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed in writing with the Local Planning Authority.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

### The Council's approach to the application

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2021 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.

The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

