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**Report of the Chief Planning Officer**

**NORTH & EAST PLANS PANEL**

**Date: 10<sup>th</sup> March 2016**

**Subject: 15/05600/FU – Agricultural building at The Chalet, Scarcroft Grange, Wetherby Road, Scarcroft, Leeds.**

**APPLICANT**

Mr Linter

**DATE VALID**

17<sup>th</sup> September 2015

**TARGET DATE**

12 November 2016

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**Electoral Wards Affected:**

Harewood

Yes

Ward Members consulted  
(referred to in report)

**Specific Implications For:**

Equality and Diversity

Community Cohesion

Narrowing the Gap

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**RECOMMENDATION: DEFER and DELEGATE APPROVAL to the Chief Planning Officer, subject to the specified conditions below (and such other conditions as he may consider appropriate) and the submitted unilateral undertaking under S106 which commits to:**

- a) ties the building in with the paddock
- b) restricts to use of the building to use in association with the property

**In the circumstances where the undertaking has not been completed within 3 months the final determination of the application shall be delegated to the Chief Planning Officer.**

1. Time limit
2. Plans to be approved
3. Submission of details of materials
4. The local planning authority shall be notified where unexpected significant contamination is encountered.
5. Any soil or soil forming materials brought to site shall be tested for contamination and suitability for use.

## **1.0 INTRODUCTION**

- 1.1 The application proposes the erection of an agricultural building which is located within the Green Belt, on the edge of the village of Scarcroft.
- 1.2 The application is brought to Panel at the request of Cllr Rachael Procter who raises concerns relating to whether a barn of this size and scale is reasonably necessary for the needs of this agricultural holding.
- 1.3 The application was first reported to 7<sup>th</sup> January 2016 Panel where Members resolved to defer consideration pending amendments to the design of the proposed barn, clarification on the timescales for the appeal relating to the unauthorised access track and confirmation of what arrangements were in place with the adjacent neighbour over access rights. Amended plans and updated information was subsequently provided at 4<sup>th</sup> February 2016 Plans Panel meeting. Members accepted this information but resolved to defer consideration pending the submission of a S106 agreement to ensure that the land is retained with the barn in the future and to prevent future conversion to a dwelling.
- 1.4 The applicant has submitted a S106 Unilateral Agreement that adequately ties the building with the paddock and ensures that the building can only be used for the purposes of agriculture.

## **2.0 PROPOSAL:**

- 2.1 The application proposes the erection of an agricultural building. The proposed building would be located in the north western corner of the holding, close to the access road. The building measures 12.6m in length by 6.0m in width and approximately 6m in height. In terms of materials, it is proposed to be constructed using a coursed stone plinth up to 1m in height with vertical timber boarding above up to the eaves level. The roof would be constructed from metal sheeting.
- 2.2 The barn will be used to store equipment for the maintenance of 6 acres of land. Equipment such as a medium size tractor, trailer, roller, scarifier, spraying equipment, a lawn mower will be stored. General gardening equipment such as a strimmer, shovels and spades will also be stored within the building. At present the land is a meadow used for no particular agricultural business purpose. However, the intention is to establish an orchard and keep sheep and alpacas on the land in the future.

## **3.0 SITE AND SURROUNDINGS:**

- 3.1 The applicant, who occupies the residential dwelling of The Chalet (located to the north of the site), also owns this 6 acres of agricultural land. The land is an open green field. There is an access track that runs along the western boundary of the site and leads down to the residential dwelling of The Barn. The application land was formerly owned by the previous occupants of Ashfield House to the North. Various land parcels within the area have been sold off. The site is located within the Green Belt. The Conservation Area boundary is located to the north of the site.

## **4.0 RELEVANT PLANNING HISTORY:**

- 4.1 The application land was formerly owned by the previous occupants of Ashfield House to the North. With various land parcels within the area have been sold off over the years. The application site is now owned by the occupant of The Chalet, which

was once a modest bungalow within the Green Belt, but has been extensively extended and remodeled over the years. A replacement domestic double detached garage was recently approved within the garden area of the dwelling in (app ref: 15/00973/FU). The design of this garage was revised during the course of the consideration of the application as originally the applicant wanted to incorporate the storage of his agricultural equipment within that structure. Ultimately the garage was reduced in size to meet the domestic needs of the occupation of that property.

- 4.2 The access road that runs through the site leads to the residential dwelling of The Barn. This dwelling is a former stone built agricultural barn which was granted permission to form a dwelling on appeal (app re: 08/01601/FU). A new access running along the western boundary of the site of The Chalet was granted at the time of this permission. However, this access track was not implemented and an unauthorised access that runs along the north and east of the site was constructed. These are subject to an Enforcement Notice with the appeal pending. There has also been a large garage erected within the residential curtilage of The Barn to which the retrospective application has been refused and the appeal is pending (app ref: 15/01372/FU).

## **5.0 HISTORY OF NEGOTIATIONS:**

- 5.1 The original plans showed a stone built building with a slate roof, sited on the route of the approved access track leading to residential dwelling of The Barn. The Agricultural Surveyor raised concern that the barn was not of a conventional agricultural design and there was also a concern that the siting of the building would block the access track that runs through the site. The applicant has therefore revised the drawings to show an agricultural building which is much more appropriate in design terms. The building has also been re-sited so that it does not block the access track.
- 5.2 The applicant also extended the red line boundary to include a further 3 acres of land. The applicant stated that the original red line plan was inaccurate.

## **6.0 PUBLIC/LOCAL RESPONSE:**

- 6.1 The application has been advertised as development affecting the character of a Conservation Area advertised in the Boston Spa Wetherby News 1 October 2015 and Site Notice was posted 1 October 2015. The application was re-advertised following revisions to the plan.
- 6.2 Scarcroft Parish Council comments that the building is not suitable for agricultural purposes and that a garage has been approved within the applicant's residential curtilage that should accommodate a tractor.
- 6.3 One letter of support received from the owner of the adjacent farm land which states that the agricultural building is well designed and will allow the applicant to store all such equipment that are required to maintain the agricultural holding.

## **7.0 CONSULTATIONS RESPONSES:**

### Statutory

- 7.1 None

## Non-Statutory

7.2 Agricultural Surveyor raised the following concerns relating to the original barn;

- The design of the barn does not appear as a conventional agricultural building.
- The barn should be sited closer to the access road and should not block it.
- The application may be premature as reference is made to the purchase of a further 28 acres of land.
- Some of the equipment that will be stored within the barn is domestic.

7.3 Since these comments were made revised plans have been submitted. These change the design of the barn so that it is of a more traditional form, it has been re-sited closer to the access road and the layout of the building has been annotated to show the nature of the agricultural equipment to be stored and how that will fit within the building.

7.4 Highways- The applicant should demonstrate the proposed means of access to the proposal, and the applicant's Red Line must be amended accordingly. The existing access route to 'The Chalet' is a private road that does not fully accommodate two-way passing of vehicles. Details of the level of proposed vehicle movements generated by the proposal should also be provided so that we can assess what impact the development would cause.

7.3 Land Contamination - No objection subject to conditions

## **8.0 PLANNING POLICIES:**

8.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for Leeds currently comprises the Core Strategy, saved policies within the Leeds Unitary Development Plan (Review 2006) and the Natural Resources and Waste Development Plan Document (2013), together with relevant SPGs and SPDs.

### Local Planning Policy

8.2 The Core Strategy is the development plan for the whole of the Leeds district. The following core strategy policies are relevant:

SP1 Seeks to concentrate the majority of new development within the main urban areas and ensure that development is appropriate to its context.

P10 Seeks to ensure that new development is well designed and respects its context.

P11 Conservation

P12 Seeks to ensure that Leeds' landscape character is retained.

8.3 The following saved UDP policies are also relevant:

GP5: Seeks to ensure that development proposals resolve detailed planning considerations, including amenity.

N33: Development the Green Belt.

N37: Special Landscape Areas

N37A: Development in the Countryside

BD5: Seeks to ensure new development protects amenity.

LD1: Seeks to ensure the quality of good landscaping.

### National Planning Policy

- 8.4 The National Planning Policy Framework (2012) sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions.
- 8.5 The introduction of the NPPF has not changed the legal requirement that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The policy guidance in Annex 1 to the NPPF is that due weight should be given to relevant policies in existing plans according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the Framework, the greater the weight that may be given to them. The following sections of the NPPF are most relevant to the consideration of this application:
- 8.5. 7 Requiring good design
  - 9 Protecting Green Belt land
  - 11 Conserving and enhancing the natural environment
  - 12 Conserving and enhancing the historic environment

## **9.0 MAIN ISSUES**

- 1) Principle of Development/ Impact on Openness/ Design
- 2) Impact on Conservation Area
- 3) Highways
- 4) Public Representation

## **10.0 APPRAISAL**

### Principle of Development/ Impact on Openness/ Design

- 10.1 The site is located within the Green Belt and therefore attention should be drawn to the policies which are most relevant in this case. Saved UDP (Review 2006) Policy N33 states that, except in very special circumstances, approval will only be given in the Green Belt for certain categories of development including for agriculture.
- 10.2 The guidance within the NPPF sets of the main objectives of Green Belt policy as being:
- to check the unrestricted sprawl of large built-up areas;
  - to prevent neighbouring towns merging into one another;
  - to assist in safeguarding the countryside from encroachment;

- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land

- 10.3 National planning policy in relation to the protection of the Green Belt is set out under Section 9 of the National Planning Policy Framework (NPPF). Paragraph 87 sets out 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 89 of the NPPF outlines the circumstances in which development within the Green Belt might be considered not inappropriate and Policy N33 of the UDP largely accords with these exceptions. The erection of building for agriculture is included as an appropriate form of development within the Green Belt.
- 10.4 It is considered that the building, which is proposed to be used ancillary to the agricultural needs of the associated 6 acres of agricultural land, falls within the definition of agriculture. At present the site comprises open fields and the building will be used for storing equipment including a medium size tractor and a trailer, which will be used to maintain the land. Therefore, it is considered that the proposed use will be related to the use of the land and is therefore an appropriate form of development within the Green Belt. A legal agreement has been submitted from the applicant which will tie the proposal in with the agricultural holding. This will mean that the building cannot be severed from the land and will remain ancillary to the agricultural use of the land.
- 10.5 Originally concerns were raised by Officer's and the Council's Agricultural Surveyor with regards to the stone and slate construction material and with regards to its design, which gave it much more domestic appearance. However, the plans have been revised to show a more simplistic structure which will be clad in wood and have a metal roof. The design of the building is now considered to be more appropriate for its intended use and will allow the building to tie in within this rural location.
- 10.6 Concern was also raised by the Agricultural Surveyor with regards to the building being too large for the size of the holding, and also suggested that the application may be premature on the basis of the applicant referring to the purchase of a further 28 acres of land. Following the comments made by the Agricultural Surveyor, the applicant claimed that the originally submitted redline plan was inaccurate and in fact the holding is 6 acres in size as oppose to the 3 acres originally shown. The applicant has thus revised the red line plan to correct the error that was made. It is considered therefore that the size of the building is a reasonable response to the size of the holding. The 28 acres of land referred to by the applicant, has not been considered as part of the determination process. Therefore, it is considered that the prematurity of the scheme is not an issue.
- 10.7 As the building is sited on the corner of the site close to the boundary and access track, will ensure that the proposal will not appear to encroach upon the more open green areas of the Green Belt. Furthermore, the proposal is of a reasonable size and of a design which is typical of other agricultural buildings that are found within the Green Belt all over Leeds. Therefore, it is not considered that the proposal will have an adverse impact upon the openness or the character of the Green Belt.
- 10.8 On the whole, it is considered that the proposals agricultural building is an appropriate form of development within the Green Belt and will not harm its openness or character. The proposal therefore complies with saved UDP Policy N33 and with

Paragraph 89 of the NPPF.

### Impact on Conservation Area

- 10.9 The Conservation Area boundary lies to the north of the site. It is considered that the proposal will not be particularly visible from areas within the Conservation Area. It is of a typical agricultural size and design which will allow it to tie in with its rural setting. Therefore, it is not considered that the proposal will harm the character of the Conservation Area.

### Highways

- 10.10 The Highways Officer comments that the applicant should demonstrate the proposed means of access to the site and that the applicant's Red Line must be amended accordingly. Whilst the applicant has not fully indicated the access road, it is clear that the site can be accessed through the applicant's own dwelling which is indicated within the blue line. In terms of how the equipment will be brought in to the site, this is an issue for the applicant. The equipment that will be stored within the site will be for purposes relating to the maintenance of the land and will not serve a business purpose. Once the equipment has been brought into the site there will be little need for regular trips in and out of site. Therefore, it is considered that detailed access arrangements are not required in this instance and the proposal will not raise highway safety issues.

### Public Representation

- 10.11 The comments made by the Parish Council the building is not suitable for agricultural purposes, has been discussed in the report. It is considered that the proposal will be used ancillary to the agricultural needs of the site and is therefore acceptable.
- 10.12 The comments made that a garage was approved within the applicant's residential curtilage that should accommodate a tractor, is noted. It is considered that the garage that was approved is not of a size or scale that would allow a tractor to be accommodated.

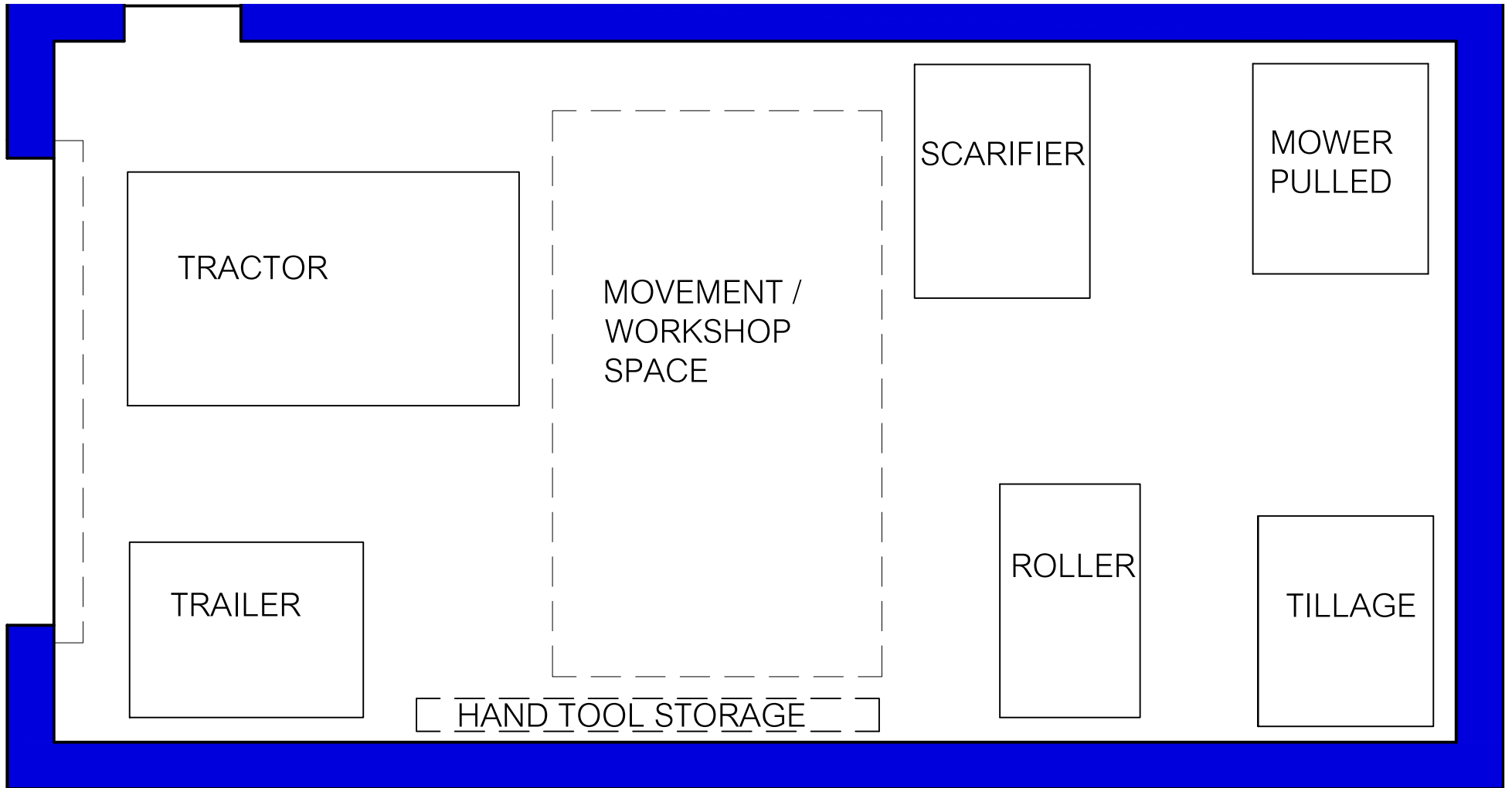
## **11.0 CONCLUSION**

- 11.1 It is considered that the proposed agricultural building is an appropriate form of development within the Green Belt and will not harm its openness or character. Furthermore, the proposal is of a design and scale which is appropriate in this rural location and therefore will not harm its character or adjacent Conservation Area. It has also been concluded that, due to the proposed building not being associated with a farming enterprise, Highway Safety issues will not be raised. Therefore, it is considered that the proposal complies with planning policy guidance and should be approved, subject to the conditions set out at the head of this report.

### **Background Papers:**

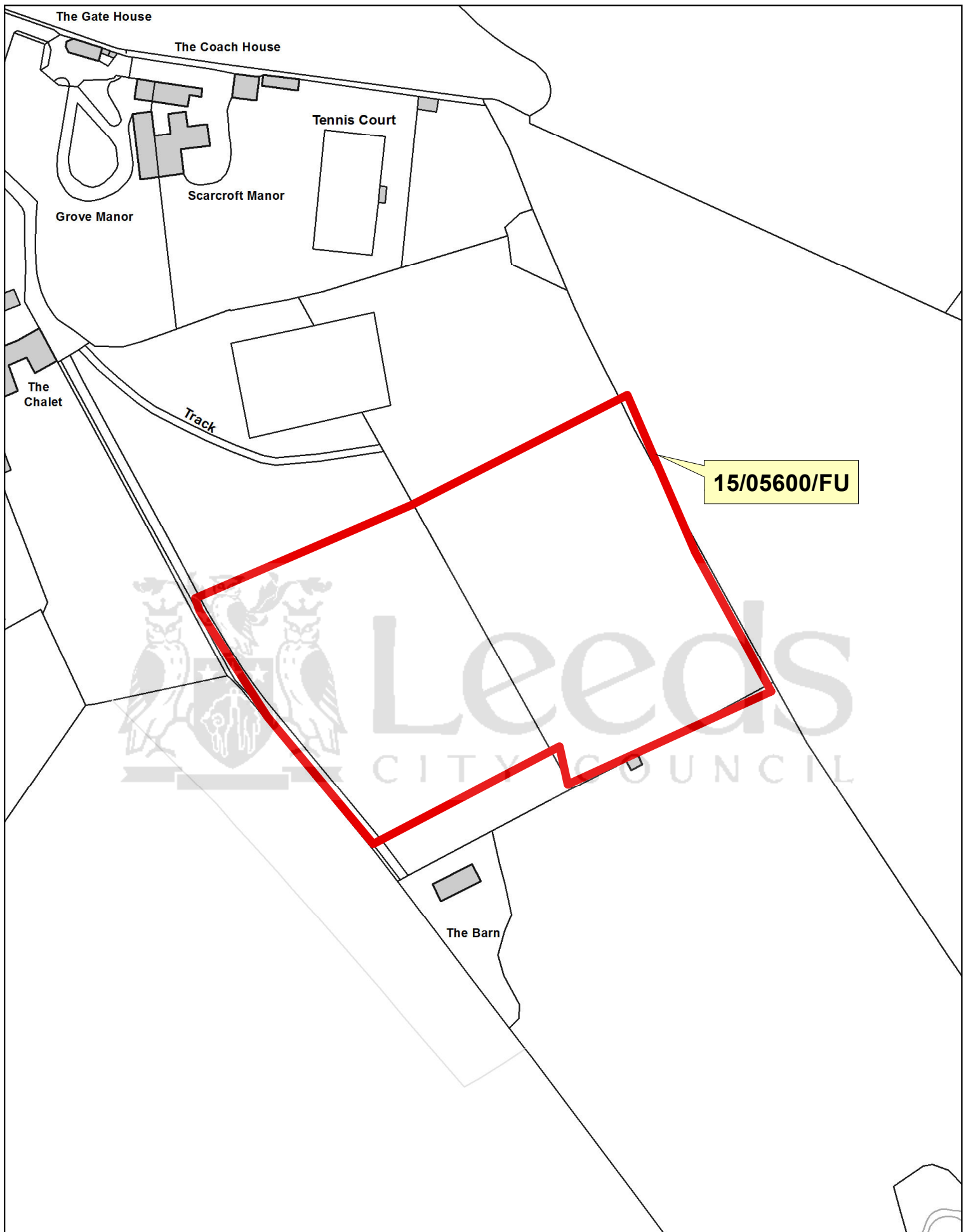
Application files: 15/05600/FU

Certificate of ownership: Certificate A signed by the agent



MACHINERY LAYOUT PLAN  
1:50 A4





# NORTH AND EAST PLANS PANEL

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SCALE : 1/1500

