

BALE - PF/23/1027 – Erection of detached agricultural storage building at Land At Oak Farm, Sharrington Road, Bale, Fakenham, Norfolk, NR21 0QY

Major Development

Target Date: 10th August 2023

Case Officer: Mr Mark Brands

Full Planning Permission

REASONS FOR REFERRAL TO COMMITTEE

This application is referred to the Development Committee at the request of Councillor Bütikofer given the public level of interest in the proposal.

RELEVANT CONSTRAINTS

Located within the countryside

Agricultural Land Classification: Grade 3

Conservation Area: Bale

Landscape Character Assessment - Tributary Farmland

Areas Susceptible to Groundwater SFRA

GIRAMS Zones of Influence (various)

RELEVANT PROPERTY HISTORY

Reference NP/20/1691

Description Proposal: Erection of a single-storey steel-frame metal-clad agricultural building for the purposes of storing hay, straw, vehicles, plant, equipment and other materials/items in connection with the agricultural activities of the agricultural unit

Outcome Withdrawn

THE APPLICATION

The proposal is for the erection of an agricultural storage building, intended to be used for the storage of vehicles, machinery and produce in association with an orchard (outlined in red on the site location plan). The barn would have a footprint of approximately 9m by 17m, with a maximum overall height of 5.7m (3.12m to the eave). The external materials are proposed to be Quadcore Kingspan wall and roof panels, external colour to be Kingspan Anthracite XL Forte or Kingspan Jet Forte (similar external appearance to the materials on the village hall). The roof would include some translucent panels on the west roof slope. The barn is proposed to be sited to the northwest of the site, with some existing sheds and structures to be removed.

Further details / amendments received during the course of the application

Updated planning response and plan received 18 August 2023 (seeking to address some of the comments provided during the consultation process)

Updated planning response has been submitted by the agent and business case and revised plan (drawing no. PL-A1-01 Rev. A) received 8 September 2023. (Earlier details submitted 18 August 2023)

The revised plan reduced the size of the building (length reduced by 2.84m), providing further supporting information and seeks to address some of the comments / concerns raised during the consultation process.

SITE AND SURROUNDINGS

The site is located in the countryside, to the north of Bale, comprising a small village (undesigned in the settlement hierarchy). The site is accessed from Sharrington Road. The site is visible from the access and also from the east near to the village hall. Some of the trees for the orchard have been planted across the field, albeit they appear to be young plants. The land is more elevated to the northwest and the land rises towards the northwest of the site. There are some minor dilapidated sheds/structures in situ. There are a cluster of buildings and dwellings to the south of historic merit and part of the Bale Conservation area. The village hall is more modern with metal sheeting material.

CONSULTATIONS:

Gunthorpe Parish Council – Objects:

Highways concerns

Access to the location is via a narrow, single-track road and on a blind bend and in the middle of a densely occupied, narrow residential village street.

Access is shared with the adjoining (residential) property.

Access is narrow, at an angle and via an unsuitable gateway.

Currently vehicular access through the gateway is minimal.

This application will increase both the volume and size of the traffic using the road.

Environmental and ecological concerns

The parcel of land is currently a recently planted orchard containing young fruit trees.

The Application does not address ecological concerns regarding the populations of bats, owls and mice living in the field.

Increase in noise and light pollution in a residential area with the long hours worked by agricultural vehicles.

Part of the site falls within the Bale Conservation Area

Size and scale of the planned building

This seems to be excessive for the size of plot.

The fruit trees are recently planted and it will be several years before they begin to bear fruit.

The number of trees planted will not justify storage in a structure of this magnitude.

There is no Business Plan for the building.

NCC Flood & Water Management (LLFA) – No comments (standing advice)

Conservation and Design (NNDC) – No objections

Landscape (NNDC) – No Objection

The positioning of the proposed detached agricultural storage building is within an area recently planted orchard trees, there are some important mature trees and hedgerows around the site periphery.

All construction activities should be excluded from the Root Protection Areas of these boundary trees and hedges, adequate space internally to the site has meant the risk of

damage has been assessed as low and no formal Tree Protection Plan is requested in this instance.

The applicant has already planted additional hedge, any further strengthening of the boundary would be welcomed as would the suggested 40-50 new orchard trees added to the area.

From a landscape perspective, no concerns are being raised.

Norfolk County Council Highways – Comments

Whilst the associated traffic would likely be low key in nature, have concerns regarding the location of the building, centralised in the village and served by narrow roads, which would concentrate movements in this area, which could be considered to be detrimental to highway safety in the vicinity.

Previous applications detailed alternative landholdings, as such NCC Highways seek to enquire whether any alternative locations were possible

REPRESENTATIONS:

44 representations have been received, 21 objections have been received and 23 supporting comments have been received.

Summary of supporting comments (see full comments on the public website):

- Environmental and amenity benefits from housing the machinery on site
- Enhance the appearance of the site
- Increased biodiversity and wildlife from planting
- Improvement to highway safety, with reduced agricultural vehicle movements on local highway, reduction of tractor miles
- Barn appropriate in size for the intended use / machinery
- Impact on surroundings limited given the shielded position
- Supports retention of agricultural use on the site and supporting
- Form of sustainable development and supporting biodiversity
- Complies with local policy considerations
- Will not be detrimental to local ecology
- Barn needed to help support orchard operation / business
- Support the local rural economy

Summary of objections (see full comments on the public website)

- Negative impact on environment and ecology / more ecology details required
- Unsuitable type of storage barn
- Insufficient / inaccurate information / evidence
- Building detracts from the Conservation area due to size and structure
- Sets a precedent by introducing commercial use next to historic village hall – heat of the village
- Inappropriate in a residential lane of older cottages
- Detriment to highway safety
- Increased agricultural traffic in vicinity, narrow local lanes unsuitable for such traffic
- Insufficient evidence to suggest reduction in vehicular movements
- Inappropriate access arrangements

- Inappropriate / disproportionate size of building
- Detriment to landscape / character / amenity
- Potential requirement for further development (track improvements etc)
- Concerns over intensification,
- Concerns over need for such a barn and prospect for change of use
- Concerns over external lighting / noise
- Greater screening should be put in place
- Queries on supporting details particularly the agricultural background and justification for the barn
- The siting is higher up on a slope than the surrounding built form, with the design, materials and scale resulting in this dominating the vicinity
- Application is premature given the recent planting of some of the trees
- Does not comply with requirements of GPDO (reference to withdrawn NP/20/1691) or local policies
- Questions over viability of such development
- Environmental and ecological

HUMAN RIGHTS IMPLICATIONS

It is considered that the proposed development may raise issues relevant to Article 8: The Right to respect for private and family life.

Article 1 of the First Protocol: The right to peaceful enjoyment of possessions.

Having considered the likely impact on an individual's Human Rights, and the general interest of the public, approval of this application as recommended is considered to be justified, proportionate and in accordance with planning law.

CRIME AND DISORDER ACT 1998 - SECTION 17

The application raises no significant crime and disorder issues.

LOCAL FINANCE CONSIDERATIONS

Under Section 70(2) of the Town and Country Planning Act 1990 the council is required when determining planning applications to have regard to any local finance considerations, so far as material to the application. Local finance considerations are not considered to be material to this case.

RELEVANT POLICIES

North Norfolk Local Development Framework Core Strategy (September 2008):

Policy SS 1 - Spatial Strategy for North Norfolk

Policy SS 2 - Development in the Countryside

Policy EN 2 - Protection and Enhancement of Landscape and Settlement Character

Policy EN 4 - Design

Policy EN 8 - Protecting and Enhancing the Historic Environment

Policy EN 9 - Biodiversity and Geology

Policy EN 13 - Pollution and hazard prevention and minimisation

Policy CT 5 - The transport impact of new development

Policy CT 6 - Parking provision

Material Considerations:

Supplementary Planning Documents and Guidance:

Design Guide Supplementary Planning Document (December 2008)

North Norfolk Landscape Character Assessment (2021)

Conservation of Habitats and Species Regulations 2017 (as amended).

National Planning Policy Framework (September 2023):

Chapter 2 - Achieving sustainable development

Chapter 4 - Decision-making

Chapter 6 - Building a strong, competitive economy

Chapter 8 - Promoting healthy and safe communities

Chapter 9 - Promoting sustainable transport

Chapter 12 - Achieving well-designed places

Chapter 15 - Conserving and enhancing the natural environment

Chapter 16 - Conserving and enhancing the historic environment

Other material documents/guidance:

Norfolk Green Infrastructure and Recreational Impact Avoidance and Mitigation Strategy - Habitats Regulations Assessment Strategy Document (2021)

OFFICER ASSESSMENT**Main issues for consideration:**

- 1. Principle**
- 2. Design**
- 3. Amenity**
- 4. Heritage**
- 5. Landscape and ecology**
- 6. Highways**
- 7. Conclusion and Recommendation**

1. Principle

The site in question lies within the designated Countryside policy area of North Norfolk, as defined under Policy SS 2 of the adopted North Norfolk Core Strategy. Within this area proposals to erect new agricultural buildings are considered to be acceptable in principle, subject to compliance with other relevant Core Strategy policies. Additionally the National Planning Policy Framework (NPPF, Chapter 6) encourages supporting a prosperous rural economy including through agricultural related developments.

2. Design

Policy EN 2 seeks amongst other matters to ensure that development be informed by, and be sympathetic to, the distinctive character areas identified in the North Norfolk Landscape Character Assessment. Proposals should demonstrate that their location, scale, design and materials will protect, conserve and, where possible, enhance the special qualities and local distinctiveness of the area, distinctive settlement character and the setting of, and views from, Conservation Areas. Core Strategy Policy EN 4 states that all development will be of a high quality design and reinforce local distinctiveness. Design which fails to have regard to local context and does not preserve or enhance the character and quality of an area will not be

acceptable.

The design of the proposed building is relatively functional to suit its proposed purpose. The materials are not dissimilar to materials used for such barns and of a similar appearance to the materials that have been used on the village hall, located in close proximity (adjacent to the site, to the east). Openings have been kept to a minimum, mostly functional entrances, and two translucent panels on the roof to the west side enabling some light.

Concerns have been raised in regard to the overall size/height of the building, however, by modern agricultural building standards the proposed size/height is not excessive, with the proposed height lower than many other typical agricultural buildings. This in part reflects the extent of land that the barn would be related to resulting in a more rationalised size. The materials, form, scale and massing are considered appropriate and there is no overriding concern regarding the design approach under Policy EN 4 or provisions under the NPPF.

The NPPF sets out that decisions should enable sustainable growth in rural areas including through the development of agricultural and other land-based businesses, acknowledging that such development may have to be found adjacent to or beyond existing settlements and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and use of sites that are physically well-related to existing settlements (paragraphs 84 and 85 of the NPPF).

There is not a requirement to provide a business case for smaller scale development under local policy considerations or the NPPF. Notwithstanding this, following concerns raised over the scale of the building and premature timing of the barn, further supporting details and justification have been provided. A business case report has been provided evidencing that such a building would be viable when the orchard is more established. This includes details on how the building would be used, the types of equipment that would housed within the building and storage equipment and space and associated machinery.

The Local Planning Authority is satisfied with the details submitted, there would be an operational and functional need for the barn to be erected before the orchard is fully operational to facilitate the growth of the trees and maintenance of the site and for storage purposes. The scale of the building and its siting is considered acceptable, on balance the proposal accords with local policy considerations and provisions within the NPPF.

3. Amenity

Policy EN 4 of the Core Strategy states that proposals should not have a significantly detrimental effect on the residential amenity of nearby occupiers. Paragraph 130 of the NPPF states that developments should create places with a high standard of amenity for existing and future users

The nearest residential dwellings lie some 65m to the south of the barn. This is considered to be sufficient separation distance between the proposed development and neighbouring amenity so as to result in an acceptable relationship. The access to the site and barn is adjacent to residential amenity areas and access for The Granary. However, associated traffic is expected to be low key in nature, with the main activity taking place at the barn, as such the impact on neighbouring amenity regarding disturbances, noises etc are not considered significantly detrimental. It is considered that the proposed development will not have a

significant adverse impact upon residential amenity, and is therefore compliant with Policy EN 4.

4. Heritage

Policy EN 8 of the Core Strategy states that development proposals should preserve or enhance the character and appearance of designated assets, historic buildings/structures, monuments, landscapes and their settings through high quality, sensitive design. This policy also seeks to ensure that the character and appearance of Conservation Areas is preserved, and where possible enhanced, encouraging the highest quality building design, townscape creation and landscaping in keeping with these defined areas.

It should be noted that the strict 'no harm permissible' clause in Policy EN 8 is not in full conformity with the guidance contained in the latest version of the National Planning Policy Framework (September 2023). As a result, in considering the proposal for this site, the Local Planning Authority will need to take into consideration the guidance contained within Chapter 16 of the NPPF as a material consideration. A number of these requirements are alluded to below, including the requirement to balance any less than substantial harm to a designated heritage asset against the public benefits of the development.

Paragraph 194 of the NPPF states 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. Paragraph 199 of the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 202 of the NPPF provides 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, where appropriate, securing its optimum viable use. Paragraph 203 states that effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application

The southern portion of the site is within the Bale Conservation Area (the barn is not within the designation, but in proximity, where development could potentially effect the setting of the Conservation Area). In this case, the Conservation Officer has raised no objections to the proposals, the barn is not considered to significantly affect the setting of the Conservation Area including views from or towards the site. The materials have been carefully considered taking into account the village hall to the east of the site. The form and appearance of the building is of a rural functional character not dissimilar to other such structures in the countryside. The development of the site would not have a detrimental impact on the character or appearance of the Conservation Area or landscape setting, the character of the Bale Conservation Area would be preserved, according with Local Policy EN 8.

5. Landscape and Ecology

Policy EN 2 seeks amongst other matters to ensure that development be informed by, and be sympathetic to, the distinctive character areas identified in the North Norfolk Landscape Character Assessment. Proposals should demonstrate that their location, scale, design and

materials will protect, conserve and, where possible, enhance the special qualities and local distinctiveness of the area.

NPPF (Chapter 15) Paragraph 174 states that proposals should contribute to and enhance the natural and local environment in a number of ways. These include protecting and enhancing valued landscapes, recognising the intrinsic character and beauty of the countryside and wider benefits from natural capital and ecosystem, including the economic benefits of best and most versatile agricultural land, and minimising impacts on and providing net gains for biodiversity.

Policy EN 9 states that development proposals should protect the biodiversity value of land and minimise habitat fragmentation, maximise opportunities for natural habitat restoration and enhancement, and incorporate beneficial biodiversity conservation features. The policy further requires proposals not to have a detrimental effect on designated habitats sites or protected species, unless any harm can be satisfactorily mitigated.

Concerns have been raised through the public consultation regarding the environmental impact of the proposed works. Given the context of the site conditions, Officers consider that the likelihood of protected species is negligible. There would also be notable enhancements resulting from the additional planting associated with the orchard. Additional planting of the hedge has taken place, with the applicant willing to provide further planting for screening, particularly around the western side. Orchard planting has taken place (58 trees), with around 50 more additional trees to be planted as part of the orchard operation. The landscape section have raised no objections to the proposed works. The planting would enhance the ecological and biodiversity of the site. From a landscape and environmental perspective the proposed development would accord with Policy EN 9 of the adopted North Norfolk Core Strategy and paragraph 174 of the NPPF.

6. Highways

Policy CT 5 requires development to provide safe and convenient access for all modes of transport, including access to the highway network. Policy CT 6 requires new development to have sufficient parking facilities. Paragraph 111 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

It is noted that concerns have been raised regarding the location of the building by the highways officer. Centralised in the village and served by narrow roads, concentrating movements in this area could be considered detrimental to highway safety in the vicinity and alternative locations should be considered. The supporting statement sets out other sites are not available, and this site has been considered the most suitable for the development. The comments also acknowledge that the associated traffic would likely be low key in nature. No formal objection on highway safety grounds has been raised (referencing paragraph 111 of the NPPF), and no further comments have been received following the re-consultation. In the absence of a formal objection from the statutory consultee Officers consider there would be insufficient grounds to refuse on highway grounds alone. The supporting statement sets out that by housing more equipment on site in the barn this should reduce vehicular movements bringing such equipment on and off the site to facilitate the orchard operation. On balance the proposals are considered to accord with Policies CT 5 and CT 6.

7. Conclusion and Recommendation

This application proposes the erection of an agricultural barn for an orchard on the associated land. Local policies and the NPPF support agricultural related development. The design and impact of the barn are considered acceptable and there are considered to be no adverse impacts arising from the proposal on amenity, landscape or ecology. The proposal is considered to be in accordance with Policies SS 1, SS 2, EN 2, EN 4, EN 8, EN 9, EN 13, CT 5 and CT 6 of the adopted North Norfolk Core Strategy.

RECOMMENDATION:

It is recommended that the application be APPROVED subject to the conditions listed below and any others considered necessary by the Assistance Director of Planning:

Suggested Conditions/Reasons:

1. The development hereby permitted shall begin no later than 3 years from the date of this decision.

Reason:

As required to be imposed by Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents, except as may be required by specific condition(s):

Proposed plans, drawing no. PL-A1-01 Rev. A

Reason:

For the avoidance of doubt

3. All construction activities should be excluded from the Root Protection Areas of boundary trees and hedges

Reason:

To protect boundary trees and hedges on the site in the interest of the visual amenity and the character and appearance of the area, in accordance with Policy EN 4 of the adopted North Norfolk Core Strategy.

4. Prior to the installation of any external lighting, details shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall thereafter be installed in accordance with the approved details.

Reason:

In the interests of the visual amenities/residential amenities of the area and in the interests of highway safety and convenience, and to avoid light pollution in accordance with Policy EN 13 of the adopted North Norfolk Core Strategy, as amplified by paragraph 3.3.70 of the explanatory text.

5. Within 6 months of the development hereby permitted, a scheme for hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority.

The proposals shall include plans at no less than 1:200 showing the following details:

SOFT LANDSCAPE

- a) existing trees, shrubs and hedgerows on the site, indicating those to be removed
- b) accurate plotting of those to be retained(including species and canopy spread), including measures for protection during the course of the development to BS5837:2012
- c) Details of all new planting including: species, location, number and size of new trees and shrubs
- d) Measures for protection of new planting

The scheme as approved shall be implemented during the next available planting season (Nov-March) following the commencement of development or such further period as the Local Planning Authority may allow in writing.

Reason: To protect and enhance the visual amenities of the area, in accordance with the requirements of Policy EN 4 of the adopted North Norfolk Core Strategy.

6. The landscaping works as approved under Condition 5 shall be carried out in accordance with the approved details, and implementation programme.

Reason:

To protect and enhance the visual amenities of the area, in accordance with the requirements of Policy EN 4 of the adopted North Norfolk Core Strategy.

7. Any new tree or shrub forming part of an approved landscape scheme which within a period of ten years from the date of planting dies, is removed or become seriously damaged or diseased, shall be replaced during the next planting season with another of a similar size and species to the Local Planning Authority's satisfaction, unless prior written approval is given to any variation.

Reason: To protect and enhance the visual amenities of the area, in accordance with the requirements of Policy EN 4 of the adopted North Norfolk Core Strategy.

8. The barn hereby permitted shall only be used in association with the land outlined in red on the site location plan for the storage of vehicles, machinery and produce (and associated paraphernalia) from the orchard.

Reason:

In accordance with Policy SS 2 of the adopted North Norfolk Core Strategy. The barn hereby permitted is in a location where development is restricted to certain uses including for agricultural purposes outlined in the aforementioned policy, and use of the barn for other purposes not related to agriculture would not be compatible with the permission.

Applicant Notes and Informatives:

- 1) The Local Planning Authority considers that it has worked positively and proactively with the applicant to address any arising issues in relation to determining this planning application, to secure a policy compliant proposal that has been determined in the wider public interest at the earliest reasonable opportunity, in accordance with the requirements of the National Planning Policy Framework (paragraph 38).

Final wording of conditions to be delegated to the Assistant Director – Planning.