

07/05/2002

Item 1.1

Reg. No. 9 2001 0328

Applicant:

Mr K N Holloway
Park Farm
Stretton En Le Field
Swadlincote
Derbyshire
DE12 8AB

Agent:

Mr K N Holloway
Park Farm
Stretton En Le Field
Swadlincote
Derbyshire
DE12 8AB

Proposal: Change of use of redundant farm buildings to
workshops/offices (B1 Use Class only) at Blakenhall Farm
Caldwell Swadlincote

Ward: Linton

Valid Date: 04/04/2001

Site Description

The site is located in the countryside outside the confines of any sustainable settlement..

The buildings, the subject of this application, form part of an agricultural holding. They are utilitarian structures but lie in proximity to other more traditional brick built buildings and close to the former farm house that is in the ownership of another party.

The Proposal

The applicants originally sought consent to convert the buildings for general industrial and storage uses. These are uses that lie within Classes B2 and B8 of the Use Classes Order. However, following negotiation on the application the applicants now seek consent to convert the buildings to uses within Class B1 (light industry) only. This use class allows uses of light industry that should not cause disturbance in either residential or rural areas.

In addition, the applicants do intend to form a driveway to serve the units for which consent is sought. However, they are prepared to forsake this if necessary

Applicants' supporting information

The applicants have made the following comments:

- (i) The proposed driveway around the buildings would improve life for the residents of Blakenhall Farmhouse,
- (ii) PPG 13 is not intended to resist all development in rural areas but to offer opportunities to work in rural areas and so reduce commuting,

- (iii) Currently, the machinery that accesses the farm buildings is very large and causes difficulties for the occupier of the former farmhouse. It is a danger to young children as visibility is not good. The new access would improve matters,
- (iv) Up to 150/200 vehicle movements will use the buildings at the present time during busy farming periods. The grain store alone takes 30 articulated lorry movements to fill,
- (v) The buildings would attract more use but specifying their hours of use could control their use. This would minimise disturbance,
- (vi) The use of the site for articulated lorry movements would cease and the use of the buildings in the early hours and late at night, when they are used for farming, would also cease,
- (vii) The drier that is used at Blakenhall Farm is noisy, dusty and smelly. This too would cease use if permission is granted,
- (viii) There is no intention to build further buildings to replace those for which consent is sought,
- (ix) Temporary permission for only twelve months would not be acceptable and a minimum period of two years is suggested if temporary consent is granted

A further letter of objection has been received from the original objector re-confirming the objection to the application due to the proximity of the buildings to the domestic environment and the fact that the converted buildings would share infrastructure with the objector's home.

In addition it is re-iterated that:

- (i) commercial activity compared to the sporadic agricultural use at the present would be a gross invasion of privacy and cause noise pollution and disturbance to this quiet environment
- (ii) the access is via a private property where three young children play, access is through the garden to the house and any use other than slow moving tractors on an occasional basis is unacceptable for both safety and security reasons
- (iii) the buildings are low quality, one being in a very poor state and it is unsafe
- (iv) the buildings have no services and any waste would be directed over agricultural land and any additional drainage would have an impact on the objectors home
- (v) the access from the main road is very dangerous and the private drive is narrow.

Planning History

9/2000/0628: Proposed change of use of buildings to workshop/store. Refused.

9/190/1100: Use of buildings for building fabrication, plant storage and offices. Refused.

Responses to consultation:

The highway authority has no objection to the proposal subject to improvements being made to the visibility splays onto Cauldwell Road. However, concerns are expressed that the proposal is not sustainable.

The Environment Agency objects to the proposal stating that the scale of the proposal is in excess of what would normally be serviced by a septic tank. The objection would be overcome if the applicants were to use a package treatment plant. Subject to that matter being overcome the Agency has no objection to the proposal subject to conditions.

The Environmental Health Officer has no objection subject to:

- (i) a temporary permission for 12 months being granted so that the use of the premises could be monitored,
- (ii) that the hours of operation being restricted to 8:00 a.m. to 5:00 p.m. on Monday to Friday only, and,
- (iii) that the buildings being sound insulated in accord with a scheme to be agreed.

Responses to Publicity

A letter of objection has been submitted from the only close neighbour to the property that makes the following points:

- (i) the proposal would destroy the rural essence of this attractive area,
- (ii) the proposal would be invasive,
- (iii) the application as submitted is a misrepresentation of the site,
- (iv) the plans are short sighted and environmentally insensitive,
- (v) access to the site is on a blind corner and dangerous to road users,
- (vi) the buildings are not redundant,
- (vii) there is no public transport to the site,
- (viii) there are a number of commercial complexes in the Burton and Swadlincote area,
- (ix) the proposal would destroy a beautiful area and damage the countryside,
- (x) the access travels through the objector's property which could be a threat to the applicant's children,
- (xi) the current civil rights allow the use of the site for agricultural purposes only (this is not material to the application),
- (xii) the noise would be unacceptable,
- (xiii) the drainage is inadequate,
- (xiv) the foundations of the buildings would be affected,
- (xv) the applicants' have misrepresented the actual situation on the ground in terms of the parking area and drainage, and,
- (xvi) more information is needed on the intended use, working hours and traffic flow.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: GDSP 1, GDSP 4 and Economy Policy 5

Local Plan: Employment Policy 4 and Environment Policy 1

Planning Considerations

The main issues central to the determination of this application are:

- The principle of the development,
- The affect of the development on the character and appearance of the area,
- The impact of the development on the amenities of the residential neighbours, and,
- Highway safety

Planning Assessment

The site is in the open countryside, where new development is strictly controlled. However, the planning policies of the Council do allow for the re-use of buildings for industrial purposes in the countryside. Therefore, on balance, the principle of this development is acceptable.

The applicants originally sought consent for general industrial uses. However, the application has now been modified to light industrial uses only. Such uses should be capable of being carried out in a rural location without detrimental impact on the character or amenity of an area.

A new drive was originally proposed for the site. However, it would have an impact on the visual amenity of the area and, in addition to the comments made below concerning temporary permissions, it is not necessary at the present time to require this until the impact of the use has been fully assessed. If after a temporary period it is still felt to be essential to enable the uses to carry on it could be re-considered at that time.

The comments of the Environmental Health Officer (EHO) are noted. A single residential unit does exist close to the site. However, the site could still be lawfully used for intensive agricultural operations which could have significant impact on the amenity of the occupier of the farmhouse. The proposed use should not have significant impact on the amenity of the occupier of the property. However, the movement of vehicles, notwithstanding the comments made concerning current levels of traffic, may impact on amenity and, therefore, the suggestion of a temporary permission would enable a cautious approach to be taken on this matter. This is recommended as are the other suggested conditions of the EHO.

The highway authority has no objection subject to improvements being made to the junction of the site with the main highway network. This would not be detrimental to the character of the area and could be carried out without significant investment. Subject to this the proposal is acceptable from a highway safety point of view.

The application has been re-advertised to accord with the negotiations that have taken place. The period for consultation goes two days beyond the committee date.

Recommendation

GRANT permission subject to the expiry of the consultation period and subject to no further comments being received, if further comments are received these are to be dealt with by the Head of Planning Services, and the following conditions:

1. This permission shall be for a limited period only, expiring on 31st May 2004 on or before which date the use shall be discontinued and the site reinstated to the satisfaction of the Local Planning Authority unless, prior to that date, an application has been made and permission has been granted for an extended period.

Reason: To enable the Local Planning Authority to retain control over the future use of the site in the interests of the amenity of the area.

2. Notwithstanding the originally submitted details, this permission shall relate to the revised description as set out in your letter of 28th March 2002.

Reason: For the avoidance of doubt, the original submission being considered unacceptable.

3. There shall be no goods or materials stored in the open within the site. All materials, plant and machinery shall be stored within the buildings that occupy the site.

Reason: In the interests of the amenity of the area.

4. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 (as amended) and Article 3 and Part 3 of the Town and Country Planning (General Permitted Development) Order 1995, this permission shall relate to the use of the premises for uses within Use Class B1 of the Town and Country Planning (Use Classes) Order 1987 as described in your application and for no other purpose.

Reason: In order that the Local Planning Authority may retain control over the future use of the premises and in the interests of the amenity of the area.

5. No machinery shall be operated, no process shall be carried out and no deliveries taken at or despatched from the site outside the following times nor at any time on Saturdays, Sundays, Bank or Public Holidays: 08:00 to 17:00 hrs.

Reason: To ensure that the use does not prejudice the enjoyment by neighbouring occupiers of their properties.

6. No work shall take place outside of the buildings.

Reason: In the interests of the amenity of the area.

7. Notwithstanding any details submitted, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority plans indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved details before the development is occupied or in accordance with a timetable which shall first have been agreed in writing with the Local Planning Authority.

Reason: In the interests of the appearance of the area.

8. Notwithstanding the originally submitted details the roadway shown on the originally submitted details shall not be constructed in any form.

Reason: In the interests of the appearance of the area.

9. Prior to the first use of the building shown on the submitted plan as an implement shed details of its full enclosure shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, prior to its first use the scheme of enclosure shall be implemented in full. It shall then be retained as agreed.

Reason: In the interests of the amenity of the area.

10. Prior to the development hereby approved commencing details of how the buildings are to be sound insulated shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the agreed scheme shall be fully implemented prior to the first use of the building to which it relates and be maintained as such thereafter.

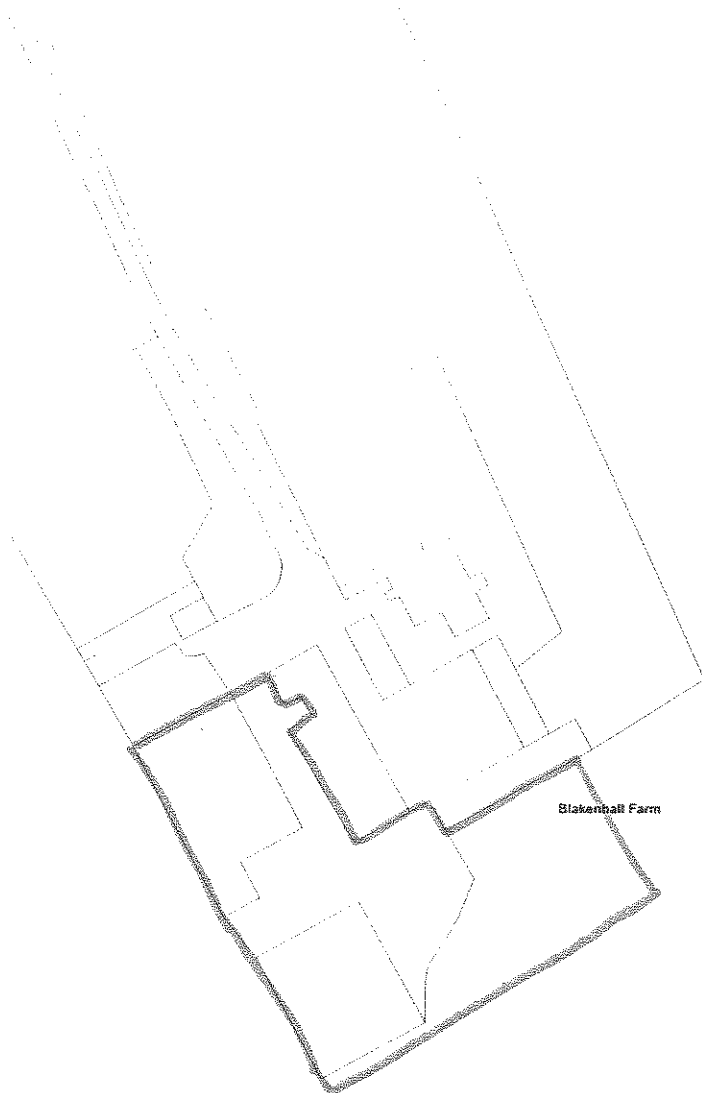
Reason: In the interests of the residential amenity of the area.

11. Prior to the first use of the premises hereby granted consent, a 4.5 m by 160 m visibility sightline shall be provided to the south east of the junction with the Cauldwell Road. The land in advance of the sightline shall then be maintained free of obstructions exceeding one metre in height relative to road level.

Reason: In the interests of highway safety.

12. In the first planting season following the formation of the visibility splay at the access, a new hedgerow including appropriate hedgerow trees shall be planted behind the visibility sightline required under Condition 11 in accordance with a planting and maintenance schedule which shall have received the prior written approval of the Local Planning Authority. The hedgerow shall be maintained in accordance with the approved maintenance schedule.

Reason: In the interest of the amenity and rural character of the area.



Blakenhall Farm



South Derbyshire
District Council
Civic Offices
Civic Way
Swadlincote
DE11 0AH

Blakenhall Farm
Caldwell

Date Plotted 17/5/2002

NORTH ↑

Plot centred at 425617 316514 Scale 1:1250

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07/05/2002

Item **2.5**

Reg. No. **9 2002 0292**

Applicant:

Mr D Castledine
Field House, Coton Park
Linton
Swadlincote
Derbyshire

Agent:

Mr D Castledine
Field House, Coton Park
Linton
Swadlincote
Derbyshire
DE12 6RF

Proposal:

**Outline Application (all matters to be reserved) for the
erection of five houses on land adjoining Field House Coton
Park Linton Swadlincote**

Ward:

Linton

Valid Date:

26/03/2002

Site Description

The site is vacant land adjoining the northern boundary of the settlement but outside the settlement confines as set out in the Local Plan.

Applicants' supporting information

None.

Planning History

The applicant's current dwelling on the adjoining land to the south was granted outline permission against officer recommendation in 1991.

Responses to Consultations

The County Highway Authority has no objection. The comments of the Director of Environmental Services at Derbyshire County Council are awaited. The Parish Council has not commented.

Responses to Publicity

None received.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 3 and Housing Policy 5.

Local Plan: Housing Policies 5, 6 and 8

Planning Policy Guidance Note 3.

Planning Considerations

The main issue central to the determination of this application is compliance with the development plan and national policy.

Planning Assessment


The development plan clearly shows the site outside of any settlement. As such it is a principle of the plan to protect the countryside from unwarranted intrusion. No case has been made that would enable this case to be considered an exception to those policies. In addition, more recently the Council has adopted an interim policy since the publishing of PPG 3 seeking to refuse permission for the residential development of land in unsustainable locations. Coton Park is not a settlement that is considered to be in a sustainable location. For these reasons the application is considered unacceptable.

Recommendation

REFUSE permission for the following reason:

1. In view of the location outside the built confines of the settlement, the proposal is in conflict with the approved Joint Structure Plan General Development Strategy Policy 3 and Housing Policy 5 and Housing Policy 5 of the Local Plan which seek to resist development in such locations. The development would result in a prominent intrusion into the countryside outside the confines of the settlement, not shown to be essential in the countryside, to the detriment of the rural character and appearance of the area.
2. The site is located in an area deemed to be unsustainable by the Council and therefore contrary to the advice set out in Planning Policy Guidance Note 3.



 <p>South Derbyshire District Council Civic Offices Civic Way Swadlincote DE11 0AH</p>		Date Plotted 17/5/2002	NORTH ↑
	<p>Land Adjoining Field House Coton Park Linton</p>	Plot centred at 426981 317858	Scale 1:1250
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