

Item No 06:-

21/00646/FUL

**Church Farm
Little Rissington
Cheltenham
Gloucestershire
GL54 2ND**

Item No 06:-

Erection of an agricultural livestock barn at Church Farm Little Rissington Cheltenham Gloucestershire GL54 2ND

Full Application 21/00646/FUL	
Applicant:	Mr & Mrs Firth
Agent:	Mr Duncan Macleod
Case Officer:	Amy Hill
Ward Member(s):	Councillor Andrew Maclean
Committee Date:	12th May 2021
RECOMMENDATION:	PERMIT

Main Issues:

- (a) Principle of Agricultural Development Outside a Development Boundary
- (b) Design and Impact on Cotswolds Area of Outstanding Natural Beauty (AONB)
- (c) Impact in Setting of Conservation Area
- (d) Impact on Residential Amenity
- (e) Highway Safety

Reasons for Referral:

Parish Council Objection received clearly contrary to the proposed recommendation that to Permit, which cannot be resolved by condition or negotiation regarding "impact on Conservation Area and note that the building is prominent in the AONB." The Planning Committee Review Panel concluded that they were not capable of resolution by negotiation of condition and therefore it is necessary to require determination by Planning Committee.

1. Site Description

The application site is located within an agricultural holding which covers an area of approximately 16 hectares. It is located around 280m to the north of Little Rissington Conservation Area within open fields. There are Public Rights Of Way (PROWs) to the south and west of the site (Little Rissington Footpath 4 and Little Rissington Brideway 3 respectively). The site is located within the Cotswolds Area of Outstanding Natural Beauty (AONB). The barn would be located approximately 200m from the farmhouse associated with the farming unit. Alongside the house are two agricultural buildings, which have been permitted to change use to residential.

2. Relevant Planning History:

19/00188/FUL: Conversion of barn to four dwellings and all associated works. Permitted May 2019

19/03319/FUL: Variation of Conditions 2 (drawing numbers), 6 (colour of window and doors), 11 (landscaping scheme), 14 (contamination), 15 (surface water drainage), 17 (biodiversity enhancement), 18 (passing bays/junction works), 19 (signage), 23 (external illumination) of planning permission 19/00188/FUL for the conversion of barn to four dwellings and all associated works. Permitted November 2019

19/03646/FUL: Conversion of barn to four dwellings and all associated works. Permitted March 2020

20/02390/FUL: Change of Use of Land to Keeping/Grazing of Horses and Erection of Stables Complex. Permitted September 2020

21/00258/FUL: Equestrian riding arena to include earthworks to level the site. Permitted March 2021

21/00558/AGFO: Agricultural Machinery Barn. Permitted March 2021

21/00559/AGFO: Hay barn. Permitted March 2021

3. Planning Policies:

TNPPF The National Planning Policy Framework

CDCLP CDC LOCAL PLAN 2011-2031

DS1 Development Strategy

EC1 Employment Development

EN1 Built, Natural & Historic Environment

EN2 Design of Built & Natural Environment

EN4 The Wider Natural & Historic Landscape

EN5 Cotswolds AONB

EN10 HE: Designated Heritage Assets

EN11 HE: DHA - Conservation Areas

INF4 Highway Safety

4. Observations of Consultees:

Environmental Health Officer - Air Quality: No objection

Environmental Health Officer - Noise: No objection

5. View of Town/Parish Council:

Little Rissington Parish Council: Concerns raised over impact on Conservation Area and note that the building is prominent in the AONB.

6. Other Representations:

1 letter of objection received raising concerns over the following:

- Impact on Conservation Area

- Over development

- Requirement of new buildings given allowance of conversion of existing buildings near the site to residential

- Location of building in the AONB
- Ancient ridge and furrow landscape

7. Applicant's Supporting Information:

Proposed Plans
Design and Access Statement

8. Officer's Assessment:

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise.' The starting point for the determination of this application is therefore the current development plan for the District which is the adopted Cotswold District Local Plan 2011 - 2031. The policies and guidance within the revised National Planning Policy Framework (NPPF) are also a material planning consideration.

The proposal is for an agricultural barn approximately 18.6m wide, by 13.4m deep (with an additional 1.5m overhang). It would have eaves and ridge heights of approximately 5.3m and 6.6m respectively. It would be constructed with Yorkshire Boarding and block walls, and the roof will consist of fibre cement panels with roof lights.

(a) Principle of Agricultural Development Outside a Development Boundary

Local Plan Policy EC1: EMPLOYMENT DEVELOPMENT supports development where it maintains and enhances the vitality of the rural economy. Due to the personal circumstances of the applicants and their family, Lower Marsh Farm, which previously formed the agricultural holding together with Church Farm, has been sold off. As such, the applicants no longer have access to the buildings at Church Farm to house their livestock. Given the above, the provision of the building would allow the continuation of the agricultural business, supporting the rural economy, thereby according with the requirements of Local Plan Policy EC1.

A Third Party concern has been raised about the existing permissions for the conversion of existing buildings associated with Church Farm to residential; however, as referenced above the circumstances for the applicants have changed since the previous permissions were granted. At the time of the previous applications it was accepted that the existing buildings were not required for agricultural use.

(b) Design and Impact on Cotswolds Area of Outstanding Natural Beauty (AONB)

The site is located within the Cotswolds AONB. Section 85 of the Countryside and Rights of Way (CROW) Act 2000 states that relevant authorities have a statutory duty to conserve and enhance the natural beauty of the AONB.

Local Plan Policy EN2 supports development which accords with the Cotswold Design Code and respects the character and distinctive appearance of the locality. Local Plan Policy EN4 supports development where it does not have a significant detrimental impact on the

natural and historic landscape (including the tranquillity of the countryside) of Cotswold District or neighbouring areas. Local Plan Policy EN5 relates specifically to the Cotswolds AONB, and states that in determining development proposals within the AONB, or its setting, the conservation and enhancement of the natural beauty of the landscape, its character and special qualities will be given great weight. These policies accord with the requirements of NPPF Section 15, which seeks to conserve and enhance the natural environment.

Section 12 of the NPPF requires good design, providing sustainable development and creating better place to live and work in. Paragraph 127 states decisions should ensure that development will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development. Development should be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, which are sympathetic to local character and history maintaining a strong sense of place.

The proposed building would be in the open countryside, but alongside an existing track and located a reasonable distance from the village. It would be visible within the landscape, but as an agricultural building serving an existing holding. It would form a courtyard with two recently allowed buildings. The Parish Council have noted that it is prominent within the Cotswolds AONB, and it would be near, and clearly visible from, a public footpath, as well as long distance view within the wider landscape.

A Third Party representation has also highlighted that the field has ridge and furrows. This is noted, however, the barns would result in only a modest section of the field being levelled, and the overall character and appearance of the field and the ridge and furrows landscape would remain. This aspect is therefore considered not to result in material harm to the character and appearance of the AONB.

Given the agricultural nature of the structures proposed and their use, and the farmed landscape which they would be within, the proposal is considered to have an acceptable impact on the character and appearance of the Cotswolds AONB. As such the proposal is considered to accord with Local Plan Policies EN2, EN4 and EN5, and Section 15 of the NPPF.

(c) Impact on setting of Little Rissington Conservation Area

Local Plan Policy EN10 requires consideration of proposals that affect a designated heritage asset and/or its setting with a greater weight given to more important assets. It supports proposals that sustain and enhance the character, appearance and significance of designated heritage assets and their setting, which put them in viable uses, consistent with their conservation.

Local Plan Policy EN11 seeks to preserve and, where appropriate, enhance the special character and appearance of conservation areas in terms of siting, scale, form, proportion, design, materials and the retention of positive features. This should include avoiding the loss of open spaces which make a valuable contribution to the character and/or appearance, and/or allow important views into or out of conservation areas.

The site is located approximately 280m to the north of the Little Rissington Conservation Area. Given the degree of separation and structures between the site and the village

(namely Church Farm and the neighbouring barns), the building would be have limited visual impact upon the setting of the Conservation Area. Additionally, it would be an agricultural building near a small rural village, which would be an anticipated feature in the surrounding rural landscape. As such, whilst concerns have been raised over the impact on the setting of the Conservation Area, it is considered that the impact would not be harmful. The proposal would therefore comply with Local Plan Policies EN10 and EN11.

(d) Impact on Residential Amenity

Local Plan Policy EN2 refers to The Design Code (Appendix D) which sets out policy with regard to residential amenity. This expects proposals to respect amenity in regards to garden space, privacy, daylight and overbearing effect. Section 12 of the NPPF requires good design with a high standard of amenity for existing and future users.

Local Plan Policy EN15 states development will be permitted if it will not result in unacceptable risk to public health or safety, the natural environment or the amenity of existing land uses through pollution of the air, land, surface water, or ground water sources and/or generation of noise or light levels, or other disturbance such as spillage, flicker, vibration, dust or smell.

Given the degree of separation between the site and any residential properties of approximately 170m to the barns to be converted and 360m to unrelated buildings, the impact with regard to loss of light or overbearing is considered to be unharmed. The building is proposed to be used to house livestock, as such a degree of noise and disturbance is a material consideration. Nevertheless, the separation between the building and any neighbouring properties, including the barns permitted to be converted, is sufficient that the residential amenity would not be harmed. The specialist Environmental Health Officers with responsibility for both noise and air quality have been consulted and raised no objections to the proposed barn, or its use.

It is noted that traffic movements may increase along the lane, due to the siting of the barns; however, the site is in a rural location, wherein traffic movements from tractors and similar are expected. As such, the noise generated from these is considered to be at an acceptable level.

The proposed development is considered to accord with the residential amenity considerations of Cotswold District Local Plan Policies EN2 and EN15, and Section 12 of the NPPF.

(e) Highways

Local Plan Policy INF4 relates to Highway Safety and seeks to avoid location where cumulative impact of congestion or other undesirable impact on the transport network is likely to remain severe following mitigation and having regard where appropriate, to the Manual for Gloucestershire Streets or any guidance produced by the Local Highway Authority that may supersede it.

Paragraph 108 of the NPPF requires that all development ensures safe and suitable access to the site can be achieved for all users. Paragraph 109 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 would be anticipated that traffic movements may increase to a modest and proportionate degree along the access lane as a result of the new barn. The site is, however, in a rural location, and farm traffic is common along such lanes, or within rural villages. As such, users of the lane, including walkers, should anticipate farm traffic may be using the tracks, and the presence of this should not result in an unacceptable impact on highway safety nor a severe impact on the road network. The proposal is therefore considered to comply with the aims of Local Plan Policy INF4 and Section 9 of the NPPF.

9. Conclusion:

The proposal is considered to accord with the above Local Plan Policies and material considerations, as such, it is recommended for permission.

10. Proposed conditions:

1. The development shall be started by 3 years from the date of this decision notice.

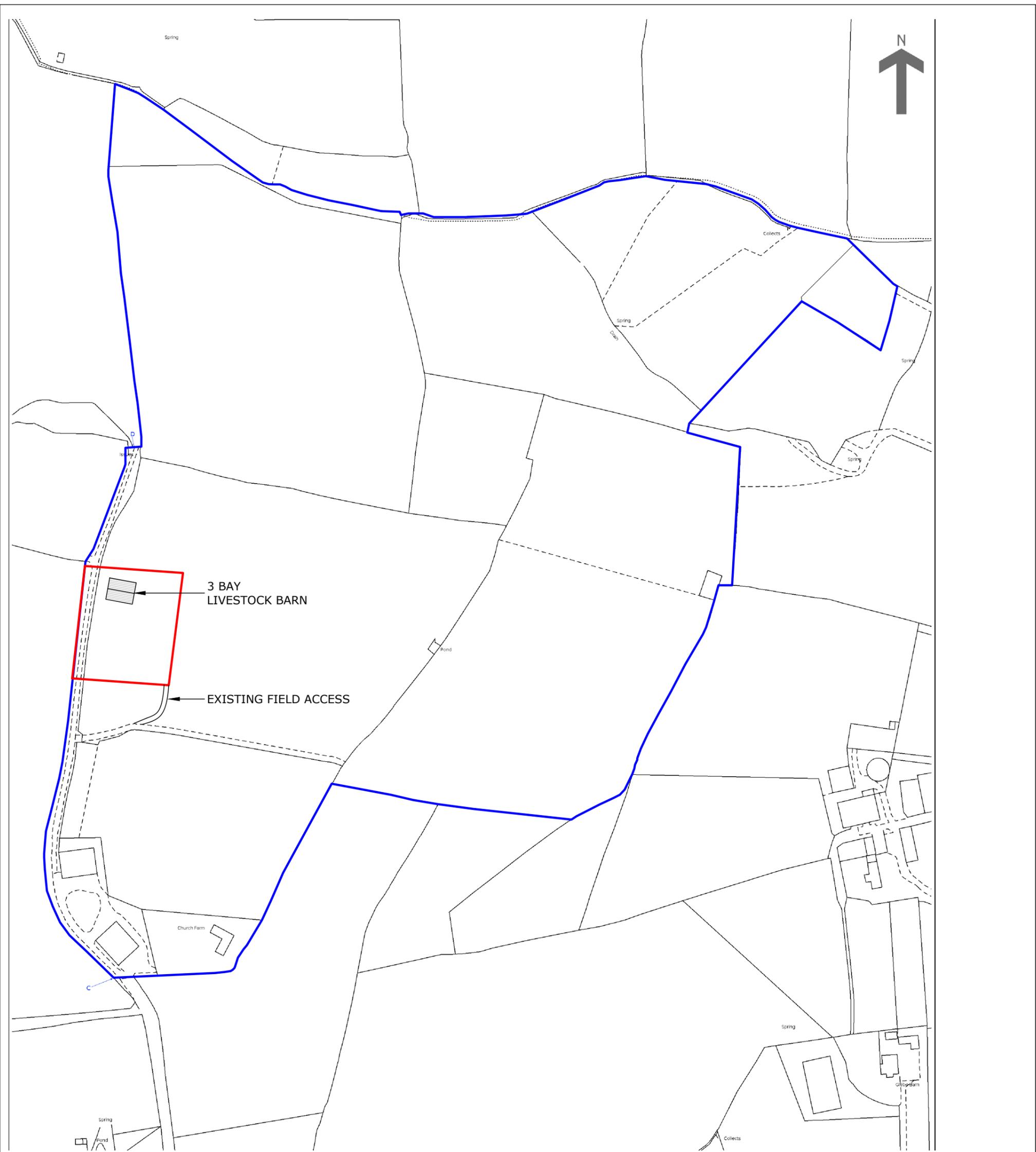
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the following drawing number(s): 16; 17 C; and 18 C.

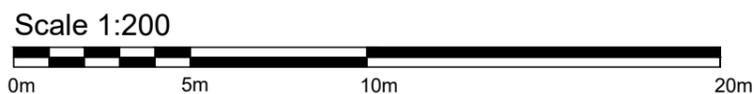
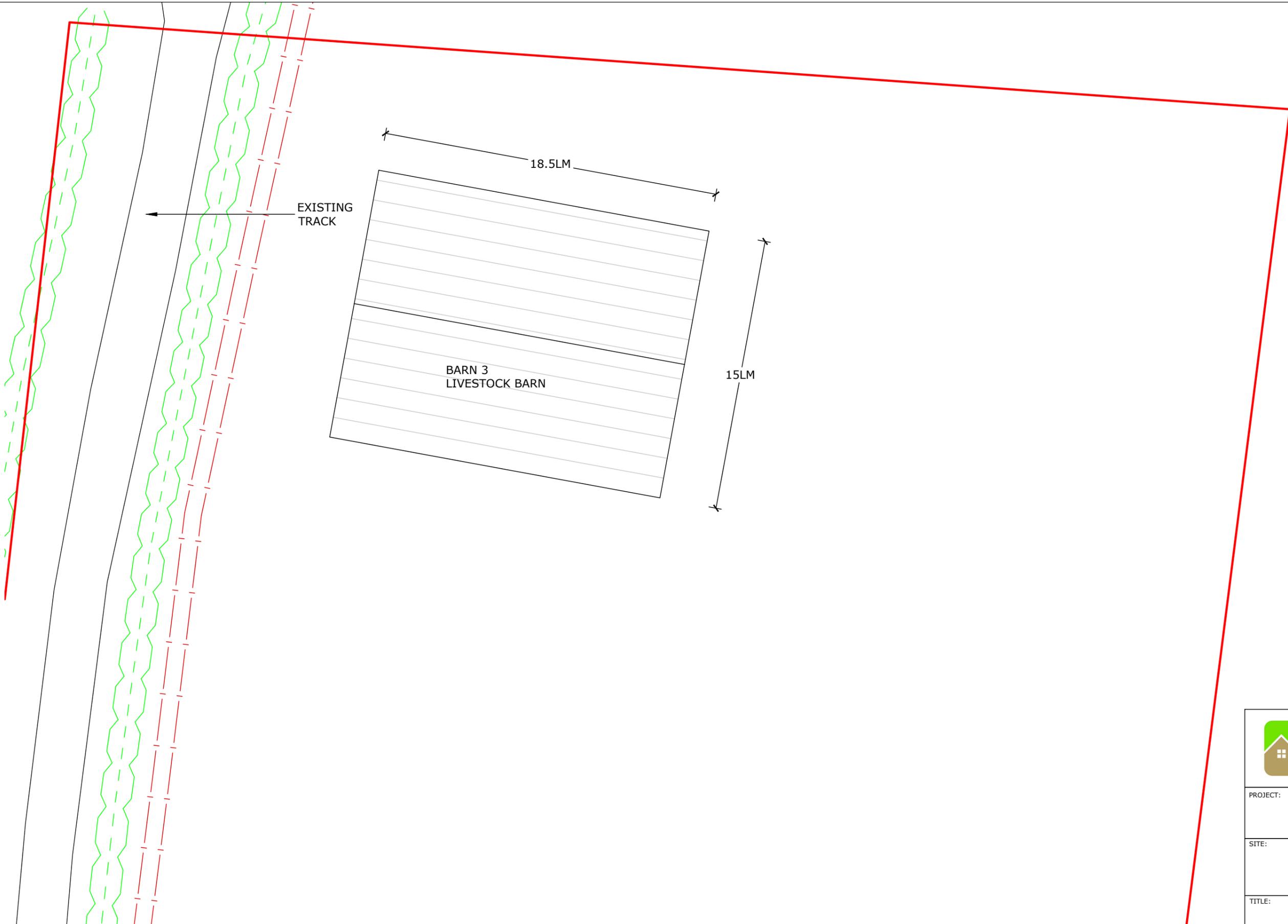
Reason: For purposes of clarity and for the avoidance of doubt, in accordance with the National Planning Policy Framework.

Informatives:

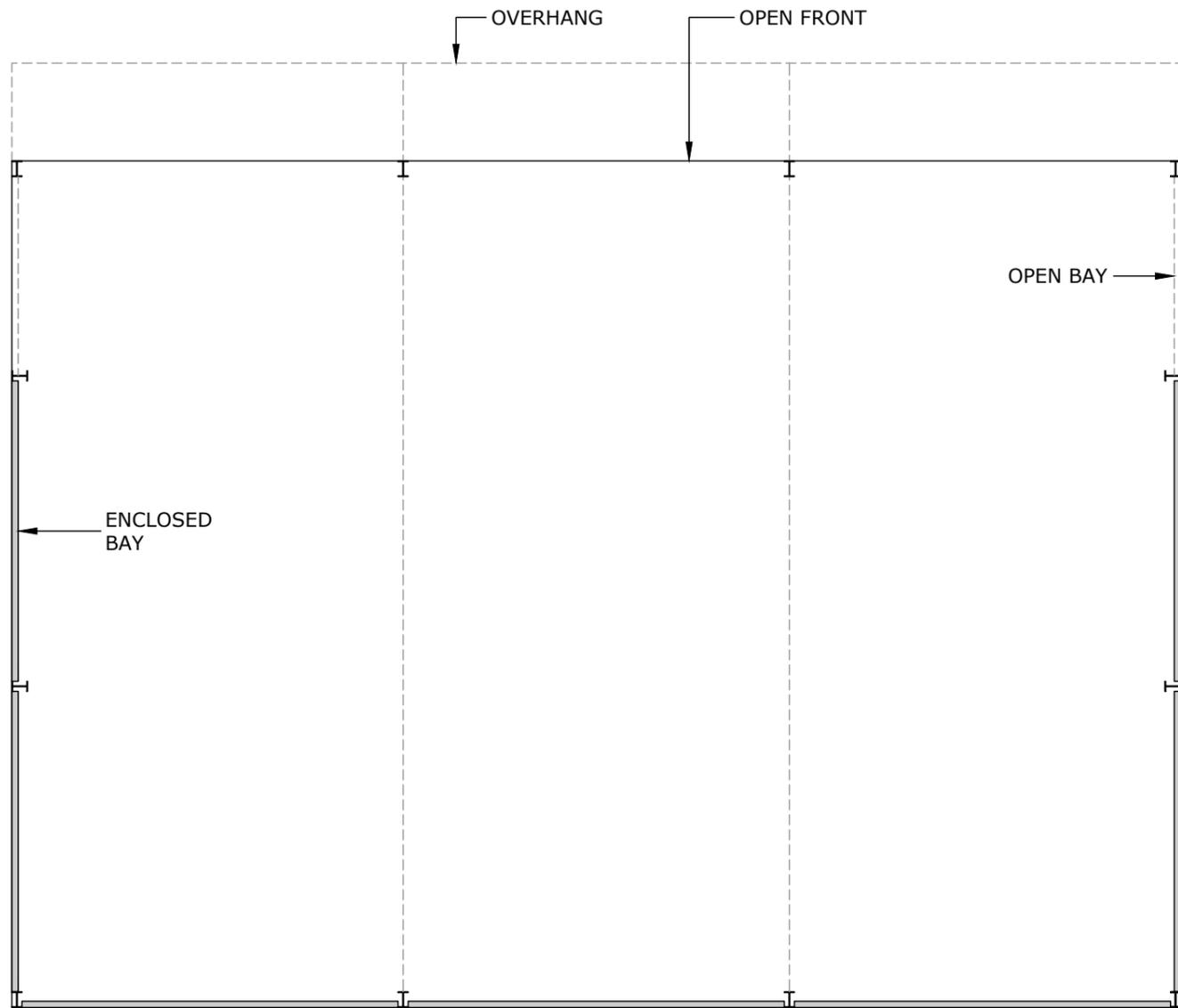
Please note that the proposed development set out in this application would be liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended), however, no CIL is payable as the Cotswold CIL Charging Schedule gives this type of development a zero rate. However, if the nature of the development were to change, you are advised to contact the Council to discuss the requirement for planning permission and CIL liability.



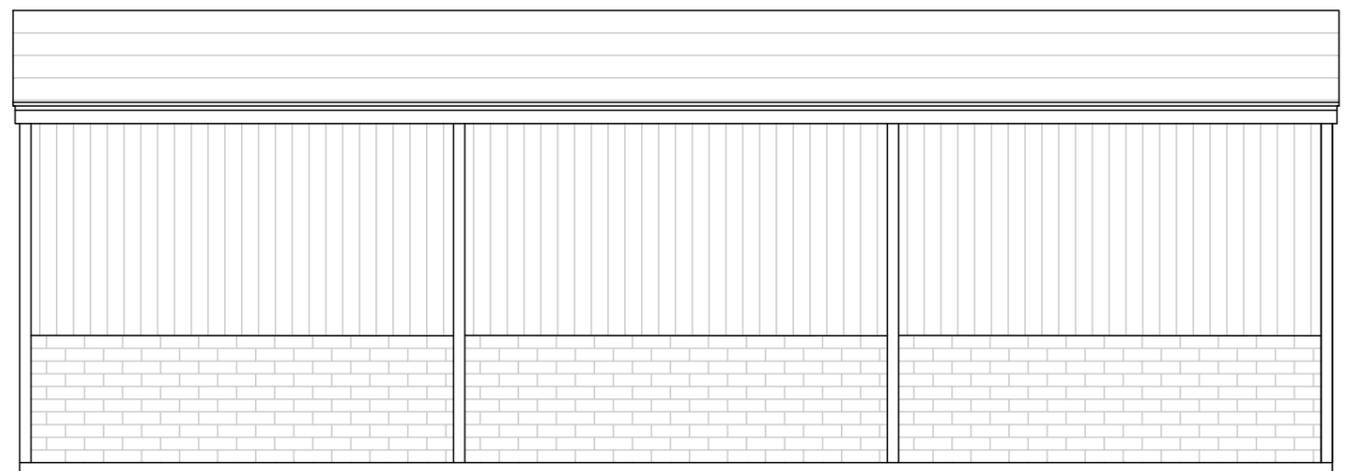
PROJECT: PROPOSED LIVESTOCK BARN		
SITE: CHURCH FARM		
TITLE: SITE LOCATION PLAN		
SCALE: 1:2500@A3	DATE: FEB 2021	DRAWN: GTCAD
PROJECT NO: CBC036	DRAWING NO: 18C	



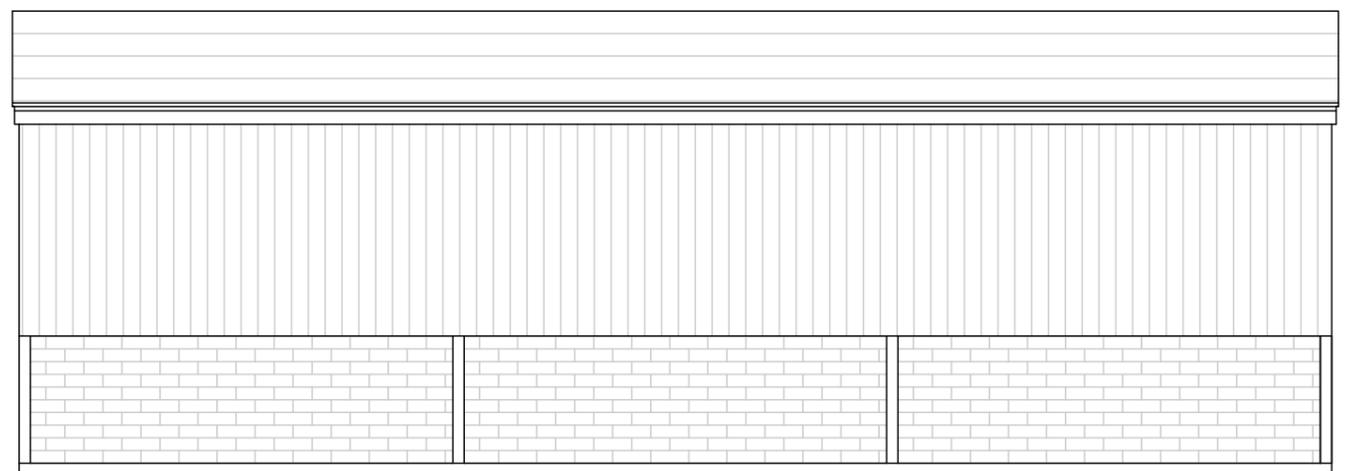
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SITE: CHURCH FARM		
TITLE: SITE PLAN		
SCALE: 1:200@A3	DATE: FEB 2021	DRAWN: GTCAD
PROJECT NO: CBC036	DRAWING NO: 17C	



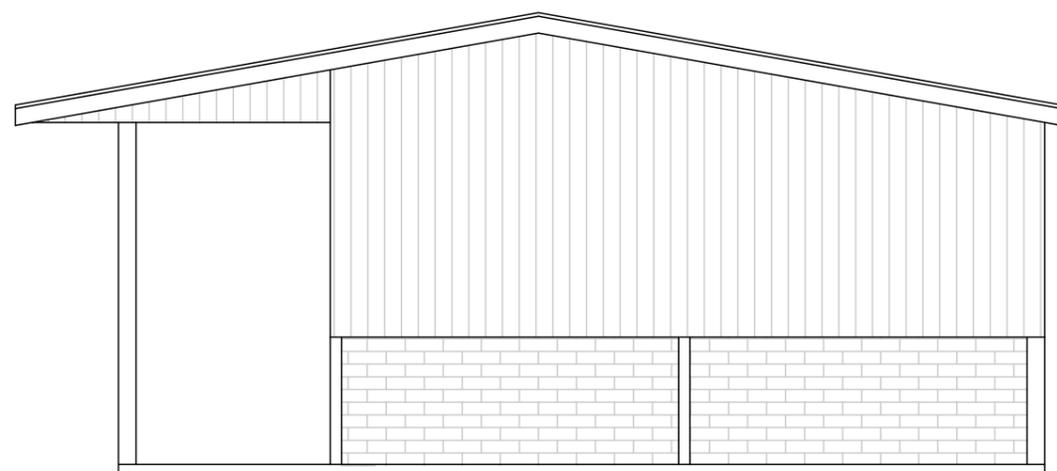
FLOOR PLAN



FRONT ELEVATION



REAR ELEVATION



SIDE ELEVATION

Scale 1:100



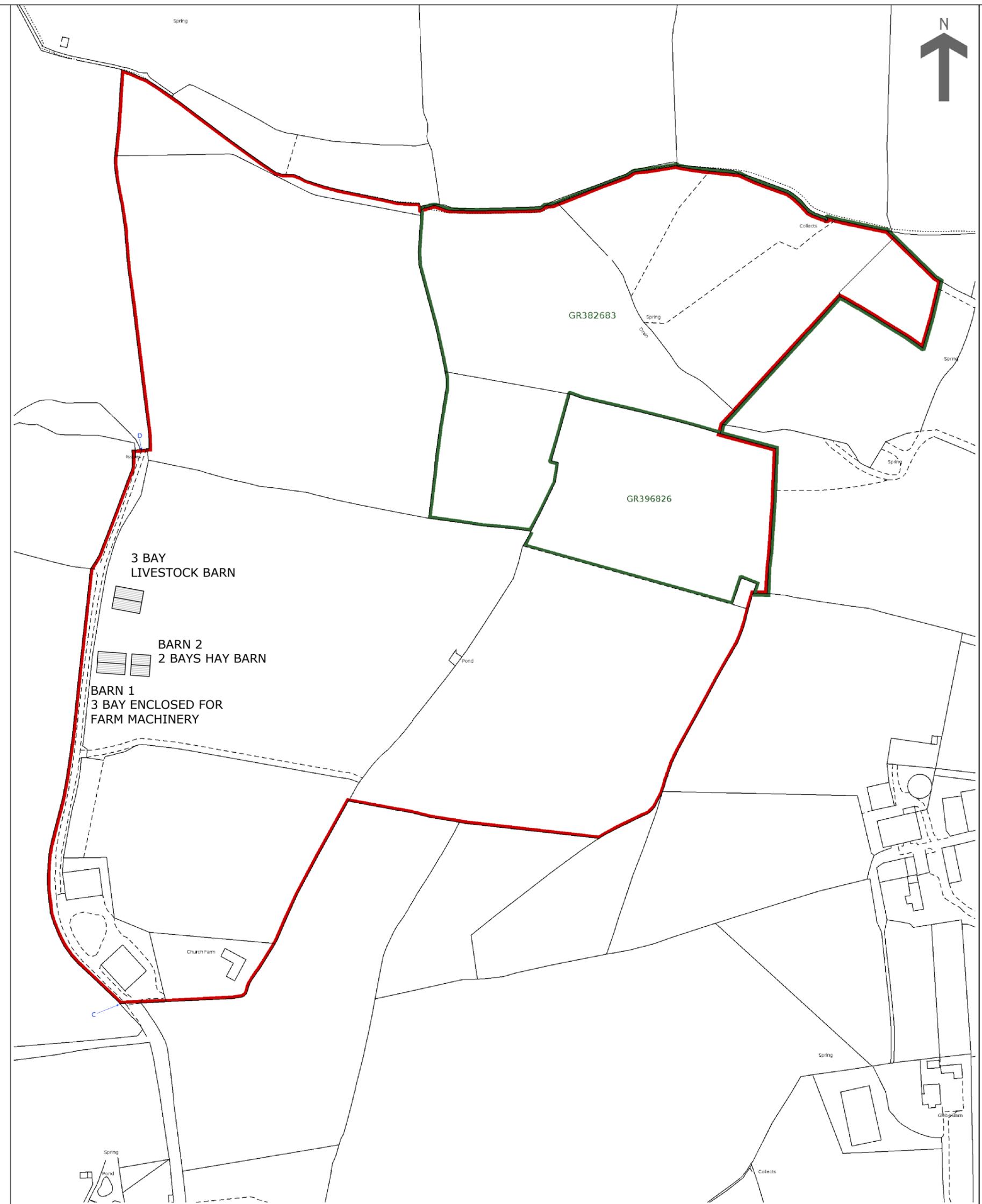
PROJECT: PROPOSED LIVESTOCK BARN

SITE: CHURCH FARM

TITLE: PROPOSED FLOOR PLAN & ELEVATIONS

SCALE: 1:100@A3 DATE: FEB 2021 DRAWN: GTCAD

PROJECT NO: CBC036 DRAWING NO: 16



3 BAY
LIVESTOCK BARN

BARN 2
2 BAYS HAY BARN

BARN 1
3 BAY ENCLOSED FOR
FARM MACHINERY

GR382683

GR396826

Church Farm

Scale 1:2500



PROJECT: PROPOSED BARNs		
SITE: CHURCH FARM		
TITLE: SITE LOCATION PLAN		
SCALE: 1:2500@A3	DATE: JAN 2021	DRAWN: GTCAD
PROJECT NO: CBC036	DRAWING NO: -	