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<b>APPLICATION NO.</b>	P08/E0413/RET
<b>APPLICATION TYPE</b>	Minor
<b>REGISTERED</b>	2 April 2008
<b>WARD MEMBER(S)</b>	Mr Nicholas Odd
<b>APPLICANT</b>	Mr G Cummins
<b>SITE</b>	Warren Hill Farm, Nuffield Lane, Benson, OX10 6QN
<b>PROPOSAL</b>	Agricultural building (retrospective)
<b>AMENDMENTS</b>	none
<b>GRID REFERENCE</b>	465880/187739
<b>OFFICER</b>	Miss Charlotte Crapper

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1.0 **INTRODUCTION**

- 1.1 This application has been submitted following an enforcement investigation (EE07/164) into the erection of an unauthorised building originally for a non agricultural purpose.
- 1.2 The application seeks to regularise this breach of planning control by seeking retrospective planning permission for agricultural purposes.
- 1.3 This matter has been referred to the planning committee as the officer recommendation differs from the views of the Parish Council.

2.0 **PROPOSAL**

- 2.1 Warren Hill Farm is situated within the Chilterns Hills Area of Outstanding Natural Beauty. Access to the farm is along Nuffield Lane which is a quiet, narrow lane typical of rural living with limited passing places.
- 2.2 The main farm complex is on Nuffield Hill with many of the main farming complex buildings sloping away from Nuffield Lane situated behind high deciduous hedgerows. These buildings cannot be viewed from the lane however the farm house is viewed on the approach to the adjacent farm entrance. **Attached** at appendix 1 is a location plan.
- 2.3 The proposal seeks retrospective planning permission for the retention of a building to store farming equipment and other associated tools. The plans for these can be found **attached** at appendix 2.
- 2.4 The site is located towards the south end of the site on a previously developed part of the farm yard given to the rearing of pigs. The old building has been removed. The new building consists of 1metre high brick work with the remaining walls clad in green painted corrugated iron. The floor plan shows the building to be 6.2metres wide by 13.8metres in length reaching a height of 3.9metres to ridge level with a floor space of 85.5 square metres.
- 2.5 This building subject of an earlier application P07/E1513/RET which sought the retention of a storage building for builder's equipment. This retrospective application for the erection of a building for a non agricultural purpose was considered contrary to policy and later withdrawn on instruction from the applicant.

### 3.0 **CONSULTATIONS & REPRESENTATIONS**

#### 3.1 **Nuffield Parish Council** – Approved

**Highways** – Has commented on the narrow lane access, low visibility bends and intermittent passing and verge damage however does not consider the application sustainable at appeal should it be refused on highways issues therefore no objection.

### 4.0 **RELEVANT PLANNING HISTORY**

4.1 Warren Hill Farm started its operational development in 1961 with various planning applications to erect buildings relating to its agricultural use. The following planning permissions were granted as the requirements of the farm increased:

- Planning permission (P61/H0776) was granted on 25 January 1962 for the construction of a crendon concrete portal frame Dutch Barn and Lean-to.
- A letter confirming Permitted Development (P68/H0171) was granted on 26 March 1968 for a general purpose building for agricultural use only.
- Planning permission (P72/H0165) was granted on 17 May 1972 for the erection of an R.C. portal framed building.

4.2 By 1994 the farming industry was in decline. Warren Hill Farm sought to diversify many of the vacant farm buildings from their previously agricultural use to storage purposes. This is highlighted by the following permissions seeking changes in use;

- Planning permission (P95/S0200) was granted on 9 June 1995 for the change of use from agricultural buildings to storage.
- Planning permission (P96/S0643) was granted on 3 August 2000 for the change of use from agricultural buildings to woodworking workshops. This was later withdrawn by the applicant on 03 August 2000.

4.3 As a result of the unauthorised change of use of other areas of land and building at Warren Hill Farm the following enforcement investigations were subsequently commenced:

- SE99/001 - Use of farm buildings for wood working and joinery. Planning permission permitted
- SE00/115 - Use of land for siting storage containers. Compliance
- EE05/035 - Breakers/shot blasting business and open storage - Investigation.
- EE06/152 - Unauthorised storage (clean machines) – Case Closed.
- EE06/153 - Erection of office building – Under investigation.
- EE07/164 - Unauthorised building which is the subject of the current application.

4.4 The following retrospective planning applications were submitted to the Council for determination as a result of the ongoing enforcement investigations:

- Retrospective Planning Permission (P99/S0396/RET) for the siting of storage containers in the farm yard was refused on 2 August 2000.

- Retrospective planning permission (P99/S0589/RET) was granted on 25 July 2000 for the change of use from agricultural buildings to wood workshops.
- Retrospective planning permission (P99/S0590/RET) was granted on 25 July 2000 for the change of use from agriculture to storage.
- Retrospective planning permission (P07/E1511/RET) for the change of use from agriculture to open storage. The application was later withdrawn by the applicant prior to determination on 10 March 2008.
- Planning permission (P07/E1512/RET) was granted on 17 March 2008 for the change of use from agricultural barn to open storage area for use by Clean machines.
- Retrospective planning permission (P07/E1268/RET) for the erection of an office building for business use by Castle House Joinery was refused on 20 March 2008.
- Retrospective planning permission (P07/E1513/RET) for the retention of the application building for general storage (Class B8) was submitted to the Council in order to regularise this breach in planning control. The applicant later withdrew the application prior to determination on 10 March 2008, following advice that the provision of a new building for non-agricultural purposes was contrary to policy and would be recommended for refusal.
- Retrospective planning permission (P07/E1514/RET) for the change of use from agricultural to storage was submitted to the Council. This application was withdrawn prior to determination on 03 March 2008 having received advice that the building was contrary to policy and was to be recommended for refusal.

## 5.0 **POLICY & GUIDANCE**

- 5.1 E3 – The rural areas
- E5 – Rural Areas
- E8 – Re-use of Rural buildings
- A3 – Diversify the Agricultural Industry
- C2 – Areas of Outstanding Natural Beauty
- G2 – Protection & Enhancement of the Environment
- G4 – Development in the Countryside and on the edge of settlements
- T2 – Transport requirements for new developments

## 6.0 **PLANNING CONSIDERATIONS**

- 6.1 The main considerations in this case are:
  - i) Whether there is an agricultural need for the new building
  - ii) Whether the proposed development is harmful to the beauty and distinctiveness of the Area of Outstanding Natural Beauty.
  - iii) Traffic and highways issues

### **Agricultural Need**

- 6.2 Warren Hill Farm has been the subject of many applications over recent years which have sought to change the nature of redundant farm buildings from agricultural to storage. A number of the buildings are now rented from the farmer to local businesses for non agricultural purposes; this can be observed from its planning history.

- 6.3 The new building for which this application relates to has been constructed on foundations which were previously pig units erected under agricultural permitted development rights in 1988. The use ceased in 1996 and the redundant buildings were later demolished.
- 6.4 The use of the land since this time has been for storage purposes of various items including the storage of a barge and in recent times a new building was erected upon the original foundations, which is the subject of the current application.
- 6.5 This building was originally constructed in 2007 for a non-agricultural purpose. In this regard an application for retrospective planning permission (P07/E1513/RET) was originally submitted in December 2007 for the retention of the application building for the purpose of general storage (initially for builder's materials). This application was subsequently withdrawn prior to determination after the applicant was advised that the erection of a new building on this site for non-agricultural purposes was contrary to policy and could not be supported.
- 6.6 In support of the current application the applicant has now stated that "this shed was erected last summer to accommodate a local builder". He continues that "due to the uncertainty that has been created he has now moved into another unit which has become vacant. Hence the application has now changed to agriculture".
- 6.7 It must be noted here that the builder has moved into a vacant building on the farm. Numerous former agricultural buildings in this farm complex have of recent times been approved for the use for non-agricultural purposes, as evidenced by the planning history. The most recent of these planning permissions was granted earlier this year. These permissions have been granted on the basis that these buildings were surplus to an agricultural need.
- 6.8 There is at least one other building on this land which is 'vacant' as noted from the applicant's statement which can be used for the storage of agricultural tools and equipment. The applicant has provided photographic evidence that it is to be used for the storage of a tractor and also submitted police advice from the internet identifying the need to lock up agricultural equipment. However as this other building seems to be vacant on site for this purpose the new building does not warrant an agricultural need in this location and is considered to be contrary to the intention of policies E3, E5, E8 & A3 of SOLP 2011.
- 6.9 Planning policies are generally supportive of farm diversification schemes particularly where older agricultural buildings are surplus to agricultural needs. These policies are not intended however to encourage a proliferation of new buildings in the countryside particularly where no agricultural need exists.
- Area of Outstanding Natural Beauty.**
- 6.10 The new building is located on the east of the farming complex. It can not be seen from the road approaching Warren Hill Farm however it can be viewed from other vantage points surrounding the farm.
- 6.11 The area is within the Chilterns Area of Outstanding Natural Beauty, policy C2 aims to conserve and enhance these areas with development not permitted which would affect the local distinctiveness and special landscape quality of the area.
- 6.12 In terms of the buildings materials and design it is in keeping with the surrounding buildings of the farming complex although not constructed of traditional materials. The new building is however located outside of the hub of the original farm complex

- and has been built to a greater height than the previous pig units. The development therefore encroaches into the surrounding countryside which is within the AONB and therefore has a detrimental impact upon the surrounding countryside and is not in accordance with policies G2, G4 & C2 of SOLP.
- 6.13

**Traffic and highways issues**

- 6.14 The Highways Authority have advised that the lane on the approach to Warren Hill Farm has suffered from verge damage and has limited passing places which would decrease the ability to easily pass for larger vans and delivery vehicles using the farm for industrial purposes. However this is considered not to have a detrimental impact upon the lane itself or to the surrounding residents therefore highways issues are in accordance with policy.

**7.0 CONCLUSION**

- 7.1 Warren Hill Farm has sought to change the use of many of its original farm buildings to non-agricultural industrial and storage purposes for use by local businesses. Support for this diversification has been largely based upon an understanding that these buildings were surplus to the agricultural needs of Warren Hill Farm.
- 7.2 The need for another building within the countryside detracts from the special landscape quality and local distinctiveness of the surrounding Chilterns Area of Outstanding Natural Beauty. This building could in future become the subject of a change of use application in a similar manner to other buildings within the complex. This in turn could lead to the proliferation of other buildings in the countryside and Area of Outstanding Natural Beauty where no agricultural need exists contrary to policy.
- 7.3 The retention of the application building is not essential to the operational needs of Warren Hill Farm and is therefore contrary to policies G2, C2, E3, E5, E8 & A3 of South Oxfordshire Local Plan 2011.

**8.0 RECOMMENDATION**

**8.1 Refuse Planning Permission**

1. **That the development would constitute an undesirable intensification of isolated and sporadic development unrelated to the existing farming complex or to the need of the locality in that insufficient justification exists to warrant any departure from the general planning policies of the Local Planning Authority. The proposal is therefore contrary to the intention of policies G2, C2, E3, E5, E8 and A3 of the South Oxfordshire Local Plan 2011.**
2. **That the development proposed would constitute an undesirable intrusion into an isolated rural locality to the detriment of character and visual amenity of the Chilterns Area of Outstanding Natural Beauty contrary to policy C2 of the South Oxfordshire Local Plan 2011.**

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