
APPLICATION NO.	P10/W0255/RET
APPLICATION TYPE	Full retrospective
REGISTERED	8 March 2010
PARISH	Great Milton
WARD MEMBER(S)	Mr John Nowell-Smith
APPLICANT	Mr C Peers
SITE	Views Farm, Windmill Hill, Great Milton, OX44 7NW
PROPOSAL	Change of use of land and building to use for storage, manufacture and ancillary sale of stone products.
AMENDMENTS	Nil
GRID REFERENCE	462125/202458
OFFICER	Rob Cramp

1.0 INTRODUCTION

- 1.1 The application seeks retrospective planning permission for the change of use of an agricultural building and land at Views Farm, Great Milton, to use for the storage, manufacture and ancillary sale of stone products.
- 1.2 This application has been submitted following the refusal of a previous application (P09/W1156/RET) and the authorisation of enforcement action (WE09/065) to require outside storage activities to cease, although an enforcement notice has not yet been issued.
- 1.3 The application was initially referred to the meeting of the planning committee on 14 July 2010 at the request of the ward member, Mr Nowell-Smith. The planning committee on that occasion deferred consideration of the application to allow for the submission of additional information regarding the economic impacts of the development and to allow councillors to undertake a site visit.
- 1.4 Additional information regarding economic impacts in the form of a letter dated 4 August 2010 from the applicant's agent is **attached** at Appendix 2 to this report. A site visit by committee members was scheduled to take place on 20 September 2010.

2.0 PROPOSAL

- 2.1 The application site forms part of a complex of former agricultural buildings at Views Farm, Windmill Hill approximately 0.5km west of Great Milton in the open countryside of the Oxford Green Belt. The farm complex comprises two yards situated on either side of the unnamed road which bisects the farm holding and which connects the A329 in the southeast and Sworford Lane in the northwest. The application site comprises a portal framed building having a floor area of approximately 500 sqm and an open yard area of approximately 4000 sqm on the eastern side of the road. See the **attached** site location plan at Appendix 1.
- 2.2 The open yard is used extensively for the storage of various stone goods and products including aggregates, pebbles, paving stones, cobbles, walling stone, and larger quarried stone from which other products are manufactured on the site. The various products are stored on or in pallets, crates, bags, mounds or just freestanding to a maximum height of approximately 3 metres. The building contains an office/showroom

and an industrial workspace containing various stone cutting machines including a high-tech robotic cutter. There is also an outside display area adjacent to the entrance to the building. Products manufactured within the building include statues, fireplace surrounds, worktops, fonts and other architectural features.

- 2.3 The applicant estimates that 80% of sales are to trade customers and 20% to members of the public. The business employs 13 full-time and 2 part-time staff. Average vehicle trips generated by the use (according to information supplied with the previous application) are:

HGV deliveries to the site 3 per week
Customer visits by car 4/5 per day
Staff movements by car 6-10 per day
Dispatch by Stoneworld 2/3 per day
Dispatch by courier 2/3 per day

- 2.4 The applicant indicates that the overall amount of traffic generated by the proposed use is comparable to a straw treatment/ silage contracting / agricultural haulage business, which allegedly operated from the site previously. The applicant is also of the opinion that the open storage of stone products is visually comparable to the previous use of the yard for the storage of straw, agricultural lime, gravel and road stone in connection with these previous contracting activities. The council however has no record of these previous alleged uses and aerial photographs otherwise suggest a significant intensification of open storage activities since the date of first occupation of the site by Stoneworld in May 2001.

3.0 CONSULTATIONS & REPRESENTATIONS

- 3.1 Great Milton Parish Council Recommends **approval** on the basis that the existing use of the site has been without incident or complaint.
- 3.2 Environmental Health **No objection** subject to conditions to require: 1) noise levels from machines, measured in accordance with BS4142 (1997), not to exceed background noise levels at the boundary; and 2) external lighting to be permitted only in accordance with a lighting scheme to be approved in writing by the local planning authority.
- 3.3 Economic Development To date there haven't been any objections to this business trading. Furthermore, they employ 13 people full-time and 2 part-time and these are primarily local residents. Therefore the council's corporate priority of supporting economic growth and the strategic objective of promoting business growth and creation of new jobs needs to be considered. This is clearly a diversification of farm activity due to the declining nature of agriculture and therefore the changing economics of farming need to be borne in mind. This is important because:
- it is a key priority of the South and Vale LEADER programme, which reflects not only local but also regional and national priorities. The local partnership has already granted support to a number of farm diversification projects. Please note that South Oxfordshire District Council is the accountable body for this programme;
 - it also reflects one of the objectives of the council's economic development framework to 'encourage diversification of the economy and strengthen the industry mix of the local economy'.

The council's economic development framework also puts much emphasis on the need to encourage the creation of local employment opportunities to provide more local job opportunities for local residents in order to overcome high levels of commuting in the district and the associated leakage of spend. Stoneworld is clearly contributing to this particular objective.

This project also contributes to delivering another corporate priority: to support thriving market towns. The economic development team is working very hard to ensure that Thame retains as many independents shops as possible and continues to offer a varied offer, which are key to its continued vitality. Therefore, we welcome Stoneworld opening a retail space in the town and we are concerned that this shop would close in the event that the business was unable to relocate locally.

Finally, I was delighted to read that Stoneworld is anticipating increasing the number of its employees, at a time of recession and where much emphasis is being put on the need for the private sector to drive the recovery.

For all these reasons, we would recommend that Stoneworld is allowed to continue to use the outdoor storage area in order not to compromise the current viability of the business and enable it to achieve its forecasted levels of growth.

- 3.4 Highway Authority
- The site is unsustainable in terms of transportation and would be reliant on the private car as a means of transport. However, it is an existing site and the proposal does not appear to intensify vehicular movements significantly. Therefore **no objection** subject to:
- vehicle movements not to exceed those indicated;
 - any permission to be personalised;
 - access to be brought up to OCC adopted standards
 - provision of vision splays.

4.0 RELEVANT PLANNING HISTORY

- 4.1 The application site forms part of a complex of buildings with a long history of agricultural use.
- 4.2 In the 1980's the farm buildings on the western side of the road were granted planning permission for self-catering holiday units (P86/N0772 and P88/N0187). In the 1990s the yard on the eastern side of the road was improved by the erection and/or extension of various agricultural buildings (P94/N0157/AG, P94/N0450 and P95/N0466).
- 4.3 In 2002 the council commenced two enforcement investigations into the unauthorised use of the agricultural yard on the eastern side of the road for 1) sale of stone (NE02/118); and storage of marquees (NE02/123).
- 4.4 On 18 July 2005 the council granted a lawful development certificate (P04/W0295/LD) for the use of part of the open yard on the eastern side of the road for the storage of mobile venue structures (tents) and equipment. This land just to the south of the application site is still used for this purpose.

- 4.5 In 2004 a planning application (P04/W0297/RET) was submitted and then withdrawn prior to determination for the change of use of an agricultural building and yard area to mixed agriculture, builder's yard and storage and sale of stone products.
- 4.6 In 2009 a fresh enforcement investigation (WE09/065) was commenced into the storage and sale of stone materials. This represented a continuation of the previous investigation in connection with file NE02/118, which had been mislaid.
- 4.7 On 11 January 2010 the council refused a planning application (P09/W1156/RET) for the change of use of land and buildings to use for storage, manufacture and ancillary sale of stone products. The application was refused on the basis that the open storage activities were contrary to the character and appearance of the countryside; and contrary to the open nature, rural character and visual amenity of the Green Belt. Authorisation was also obtained at the time of refusing the above application for enforcement action to require the open storage activities to cease (WE09/065). The matter has been referred to the council's solicitors for action, but an enforcement notice has not yet been issued.

5.0 **POLICY GUIDANCE**

- 5.1 South Oxfordshire Local Plan (SOLP) 2011 policies: G2, G3, G4, GB4, EP1, EP2, E3, E4, E5, E8 and T10.

- 5.2 Government Guidance:
PPG2 – Green Belt
PPG18 – Enforcing Planning Control
PPG24 – Planning and Noise
PPS1 – Delivering Sustainable Development
PPS4 – Planning for Sustainable Growth
PPS7 – Sustainable Development in Rural Areas

6.0 **PLANNING CONSIDERATIONS**

- 6.1 The current application differs from the previously refused application only by a relatively minor reduction in the area proposed for the open storage of stone products. In reality a significant portion of this area is actually used for the on-ground display of paving products, rather than storage. The change to the current application does not therefore materially change the way in which the business has previously operated from this area. The extent to which the current proposal results in an actual reduction in open storage activities does not differ significantly or materially from the previously refused proposal.
- 6.2 The main issues to be considered in the assessment of the current application are therefore generally the same as those considered in connection with the previously refused application, namely:
- the countryside;
 - the Green Belt;
 - neighbour amenity;
 - highway safety and convenience;
 - policies related to employment and sustainable economic growth; and
 - other considerations.

Countryside

- 6.3 Policy G2 seeks to protect the district's countryside from adverse development and policy G4 seeks to protect the countryside for its own sake. Policy E5 states that proposals for business, industry and storage will not be permitted which conflict with

policies to protect the countryside. Policy A3 is generally supportive of proposals to diversify agricultural industry provided that the use is compatible with a countryside location and in the case of enterprises not connected to the farm should be confined to the re-use of existing buildings. This reflects the government's objective, as stated in PPS4 (Planning for Sustainable Economic Growth), to promote sustainable economic growth "*whilst continuing to protect the open countryside for the benefit of all*". It is also consistent with a key principle of PPS7 (Sustainable Development in Rural Areas) that "*...All development in rural areas should be...in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness*".

6.4 With specific reference to economic development in rural areas Policy EC6 of PPS4 also states that local planning authorities should:

- ensure that the countryside is protected for the sake of its intrinsic character and beauty, the diversity of its landscapes...and to ensure that it may be enjoyed by all (EC6.1);
- strictly control economic development in open countryside away from existing settlements (EC6.2a);
- support the conversion and re-use of appropriately located and suitably constructed existing buildings in the countryside for economic development (EC6.2c);
- support diversification for business purposes that are consistent in their scale and environmental impact with their rural location (EC6.2f).

PPS4 emphasises the re-use of existing buildings when planning for sustainable economic development in rural areas. This same emphasis is also carried forward in policies E2, E8 and A3 of the SOLP 2011.

6.5 The use of open yard areas for the extensive storage of stone and stone products, is not of a rural character or agricultural nature. The use of the site has a distinctly industrial appearance, which is not in keeping with the character of the area and has an urbanising impact upon both the site and its surroundings. The change to the character of the site following the commencement of the use in May 2001 is clearly reflected in the aerial photographs taken before and after that time. (These photographs will be displayed at the Committee meeting.)

6.6 The development is therefore contrary to policies G2, G4, E5 and A3 of the SOLP 2011; and contrary to Government guidance contained in PPS4 and PPS7.

Green Belt

6.7 The application site is situated within the Oxford Green Belt where there is a general presumption against inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and it remains for the applicant to demonstrate why permission should be granted on the basis of very special circumstances.

6.8 Paragraph 3.12 of PPG2 provides that the making of a material change in the use of land within the Green Belt is inappropriate unless 1) the openness of the Green Belt is maintained; and 2) there is no conflict with the purposes of including land within the Green Belt. Where development is permitted within the Green Belt then policy GB4 of the SOLP 2011 provides that it should be sited in such a way that its impact on the open nature, rural character and visual amenity of the Green Belt is minimised. Policy E5 states that proposals for business, industry and storage will not be permitted which conflict with policies to protect the Green Belt. Policy E8 is generally supportive of the

re-use and adaptation of redundant rural buildings for non-agricultural purposes. However, paragraph 6.33 of the SOLP 2011 indicates that outside storage activities associated with such uses will not normally be permitted, particularly in Green Belt areas.

- 6.9 With regard to the impact of the development on the openness of the Green Belt, paragraph 3.7 of PPG2 indicates that the reuse of buildings should not prejudice the openness of the Green Belt, since the buildings are already there. In this case, however, the extensive use of the open yard areas surrounding the building for the storage of stone and stone products has a considerable impact on the openness of the Green Belt, with the extent of storage activities significantly exceeding the area covered by the associated building.
- 6.10 The applicant's agent has suggested that the use does not have a materially greater impact on the openness of the Green Belt than the storage activities previously undertaken on the site. A comparison of aerial photographs taken before and after the date when the current use first occupied the site (May 2001) would suggest, however, that the current use represents a far more intensive and extensive use of the yard; and that the application use has had a significant impact on the openness of the Green Belt. No doubt the previous agricultural storage activities were also subject to seasonal fluctuations, which are not reflected in the storage activities of the current use, which remain a permanent feature of the site.
- 6.11 Among those purposes for including land within the Green Belt, referred to in paragraph 1.5 of PPG2, is the following: "to assist in safeguarding the countryside from encroachment". In this case, the proposed development represents the encroachment of open storage activities of an industrial character into a rural setting which is contrary to the open nature, rural character and visual amenity of the Green Belt. The development is therefore contrary to PPG2 and policies GB4 and E5 of the SOLP 2011. This constitutes inappropriate development in the Green Belt which the applicant has not sought to justify on the basis of 'very special circumstances'.
- 6.12 Furthermore the open storage activities of the development by reason of their scale, nature and location constitute a departure from the Green Belt policies of the development plan. Under the provisions of the Town and Country Planning (Consultation) (England) Direction 2009, if the planning committee is of a mind to approve the application then the Secretary of State must first be consulted. Among other things, the local planning authority is required to provide the Secretary of State with a statement of the material considerations which the authority consider are justification for the a grant of planning permission contrary to the development plan. The Secretary of State has 21 days in which to call the application in, failing which the local planning authority may proceed to determine the application.
- Neighbour Amenity**
- 6.13 No letters of objection have been received from the occupiers of any nearby residential property. The application is, however, supported by the Parish Council on the basis that the existing use has been without incident or complaint.
- 6.14 A site visit was undertaken at a time when stone cutting machinery was in operation within the building. The machine was not audible outside of the building. Although this represented just one of four cutting machines on the site, there is no evidence in the council's records of any complaints having been received regarding noise or any other polluting emission from the current use, which according to the operator has been on the site since May 2001.

- 6.15 The council's environmental health officer has raised no objection to the proposed development subject to the imposition of appropriate conditions.
- 6.16 The proposed development is considered capable of operating from the building without adversely impacting upon the amenity of the occupiers of nearby residential properties from noise or vibration.

Highway safety

- 6.17 Policy T10 of the SOLP 2011 provides that development will not be permitted, which would adversely increase the number of lorries on unsuitable roads or where there may be serious and adverse effects on the environmental quality of the rural areas, towns and villages within the district.
- 6.18 Although the application site is not a sustainable location, officers acknowledge that it does have good access via the A329 to the M40 for delivery and distribution purposes. Provided that the drivers of delivery vehicles continue to access the site via the A329, in a way that avoids the villages of Great Milton and Wheatley, the development should not seriously or adversely affect the environmental quality of the surrounding rural areas or villages.
- 6.19 The Highway Authority has raised no objection to the proposed development on highway safety grounds subject to the imposition of conditions.

Employment and Sustainable Economic Growth

- 6.20 According to PPS4 (Planning for Sustainable Growth), the Government's overarching objective is sustainable economic growth. To this end the PPS requires that social, economic and employment impacts of the development on the local area be considered when assessing proposals for economic development in rural areas. In this regard the proposed use constitutes a viable business which provides employment for 13 full-time and 2 part-time employees, all of whom reside within 15 miles of the site, according to the applicant. The development therefore contributes to the local economy and to local employment opportunities. The applicant has provided a statement of the social, employment and economic benefits of the development, including the consequences of the council pursuing enforcement action, which is **attached** at Appendix 2. The Economic Development Team has also provided comments at paragraph 3.3 in support of the application.
- 6.21 The achievement of economic development in rural areas, however, is not without limits. In this regard PPS4 further provides that the achievement of this objective needs to be balanced against the achievement of other relevant planning objectives including the protection of the countryside for the benefit of all. PPS4 emphasises the re-use of existing buildings when planning for sustainable economic development in rural areas.
- 6.22 The same balanced approach to economic development in rural areas is also reflected in the relevant policies of the SOLP 2011. In this regard policy E5 provides that proposals for employment-generating development and for business, industry and storage will not be permitted where these conflict with policies in the plan to protect the Green Belt and the countryside. Policy A3 similarly provides that proposals to diversify the agricultural industry should be compatible with the countryside and that the land is kept predominantly open. Policies E3, E8 and A3 of the SOLP 2011 are also reflective of PPS4 in emphasising the reuse of existing buildings when planning for sustainable economic development in rural areas.
- 6.23 In your officers opinion proposed development, particularly in relation to open storage activities, does not strike an appropriate balance between economic development and

the protection of the countryside and the Green Belt. The development does not therefore accord with the requirements of PPS4 or policies E5 and A3 of the SOLP 2011.

Other Considerations

- 6.24 The applicant makes reference to the existing use of that part of the yard area, which adjoins the application site to the south, for the open storage of mobile venue structures (marquees/tents) as justification for the open storage of stone products to a height of 3.0m.
- 6.25 Like the application use, the marquee storage business was established without the benefit of planning permission and is also contrary to those policies aimed at protecting the countryside and the openness and character of the Green Belt. Unlike the application use, however, the marquee business has been present on the site for more than 10 years and is therefore now immune from enforcement action under section 171B of the Town and Country Planning Act. A certificate of lawfulness (P04/W00295) was issued in 2004 in recognition of this fact.
- 6.26 The marquee business therefore enjoys lawful status, not on the basis of its planning merit but on the basis of its immunity from enforcement. It is an unsightly use of the land, which should not be used to justify further unsightly open storage activities.

7.0 ENFORCEMENT ISSUES

- 7.1 Where it is proposed to refuse an application for retrospective planning permission for development already undertaken, consideration must be given to the need for enforcement action to address the breach of planning control. In deciding whether or not to pursue enforcement action the local planning authority should have regard to the principles contained in Planning Policy Guidance Note 18 – Enforcing Planning Control (PPG18), including the following guiding principles:
- enforcement action should only be taken where harm in planning terms is identified;
 - any action should be proportionate to the level of harm identified from the breach of planning control; and
 - consideration should be given to the impact of enforcement action on small business
- 7.2 In this case, the outside storage of stone and stone products is contrary to Green Belt and countryside policies; and policies relating to the appropriate location of storage activities. The retention of the outside storage component of the development would, in your officer's opinion, undermine the strength of these development plan policies to an extent that justifies enforcement action.
- 7.3 To this end enforcement action was authorised under delegated powers following the refusal of the previous planning application (P09/W1156/RET) in January 2010, to require the use of the land for the open storage of stone and stone products to cease (but not the use of the building). Such action was considered proportionate to the harm caused by the breach. Although the matter has been referred to the council's solicitors for action, an enforcement notice has not yet been issued.
- 7.4 PPG18 also requires that consideration be given to the impact that enforcement action would have upon a small business. Consideration should also be given to the human rights of persons affected by any proposed enforcement action. In this regard Article 1 of the First Protocol of the Human Rights Act 1998 provides that every natural or legal person is entitled to the peaceful enjoyment of his possessions. This right is not unqualified however and a fair balance must be struck between the interests of the

property owner/occupiers and the general interest of society as a whole.

- 7.5 Officers acknowledge that enforcement action to requiring the outside storage of stone and stone products to cease would result in significant disruption to the business in terms of both the cost and time required to secure alternative premises and to relocate the business activities, either wholly or in part. This is particularly the case given the prevailing economic climate. The applicant has now submitted an economic impact assessment **attached** at Appendix 2 which outlines the social, economic and employment consequences of enforcement action. Officers have had regard to all the information submitted by the applicant since authorisation was given for enforcement action but remain of the opinion that enforcement action is appropriate in this case. However, a 12 month compliance period has been provided in order to minimise disruption to the business and to allow the applicant an opportunity to find alternative premises in connection with the pending enforcement action.
- 7.6 According to the applicant the business first commenced use of the site in May 2001. The use has therefore been established on the site for a period of less than 10 years and thus remains vulnerable to enforcement action. If enforcement action is not taken before May 2011 the breach of planning control will become immune from enforcement and therefore lawful.

8.0 **CONCLUSION**

- 8.1 The use of open yard areas for the extensive outside storage of stone and stone products has a distinctly industrial appearance, which is not in keeping with the character of the area and has an urbanising impact upon both the site and its surroundings. This is contrary to Green Belt and countryside policies and policies relating to the appropriate location of storage activities.

9.0 **RECOMMENDATION**

- 9.1 **That the application be refused for the following reasons:**

- 1. That the proposed use, and most particularly open storage of stone and stone products, has an industrial/commercial appearance which is contrary to the rural character and appearance of the countryside and contrary to policies G2, G4, E5 and A3 of the South Oxfordshire Local Plan 2011; and Government guidance contained in PPS4 and PPS7.**
- 2. That the encroachment of open industrial/commercial activities into the Oxford Green Belt is contrary to the open nature, rural character and visual amenity of the Green Belt and conflicts with the purposes of including land within the Green Belt. The development therefore constitutes inappropriate development in the Green Belt, which has not been justified by very special circumstances and is therefore contrary to Government guidance contained in PPG2; and policies GB4 and E5 of the South Oxfordshire Local Plan 2011.**

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