

Report of the Chief Executive

APPLICATION NUMBER:	23/00201/FUL
LOCATION:	Land Off Westby Lane Babbington Village Nottingham
PROPOSAL:	Retain agricultural barn and alteration of land levels (revised scheme)

1. Purpose of the Report

The application is brought to the Committee at request of former Councillor S Easom. The request was made prior to the Election of 4 May 2023.

2. Recommendation

The Committee is asked to resolve that planning permission is approved subject to the reasons outlined in the appendix.

3. Detail

- 3.1 The application seeks to retain the existing agricultural barn, with some additional changes, along with the alterations of land levels around the barn. The barn has been partly constructed without the benefit of planning permission and measures approximately 13.7m wide, 18.4m in length, 5.2m to the eaves and 6.4m to the ridge with opening to the front and rear, height to top of the doors will be 4.5m. The plan annotates the materials to be 1.2m of precast concrete panelling, vertical cladding in dark green and timber barn doors (dark brown) the roof shall be metal profiles sheeting in emerald green.
- 3.2 There is a significant amount of material within the site that is not required for the construction of the barn and substantial metal gates at the entrance. Negotiations have taken place to secure the removal of the materials off the land and removal of the metal gates within a set time frame.
- 3.3 The site lies within Nottinghamshire Green Belt and open countryside accessed via a Public Right of Way (Cossall BW6) off Westby Lane with two water course running through the site. To the east of the site lies local wildlife site and an area covered by a group TPO (TPO/NEW/05) along with an additional Public Right of Way running along the western boundary (Cossall FP9).
- 3.4 The main issues relate whether or not the principal of development is acceptable in Green Belt, whether the scale, siting and design of the barn and alteration of land levels has an unacceptable impact on the visual amenity of the area and openness of the Green Belt.
- 3.5 The negatives are that there will be some impact on the openness of the Green Belt, however as the barn is proposed for agricultural purposes it is considered an appropriate facility in Green Belt. On balance, it is considered the scheme is acceptable, subject to the conditions set out in the appendix.
- 3.6 The Committee is asked to resolve that planning permission be granted for the reasons set out in the appendix.

4. Financial Implications

4.1 The comments from the Head of Finance were as follows:

There are no additional financial implications for the Council with the costs/income being within the normal course of business and contained within existing budgets. Any separate financial issues associated with S106s (or similar legal documents) are covered elsewhere in the report.

5. Legal Implications

5.1 The comments from the Head of Legal Services were as follows:

The Legal implications are set out in the report where relevant, a Legal advisor will also be present at the meeting should legal considerations arise.

6. Data Protection Compliance Implications

6.1 Due consideration has been given to keeping the planning process as transparent as possible, whilst ensuring that data protection legislation is complied with.

7. Climate Change Implications

7.1 The comments from the Waste and Climate Change Officer were as follows:

Any climate change implications are contained within the report.

8. Background Papers

8.1 Nil

APPENDIX**1 Details of the Application**

- 1.1 The application seeks to retain the existing frame and land levels alterations within the site. The barn is proposed to be finished with the external materials of 1.2m of precast concrete panelling to the lower elevation and vertical cladding in dark green to the upper elevation with timber barn doors (dark brown). The roof shall be metal profile sheeting in brown.
- 1.2 As part of the scheme, it is proposed that the temporary gates shall be removed and replaced with a traditional farm gate and all the materials not relevant to the construction of the barn shall be removed from site, this will be secured by condition.
- 1.3 The applicant/agent was requested to lower the structure by 1m in height but was unwilling to undertake this work as the steel frame is complete ready for the external materials to be installed.

2 Site and Surroundings

- 2.1 The application site lies within Nottinghamshire Green Belt and open countryside accessed via a Public Right of Way (Cossall BW6) off Westby Lane with two water course running through the site.
- 2.2 To the east of the site lies local wildlife site and an area covered by a group TPO (TPO/NEW/05) along with an additional Public Right of Way running along the western boundary (Cossall FP9).
- 2.3 Around the site are fields that are either planted or covered by grass to allow animals to graze. Running through the site are two culverts, one to the west of the site and the second running east to west, both culvert join together at the west of the site.

3 Relevant Planning History

- 3.1 An application was submitted and withdrawn for the same scheme, 22/00542/FUL refers.

4 Relevant Policies and Guidance**4.1 Greater Nottingham Aligned Core Strategies Part 1 Local Plan 2014:**

- 4.1.2 The Council adopted the Core Strategy (CS) on 17 September 2014.

- Policy 1: Climate Change
- Policy 3: The Green Belt
- Policy 10: Design and Enhancing Local Identity
- Policy 17: Biodiversity

4.2 Part 2 Local Plan 2019:

4.2.1 The Council adopted the Part 2 Local Plan on 16 October 2019.

- Policy 1: Flood Risk
- Policy 8: Development in Green Belt
- Policy 17: Place-making, Design and Amenity
- Policy 19: Pollution, Hazardous Substances and Ground Conditions
- Policy 31: Biodiversity Assets

4.3 National Planning Policy Framework (NPPF) 2021:

- Section 4: Decision-making
- Section 12: Achieving well-designed places
- Section 13: Protecting Green Belt land
- Section 14: Meeting the challenge of climate change, flooding and coastal change

5 Consultations

5.1 No neighbours were consulted on the application but a site notice was displayed on the junction of the Public Right of Way on Westby Lane. There has been a total of five objections to the application. The objections can be summarised as follows:

- Why is a barn required when there are no animals;
- Shown no regard for the area and covered a paddock with hard core, much larger than the area required for the barn;
- The large steel gates are not in keeping with the rural landscape;
- The whole site bears no resemblance to agriculture;
- Blight on pretty rural area, would be a shame if this is allowed and spoil the views;
- What will happen next on the site if this is allowed to go ahead;
- The metal stored on site is the next barn to be built;
- Can be seen from the road on Westby Road;
- Access is narrow to the site and this will mean vehicles will come into contact with bridle way users;
- Access to the barn is on a bend in a narrow road;
- Public eyesore, on what was a pleasant and charming view that is now covered by an iron shed;
- Lost wildlife and fauna;
- Multiple occasions the bridle path was obstructed by transit vans and HGV's and this is narrow dirt track not designed to cope with heavy vehicles;
- Government attaches great importance to Green Belt, fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open and;

- Land ownership is opaque, and the barn is over 75m from the principal farm buildings at the bottom of the hill.

5.2 Councillors & Parish/Town Councils:

- Councillor L A Ball – No comment
- Councillor D Pringle – No comment
- Cossall Parish Council – No comment

5.3 Environmental Health – Scientific Officer has not raised any objections to the use of the materials used to alter the land levels, subject to a condition regarding an investigative survey of the site submitted and approved in writing by the Local Planning Authority. The survey must have regard for any potential ground and water contamination, the potential for gas emission and any associated risk to the public, building, or the environment.

5.4 Nottinghamshire County Council - Flood Team has not raised any objection to the application.

5.5 Nottinghamshire County Council – Rights of Way has raised no objection to the proposal but Cossall Footpath 9 and Cossall Bridleway 6 run adjacent to the site. The applicant should be made aware that there should be no disturbance to the surface of the paths without prior authorisation from the Right of Way team, for the safety of the public using the paths a temporary closure of the paths may be granted to facilitate public safety during construction and the applicant is advised to contact the Public Right of Way team if a license is required.

5.6 Cadent Gas – has raised no objection to the application but the applicant should be made aware that a medium and low pressure asset is in close proximity to the site. The applicant should be made aware of this by way of an informative.

6 Assessment

6.1 The main issues for consideration are whether or not the principal of development is acceptable in the Green Belt, the design and appearance of the proposal and its impact on the openness of the Green Belt.

6 Principal of development and Green Belt

6.2 The application site is washed over by Green Belt, and therefore the principal of development is subject to whether or not it complies with local and national Green Belt policy. Broxtowe Local Plan Part 2 (2019) Policy 8 states that development in Green Belt will be determined in accordance with the NPPF. Paragraph 149 of the NPPF states that Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt, exceptions to this are building for agriculture and forestry.

6.3 The site is located off the main access road leading to Babbington Village, via a Public Right of Way. The boundaries of the site are a mixture of mature trees and shrubs that screen the site from wider views. The structure is partly

completed as works commenced without the benefit of formal planning permission and the application seeks to improve the appearance of the barn to be more in keeping with the rural area. From the submitted Supporting Agricultural Statement, the use of the barn is for storage of the hay from the 7.4 hectares of grassland the applicant owns. The applicant has in the past sold the hay bales straight from the field at a lower price but the use of the barn will allow the applicant to take two cuts of hay from the pasture during late spring and summer producing more hay bales. The storage of the hay bales will be for sale throughout the year. This is considered to constitute an agricultural use.

- 6.4 Concerns have been raised about the negative impact the structure and land level alterations have had on the openness of the Green Belt and the changes are to the detriment of the rural views around the area. It should be noted the barn is still being constructed and looks worse than a completed barn, the external elevations materials will enable the barn to be compatible within the context of a rural area. As with all development in Green Belt there will be some impact on the openness of the Green Belt, but a barn is acceptable development within Green Belt. The alteration of the land levels is noticeable due to the grass not yet growing back on the new soil, the change in land levels can only be seen within the site and not the wider area, so it is considered the alteration of the land levels would not have any negative impact on the openness of the Green Belt.
- 6.5 It is considered the agricultural barn and alteration of the land levels are acceptable, subject to conditions. It is evident the barn is to be used for agriculture and so complies with the NPPF and Policy 8 of Broxtowe Local Plan Part 2 (2019).

Design and scale

- 6.6 Policy 10 (d and e) states that massing, scale, proportion, materials, architectural style and detailing will be considerations when assessing development. Policy 17 (4a) states that extensions should be of a size, siting and design that makes a positive contribution to the character and appearance of the area and does not dominate the existing building or appear over-prominent in the street scene.
- 6.7 As the barn has partly been implemented the submitted plan seeks to ensure the external materials are compatible within the rural area that the site lies within. The barn is substantial in size and has the potential to have a negative impact on the area when viewed from north, west and south due to differing land levels. Significant negotiations have taken place to ensure the external materials are suitable in the rural setting and to reduce the appearance of the bulk and mass and as a result would not be as visually prominent as it is currently, a partly completed barn.
- 6.8 There have not been any concerns raised regarding residential amenity and it is considered the barn is sufficient distance from any residential properties that there will not be any impact on residential amenity.
- 6.9 It is considered the barn, subject to conditions, reflects an acceptable level of design and is an acceptable height, scale and massing in relation to the wider

site. The barn will not appear out of keeping with the existing agricultural character of the site and wider area.

Flood Risk

- 6.10 Consideration of the existing water courses that run through the site has been taken into consideration and Nottinghamshire County Council Flood Team has stated no objection to the application.

Nottinghamshire County Council Rights of Way

- 6.11 Nottinghamshire County Council Right of Way Officer has stated no objection to the application, but has stressed the Public Right of Ways running along the site should not be damaged, obstructed and should a licence be required then to contact them directly before any works takes place. This shall be included as an informative.

Cadent Gas

- 6.12 Cadent Gas has raised no objection but it should be noted that the site is located near medium to low pressure assets belong to Cadent Gas. Cadent Gas has requested informative be added to any decision notice informing the applicant of this and their responsibilities.

Environmental Health – Scientific Officer

- 6.13 The Scientific Officer has assessed all the information submitted regarding the alteration of the land levels and the material brought onto site. The Scientific Officer has not raised any objection to the application but has requested a condition relating to an investigative survey being undertaken.
- 6.14 The investigative survey shall be submitted to and agreed with the Local Planning Authority before any further works commences on site. The survey will need to have regard to potential ground and water contamination, potential for gas emission and any associated risk to public health and/or the environment. The report should also include any necessary remedial measures.

7. Planning Balance

- 7.1 Whilst it is acknowledged there will be some impact on the openness of the Green Belt, it is considered this is not detrimental and is outweighed by the benefits of the scheme, subject to conditions. The proposal complies with the NPPF in respect of being a building for agricultural purposes and being an appropriate facility due to the existing use of the land. On balance, it is considered the scheme is acceptable.

8. Conclusion

- 8.1 Recommend that conditional planning permission for the development is granted.

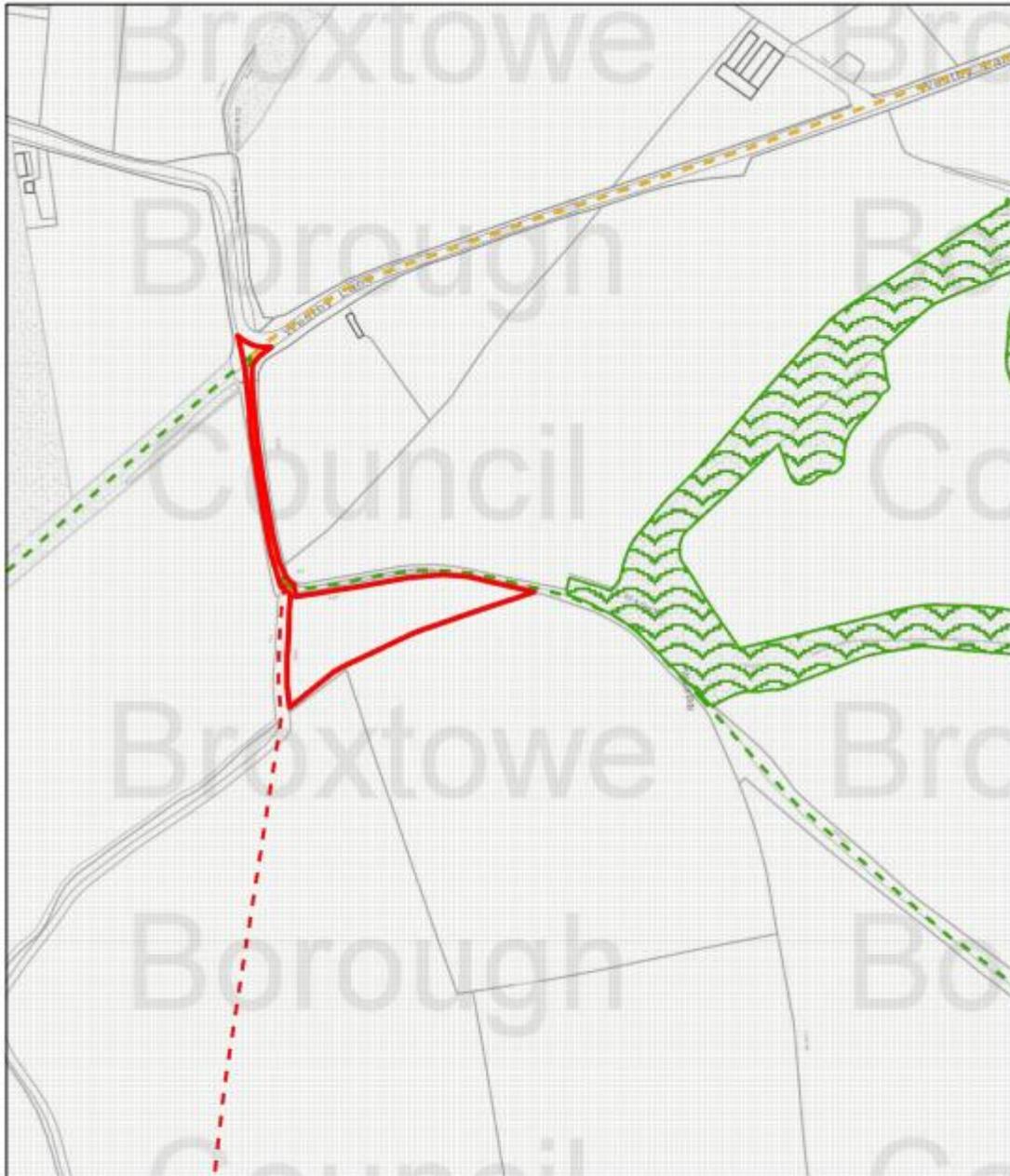
<u>Recommendation</u>	
<p>The Committee is asked to RESOLVE that planning permission be granted subject to the following reasons:</p>	
1.	<p>The development hereby permitted shall be commenced within one month of the date of this permission with works to the barn shall be completed within three months of the date of the permission.</p> <p><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
2.	<p>Within one month of the completed development the site shall be cleared of any material not associated with the permitted use as an agricultural barn, and the metal gate shall be removed and replaced with traditional farm gate, the details of which shall be agreed in accordance with condition 3.</p> <p><i>Reason: To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.</i></p>
3.	<p>Before the installation of the replacement farm gate, details shall be submitted to the Local Planning Authority and approved in writing. The gate shall be installed within one month of the completion of the barn.</p> <p><i>Reason: To ensure a satisfactory standard of external appearance and in accordance with the aims of Policy 17 of the Broxtowe Part 2 Local Plan (2019) and Policy 10 of the Aligned Core Strategy (2014).</i></p>
4.	<p>The development hereby permitted shall be carried out in accordance with drawing PG/MF/2022/002/02 Rev B and site location plan received by the Local Planning Authority on 11 July 2022 and the supporting Agricultural Statement received by the Local Planning Authority on 9 March 2023</p> <p><i>Reason: For the avoidance of doubt.</i></p>
5.	<p>No part of the development hereby approved shall be brought into use until an investigative survey of the site has been carried out and a report submitted to and approved in writing by the Local Planning Authority.</p> <p>The survey must have regard for any potential ground and water contamination, the potential for gas emissions and any associated risk to the public, buildings and/or the environment. The report</p>

	<p>shall include details of any necessary remedial measures to be taken to address any contamination or other identified problems.</p> <p>No building to be erected pursuant to this permission shall be occupied or brought into use until:</p> <p>(i) All necessary remedial measures have been completed in accordance with details approved in writing by the local planning authority; and</p> <p>(ii) It has been certified to the satisfaction of the local planning authority that necessary remedial measures have been implemented in full and that they have rendered the site free from risk to human health from the contaminants identified.</p> <p><i>Reason: In the interests of public health and safety and in accordance with the aims of Policy 19 of the Part 2 Local Plan (2019) and Policy 10 of Broxtowe Aligned Core Strategy (2014).</i></p>
	<p>NOTES TO APPLICANT</p>
<p>1.</p>	<p>The Council has acted positively and proactively in the determination of this application by working to determine it in line with adopted policies.</p>
<p>2.</p>	<p>The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.</p> <p>Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority</p>
<p>3.</p>	<p>Cadent Gas Ltd own and operate the gas infrastructure within the area of your development. There may be a legal interest (easements and other rights) in the land that restrict activity in proximity to Cadent assets in private land. The applicant must ensure that the proposed works do not infringe on legal rights of access and or restrictive covenants that exist.</p> <p>If buildings or structures are proposed directly above the apparatus the development may only take place following diversion of the apparatus. The applicant should apply online to have apparatus diverted in advance of any works, by visiting cadentgas.com/diversions.</p> <p>Prior to carrying out works, including the construction of access points, please register on www.linesearchbeforeudig.co.uk to</p>

	submit details of the planned works for review, ensuring requirements are adhered to.
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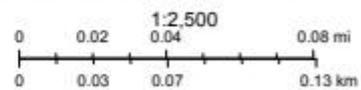
Map

23/00201/FUL - Land Off Westby Lane Babbington Village



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-  Green Belt
-  Local Wildlife Site
-  Trunk Water Main
- Public Rights of Way**
 -  Byway open to all traffic
 -  Bridleway
 -  Footpath
 -  Site



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Photographs



View toward barn looking north from Within site



View towards barn looking east from within site



View from outside the site looking South in to the site from PRow



Temporary gates to the site and barn



View from field to the south west looking towards the site and barn



View from Westby Lane towards the site

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Site of barn and land owned by applicant