

# Officer Recommendation: Approved with Conditions

DATE VALID - 14th March 2019  
TARGET DATE - 1st August 2019

APPLICATION NUMBER – 19/00473/F

LOCATION:

Nutley Dean Farm Smalls Hill Road Horley Surrey RH6 0HR

APPLICANT:

Mr G Drake

C/O WS Planning & Architecture

AGENT:

WS Planning & Architecture

Europe House  
Bancroft Road  
Reigate  
RH2 7RP

PROPOSAL:

Erection of an agricultural machinery shed.

SITE VISIT DATE: 28th March 2019

CONSULTATIONS

Highway Authority - No highway requirements

Planning Rural - No objection - considers the size of building reasonably necessary to serve the agricultural requirements of the remaining land holding

Salfords and Sidlow Parish Council - Objection:

'The building is much larger than appears to be needed for the equipment shown in the photographs provided with the planning application. Permission has been granted, on appeal to demolish buildings which could have been used for this purpose and replaced with residential buildings. If permission is granted the building must be used to store all of the materials now in open storage except where this is not practicable'.

Officer's comment: The Parish is referring to the approved planning proposal ref.

17/00539/F.

## REPRESENTATIONS

Neighbours - No response.

Councillors - No request for referral to Committee.

## POLICY CONTEXT check

Metropolitan Green Belt (MGB)

Flood Zone 1 (low risk)

Locally listed building (Nutley Dean Farmhouse)

Core Strategy July 2014 policies: CS3, CS4

Reigate & Banstead Borough Local Plan 2005 policies: Pc10, Co1

Other Relevant Considerations: National Planning Policy Framework (NPPF) (especially section 9), Human Rights Act 1998

## SITE AND CHARACTER APPRAISAL

The application relates to a site in a rural locality, south-west of Reigate and north-west of Horley, within the Metropolitan Green Belt (MGB). There is a site of mainly single storey buildings of a commercial character some, set towards the north-east end of the site. This site benefits from planning permission for a residential development (ref. 17/00539/F) which was granted on appeal. Immediately towards the south of this particular site there are residential properties including three live/work units and Nutley Dean Farmhouse, a locally listed building. Access to the site is off Smalls Hill Road via a metalled road/bridleway. A Public Footpath 416 crosses the site and runs from the north-east to south west.

## ADDED VALUE

Improvements secured at the pre-application stage:

The opportunity did not arise because the applicant did not approach the Local Planning Authority before submitting the application.

Improvements secured during the course of the application:

Improvements have been sought to justify the need for such large agricultural shed. The supportive statement was provided.

Further improvements to be secured through conditions or legal agreement:

Materials as described within the application form.

## PLANNING AND ENFORCEMENT HISTORY

There is no planning history in relation to the application site as shown within the red line on submitted drawings. However, the following planning applications for the Nutley Dean Farm holding are considered as material planning considerations:

97/02390/F - Erection of barn in connection with logging and formation of hardstanding  
- Refused and Appeal Dismissed

11/01357/F - Conversion of a barn into 3 x 2 bed dwellings - Refused

12/01151/F - Retention of barn and conversion to provide three live work units - Approved with conditions

17/00539/F - Removal of industrial buildings and erection of 10 dwellings - Refused and Appeal Allowed

#### PRINCIPAL ISSUES

This application seeks planning approval for a proposed agricultural shed measuring 15.2 metres by 15.5 metres and 6 metres height. It would be in place of an existing open storage although its removal has not been confirmed by the applicant.

The applicant currently requires the unit to store:

- o 1x 5030 Ford Tractor
- o 2x ISEKI Lawn Tractors
- o 1x small scale lawn mower
- o 1x Progress Electrical Generator
- o 1x Kubota U27-4 Excavator
- o 1x 2005 Mitsubishi Forklift
- o Other miscellaneous related paraphernalia

The main issues are:

- o Whether required for agriculture
- o Design and effect on character
- o Effect on neighbour amenity
- o Very special circumstances

#### WHETHER REQUIRED FOR AGRICULTURE

The NPPF prescribes that, in the MGB, the construction of new buildings for agriculture or forestry is not inappropriate. Policy Co1 of the Reigate and Banstead Borough Local Plan 2005 stipulates similarly.

An agricultural building measuring 17 metres by 17 metres and 5.5 metres tall was refused by the Council and dismissed by the inspector in 1997 for a site set approximately 270 metres westwards from the application plot (ref. 97/0239). Furthermore, the application referred by the applicant in his supportive statement relates to an industrial site granted through conversion of agricultural buildings into industrial units in 1980s (B1 and B8 uses).

According to the supportive statement submitted by the applicant, the proposed agricultural shed is required and would replace the previously used storage space for the materials and equipment on the land in association with a recent residential development adjacent to the site granted by the planning inspector (Council's reference 17/00539/F). This relates to a structure marked No. 26 as shown on approved 'Existing uses on the site, drawing number NDF/P17/40' for 17/00539/F. However, the approved

drawings indicate that this particular structure is used for a 'Tractor and generator shed/ Coffee factory' (non-agricultural uses).

While submitting and accepting the approval of 17/00539/F, the applicant partly agreed that there is no need for such units and uses within the existing holding. Due to existing planning history and objections received the Council's Rural Planning contractor was consulted. The comments received are as following:

'From the submissions it appears that the original farm buildings comprising Nutley Dean Farm became a business park, which now has planning consent granted on appeal (ref. 17/00539) on 21 August 2018 for the removal of the industrial buildings and the erection of 10 dwellings.

The proposal relates to the management of various areas of land that still surround this complex. The removal of the business park buildings would also involve the loss of storage space currently used for associated land management equipment, and this appears to have triggered the current application, for a replacement facility.

The agents believe the area of owned land concerned extends to some 13.6 ha (33.6 acres) excluding the business park, and indicate that this includes land that is used by the applicant for taking hay crops.

However, based on the submitted ownership plan, the whole ownership would appear to be only about 12.2 ha (30 acres) including the business park and the private residential buildings of Nutley Dean Farm, which together occupy about 1.3 ha, as well as various associated grounds, ponds, and areas of wood covering about 1.7 ha. The area of land that is actually farmable excluding roadways, trees etc. appears limited to about 8 ha (20 acres).

Nonetheless on balance I consider a building of the size and type proposed can be regarded as reasonably necessary for the continued farming and maintenance of the relevant land concerned'.

As such, there is reasonable justification for the building on the grounds of agricultural need. Therefore the proposed works would comply with policies Co1, CS3 and the relevant provisions of the NPPF.

#### DESIGN AND CHARACTER

The barn which forms the basis of this application is situated near to the locally listed farmhouse which is located to the north of the site. As such, it is important that any development on the site causes no harm to the setting of this locally listed building. Nevertheless, the design of the barn is considered to be acceptable and would have a neutral impact on the setting of the locally listed farmhouse. As such, the proposed development would be acceptable in this regard.

#### NEIGHBOUR AMENITY

Due to the separation distances (minimum of 85 metres), the proposed development would not have a significant impact on the amenity of neighbouring properties.

#### VERY SPECIAL CIRCUMSTANCES

The National Planning Policy Framework advises that inappropriate development is, by definition, harmful to the MGB. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

In this case the proposal is considered to be proportional, hence complies with policies Co1 and Ho24A of the Borough Local Plan, CS3 of the Core Strategy and the provisions of the NPPF

#### CONCLUSION

For the reasons set out above I consider that planning permission should be GRANTED.

In reaching this conclusion I have taken account of all other matters raised by this application but have found nothing that outweighs the main planning issues upon which I have based my recommendation. In reaching this conclusion I have had due regard to the articles and conventions of the Human Rights Act.

#### **Permission be Approved with Conditions**

#### CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans.

Reason: To define the permission and ensure the development is carried out in accord with the approved plans and in accordance with National Planning Practice Guidance.

Note: Should alterations or amendments be required to the approved plans, it will be necessary to apply either under Section 96A of the Town and Country Planning Act 1990 for non-material alterations or Section 73 of the Act for minor material alterations. An application must be made using the standard application forms and you should consult with us, to establish the correct type of application to be made.

<b>Plan Type</b>	<b>Reference</b>	<b>Version</b>	<b>Date Received</b>
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Site Layout Plan	J003145 - DD02		07.03.2019
Proposed Plans	UNNUMBERED		07.03.2019
Site Layout Plan	J003145 - DD03	A	14.03.2019
Location Plan	J003145 - DD01	A	14.03.2019

2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 (1) of the Planning and Compulsory Purchase Act 2004

3. The development shall be carried out using the external facing materials specified in the application and no others without the prior written consent of the Local Planning Authority.

Reason: To ensure that the development hereby permitted is only constructed using the appropriate external facing materials or suitable alternatives in the interest of the visual amenities of the area.

4. The building hereby permitted shall be used for agricultural storage only and for no other use, including any such uses as may be permitted under the General Permitted Development Order 2015 (as amended) or any other amendment, update or replacement of that Order.

Reason:

To ensure the development remains appropriate within the Green Belt with regards Policy Co1 of the Reigate and Banstead Borough Local Plan 2005.

**Statement of reason for grant of planning permission (Article 31 of The Town And Country Planning (Development Management Procedure) (England) Order 2010):**

The development hereby permitted has been assessed against development plan policies Pc10, Co1, and Reigate and Banstead Core Strategy 2014 policies CS3, CS4, and material considerations, including third party representations. It has been concluded that the development is in accordance with the development plan and there are no material considerations that justify refusal in the public interest.

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been

received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development where possible, as set out within the National Planning Policy Framework.