



STROUD DISTRICT COUNCIL

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DEVELOPMENT CONTROL COMMITTEE

02 September 2021

6.00 - 7.31 pm

Council Chamber - SDC

Minutes

Membership

Councillor Martin Baxendale (Chair)

Councillor Martin Brown
Councillor Jason Bullingham
Councillor Helen Fenton
Councillor Chris Brine *
Councillor Haydn Jones *

*= Absent

Councillor Trevor Hall (Vice-Chair)

Councillor Loraine Patrick
Councillor Mark Ryder
Councillor Victoria Gray *
Councillor Lucas Schoemaker *
Councillor Ashley Smith *

Officers in Attendance

Development Team Manager
Senior Democratic Services & Elections
Officer
Geraldine LeCointe

Democratic Services & Elections Officer
Principal Planning Lawyer, One Legal

Other Member(s) in Attendance

Councillors Braun and James

DCC.12 Apologies

Apologies for absence were received from Councillors Brine, Jones, Schoemaker, Smith and Gray.

DCC.13 Declarations of Interest

There were none.

DCC.14 Minutes

The Chair announced there had been a discrepancy within the minutes under item DC.011 St Marys, Eastcombe, Stroud. Lesley Greene was speaking on behalf of Bisley

Parish Council and the minutes referenced Eastcombe Parish Council. It was confirmed that the minutes would be amended accordingly.

RESOLVED That the Minutes of the meeting held on 20 July 2021 were to be approved with the amendment above.

DCC.15 **Planning Schedule and Procedure for Public Speaking**

Representations were received and taken into account by the Committee in respect of Applications:

1	S.19/2712/FUL
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DCC.16 **Agricultural Building, Ashen Plains, Waterley Bottom, North Nibley (S.19/2712/FUL)**

The Development Team Manager introduced the report and advised that it was for retrospective planning permission for an open-sided agricultural building 'Barn 2'. He explained that the Barn had been erected to support the agricultural use of the land. It was also confirmed that an error have been included in the report and the planning application references should have been S.19/0596/FUL not S.19/0576/FUL. The Development Team Manager informed the Committee the site was beyond any defined settlement limits, was in the open country side and fell within the Cotswold's Area of Natural Beauty (AONB). The woodland surrounding the site was also a key wildlife site and had been designated as an ancient woodland.

The Development Team Manager informed the Committee that, after the first application was refused, the applicant provided more information regarding the use of the barn to house livestock, due to barn 1 being unsuitable. A specialist rural planning and land management consultant reviewed the application and concluded that on the basis of the additional information provided, there was a reasonable need for the building. The Officer assessment was that, the agricultural need for barn 2 had been justified, the building met acceptable design standards and it conserved the natural beauty of the area. He directed the Committee to consider whether there was an essential need for Barn 2 and whether the development was of an acceptable design standard and conserves the natural beauty of the landscape.

Councillor Braun spoke as a ward member against the application. She stated that the main objection was the effect this site would have had on biodiversity and on the landscape character. The other concerns raised included:

- The sustainability of the agricultural business given the change over recent years to a mixed use involving camping, equestrian uses, events and woodland activities.
- Was an additional barn required for such a small holding when a previous application had been refused due to the size and location not being justified.
- Page 7 of the report stated planning officers were made aware of barn 1, also built without planning consultation, being used for non-agricultural events. There was a record on the Council website of eight temporary event notices for events that took place at the site between March 2021 – September 2019.

- Several camping pods had been erected on the opposite end of the site and a hardcore track had been created.
- Two previous applications rejected for the change of use for barn 1 from agricultural to mixed use and for a premises licence for the sale of alcohol and recorded and live music.
- Local lanes around the AONB are insufficient to deal with large scale events.
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Councillor James spoke as a ward member against the application. He agreed with Councillor Brauns' concerns and highlighted some additional concerns. He drew the Committees attention to 3 policies from the local plan and explained their relevance to this application:

- Policy ES6 – Biodiversity
- Policy ES7 – Landscape Character
- Policy ES8 – Trees, Hedgerows and Woodlands

Councillor James proposed for a full ecological impact assessment to be completed in order to understand the full impact this application would have had on the landscape. He asked the Committee to refuse the application on the basis that the assessment had not been conducted and to prevent further encroachment into the landscape.

Keith Larkin spoke on behalf of North Nibley Parish Council against the application. He explained that since the current occupiers owned the site, the use and character of the land had changed dramatically. He stated the pace of change had accelerated after 2015 to include camping and equestrian uses and from 2017 it has been increasingly used for events including weddings, birthday parties, craft fairs and music events. Some of those events had caused late night disturbance for local residents. Mr Larkin stated that the cumulative impact of the changes that had been made to the site had damaged the character and appearance of the protected AONB and adjoining key wildlife site. He drew the Committees attention to the local plan policy ES7 and Paragraph 172 (updated version 176) of the National Planning Policy Framework (NPPF). The barn in question was erected without planning applications and the Parish Council felt that this and other structures on the site should be looked at with a full review. He expressed concerns over the use of the barn in the future and stated that the Parish Council did not agree that the barn was essential and therefore asked the Committee to refuse the planning application stating that it was also contrary to Local Plan Policy CP15 and EI5.

Abigail Snook spoke on behalf of the applicant as the planning consultant. She informed the Committee that SDC had employed the services of an independent agricultural advisor, to conduct a test for the agricultural need of the site. The independent agricultural advisor stated he was satisfied that the agricultural business was viable, the barn was necessary and it met the test of agricultural need. She drew attention to the other uses of the site that were considered in Mr Fox's report stating he had examined figures and understood the need for diversification. She explained that the barns were not always needed all year round for agricultural reasons but that didn't mean they weren't necessary. She discussed the uses of different barns explaining that barn 2 was used for housing livestock for which, barn 1 was unsuitable due to ventilation. Ms Snook stated that the current barn did not harm the AONB as it could not be seen from any vantage point and that the applicants had accepted a condition requiring an ecological enhancement scheme.

The Development Team Manager clarified the following:

- The camping pods mentioned by Councillor Braun did not require planning permission as they were classed as movable structures.
- The point raised regarding highways surrounding the site not supporting large events should not be considered under this application.
- Councillor James requested a full ecological assessment however, the ecologist's opinion was that it was too late as the barn had already been erected.
- Keith Larkin raised concerns over the barn becoming disused, the Development Team Manager reminded the Committee this could be added as a condition by them if required.

Councillor Ryder asked for clarification if there had been any history of removal or damage to the woodland. The Development Team Manager confirmed that he was not aware of any reports of clearance or damage to the woodlands and referred Committee to the aerial photos.

After a question raised by Councillor Bullingham, the Development Team Manager confirmed the whole site was 20 hectares and that it comprised of 17.8 hectares of grazing land, 2.4 hectares of camp site and 4.6 hectares of an equestrian use. The consultant concluded that all of the land was suitable for mixed/agricultural uses. Councillor Bullingham expressed that he didn't see justification for a further barn.

Councillor Patrick asked what changes had been made since the original refusal of the application. The Development Manager confirmed that the previous application had been refused because of insufficient information and that the applicant had provided further information with the new application. Councillor Patrick further raised concerns after the previous plans showed a hatched area labelled as cattle and they were now being informed by the consultant that barn 1 was not suitable for livestock due to inadequate ventilation.

After questions raised from Councillors, the Development Team Manager reiterated that barn 1 was in sole lawful agricultural use and that the applicants had advised that cattle arrived on the site in 2019 after the erection of barn 2.

Councillor Ryder expressed frustration with the amount of activity that had taken place on the site under the radar and without permission and that he was having problems trusting the intents of the landowner.

It was confirmed from the planning application for the stable block, permission was granted for the change of use to equestrian mixed use, agricultural and equestrian which would enable the stable to be used for agricultural use. Councillor Bullingham asked if the independent agricultural advisor had taken that into consideration.

In response to Councillor Bullingham the Development Team Manager clarified that the second report from the independent agricultural advisor addressed the equestrian element of the site and stated that the building and outdoor arena had a personal use and that it wouldn't be grazing land as it was developed and not available for agricultural use.

Councillor Patrick raised concerns about the amount of grazing land that was left for cattle after you had taken away the space for the eco-pods and the other uses and whether there was a justified need for a second barn.

Councillor Ryder spoke of his concerns over biodiversity and that he didn't believe there was enough evidence to justify the need for the second barn. The Chair also expressed concerns over the impact on biodiversity as it was a very sensitive site with the woodlands in situ.

Councillor Brown asked for clarification regarding the other uses e.g. events on the site and the extent that could be taken into consideration. The Head of Development Management advised that there had been evidence of unauthorized non-agricultural uses of the site and that this is a difficult situation for the Committee. She confirmed that the application presented to Members is a barn that needs are essential to the agricultural workings of the site.

The Chair asked the Committee to put aside any peripheral issues and focus on whether there is agricultural need for the barn and the effect on the landscape.

Councillor Brown proposed refusal on the following grounds:

- not convinced of the agricultural need for the barn
- requirement and the threat to the landscape and biodiversity

Councillor Ryder seconded the proposal to refuse the application.

The chair confirmed the reasoning would be non-compliance under the local plan policy CP15, ES7 and NPPF paragraph 176.

After receiving clarification from the planning officers regarding the difficulty to prove the impact on biodiversity on a retrospective planning application, Councillor Brown updated his reasons for refusal:

- He did not accept the justification in the report for the agricultural use
- Impact on the Landscape.

Councillor Ryder shared concerns that by not including biodiversity in the reasons for refusal it could send a message that it was not a priority which was not the case, given the location in the AONB.

The Head of Development Management stated that biodiversity could be included within the refusal reasons currently proposed and wouldn't need to be its own reason.

Jeremy Patterson, Principal Planning Lawyer, confirmed that the refusal on the basis that it did not support policy ES7 and paragraph 176 of the NPPF linked to biodiversity within those policies.

Before moving to a vote the Development Team Manager asked Councillor Brown to confirm his reasons for refusal.

Councillor Brown confirmed his reasons for refusal were:

- He did not accept the justification in the report for the agricultural use under the local plan policy CP15
- Landscape Impact under ES7 of the local plan and paragraph 176 of the NPPF.

The chair proposed an amendment “to refuse permission for the application on those grounds with the proviso that it would be delegated to the planning officers in consultation with the chair and vice chair to work out the exact wording”

The proposer and seconder agreed with the amendment and the motion to **refuse** the planning application on the grounds listed above with the proviso that it would be delegated to the planning officers in consultation with the chair and vice chair to work out the exact wording was put to a vote

There were 5 votes for in favour of refusal and 2 votes against refusal.

The motion was carried.

RESOLVED To REFUSE permission for application S.19/2712/FUL with refusal reasons to be delegated to the Development Team Manager in consultation with the Chair and Vice-Chair

The meeting closed at 7.31 pm

Chair