

<u>APPLICATION NO:</u>	23/00025/FUL	<u>CASE OFFICER:</u>	Mark Quinn
<u>WARD:</u>	Whiston & Cronton	<u>PARISH:</u>	Cronton Parish Council
<u>LOCATION:</u>	Dragon House Farm , 370A Cronton Road, Cronton		
<u>PROPOSAL:</u>	REMOVAL OF CONDITION NO. 5 ATTACHED TO PLANNING PERMISSION 21/00165/FUL (ERECTION OF 1 NO. AGRICULTURAL STORAGE BARN FOR PERSONAL USE) TO ALLOW FOR THE AGRICULTURAL STORAGE BARN TO REMAIN PERMANENTLY		

Site Description

The application site comprises a dwelling house (former farm workers barn) and associated land to the rear comprising a total area of 0.68ha located off Cronton Road, Cronton, Knowsley.

Proposal

Planning permission was granted in April 2021 for the erection of an agricultural storage barn close to the existing dwelling adjacent to the western site boundary. The barn has subsequently been erected in accordance with the planning permission. The barn measures 7m by 15m, has a pitched roof with a height of 2.5m to the eaves and 4m maximum height to the ridge.

The April 2021 planning permission (21/00165/FUL) was granted subject to the following planning condition.

This permission is for a limited period only. The building hereby permitted and any foundations, buildings, structures, hardstandings, enclosures, ancillary works or other groundworks associated with the building shall be removed and the land restored to its former condition on or before 30th April 2023.

Reason: To enable the Local Planning Authority to re-assess the proposal on the expiry of the permission having regard to local and national green belt policies.

In the initial assessment of the 2021 application the following assessment on the principle of this building in the green belt was made.

Paragraph 145 of the NPPF states that “A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are: “

a) Buildings for agriculture and forestry ;

The land is a field, but is not currently in agricultural use, however, the applicant’s supporting statement sets out that they intend to begin such a use on the site rescuing chickens and breeding sheep. The applicant suggests that such uses would require a building to house equipment and this is not an unreasonable position.

The agricultural use on the field is a “chicken and the egg” scenario – one can’t happen without the other. In such a scenario it is considered reasonable to restrict this permission to two years initially in order for the barn to be built and the agricultural use to be established. After the initial two year period the applicant can re-apply for a permanent permission or to have the planning condition removed which would be supported providing that there is satisfactory evidence that the land is being used for agricultural purposes.

A supporting statement has been provided with this planning application which states the barn was erected in July 2021 and the two storage containers which were previously on the site have been removed in accordance with the planning permission.

The barn is currently being used to store equipment for the maintenance of the surrounding fields such as a small tractor and trailer, a spreader and other tools required for the maintenance of the land. The barn is also used to store firewood which is used to heat Dragon House Farm. However, it is also used for the storage of animal feed, bales of straw and bales of sawdust for bedding for the rescue poultry. The barn is used to house the poultry in line with DEFRA rules on keeping poultry under cover.

There are currently 19 hens at Dragon House Farm, but it can fluctuate when required. The applicant “fosters” poultry and will house them until homes are found, then take in some more.

The poultry have supplied Mr and Mrs Jones their family, friends, and neighbours with organic eggs for the past 2 years. The poultry can supply between 70-140 eggs per week.

The applicants’ future plans include growing more vegetables which would need potting space, seeds, fertilisers and equipment to be kept in the barn. Other avenues being considered are bee keeping and for other animals to be kept on the land dependant on the amount of grazing land available.

Consultations

Cranton Parish Council – referring to a previous object by the Parish Council to 21/00165/FUL raising concerns as it is thought there is no farming use at the property. Previous objection is set out below.

- 1. The proposal is not in accordance with the Green Belt Policy of Knowsley Local Plan*
- 2. The proposed development is an inappropriate new development in the green belt.*
- 3. The site location is not a farm.*
- 4. The new building is not for agricultural use.*

Representations

This application has been publicised by letters sent to 9 neighbours. It has also been advertised by a Site Notice.

There have been 3 letters of objection from neighbouring residents. The representations are summarised as follows:-

1. The consent was originally supported due to the “housing of sheep and tractor”. This has not happened, and I would advise a site visit to validate this. This application appears to be an attempt to manipulate planning officers. Object due to adverse effect

- on locality, property values and desirability for incoming residents.
2. How this was granted in the first place due to its size bewilders me.
 3. The planning approval has never been adhered to in any way, the large barn takes away views from neighbouring properties and the noise that comes from the barn is unbelievable.

It should be noted that the right to a particular view and impact on property values are not matters which are material considerations in the determination of planning applications.

Other Planning History

APP. NO: 07/00912/FUL
PROPOSAL: CHANGE OF USE OF FORMER FARM WORKERS BARN
INTO RESIDENTIAL DWELLING INC. 2 STOREY
EXTENSIONS TO BOTH SIDE ELEVATIONS AND CHANGE
OF USE OF PART OF EXISTING BARN TO FORM 3 NO.
STABLES. RE SUBMISSION OF REFUSED APPLICATION
07/00210/COU.
DECISION: PER
DECISION DATE: 11 December 2007

APP. NO: 09/00086/COU
PROPOSAL: CHANGE OF USE OF FORMER FARM WORKERS BARN TO
FORM 1 NO. RESIDENTIAL DWELLING WITH TWO STOREY
ANNEX ACCOMODATION INCLUDING TWO STOREY
EXTENSIONS TO BOTH SIDE ELEVATIONS AND CHANGE
OF USE OF PART OF EXISTING BARN TO FORM 3 NO.
STABLES.
DECISION: PER
DECISION DATE: 20 May 2010

Relevant Policy

Paragraph 11 of the National Planning Policy Framework (NPPF) states that planning decisions should apply a presumption in favour of sustainable development. This means approving development proposals that accord with an up-to-date development plan without delay; or where the development plan is absent, silent or out of date planning permission should be granted unless the application of policies in the NPPF that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Paragraph 12 of the NPPF clarifies that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not normally be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

The development plan in Knowsley comprises the Saved Policies of the Replacement Unitary

Development Plan, the Core Strategy Local Plan and the Joint Waste Local Plan. The following policies are relevant to the determination of this application.

Article 35 Statement

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, as set out within the National Planning Policy Framework.

ASSESSMENT

Enforcement Complaint

An enforcement complaint was received in May 2022 alleging that was barn was not being used for its intended use. Following a site visit by the enforcement officer it was confirmed the barn was being used to store hay and feed in connection with the chickens on site and storage of wood and tools. There was no evidence to suggest it was being used for any other purposes.

Current Situation (Assessment of removal of Condition 5)

Whilst the barn is not wholly being used for agricultural purposes from a recent site visit and the submitted supporting statement it is clear that one of the main uses if the barn is for the storage of feed and bedding etc for the poultry and at the time of the site visit poultry was also being housed in the barn as well as in a small building to the eastern site boundary to the rear of the dwelling.

The barn is also used for the storage of equipment to maintain the garden associated with the dwelling such as a spreader, small tractor and other gardening tools. Little weight at this time can be given to the applicant's future plans which may include additional storage within the barn associated with agriculture as these appear to be just ideas at the present time and no firm plans have as yet been established.

Whilst the comments from the neighbouring residents have been taken into account, local residents do not have any right to a view and in any event the visual impact on the barn on residential amenity was assessed and considered to be acceptable under the 2021 planning permission.

The statement that the planning permission has never been adhered is not factually correct as confirmed by visits in 2022 and 2023 by officers in the planning department.

On balance it is considered there to be sufficient evidence to confirm that the barn is being used (at least in part) for the purposes of agriculture and the condition restricting the time period for the barn to remain on site can now be removed whilst still being in compliance with Local Plan policy CS5 Green Belt and guidance in the NPPF.

Conclusion

There is sufficient evidence that the barn is being used at least in part for storage associated with an agricultural use.

Condition 5 attached to planning permission 21/00165/FUL which states:-

This permission is for a limited period only. The building hereby permitted and any foundations, buildings, structures, hardstandings, enclosures, ancillary works or other groundworks associated with the building shall be removed and the land restored to its former condition on or before 30th April 2023.

Reason: To enable the Local Planning Authority to re-assess the proposal on the expiry of the permission having regard to local and national green belt policies.

can now be removed.

Recommendation

That planning permission be granted subject to the followings condition.

1. The development hereby permitted shall be carried out in accordance with the approved plans and documents listed in Schedule 1.

Reason: For the avoidance of doubt.

SCHEDULE 1

Date Received	Ref. No	Version	Drawing/Document Title
02/03/2023	-	-	SUPPORTING STATEMENT 2
20/01/2023	1284_01_01 EXISTING	-	PROPOSED PLANS & ELEVATIONS
20/01/2023	1284_02_02 SITE PLANS	-	EXISTING & PROPOSED SITE PLANS

Signed Case Officer¹: Mark Quinn

**Signed Authorising
Officer²:** K Foster

Date: 24 April 2023

¹ I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed

² I confirm that I do not have a personal relationship with the applicant, agent or other interested parties; I also confirm that I do not have a financial interest in the site or the development proposed

Informatives

None required

Appendix 1 – Site Photographs







BARN LOCATED IN BETWEEN DWELLINGS (VIEW FROM CRONTON RD)



SIDE VIEW OF BARN FROM CRONTON RD

