

W2004/0237

Rodenhurst Hall Farm, Rodenhurst Lane, Rodington, Shropshire.
Change of use of redundant farm buildings to storage/workshop/office uses

APPLICANT

E Sankey and Son

RECEIVED

12/02/2004

PARISH

Rodington

WARD

Wrockwardine

OFFICER Andrew Gittins

1.0 PURPOSE OF THE REPORT

1.1 To modify a planning obligation under section 106a of the Town and Country Planning Act 1990. A request may be made to change an obligation where it “no longer serves a useful planning purpose” or would continue to serve a useful purpose in a modified way.

2.0 BACKGROUND

2.1 The proposal relates to Rodenhurst Business Park, Rodenhurst Lane, Rodington which accommodates 16 former agricultural buildings subdivided into 21 business units.

2.2 Planning permission W2002/0630 granted consent, subject to a Section 106 Legal Agreement, for the change of use of seven redundant farm buildings to storage / warehouse uses (B1 and B8 Uses).

2.3 Permission was then granted under W2004/0237 for the change of use of a further nine buildings to storage / workshop / offices uses with ‘The First Schedule’ of a Section 106 describing ‘The Development’ as a ‘Change of Use of redundant farm buildings to classes B1 and B8.

2.4 The report seeks to get Members approval to modify the following elements of the S106’s attached to both applications (unless specified):

- Schedule 1 (W2002/0630) – to permit any use within Use Classes B1 and B8, in addition to the storage / warehouse uses. No modification is required to The First Schedule of the S106 attached to W2004/0237 as this permits any use within B1 and B8,
- Schedule 2 – removal of Condition 1 dissolving the requirement for the submission and written approval of details prior to a change of operator, or use of an individual unit (irrespective of whether or not the proposed use falls within the same use class as an existing permitted use),
- Schedule 2 – removal of Condition 2 to allow the units to be sold or transferred either individually or as a whole separate to Rodenhurst Hall.

- 2.5 A copy of the Committee Report for the 2004 application has been attached as Appendix 1 reference.

3.0 PLANNING CONSIDERATIONS

Modification to Schedule 1 of s106 attached to W2002/0630

- 3.1 The proposed modification would allow use of the seven units for other purposes falling within Use Class B1 and B8 in addition to the storage and warehouse uses. These additional uses would include offices, research & developments, light industry and distribution.
- 3.2 In practice very few of the original seven units are occupied for storage or warehousing although some of the uses do fall within the B1 and B8 Use Classes. The original units have been operational for 15 years without any historic highways or environmental health issues. There would not conflict with current policy for rural diversification in CS7 and E6, the NPPF and emerging TWLP (Policies E12 and T20 were not saved). The modification is therefore considered to represent a regularisation of the existing operations and there should be no perceivable difference in impact.
- 3.3 It should be noted that the S106 attached to the later consent does not restrict the use of the other nine units to storage and warehouse allowing any use within B1 and B8. Three of these units are occupied by a roof manufacturer with others accommodating vehicle repairs, snooker cue manufacture, an electrician, bouncy castle hire, a model railway company and an engineering business. As such the principle of these additional uses has already been established.
- 3.4 Based on the measures that are in place to ensure that only the appropriate route along the B5062 Roden Lane is used, the Council's Highways Officers cannot foresee any issues as a consequence of allowing additional uses within the seven buildings. As such, Officers recommendation is to grant the proposed modification to Schedule 1 of the S106 attached to W2002/0630 to permit all uses within Use Classes B1 and B8.

Removal of Condition 1 attached to Schedule 2 of both s106's

- 3.5 The proposed removal would dissolve the requirement for the submission and written approval of details prior to a change of operator, or change of use of an individual unit (irrespective of whether or not the proposal falls within the permitted Use Classes).
- 3.6 The Committee Report for W2002/0630 (attached as Appendix 1) provided the justification for this requirement on the basis that any future occupiers/uses should remain low key as per the original end users which were anticipated to be accessed by 35 vehicles, primarily cars and small vans, per day to serve the following uses:

- Storage and despatch of pallets of agricultural produce, associated products and plants,
- Manufacture of steel, iron and timber furniture,
- Storage and distribution of antique furniture,
- Storage of lightweight garden furniture,

3.7 In the current request, the Agent has noted that during the last 15 years the prior consent of the Council was only sought on one occasion and on that one occasion the Applicant did not receive a response. As such the end users have frequently changed with being vetted by the Council without any detriment to the locality. The obligation no longer serves a useful planning purpose and Officers have no objection to its removal which would not be contrary to policies CS7, E6 or policies in the emerging TWLP.

Removal of Condition 2 attached to Schedule 2 of both s106's

3.8 The final modification would allow the units to be sold or transferred either individually or as a whole separate to Rodenhurst Hall. The Committee Report for the 2004 application outlined that the reason to tie the units to Rodenhurst Hall was to discourage the subsequent fragmentation of the agricultural unit by separate sale of buildings. However, the likelihood of these unlisted, but traditional brick and tile buildings being used as an agricultural complex in the future, after 15 years in business use is extremely limited. Any subdivision of ownership would not necessarily result in any physical changes to the visual appearance of the buildings and such changes would be scrutinised under separate applications. As such, the sale of any units either individually or as a whole separate to Rodenhurst Hall is not deemed detrimental.

3.9 From a residential amenity perspective, the buildings closest to the Hall are within 20 metres, which is acknowledged as a close relationship. However, any potential future owners of the Hall would purchase with full awareness that the buildings were in separate ownership. As such, Officers have no objection to the removal of this condition to offer greater flexibility.

4.0 CONCLUSION

4.1 The operation of the Business Park for the last 15 years, often not in strict compliance with the restrictions of the S106, has demonstrated that the modification to allow additional uses within B1 and B8 for the first seven buildings would not result in any detriment to the locality. Moreover, these additional uses are already operational within the other nine units which have proceeded without any detrimental impact. The modification is effectively a regularisation of the existing operation to which Officers have no objection.

- 4.2 The removal of Condition 1 of The Second Schedules to dissolve the requirement to gain written approval prior to a change of operator, or change of use of an individual unit no longer serves a useful planning purpose given that consent has only been sought once in the last 15 years and no response was provided by the Council. During this time operators and uses have changed a number of times without any detrimental impact on the locality and Officers have no objection to the removal of this condition of the Schedules.
- 4.3 The removal of Condition 2 of The Second Schedules which would allow the sale of the units either separately or as a whole to Rodenhurst Hall is not anticipated to result in an unacceptable fragmentation of the agricultural unit or detrimental impact on existing or any future owners of the Hall who would purchase aware of the separate ownerships and Officers have no objection to the removal of this condition of the Schedules.

5.0 RECOMMENDATION

- 5.1 Based on the conclusions above, it is recommended that DELEGATED AUTHORITY be granted to the Delivery Management Service Delivery Manager to:
- a) Modify Schedule 1 of the S106 attached to W2002/0630 to permit any use within Use Classes B1 and B8, in addition to the storage / warehouse uses,
 - b) Grant the removal of Condition 1 of The Second Schedule attached to W2002/0630 and W2004/0237 to remove the requirement for the submission and written approval of details prior to a change of operator, or use of an individual unit (irrespective of whether or not the proposed use falls within the same use class as an existing permitted use),
 - c) Grant the removal of Condition 2 of The Second Schedule attached to W2002/0630 and W2004/0237 to allow the units to be sold or transferred either individually or as a whole separate to Rodenhurst Hall.

APPENDIX 1 COMMITTEE REPORT FOR W2004/0237

OBJECTIONS RECEIVED: No

MAIN ISSUES: Policy, principle of use, scale, intensification, traffic generation, impact upon the locality

INTRODUCTION: The applicants have owned Rodenhurst Hall Farm for more than 30 years. The scale of the agricultural enterprise grew over this period and around ten years ago the farm extended to 500 acres of owner occupied arable land, predominantly combinable crops to support an indoor herd of 200 sows plus 1200 rearing pigs. Approximately seven years ago the pig enterprise began to provide poor returns coupled with changes in operational requirements due to new legislation. This situation was then compounded by the foot and mouth outbreak of 2000 and the decision to scale down the operation was taken around four years ago.

Subsequently, the favoured enterprise was arable cropping and due to the relatively light soil types, potato growing was particularly well suited. However, due to poor weather conditions the potato growing seasons were not good and the decision to cease potato production was made and the potato growing equipment sold in January 2002.

The owned land (now 350 acres) is currently contract farmed by a well-established local farmer. The applicant provides land, seed, fertiliser and other inputs and the contractor carries out the mechanical operations and grain storage. It is only practical for the contractor to store at his main holding, therefore, the majority of the remaining buildings on site are no longer utilised nor required for the farming operation. Subsequently, planning permission was granted for the change of use of seven buildings to form business use in 2003.

The applicant is now seeking further diversification of the farm in order to utilise an additional 9 buildings for similar use.

SITE AND SURROUNDINGS: The application site is located within the rural area of the District and comprises part of the existing agricultural unit at Rodenhurst Farm, near Rodington. The site, which is relatively remote, can be accessed from the north via a driveway leading from the B5062 between High Ercall and Roden and alternatively from an existing lane that leads from Rodington Heath to the south.

The buildings in question form part of an extensive range of farm buildings of differing ages and types including a number of traditional brick and tile outbuildings of both single and two storeys in height and some former pig buildings with lower eaves.

The farmhouse, which is separate from the application site, is a pleasant two storey dwelling situated within a courtyard formed by historic farm buildings. The dwelling is typical in design to the local Sutherland estate form and retains historic merit and integrity.

PROPOSAL: This application seeks planning permission for the change of use of nine agricultural buildings to general industrial, storage and office use (Use Class B1/B8).

CONSULTATION: The Council's Highways Engineer has no objection to the

proposal: It is advised that the proposed levels of traffic movements would not have a significant impact upon the highway network on the basis that all traffic movements serving the site are from the adjacent B5062.

Rodington Parish Council has no objections to the proposal.

POLICY: Planning Guidance Note 4 states that many businesses can be carried on in rural areas without causing unacceptable disturbance through increased traffic, noise, pollution or other adverse effects. Individual planning decisions will of course depend on such factors as the scale of development, the nature of the use and its location. In rural areas, applications for development necessary to sustain the rural economy should be weighed with the need to protect the countryside in terms of, for example, its landscape, wildlife, agricultural and recreational value.

Where they are disposed to permit industrial or commercial development in rural areas, planning authorities should bear in mind that subsequent intensification of the use may become unacceptably intrusive. Planning authorities should, therefore, consider the use of planning conditions or planning obligations to safeguard local amenity, where they would be an appropriate means of preventing foreseeable harm.

Planning Guidance Note 7 states that the range of industries that can be successfully located in rural areas is expanding. Many commercial and light manufacturing activities can be carried on in rural areas without causing unacceptable disturbance.

The re-use and adaptation of existing rural buildings has an important role in meeting the needs of rural areas for commercial and industrial development. It can reduce the need for new buildings within the countryside, avoid dereliction and provide jobs. There should be no reason for preventing the conversion of rural buildings for business use providing they are of permanent and substantial construction, conversion does not lead to a dispersal of activity on such a scale as to prejudice town and village vitality, imposing reasonable conditions could overcome any legitimate planning objections and the buildings are capable of conversion without major re-construction.

If re-use is associated with farm diversification, a planning authority may wish to seek a planning obligation under section 106 to tie the building to the land so as to discourage the subsequent fragmentation of the agricultural unit by separate sale of buildings.

Policy E6 of the Wrekin Local Plan states within the rural area employment development must be related to local agriculture or forestry or assist in the diversification of the rural economy. It should be of an appropriate scale, type and design sensitive to its location and located within existing rural buildings within a farm unit.

Policy E12 states the Council will, as a priority, encourage proposals to convert and reuse existing buildings for employment uses of an appropriate scale in relation to their location provided that the proposed use would not have an unacceptable impact in terms of traffic generation, noise or pollution and would not otherwise detrimentally impact upon the rural environment.

Policy T20 states the Council will, in approving any development outside of Telford and Newport, protect the character of rural roads.

PLANNING CONSIDERATIONS: The principle of re-using existing rural farm buildings that do not require substantive re-construction for appropriate uses is considered to be acceptable, subject to the criteria as set out in the policy outlined above. In this case, the proposed buildings are generally of traditional form and character, of sound construction and would require minimal alteration to allow the development to proceed. They are set within an existing farm complex and can be accessed directly from the main driveway into the site which allows for vehicles to pass in opposite directions. The buildings are a significant distance from the nearest residential area and their use would not have an impact upon the character and appearance of the site nor the area.

Both Government and Council policy encourages the diversification of farms through the re-use of agricultural buildings where the scale and type of use would not have a detrimental impact upon the locality. Having identified that this is best achieved by using existing buildings within existing farm complexes, it is essential to consider the potential impacts of allowing industrial and storage uses on the site, particularly in respect of the impact upon the highway network and any increases in traffic. It is also necessary to assess the type of end users involved as to their suitability for this location.

At present, the applicant has a number of potential users for the buildings which demonstrates an existing demand for this type of offer. The proposals are primarily low key; however, it is essential that end users should not result in a detrimental impact upon the locality, dispersal of employment from urban areas or the intensification of development within the rural area.

The overall figures for traffic movements proposed in support of the previous application were approximately 35 vehicle movements per day, the majority of which were cars and small vans/vehicles under 5 tonnes. The applicant contended that this level of traffic was much less than that generated by the previous agricultural operations and that the majority of movements would be made by much smaller vehicles than the previous use.

There have been no problems associated with this operation and it is considered that the current proposal would have a minimal impact upon the highway network (subject to appropriate controls).

Whilst this type of business use should not represent an overly intensive use of the site and would not have a significant impact upon the area, it is important to ensure that there is adequate control of the uses of individual units and subsequent changes in occupiers.

It is considered, therefore, that the proposal can only be recommended for approval if appropriate levels of control could be achieved. Some of the required controls, such as a routing agreement for traffic has previously been established and should be re-iterated in this case. Also, the requirement for a schedule of users has been

incorporated within a legal agreement and should be extended to include this additional development. This would introduce certainty of control in respect of the risk of future change and intensification of use. It would also ensure that the use of the premises remained low key without detriment to the character of the rural area. It is considered, however, that general office uses should not be approved unless only ancillary to a low key business use.

CONCLUSION: The proposed use is a relatively low-key proposal that would not have a significant impact upon the site and the character and appearance of this part of the rural area. The type of uses proposed is considered acceptable in respect of scale and does not result in significant alteration to existing buildings or likely to cause unacceptable levels of traffic generation combined with the existing permission.

It is considered that the proposal can be supported subject to a number of reasonable and necessary controls to ensure that there is not inappropriate intensification of use.

RECOMMENDATION: subject to the introduction of a S.106 agreement to restrict changes of operator, tie buildings to the site and to agree a traffic routing agreement, provide delegated authority to Head of Planning to GRANT PERMISSION subject to the following conditions:

A3 - timescale C118 -plans B16 - materials D137 - removal of permitted development rights and primary office use D135 - hours of use D142 - restriction on open storage