

Report of the Corporate Director of Planning & Community Services

Address PRIORS FARM WEST END ROAD RUISLIP

Development: Dutch Barn and Cattle Yard to site.

LBH Ref Nos: 14699/APP/2009/1599

Drawing Nos: Flood Risk Assessment
Design and Access Statement
2303/2
2303/1

Date Plans Received: 21/07/2009

Date(s) of Amendment(s):

Date Application Valid: 11/09/2009

1. SUMMARY

The application relates to the construction of two agricultural buildings within an existing farm yard setting. It is considered the proposed buildings would be in-keeping with the surroundings to which they relate, and would not result in any adverse impact on the street scene or the wider area. It is not considered that the development would have a material impact on the visual amenities or openness of the Green Belt or result in the loss of any residential amenity. As such, it is considered to comply with all the relevant policies contained in the UDP (Saved Policies September 2007) and the advice contained in PPG2: Green Belts.

2. RECOMMENDATION

APPROVAL subject to the following:

1 T8 Time Limit - full planning application 3 years

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 of the Town and Country Planning Act 1990.

2 OM1 Development in accordance with Approved Plans

The development shall not be carried out otherwise than in strict accordance with the plans hereby approved unless consent to any variation is first obtained in writing from the Local Planning Authority.

REASON

To ensure that the external appearance of the development is satisfactory and complies with Policy BE13 and BE15 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

3 NONSC Use of Dutch Barn

The proposed Dutch Barn shall only be used for ancillary storage of farm equipment and livestock food stuffs and shall not be used for the housing of livestock.

REASON

To safeguard the amenity of the surrounding area in accordance with Policy OE1 of the Hillingdon Unitary Development Plan (Saved Policies September 2007).

INFORMATIVES

1 I52 Compulsory Informative (1)

The decision to GRANT planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

2 I53 Compulsory Informative (2)

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (February 2008) and national guidance

OL1	Green Belt - acceptable open land uses and restrictions on new development
OL2	Green Belt -landscaping improvements
BE13	New development must harmonise with the existing street scene.
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
OE7	Development in areas likely to flooding - requirement for flood protection measures
LLP 3D.18	Agriculture in London
LLP 3D.9	Green Belts
PPG2	Green Belts
PPS25	Development & Flood Risk
PPS7	Planning Policy Statement 7: Sustainable Development in Rural Areas

3 I1 Building to Approved Drawing

You are advised this permission is based on the dimensions provided on the approved drawings as numbered above. The development hereby approved must be constructed precisely in accordance with the approved drawings. Any deviation from these drawings requires the written consent of the Local Planning Authority.

4 I3 Building Regulations - Demolition and Building Works

Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as -

the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced. For further information and advice, contact - Planning & Community Services, Building Control, 3N/01 Civic Centre, Uxbridge (Telephone 01895 250804 / 805 / 808).

5 115 Control of Environmental Nuisance from Construction Work

Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with: -

A) Demolition and construction works should only be carried out between the hours of 08.00 hours and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank and Public Holidays.

B) All noise generated during such works should be controlled in compliance with British Standard Code of Practice BS 5228: 1984.

C) The elimination of the release of dust or odours that could create a public health nuisance.

D) No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit, 3S/02, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel.01895 277401) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

6 143 Keeping Highways and Pavements free from mud etc

You are advised that care should be taken during the building works hereby approved to avoid spillage of mud, soil or related building materials onto the pavement or public highway. You are further advised that failure to take appropriate steps to avoid spillage or adequately clear it away could result in action being taken under the Highways Act.

7 12 Encroachment

You are advised that if any part of the development hereby permitted encroaches by either its roof, walls, eaves, gutters, or foundations, then a new planning application will have to be submitted. This planning permission is not valid for a development that results in any form of encroachment.

8 15 Party Walls

The Party Wall Act 1996 requires a building owner to notify, and obtain formal agreement from, any adjoining owner, where the building owner proposes to:

- carry out work to an existing party wall;
- build on the boundary with a neighbouring property;
- in some circumstances, carry out groundworks within 6 metres of an adjoining building.

Notification and agreements under this Act are the responsibility of the building owner and are quite separate from Building Regulations, or Planning Controls. The Building Control Service will assume that an applicant has obtained any necessary agreements with the adjoining owner, and nothing said or implied by the Council should be taken as removing the necessity for the building owner to comply fully with the Party Wall Act. Further information and advice is to be found in "the Party Walls etc. Act 1996 - explanatory booklet" published by the ODPM, available free of charge from the Planning & Community Services Reception Desk, Level 3, Civic Centre, Uxbridge, UB8 1UW.

9 16 Property Rights/Rights of Light

Your attention is drawn to the fact that the planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.

3. CONSIDERATIONS

3.1 Site and Locality

The application site relates to an established farm on the east side of West End Road and has the slip-road to the A40 on the southern boundary. The farm covers an area of over 28 hectares. The area to which the application relates is within the confines of the existing Farm Yard, which is accessed from and adjacent to West End Road. To the east is open countryside, to the south the A40 and to the north a sports field, with residential development beyond. The site lies within the Green Belt as identified in the Hillingdon Unitary Development Plan (UDP) (Saved Policies September 2007).

3.2 Proposed Scheme

Planning permission is sought for the erection of two agricultural buildings.

1. A cattle building, 18.288m wide x 24.383m deep with a height of 4.572m to the eaves and 7.1m to the ridge. This would be sited on the southern boundary of the farm yard, adjacent to the slip-road to the A40. The building will have pre-stressed concrete panels to a height of 2m, with pressure treated timber boarding to eaves height and finished with corrugated fibre cement sheeting

2. A Dutch barn, 30.48m long x 7.62m wide with a height of 5.486m to the eaves and 6.4m to the ridge. This would be sited on the northern boundary of the site, adjacent to the shared boundary with the rugby and sports club. The building will have pre-stressed concrete panels to a height of 2m, with profiled steel cladding above.

The design and access statement states that the buildings are required to provide additional weather proof storage for hay/silage crops and bedding straw and the raising and fattening of beef cattle, as the existing buildings on site are insufficient to meet the proposed annual throughput of 200 cattle per year.

3.3 Relevant Planning History

Comment on Relevant Planning History

None

4. Planning Policies and Standards

UDP / LDF Designation and London Plan

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

Part 2 Policies:

OL1	Green Belt - acceptable open land uses and restrictions on new development
OL2	Green Belt -landscaping improvements
BE13	New development must harmonise with the existing street scene.
BE19	New development must improve or complement the character of the area.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE3	Buildings or uses likely to cause noise annoyance - mitigation measures
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PPS7	Planning Policy Statement 7: Sustainable Development in Rural Areas

5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- Not applicable

5.2 Site Notice Expiry Date:- Not applicable

6. Consultations

External Consultees

4 neighbouring occupiers and the Ickenham Residents Association consulted, no responses received.

NATS Safeguarding - No safeguarding objections

Internal Consultees

None

7. MAIN PLANNING ISSUES

7.01 The principle of the development

National policy guidance in relation to development within Green Belts is set out in PPG2 - Green Belts. Advice contained in this document states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. This is to be achieved by resisting inappropriate development which by definition is harmful to the Green

Belt.

Planning Policy Statement 7 (PPS7) sets out the Government's planning policies for rural areas, including country towns and villages and the wider, largely undeveloped countryside up to the fringes of larger urban areas. The section relating to agricultural development states

"The Government recognises the important and varied roles of agriculture, including in the maintenance and management of the countryside and most of our valued landscapes, and Local Authority Policies should recognise these roles and support development proposals that will enable farming and farmers to:

- (i) Become more competitive, sustainable and environmentally friendly;
- (ii) Adapt to new and changing markets;
- (iii) Comply with changing legislation and associated guidance;
- (iv) Diversify into new agricultural opportunities (e.g. renewable energy crops); or
- (v) Broaden their operations to add value to their primary produce.

Policy 3D.9 (Green Belts) of the London Plan (2008), comments that the Mayor will and boroughs should maintain the protection of London's green belt. There is a general presumption against inappropriate development in the green belt, and such development should not be approved except in very special circumstances, and Policy 3D.18 (Agriculture in London), states the Mayor will and boroughs should seek to encourage and support a thriving agricultural sector in London.

Policy OL1 of the UDP (Saved Policies September 2007) states that within the Green Belt, certain open land uses will be considered acceptable, and Policy OL2 states where uses are considered acceptable the Local Planning Authority will seek comprehensive Landscape Improvements to achieve enhanced visual amenity and other open land objectives.

It is clear from the above policies and documents that the principle of the development of buildings within the Green Belt for agricultural purposes is acceptable, subject to their impact on the openness of the Green Belt and adjoining occupiers.

7.02 Density of the proposed development

Not applicable to this application

7.03 Impact on archaeology/CAs/LBs or Areas of Special Character

Not applicable to this application

7.04 Airport safeguarding

The application is within a safeguarding area and the National Air Traffic Services do not object to the proposal.

7.05 Impact on the green belt

PPG2 states that the construction of new buildings within the Green Belt is inappropriate unless it is for certain specified purposes. One of the specified purposes is "agriculture and forestry". As such the proposed cattle building and Dutch barn would fall within an accepted use. The guidance goes on to state that the visual amenities of the Green Belt should not be injured by proposals for developments which could be visually detrimental by reason of their siting, materials or design. The proposed buildings would be sited within the confines of the existing farm yard area and would be adjacent to existing building of a similar design and material and as such, would be considered in-keeping with their surroundings.

Policy OL1 defines the types of development that are considered acceptable within the Green Belt and agriculture is one of these uses, however, it also states that the number and scale of the buildings should be kept to a minimum in order to protect the visual amenities of the green belt. The application proposes two buildings. Firstly, a cattle building, sited between the existing farm buildings and the A40 slip road of a similar scale to the existing cattle building and it is considered that this building would not have a material impact on the visual amenities or openness of the Green Belt. Secondly, a Dutch Barn, sited on the northern boundary of the site adjacent to an existing workshop building and silage barn, which would not protrude further than the rear building line of the main farm buildings and furthermore, would be sited within the confines of the existing farm yard. Whilst this building would be more visually prominent, as it could be seen from the Rugby and Sports Club, this boundary is well screened by mature trees and hedgerows and this would reduce its visual impact.

Policy OL2 states that if proposals are considered acceptable the Local Planning Authority, will where appropriate seek landscaping improvements. This site is within an existing working farmyard and the proposed buildings will be well screened from the wider area by the existing farm buildings, the A40 landscape screening to the south and the existing mature landscaping on the northern boundary and as such it is not considered appropriate to require further landscaping on this site.

The proposal is, thus, considered to comply with policies OL1 and OL2 of the UDP (Saved Policies September 2007) and advice set out in PPG2 - Green Belts.

7.06 Environmental Impact

Not applicable to this application

7.07 Impact on the character & appearance of the area

The proposed agricultural buildings would not be visible from the street scene. However, the Dutch barn would be visible from the adjacent sports and rugby club. The proposed buildings will be constructed in a similar design and material to the existing agriculture buildings and the design and access statement has confirmed that the ridge height will not exceed those on the existing buildings. As such the proposed buildings are considered to visually match the existing buildings and therefore would not harm the character and appearance of the existing farm, the street scene or the wider area in compliance with policies BE13 and BE19 of the UDP (Saved Policies September 2007).

7.08 Impact on neighbours

Due to the distances involved, it is not considered that the proposal would have a detrimental impact on the amenities of adjoining buildings or adjacent properties by reason of loss of sunlight or overshadowing, and no adverse privacy impacts are anticipated given the distance to the nearest residential properties. Therefore the proposal would be in accordance with Policies BE20, BE21 and BE24 of the UDP (Saved Policies September 2007).

Policy OE1 states permission will not be granted for uses which are likely to become detrimental to the character or amenities of surrounding properties, and Policy OE3 deals with development which has the potential to cause noise nuisance. The application relates to the erection of two new agricultural buildings in an existing farm. The building proposed on the southern boundary of the site (adjacent the M40) would be to house cattle, however, due to the distances involved it is not considered that this would cause a nuisance to nearby properties or uses. However, the building proposed on the northern boundary (the Dutch Barn), would be 1.5m away from the boundary of the site which is shared with the Rugby and Sports Club, and whilst the design and access statement states this building

will be used to store wrapped silage, hay, and straw, it is recommended that should members wish to approve the application a condition is imposed on this building that it should not be used for the housing of livestock, which could cause nuisance to the nearby use of the sports pitch by way of noise, smell, flies, etc. Therefore subject to this condition the proposal is considered to comply with policies OE1 and OE3 of the UDP (Saved Policies, September 2007).

7.09 Living conditions for future occupiers

Not applicable to this application

7.10 Traffic impact, car/cycle parking, pedestrian safety

The access to and from both of the proposed farm buildings will be from existing internal farm roads. Access to the farm from West End Road will not be affected by the development and it is not considered that there would a significant increase in traffic generation, if permission were to be granted. The proposal would therefore comply with policies AM7 and AM14 of the UDP (Saved Policies September 2007).

7.11 Urban design, access and security

Not applicable to this application

7.12 Disabled access

Not applicable to this application

7.13 Provision of affordable & special needs housing

Not applicable to this application

7.14 Trees, Landscaping and Ecology

Not applicable to this application

7.15 Sustainable waste management

Not applicable to this application

7.16 Renewable energy / Sustainability

Not applicable to this application

7.17 Flooding or Drainage Issues

The application site is within a flood zone. Planning Policy Statement 25 (PPS25) sets out Government policy on development and flood risk. Its aims are to ensure that flood risk is taken into account at all stages in the planning process to avoid inappropriate development in areas at risk of flooding, and to direct development away from areas of highest risk. Where new development is, exceptionally, necessary in such areas, policy aims to make it safe, without increasing flood risk elsewhere, and, where possible, reducing flood risk overall. A flood risk assessment has been submitted with the application and the Environment Agency do not object to the proposal and it is therefore considered to comply with policy OE7 of the Hillingdon Unitary Development Plan (Saved Policies September 2007).

7.18 Noise or Air Quality Issues

Not applicable to this application

7.19 Comments on Public Consultations

None

7.20 Planning Obligations

Not applicable to this application

7.21 Expediency of enforcement action

Not applicable to this application

7.22 Other Issues

None

8. Observations of the Borough Solicitor

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

9. Observations of the Director of Finance

As there are no S106 or enforcement issues involved, the recommendations have no financial implications for the Planning Committee or the Council. The officer recommendations are based upon planning considerations only and therefore, if agreed by the Planning Committee, they should reduce the risk of a successful challenge being made at a later stage. Hence, adopting the recommendations will reduce the possibility of unbudgeted calls upon the Council's financial resources, and the associated financial risk to the Council.

10. CONCLUSION

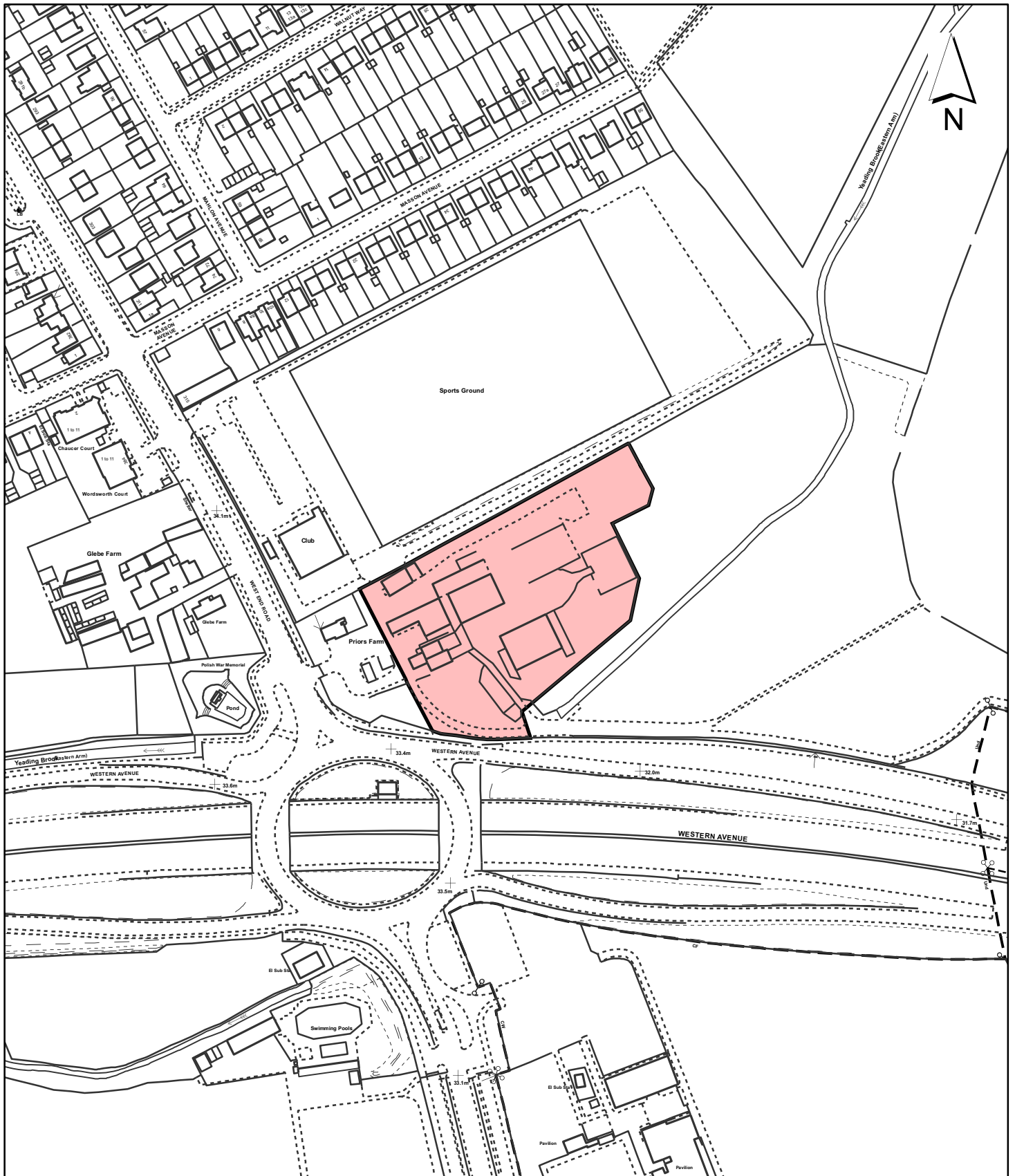
The proposed agricultural buildings are considered to be in-keeping with the existing buildings on the site to which they would relate, in terms of their size, design, and bulk. They would not protrude further in the green belt than the existing buildings on this site, and would be for one of the accepted uses within the Green Belt. They are not considered to have a material impact on any surrounding residential uses and as such are considered acceptable.

11. Reference Documents


Hillingdon Unitary Development Plan Saved Polices September 2007
The London Plan (2008)
Planning Policy Statement 25: Development and Flood Risk
PPG2 - Greenbelts
Planning Policy Statement 7: Sustainable Development in Rural Areas

Contact Officer: Catherine Hems

Telephone No: 01895 250230



Notes

 Site boundary

For identification purposes only.

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Site Address

**Priors Farm
West End Road
Ruislip**

**LONDON BOROUGH
OF HILLINGDON
Planning &
Community Services**

Civic Centre, Uxbridge, Middx. UB8 1UW
Telephone No.: Uxbridge 250111

Planning Application Ref:
14699/APP/2009/1599

Scale
1:2,500

Planning Committee
North

Date
October 2009



HILLINGDON
LONDON