

WIRRAL COUNCIL
PLANNING COMMITTEE
26TH JULY 2012

SUBJECT:	ERECTION OF SINGLE STOREY CHICKEN SHEDS AND FEED/STORAGE SHEDS, AND THE EXCAVATION OF A POND AT A SITE ADJACENT TO 151 MILL LANE, GREASBY, CH49 3NT
WARD/S AFFECTED:	GREASBY, FRANKBY AND IRBY
REPORT OF:	DIRECTOR OF REGENERATION, HOUSING & PLANNING
RESPONSIBLE PORTFOLIO HOLDER:	COUNCILLOR PAT HACKETT
KEY DECISION?	NO

1.0 EXECUTIVE SUMMARY

1.1 The purpose of this report is to advise members of the erection of a number of single storey chicken sheds and feed/storage sheds (9 no. in total), and the excavation of a pond at a site adjacent to 151 Mill Lane, Greasby, CH49 3NT. Together, the structures and development comprise a 'poultry compound' that is located on hardstanding to the northern boundary of the land identified in the map provided.

2.0 RECOMMENDATION

2.1 No expediency for enforcement action.

3.0 REASONS FOR RECOMMENDATION

3.1 Whilst the site does not benefit from agricultural permitted development rights, being below the size threshold of 4 hectares required by the Town and Country Planning (General Permitted Development) Order 1995, the nature of the development is considered to be appropriate in the Green Belt, given the agricultural purpose to which they are designed. The scale, design and materials utilised within the compound are not considered to be out of character with the surroundings or wider rural landscape character, comprising a series of small wood-and-wire structures, and a modest pond. Nor is it considered that the development impact to the openness of the Green Belt, or to the purposes of including land within it, having regard to the National Planning Policy Framework and UDP Policy GB2.

3.2 A portion of the development site shares a boundary with an adjoining residential property, Iona, and there are residential properties to the south and

west (though separated by some distance). Given this, consideration must be given to the impact to residential amenity, having regard to the criteria of UDP Policy AG5: Criteria for Agricultural Nuisances, which requires the Local Planning Authority to be satisfied that the potential for nuisance to residents or other users of non-agricultural land and property nearby can be brought within acceptable limits before permission is granted. UDP Policies HS11: House Extensions and HS15: Non-Residential Development in Primarily Residential Areas might also be considered relevant, establishing criteria for the assessment of harm to residential amenity from built development adjoining it.

- 3.3 The scale of development is not considered unacceptable having regard to these policies – the heights of the structures are modest by comparison to residential permitted development allowances for example (though this is not a residential curtilage), whilst their ‘livestock’ capacity is very limited, naturally limiting the potential for nuisance. There is a separation distance of approximately 15m from the shed to the nearest residential property, Iona, avoiding overbearance or significant impact to the outlook and enjoyment of that property. The party boundary between the two properties is characterised by fencing and screen vegetation, which negates the potential for impact from the structures to the garden space of Iona. Given this, it is no conflict is found with adopted UDP Policies.

4.0 BACKGROUND AND KEY ISSUES

The following is a brief outline of the recent planning history at the site:

1. An enforcement complaint was received 01st November 2006, the complaint being made at ‘the formation of a race track and the erection of poles (floodlights)’.
2. Planning Application APP/2007/6444 received 06th July 2007, for ‘construction of an all weather horse arena’. This application was granted permission by the Council’s Planning Committee on 14th December 2007.
3. Lawful Development Certificate LDC/2008/6081 received 18th June 2008 seeking a certificate ‘for existing use of land and erection of stables incidental to the enjoyment of the dwellinghouse’. A certificate was issued 3rd November 2008.
4. Lawful Development Certificate LDC/2009/5196 received 05th March 2009 seeking a certificate ‘for existing use of land as residential curtilage incidental to the enjoyment of the dwellinghouse’. A certificate was not issued, and the decision to refuse was notified to the applicant on the 15th September 2009. An appeal against the refusal of LDC/2009/5196 was started in November 2009, but withdrawn on 20th April 2010.
5. Planning Application APP/2010/00597 received 14th May 2010, for ‘change of use of land to domestic curtilage’. This application was granted permission by the Council’s Planning Committee 02nd December 2010.
6. Lawful Development Certificate LDC/2011/01209 received 10th October 2011, seeking a certificate for an existing static residential caravan, for a series of existing chicken sheds, feed store, storage sheds and pond that form a poultry compound, storage container and extension to the existing barn. A certificate was issued in relation to some elements of development at the site

on 11th January 2012 – it was accepted that a metal container, barn extension and a covered area/shed were lawful and immune from enforcement action.

7. Planning Application APP/2011/1210 received 10th October 2011, for a 'field shelter'. This application was granted permission 22nd December 2011.

It should be noted that none of the above permissions granted or the Certificates issued give permission or confirm the lawfulness of the poultry compound considered here.

The hardstanding upon which the compound structures are located is not considered to require planning permission, given that permitted development rights enable an agricultural holding to develop hardstanding up to an area of 465 square metres. Similarly, the chicken run areas associated with the sheds would benefit from permitted development rights set out within Part 2 Class A of the Town and Country Planning (General Permitted Development) Order 1995 which allows the erection, construction, maintenance, improvement or alteration of a gate, fence, wall, or other means of enclosure up to a height of 2.0m.

- 4.1 Whilst the initial enforcement case at the site related to works being undertaken on another part of the land, site visits and correspondence with a number of complainants during the course of the above applications has informed the current assessment of the site.
- 4.2 Whilst agents acting on behalf of the owner of the site have indicated that a planning application might be submitted to regularise the development, no application has been forthcoming to date.
- 4.3 The agents have contended that some of the sheds might be considered to fall outside the definition of development, being 'temporary' in nature by virtue of their construction, and that other parts of the compound might be lawful by virtue of the length of time they have remained in situ. No Certificate of Lawfulness application has been submitted, however, and evidence submitted to the Local Planning Authority by complainants conflicts with this latter argument, and as such a decision must be taken whether it is expedient to pursue enforcement action.
- 4.4 Given the location, scale and setting of the compound, if an application were to be submitted it is considered that the development would be supported and granted planning permission. The scale of the development is minimal and is appropriate development in the Green Belt. The development does not cause harm to neighbouring residential amenity or the character of the area.
- 4.5 For the reasons set out above, it is considered that there is no expediency to take enforcement action against the development.

5.0 RELEVANT RISKS

5.1 None relevant.

6.0 OTHER OPTIONS CONSIDERED

6.1 None relevant.

7.0 CONSULTATION

7.1 None required.

8.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

8.1 There are no direct implications for the above.

9.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

9.1 There are no direct implications for the above.

10.0 LEGAL IMPLICATIONS

10.1 There are no direct implications for the above.

11.0 EQUALITIES IMPLICATIONS

11.1 None relevant

11.2 Equality Impact Assessment (EIA)

(a) Is an EIA required? No

12.0 CARBON REDUCTION IMPLICATIONS

12.1 There are no direct implications for the above.

13.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

13.1 There are no direct implications for the above.

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APPENDICES

OS Plan

REFERENCE MATERIAL

None

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
Planning Committee – consideration of application	14th December 2007

<p>APP/2007/6444 for 'construction of an all weather horse arena'.</p>	
<p>Planning Committee – consideration of application APP/2010/00597 for 'change of use of land to domestic curtilage'.</p>	<p>02nd December 2010</p>