

REF/2016/0879

**IN THE PROPERTY CHAMBER (LAND REGISTRATION)
FIRST-TIER TRIBUNAL
(TITLE NUMBER SL147821)**

MICHAEL MOORE

Applicant

-and-

**(1) ANTHONY LIGHTFOOT
(2) HELEN LIGHTFOOT**

Respondents

IMPORTANT DOCUMENTS – N

This is Important Document “N” referred to in the Applicant’s Statement of Case.

DESIGN AND ACCESS STATEMENT

Erection of equipment storage shed (18.421m x 12.192m); permissive footpath; creation of vehicular access; installation of solar panels

Land off Watery Lane Pipegate Shropshire

On behalf of Mr and Mrs T Lightfoot

1.0 INTRODUCTION

1.1 The proposed site is located in Pipe Gate, which is a small settlement with approximately 60 dwellings and few services or facilities other than a public house. The nearest settlement is Woore, which is to the north approximately 1.5 kilometres from the centre of Woore village. Pipe Gate is largely undeveloped except for the established housing, which appears as ribbon development on the north eastern side of the A51. The former Phoenix Rubber plant has been replaced with a housing estate. The land that is the subject of the application is located to the west of that housing estate.

1.2 The site is relatively flat and bounded by mature hedging along all boundaries. To the west of the site is a dismantled railway line, to the north is a housing estate and to the east are open fields. A public right of way crosses the field but this is to the north of the application site. Vehicular access is via an unclassified road locally known as Watery Lane.

2.0 USE

2.1 The proposal is to erect an equipment storage building on land that requires regular maintenance. The site within which the building is proposed is privately owned and is currently maintained as open landscaped land. With the exception of the right of way, it is used by the public as open land, on a 'permissive' basis. The current landowners have no issues with the public crossing it in order to enjoy the countryside or to walk their dogs. The applicants use the land for exercising animals, which include dogs and horses.

2.2 The land has a planning history in that it was intended to become a Local Amenity Area in association with the redevelopment of the former Phoenix Rubber Works. Indeed the previous landowner entered into a Section 106 agreement in respect of this in 2007 but the Planning Permission expired before being implemented and the Council has accepted that the Planning Agreement no longer serves a useful purpose. A deed of discharge was issued earlier this year to the current landowners under Section 106 of the Town and Country Planning Act 1990 and therefore it is no longer in force.

2.3 The applicants have cared for the land for the past few years, undertaken further tree planting and have retained its open character so that local people can still enjoy this amenity – albeit one that is privately owned and managed as such. The site is to be used for growing animal feedstuff so there is a need to store this on site in dry conditions.

2.4 The location of the new building has been dictated by a number of factors including its proximity to access, non interference with existing tree cover, security and the desire to minimise its physical presence.

2.5 Its orientation has been dictated by the desire to use solar technology and to facilitate ease of access into the field.

3.0 AMOUNT/SCALE/APPEARANCE

3.1 It has become apparent that it is now appropriate for a storage building to be erected in

the south eastern corner of the site, with access off Watery Lane. The building will accommodate a tractor, mowers, tractor mounted equipment cultivators, trailer and associated hand and power tools. It is intended to incorporate the maintenance of the business equipment within the building together with the storage of fodder & animal bedding.

3.2 The proposed shed measures 18.421m long and 12.192m wide with openings to north east and north western sides to permit ease of access into the field with vehicles and equipment. It will have a sloping roof measuring 5.9metres in height. The building materials will be box profile Plastisol coated metal sheeting coloured green.

3.3 One side of the sloping roof (south east facing) will be used for solar panels so that the lighting in the building will be powered on site. The specifications for the solar panels have been submitted.

3.4 The building would be viewed against the existing boundary vegetation. The building is the usual form of building one finds in this type of rural location so cannot be reasonably described as out of keeping.

4.0 LANDSCAPING

4.1 The applicants wish to continue to manage the existing tree cover, the majority of which was planted at the time of the previous planning proposals. There will be additional planting of Field maple, Hazel, Alder, Rowan, Oak and fruiting trees. Underplanting and edge planting of Guilder Rose, Dog Rose, Dog Wood is also planned. The access into the site will be surfaced with 'grasscrete' to maintain the rural appearance of the entrance into the site and to facilitate easy maintenance.

5.0 ACCESS

5.1 A new site access is proposed off the lane. The access will be set back some 7 metres from the back edge of the highway and will be 5 metres wide. A set of robust metal gates will be installed across the entrance for security reasons. The type of gates will be similar to either of those shown below.





5.2 As already mentioned there is a right of way across the top of the land along the north eastern boundary but the applicants wish to supplement this with a permissive footpath that will run along the south eastern boundary of the site as shown on the site plan at scale 1:1000 on drawing 101.14.

6.0 PLANNING POLICY

6.1 Proposals have fully considered, and accord with, the NPPF in particular Section 3 “supporting a prosperous rural economy”. Paragraph 28 of the NPPF seeks to promote a strong rural economy by supporting the sustainable growth and expansion of all types of business and enterprise in the rural area both through conversions as well as new buildings. In this case the building will combine the appropriate secure and weather proofed storage facilities for the maintenance of this parcel of land.

6.2 The Core Strategy Policy CS5 advises that new development will be strictly controlled in accordance with national planning policies protecting the countryside and Green Belt. Development proposals on appropriate sites which maintain and enhance countryside vitality and character will be permitted particularly where they relate to agricultural, horticultural, forestry or mineral related development.

6.3 Whilst this policy seeks to facilitate a wide range of beneficial rural development, the operation of this policy recognises the need to consider the scale and design of proposals, where development is most appropriately sited, environmental and other impacts. There will be a significant emphasis on achieving quality and sustainability of design, particularly locally appropriate design and use of materials. Thus, proposals that would result in isolated, sporadic, out of scale, badly designed or otherwise unacceptable development, or which may either individually or cumulatively erode the character of the countryside, will not be acceptable.

6.4 Core Strategy Policy CS6 ‘Sustainable design and development principles’ requires all development to protect, restore, conserve and enhance the natural, built and historic environment and be appropriate in scale, density, pattern and design taking into account the local context and character, and those features which contribute to local character, having regard to national and local design guidance, landscape character assessments and ecological strategies where appropriate;

6.5 The principle of new buildings, in the open countryside is a form of development that can be supported by policy but will clearly need to take into account all relevant criteria associated with CS5 and CS6.

6.6 The position and orientation of the building has been largely dictated by the access arrangements into the site, the need to avoid established trees and to locate it as far from the housing estate to the north, as possible. The building has been orientated so that the building is accessed, via roller shutter doors in the northwest and north eastern elevations.

7.0 ARCHAEOLOGY

7.1 The proposed development site lies c.250m N of a Scheduled Monument (Mon No. 32302 Bowl barrow 120m SW of Dorrington Cottage, Pipe Gate. There will be no impact on the setting of the monument.

8.0 LAND CONTAMINATION

8.1 The former Phoenix Rubber works was the subject of a number of investigations and a remediation strategy was approved and completed prior to the construction of the houses on the site and when this land was laid out as intended public open space. Prior to submission of this application it was recognised that the field that is owned by the applicants had been the subject of limited tipping activities. Therefore, prior to purchase, enquiries were made of the Environment Agency to establish what the degree of contamination at the site as. The accompanying Environment Agency Letter dated 25th October 2004 refers to an opinion regarding this matter as do the accompanying three photos of the site before the Rubber Works development was commenced. The tipping extended into the northern section of the land but it did not come anywhere near the location of the now proposed building. The area of tipping is defined by the rusty brown colouring on the ground. These photos were taken after the tipped materials had been removed and the site made good.

8.2 ECOLOGY

8.3 Bearing in mind the proximity to the old railway line and the nature of the site the applicants have commissioned ecology reports, which are attached. There will not be any external lighting at the site.

9.0 DRAINAGE

9.1 The proposal will create surfaces that will result in surface water run. The aim is to collect as much surface water as possible as it will be needed to maintain the grass and to water visiting animals. Rainwater will be harvested and water butts will be used. Permeable surfacing is to be used on the site entranceway as detailed above, in order to permit full infiltration. A drainage condition would be acceptable to ensure that soakaways, for the disposal of surface water drainage, are suitable for the development site and to ensure their design is to a robust standard to minimise the risk of surface water flooding.

Christal Planning Services Limited
29th May 2015