

21/01636/FUL

Applicant Cavell / Travis Cavell

Location The Old Rectory Church Lane Widmerpool Nottinghamshire NG12 5PW

Proposal Erection of 2 No. poly tunnels for the growing of flowers

Ward Keyworth And Wolds

THE SITE AND SURROUNDINGS

1. The application site comprises an area of paddock land to the west (rear) of The Old Rectory and falling outside of the domestic curtilage of this property. There is an enclosed area to the south east corner encompassing a previously approved tractor store (application 16/01679/FUL) and a glasshouse (application 21/01632/FUL) along with a series of raised flowerbeds. There is a polytunnel and store to the south west corner of the site. The store has approval recladding and the addition of a roof (application 21/01632/FUL). There is a gravel access track leading from Wysall Road, for which retrospective planning permission is now sought.
2. The host property at The Old Rectory is Grade II listed. The site is located on the edge of Widmerpool and comprises open countryside falling outside of the Green Belt.

DETAILS OF THE PROPOSAL

3. Planning permission is sought for the erection of 2 polytunnels. These would be located to the south west corner of the site, each measuring 10 by 3.5 metres with a maximum height of 3.4 metres

SITE HISTORY

4. 04/00051/FUL and 04/00144/LBC- (Demolish outbuilding); Erect conservatory and two glazed links; wall and railings to front boundary (total height 2.1 metres), alterations to the garage to form residential accommodation. Approved in 2005.
5. 16/01679/FUL- Erection of field stables and tractor store, constructed from Green Oak. Approved in 2016.
6. 16/03074/FUL- Construction of an indoor swimming pool (detached) on existing tennis court. Approved in 2017.
7. 21/01625/FUL- Proposed extension to existing pool house to create orangery for the growing of citrus trees, and retrospective retention of existing side extension to pool house. Approved in 2021.

8. 21/01634/FUL- Proposed extension to existing flat roof garage to overclad with horizontal oak cladding and form pitched roof with reclaimed roof tiles. Refused in 2021.
9. 21/01627/FUL- Retention of glass house and raised flower beds for the use of growing flowers (Retrospective). Approved in 2021.
10. 21/01632/FUL- Retention of the existing building (retrospective) and proposed extension of the building to create a flower workshop and store. Approved in 2021.

REPRESENTATIONS

Ward Councillor(s)

11. The Ward Councillor (Cllr Edyvean) objects on the basis that what has historically been a paddock or pasture land is now being developed for horticultural purposes which it is thought would require a change of use application. The proposal significantly changes the openness of the countryside whether they can be seen from the road or not. There is no issue with the creation of a business that could support rural employment in the future but it should be supported by a viable business plan, which should be used as a measure, without which any grant of planning permission should be temporary. If the business is not sustainable the land should be returned to open field.

Town/Parish Council

12. Widmerpool Parish Council objects. It is felt that the site is being over-developed and the anticipated use should be the subject of a change of use application as it comprises far more than changes to a property. The site has previously been used as paddock or pasture land, the planned use as a business site connected with horticultural activity would introduce a noticeable change to well accepted and appreciated views of the countryside.

Statutory and Other Consultees

13. The Highway Authority (Nottinghamshire County Council) does not object.

Local Residents and the General Public

14. No consultee comments received.

PLANNING POLICY

15. The Development Plan for Rushcliffe consists of The Rushcliffe Local Plan Part 1: Core Strategy (LPP1) and the Local Plan Part 2: Land and Planning Policies (LPP2). Other material considerations include the 2021 National Planning Policy Framework (NPPF), and the National Planning Practice Guidance (the Guidance).

Relevant National Planning Policies and Guidance

16. The relevant national policy considerations for this proposal are those contained within the NPPF and the proposal shall be considered within the context of a presumption in favour of sustainable development as a core principle of the NPPF. In accordance with paragraph 11c), development proposals that accord with an up-to-date development plan shall be approved without delay. The proposal falls to be considered under section 12 of the NPPF (Achieving well- designed places) and it should be ensured that the development satisfies the criteria outlined under paragraph 130. Development should function well and add to the overall quality of the area, not just in the short term but over the lifetime of the development. In line with paragraph 134, permission should be refused for development that is not well designed, especially where it fails to reflect local design polices and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to development that meets criteria a) and/or b) listed under this paragraph.
17. The Old Rectory is Grade II listed. Paragraph 199 of the NPPF states that any harm arising to a designated should require clear and convincing justification. Where a development would lead to substantial harm to, or total loss of, a designated heritage asset, then permission should be refused unless it can be demonstrated that substantial public benefits can be achieved that outweigh the harm or loss, or that all of the criteria under paragraph 201 can be satisfied. Where a development would lead to less than substantial harm then under paragraph 202 this harm should be weighed against the public benefits of the scheme, including, where appropriate, securing its optimum viable use.

Relevant Local Planning Policies and Guidance

18. LPP1 Policy 1 reinforces the need for a positive and proactive approach to planning decision making that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. The proposal falls to be considered under LPP1 Policy 10 of (Design and Enhancing Local Identity). The development should make a positive contribution to the public realm and sense of place, and should have regard to the local context and reinforce local characteristics. Section 2 of this policy sets out the design and amenity criteria that development shall be assessed against. The proposal falls to be considered under Policy 11 (Historic Environment).
19. The proposal falls to be considered under Policy 1 (Development Requirements) of the LPP2 whereby development should not have an overbearing impact on neighbouring properties, nor lead to a loss of amenity. The scale, density, height, massing, design and layout of the proposal all need to be carefully considered, and should not lead to an over-intensive form of development. The proposal falls to be considered under Policy 28 of the LPP2 (Conserving and Enhancing Heritage Assets).
20. Paragraph 6.10 of the LPP2 states that Policy 22 (Development within the Countryside) applies to development outside of the physical edge of the listed settlements. Policy 22 (2) lists appropriate forms of development in the countryside. Development falling within one of these listed forms of

appropriate development will be permitted where the criteria listed under Policy 22 (3) are met.

APPRAISAL

21. The site falls within the open countryside outside of the residential curtilage of The Old Rectory. The application falls to be considered under Policy 22 of the LPP2. Part 2 of this policy lists appropriate forms of development in the countryside which includes:
 - e) The expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings;
 - f) Small-scale employment generating development, retail and farm diversification.
22. The proposed polytunnels would serve a cut flower business known as the Cut Flower Garden which is confirmed on Companies House as an active company incorporated on 25 May 2021. It is proposed that the business once fully operational would employ one full time and one part time position. There would be no retail activity carried out from the site or customers visiting the site. Hours of operation are proposed to be 0900- 1700 hours Monday to Friday.
23. It is considered that the proposed polytunnels would support small-scale employment generation. The nature of the business is considered appropriate to the rural location. It is thus considered with criterion f) above of Policy 22(2).
24. Development in compliance with Policy 22(2) falls to be considered under the criteria listed under part 3 of that policy. The main consideration is criterion a) in terms of whether the proposal would conserve/ enhance the character and appearance of the landscape, including its historic character and features such as habitats, views, settlement pattern, rivers, watercourses, field patterns, industrial heritage and local distinctiveness.
25. The polytunnels would be modest in scale and by their nature of a lightweight nature and readily removable from site once no longer required. The polytunnels would be screened from public view due to the dense tree/ hedge cover on the Wysall Road frontage. It is considered that the proposal would preserve the wider landscape character. It is considered that the application complies with Policy 22(3).
26. The polytunnels would not impact on residential amenity given the distance from neighbouring properties.
27. The host property is Grade II listed. The polytunnels would not be intervisible in views of the listed property and would not resulting in harm to the setting of the building. The proposal would therefore serve to preserve the setting of the listed building as a goal considered to be desirable within section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and the proposal is therefore considered positively in relation to the duty under that section of The 1990 Act.

- The Ward Member and Parish Council have raised concern that the proposal would constitute a change of use of the land. However the Town and County Planning Act 1990 defines agriculture as including
 - *“horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly;*
 - As such there is no change of use of the land. It is considered that the development accords with the general national and local planning policies considered above and accordingly it is recommended that the application is approved.
28. The application was not the subject of pre-application discussions. The scheme however is considered acceptable and no discussions or negotiations with the applicant or agent were considered necessary, resulting in a recommendation to grant planning permission.

RECOMMENDATION

It is RECOMMENDED that planning permission be granted subject to the following condition(s)

1. The development must be begun not later than the expiration of three years beginning with the date of this permission.

[To comply with Section 91 of the Town and Country Planning Act 1990, as amended by the Planning & Compulsory Purchase Act 2004].

2. The development hereby permitted shall be carried out in accordance with the following approved plans: 21-022-PL-107A Rev A (Location Plan as Proposed), 21-022-PL-108 (Site Plan as Proposed), and 21-022-PL-115 (Plans and Elevations as Proposed), received on 8 July 2021.

[To ensure the appearance of the development is satisfactory and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

3. Should the horticultural business use cease then the polytunnels shall be removed including any areas of hardstanding and returned to its former condition within 1 month of the use ceasing.

[To ensure the appearance of the development is satisfactory and to comply with policy 1 (Development Requirements) of the Rushcliffe Local Plan Part 2: Land and Planning Policies].

