

**ROYAL BOROUGH OF WINDSOR & MAIDENHEAD
PLANNING COMMITTEE**

MAIDENHEAD DEVELOPMENT CONTROL PANEL

15 February 2017

Item: 2

Application No.:	16/03006/FULL
Location:	Upper Lea Farm Startins Lane Cookham Maidenhead
Proposal:	Erection of a polytunnel (12.5m x 6m) for growing vegetables and associated lowering of land levels.
Applicant:	Mr Fisher
Agent:	Mr Geoffrey Proffitt
Parish/Ward:	Cookham Parish/Bisham And Cookham Ward

If you have a question about this report, please contact: Susan Sharman on 01628 685320 or at susan.sharman@rbwm.gov.uk

1. SUMMARY

- 1.1 The proposal is for an appropriate form of development in the Green Belt that will not harm the character and appearance of the area or the living conditions of any neighbouring residential properties.
- 1.2 While there are concerns about possible permitted development rights, the existing agricultural holding already benefits from such rights and Government advice is that these should only be removed in exceptional circumstances where it is reasonable and necessary.

It is recommended the Panel grants planning permission with the conditions listed in Section 10 of this report.

2. REASON FOR PANEL DETERMINATION

- At the request of Councillor. M.J.Saunders if the recommendation of the Head of Planning is to grant the application without removal of all permitted development rights for change of use and without a condition to restrict use to horticulture only. Cookham Parish Council and Cookham Society concerns.

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

- 3.1 The application relates to an existing agricultural holding extending to 4.6 hectares, which lies to the east of Startins Lane and south of Winter Hill, Cookham. The main access to the site is from Startins Lane and the horticultural part of the holding, to which the proposal relates, is at this end of the farm. The remainder of the site is for sheep rearing. The land is largely open with a large barn located along the eastern boundary and an open sided shed towards the main access.
- 3.2 The area is rural in character and appearance. A few stables and open land lies to the north of the site. Open fields lie to the east and an orchard is to the south of the site. Individual residential properties are located to the east. The site is located in the Green Belt, and Area of Special Landscape Importance and in the Cookham Dean Conservation Area.

4. DESCRIPTION OF THE PROPOSAL AND ANY RELEVANT PLANNING HISTORY

- 4.1 The proposal is to erect a permanent polytunnel measuring 6m wide, 12.5m long and 2.9m high. The site rises from south to north so it is proposed to level the land to be covered by lowering it at the northern end by a maximum of 750mm. The polytunnel would be positioned on the east side of the existing shed and 4m away from the northern boundary. A cherry tree sits between the shed and the proposed polytunnel and is to be retained.

- 4.2 The size of the agricultural unit is less than 5 hectares and therefore the site does not benefit from Permitted Development Rights allowing new building/structures.
- 4.3 The applicant has advised that the polytunnel will be used for growing small peppers and cucumbers which, together with other salad foods grown on the site such as courgette flowers which there is a high demand for, will be sold direct to local restaurants. When in season, produce will be hand picked daily and delivered the same morning direct to customers. There will be no selling from the site. The scale of the activity is small relative to the size of the farm holding as a whole.
- 4.4 There is no planning history relevant to the consideration of this application. There are no planning records for the existing shed and barn on the site, although from their condition both appear to be well established.

5. MAIN RELEVANT STRATEGIES AND POLICIES RELEVANT TO THE DECISION

- 5.1 National Planning Policy Framework Sections 3 (Supporting a prosperous rural economy) and 9 (Protecting Green Belt land).

Royal Borough Local Plan

- 5.2 The main strategic planning considerations applying to the site and the associated policies are:

Green Belt	Conservation Area
GB1, GB2	CA2

These policies can be found at

https://www3.rbwm.gov.uk/downloads/download/154/local_plan_documents_and_appendices

Supplementary planning documents

- 5.3 Supplementary planning documents adopted by the Council relevant to the proposal are:
- The Cookham Village Design Statement, May 2013 – relevant section R13.1

More information on this document can be found at:

https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning

Other Local Strategies or Publications

- 5.4 Other Strategies or publications relevant to the proposal are:
- RBWM Landscape Character Assessment – view at:
 - RBWM Parking Strategy – view at:

More information on these documents can be found at:

https://www3.rbwm.gov.uk/info/200414/local_development_framework/494/supplementary_planning

6. EXPLANATION OF RECOMMENDATION

- 6.1 The key issue for consideration is whether the proposal is appropriate development in the Green Belt.
- 6.2 Paragraph 89 of the NPPF sets out the types of buildings that are not inappropriate in the Green Belt. These include buildings for agriculture. As such the proposed polytunnel is appropriate development in the Green Belt.

- 6.3 Given the size of the structure relative to the size of the whole agricultural unit, the polytunnel will only have limited impact on the openness of the Green Belt which is considered acceptable.
- 6.4 The Parish Council and The Cookham Society have requested that, should the Panel be minded to approve the application, the permission should be subject to a condition removing agricultural permitted development rights. National planning policy guidance advises that conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances. The scope of such conditions needs to be precisely defined, by reference to the relevant provisions in the Town and Country Planning (General Permitted Development) (England) Order 2015, so that it is clear exactly which rights have been limited or withdrawn. Area wide or blanket removal of freedoms for development that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity.
- 6.5 As there are no exceptional circumstances in this case, it would not be reasonable for the Council to remove the applicant's agricultural permitted development rights and it is recommended that such a condition is not imposed.
- 6.6 Although not an 'ideal' type of agricultural building in terms of its appearance, the polytunnel will be largely screened from public view and will not significantly harm the rural character of the area. The structure will also not harm the living conditions of any neighbours as it will be sited at least 60m from the nearest residential property.
- 6.7 The Highway Authority has no objections to the proposal.

7. COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 7.1 The proposal is not CIL liable.

8. CONSULTATIONS CARRIED OUT

Comments from interested parties

4 occupiers were notified directly of the application.

The planning officer posted a site notice advertising the application at the site on 19th October 2016.

The application was advertised in the Maidenhead Advertiser on 6th October 2016.

No letters of representation have been received.

Consultee responses

Consultee	Comment	Where in the report this is considered
Cookham Parish Council	Would urge the Planning Authority to remove permitted development rights.	6.4.
The Cookham Society	No objection to the construction of the proposed polytunnel for growing vegetables. However, we are aware that recently Permitted Development Rights to change the use of agricultural buildings shortly after construction have been exercised locally. We would not want to see this happen at this site. We therefore request that, if permission is granted for this structure, all permitted development rights for change of use are removed. There have also been issues locally recently regarding the use of a polytunnel structure for keeping chickens uncomfortably close to dwellings. Because of this we	6.4.

	request that a condition is placed on any approval restricting the use to horticulture only.	
Highway Authority	No objections.	6.7
Trees	There appears to be a tree to the north of the proposed polytunnel that is not shown on the plans, which the proposed structure and change in levels could affect. Details and confirmation of retention needs to be provided.	4.1 A revised plan has been received showing the existing cherry tree which is to be retained.
Lead Local Flood Authority	This is for a minor development, no further comments.	Noted.

9. APPENDICES TO THIS REPORT

- Appendix A - Site location and layout plan and elevation drawing.

10. CONDITIONS RECOMMENDED FOR INCLUSION IF PERMISSION IS GRANTED

- 1 The development hereby permitted shall be commenced within three years from the date of this permission.
Reason: To accord with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
- 2 The materials to be used on the external surfaces of the development shall be in accordance with those specified in the application unless any different materials are first agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
- 3 The change in site levels shall only occur where its relates to the proposed polytunnel and on no other part of the application site.
Reason: In the interests of the visual amenities of the area. Relevant Policies - Local Plan DG1.
- 4 The development hereby permitted shall be carried out in accordance with the approved plans listed below.
Reason: To ensure that the development is carried out in accordance with the approved particulars and plans.