

Reference: 06/17/0743/F

Parish: Mautby

Officer: Mrs G Manthorpe

Expiry Date: 09-02-2018

Applicant: Mr S Hewitt

Proposal: Use of agricultural field for storage of timber/firewood for a period of two years

Site: Hall Farm
Hall Road
Mautby

REPORT

1. Background / History :-

- 1.1 The application site is part of a field, measuring 850m² to the south of the group of farm buildings at Hall Farm, there is a dwelling to the north east of the site (Hall Farm Cottage) and another to the west (Hall Farm House). The land to the south is open farm land. The application site is approximately 35 metres from the Broads Authority Area which is afforded the same designation and protection as a national park.
- 1.2 The applicant runs a business from the farm buildings at Hall Farm which involves importing, cutting splitting, storage and distribution of firewood, this use was regularised when a Certificate of Lawful Use was granted on 13th July 2016 (06/16/0280/EU). Storage of logs for the business was extended onto the field to the south without planning permission, the applicant was advised that the storage needed consent and submitted an application that was subsequently granted a temporary consent for a period of one year (06/16/0590/CU). That permission has now expired and the current application is to continue to use the site for another two years.
- 1.3 The current application was submitted on the 1st December 2017 to extend the temporary permission by a period of two years until the 1st December 2019. The previous application, 06/16/0590/CU expired on the 17th November 2017. It is assumed that the use has been on going for the past 21 ½ months without planning permission.
- 1.4 The planning permission was subject to a number of conditions including that the permission which was for one year and was personal to the applicant, no deliveries to the site or movement of wood within the site shall take place outside the following hours:- 08:00 to 18:30 Monday to Friday and that the site

shall be used for the storage of timber/firewood only and no mechanically powered cutting, sawing or splitting of timber (or other similar operation) shall take place within the site. The reason for the temporary approval was in order for the LPA to retain control over the use of the site until the effects of the proposal have been experienced and in the interest of the amenities of the locality.

- 1.5 At the end of the one year the applicant reapplied but subsequently withdrew the application. This was followed by the current application. In the mean time the Norfolk County Council submitted the application Ref No. 06/18/0384/F to find an alternative location for the applicants existing business and this application has been put on hold pending the determination of application ref

2 Consultations :-

- 2.1 Parish Council – No objections.
- 2.2 Highways – No objection.
- 2.3 Environmental Health - I can confirm that whilst we have had some recent complaints from a neighbour about other activities on land under control of the applicant, we have not substantiated a statutory nuisance and I consider that we are very unlikely to. Given that this application is for the storage of wood, this service has no objections to the grant of planning consent for this land use.
- 2.4 Neighbours – One letter of objection has been received from of the occupiers of Hall Farm Cottage (copy attached), the reasons for objection are noise and disturbance from the site which affects the residential amenities of their property.

3 Policy :-

3.1 Policy CS6 – Supporting the local economy

The Borough of Great Yarmouth has a diverse local economy. It is the main service base in England for the offshore energy industry and has a thriving seasonal visitor economy. To ensure that the conditions are right for new and existing businesses to thrive and grow, there is a need to continue to strengthen the local economy and make it less seasonally dependent. This will be achieved by:

- a) Encouraging the redevelopment and intensification of existing employment sites, particularly those sites with good access by a variety of transport modes
- b) Safeguarding existing local employment areas identified in Table 10 and future local employment areas allocated in other Local Plan Documents for employment use. Alternative uses will only be allowed where it can be demonstrated that:

- There is a satisfactory relationship between the proposed use and any pre-existing neighbouring uses, without significant detriment to the continuation and amenity of existing or proposed uses
 - There is no commercial interest in the re-use of the site for employment, demonstrated by suitable marketing at an appropriate price for at least 18 months
 - A sequential viability test has been applied following the unsuccessful marketing of the site, based on the following sequence of testing: mixed use of the site that incorporates an employment-generating use, then non-employment use
- c) Allocating approximately 10-15 hectares of new employment land at Beacon Park Extension, South Bradwell, through Policy CS18
- d) Exploring the potential for up to 22 hectares of land reclamation to the north of the Outer Harbour at South Denes
- e) Supporting port-related development proposals relating to the Outer Harbour and existing river port, in particular encouraging cargo handling and other port-reliant activities
- f) Encouraging a greater presence of higher value technology and energy-based industries, including offshore renewable energy companies, in the borough
- g) Supporting the local visitor and retail economies in accordance with Policies CS7 and CS8
- h) Encouraging the development of small scale business units, including those that support the rural economy and rural diversification
- i) Supporting the provision of development essential to sustain a rural workforce, including agricultural workers' dwellings and rural community facilities
- j) Minimising the potential loss of the best and most versatile agricultural land by ensuring that development on such land is only permitted if it can be demonstrated that there is an overriding sustainability benefit from the development and there are no realistic opportunities for accommodating the development elsewhere
- k) Supporting the delivery of high speed broadband and communications technology to all parts of the borough
- l) Encouraging flexible working by:
- Allowing home-working where there is no adverse impact on residential amenities

- Allowing the development of live-work units on residential and mixed-use sites, subject to the retention of the employment element and safeguarding of residential amenity
- Allowing the development of relevant ancillary facilities, such as childcare facilities and eateries, in local employment areas, where appropriate

m) Improving workforce skills by:

- Working with local education and skills agencies and local business organisations to establish training facilities to enhance workforce skills
- Encouraging the provision of new training facilities on employment sites

3.2 **National Planning Policy Framework (NPPF) –**

3.3 Paragraph 83. Planning policies and decisions should enable:(partial)

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;
- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and

3.4 Paragraph 84. Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

4 **Assessment :-**

- 4.1 The site involved in the application is an area of land in the north eastern corner of the field to the south of Hall Farm, the site is screened from the road by a mature hedge and trees and is only visible from the road to the south of the site. The applicant has planted trees along the southern boundary which will help to screen the site as they mature. The site is within close proximity to the boundary with the Broads Authority.
- 4.2 The only objection to the application is from the occupiers of Hall Farm Cottage which is to the north east, the occupier of Hall Farm House which is to the west has not objected to the application. The letter of objection explains some of the

background to the use of the site with the objection to the current application being based on noise and disturbance.

- 4.3 The proposed use of the site is for storage of timber that is awaiting processing on the site to the north, the only noise that will occur from the storage use is when material is delivered to the site or when it is moved to the processing area. The Environmental Health Officers have assessed the noise produced at the site and found that there is not a statutory nuisance, in the event that this changes they have appropriate legislation in order to remedy the issue.
- 4.4 The field and the farm buildings to the north are owned by Norfolk County Council, the County Council is aware of the complaints from the neighbour regarding the use and is attempting to find an alternative site to relocate the timber business. It was hoped that the relocation would have taken place before the temporary planning permission for the storage use had expired but this has not been the case. The applicant has a lawful use for the use of the buildings to the north and this use can continue as long as the County Council allows the applicant to remain there. The use of the application site allows the applicant to store logs that cannot be fitted within the wood yard and it would be difficult for him to continue the business without the additional storage area. The application has been submitted for a temporary period of two years which will allow the business to continue while an alternative location is sought.
- 4.5 The site that Norfolk County Council have applied to Great Yarmouth Borough Council as Local Planning Authority for planning permission for is adjacent the Broads and a scheduled monument. This application is recommended for refusal owing to the significant adverse impacts that the development will have on these protected features.
- 4.6 The use applied for has been ongoing for 21 ½ months without the benefit of planning permission and for an additional 1 year with a temporary use. The use of the land for a period of nearly three years in an area that is only suitable for a temporary use should not be endorsed for a further period of time when taking into account all material considerations. The initial permission was granted for a temporary period to allow an assessment of any adverse impacts, while Environmental Health have stated that there is no statutory nuisance there have been continued objections. The continued complaints demonstrate that the continued use is not appropriate in this location.
- 4.7 The National Planning Policy Framework supports the diversification of farmland for land-based uses. The use of this section of land for storage and distribution is a use ancillary to an industrial use which has expanded over the years. It is recognised within National Planning Policy that rural enterprises may have to take place outside of developed areas and sustainable growth should be encouraged. While forestry and woodland management is a land use the wood yard adjacent the site imports wood from external sources for processing. This is stated on the application form and can be assessed as an industrial use. Although storage has been stated not to cause a nuisance in the opinion of Environmental Health the expansion of the site will cause increased noise by not

only the collecting and delivery but by the vehicles carrying out these works including the reversing alerts.

- 4.8 Encouraging the expansion of an industrial use can have benefits to the economy; these must be assessed against the physical impact and the environmental impact of such proposals. The applicant has accepted, by applying for a temporary use, that the proposed use is not appropriate in the location that forms part of the application and has been ongoing for as long as should be allowed as a temporary use.
- 4.9 The impact on the environment and on the setting of the Broads with specific reference the encroachment of an industrial process to the open countryside should be considered taking into account the status of the Broads Authorities area being equal to a national park. The encroachment into the open and unspoilt area which provides a complementary landscape to the Broads area has been eroded by the sprawl of industrial processes and this should be prevented from continuing.
- 4.10 Whilst the comments of Environmental Health are afforded weight the impact of the continuation of the use to the dwelling to the east is considered too adverse to allow to continue for a further two years. This is exacerbated by the wood yard usage starting to wrap around the land ancillary to the dwelling.

5 RECOMMENDATION :-

- 5.1 On balance, given the specific circumstances of the applications location and the adverse impact on the character of the area and the application is recommended that the use cannot continue as a permanent use.
- 5.2 Given the amount of time that the use has been ongoing alternative appropriate arrangements could have been secured. It is accepted that the suggested site has been assessed as inappropriate by form, location and proximity to the Broads Authority however the location of an alternative site has been ongoing for nearly three years which is a reasonable time period to find, secure and relocate.
- 5.3 This application has been on hold to allow the determination of application 06/18/0384/F which has been recommended for refusal. With reference the current application it is assessed, on balance, that the continuation of the use is not appropriate. However the application applied for two years from the 1st December 2017 which, if previously approved, would have expired on the 1st December 2019. It seems reasonable to assess the application against the original timescales as opposed to 2 years in addition to the 21 ½ months that have been continuous without planning permission. As such it is recommended that an additional 2 ½ months as applied for is appropriate and the temporary permission until the 1st December 2019 is recommended for approval. This will allow the site to be cleared and alternative premises located.

Jill K. Smith

From: Dean A. Minns
Sent: 03 January 2018 08:44
To: plan; Graham A. Clarke
Subject: FW: Objection Ref: 06/17/0743/F
Attachments: Objection 06170685F .pdf

Hi

Email from Mrs Younge below.

Dean

From: Gail Young
Sent: 02 January 2018 22:11
To: Dean A. Minns
Cc: Thirtle, Haydn
Subject: Objection Ref: 06/17/0743/F

Dear Mr Minns

With reference to the application 06/17/0743/F, essentially, we would like to object to the application for all the reasons mentioned in our objection attached to the earlier application, which was withdrawn ref, 06/17/0685/F.

However, we are aware that you/your department have had preliminary talks with Norfolk County Council, County Farms regarding the tenant being moved, according to the ombudsman's final decision and recommendation that the tenant should be relocated. We are aware that NCC intend to apply for permission to move the tenant to the Decoy Wood in Mautby and that a phased transition would be necessary. With this in mind, we would ask that GYBC restrict the permission to the existing storage and removal of wood only rather than delivery of new wood.

Once again, I would like to stress that we have been seriously disadvantaged by the way the CLEUD site impacts on our lives. Increased storage increases the capacity of the site and the impact it has on us as neighbours.

Sincerely

Gail Younge
Hall Farm Cottage
Mautby
Great Yarmouth
Norfolk, NR29 3JB

**Re: Mautby, Proposed use of land for storing timber,
application 06/17/0685/F**

Our property is separated from the above site by a distance of approximately 10 metres. We have lived here for over 37 years and in the last few years our lives have been blighted by the effects of the woodcutting business that was authorised through CLUED (Certificate of Lawful Use or Existing Development) in July 2016 on the adjoining farmyard.

The above application is for storing timber. To authorise this inevitably increases the capacity of the CLUED site and the negative impact the wood cutting business has on us as neighbours. We feel that at this stage it is prudent to offer some background information to explain the reason we ask GYBC to object to this application:

Norfolk County Council are the landlords of the entire Hall Farm site. In February 2017 we submitted a complaint to the Ombudsman (ref:16 017 067) regarding negligence on behalf of NCC - in that for 10 years they failed in their duty to manage the site and require the tenant to apply for full planning permission for an industrial activity through Change of Use. For 10 years their tenant ran an illegal business under the guise of an 'agricultural' tenancy, thus avoiding business rates and claiming the activity fell within an agricultural context. NCC/Norfolk County Farms failed to identify the need for planning permission despite the fact that no farming activity was taking place on the entire holding. This led to the tenant gaining authorisation through CLUED. Their lack of diligence not only casts a poor light on the Council and the way in which public funds are misused but it reflects badly on the farming sector as well.

Obtaining authorisation through CLUED denied neighbouring households the opportunity to object and GYBC Planning Department the opportunity to regulate the hours of work or areas on the site where certain activities take place. As far as planning regulations are concerned, the tenant is at liberty to work 24/7.

(It was indeed a shame that when we alerted GYBC to the the existence of the wood yard in 2012, the officer missed the opportunity to insist on full planning permission; instead believing the tenant was cutting wood from his own estate.)

Every aspect of our complaint has been upheld by the Ombudsman and in October this year she recommended that the tenant should be relocated to a more appropriate site and that NCC should be allowed a further 3 months to arrange this. The Ombudsman deems this operation to be inappropriately situated - we are not alone in considering it to be inappropriate.

In response to the Ombudsman's recommendation, Norfolk County Council have said they are in negotiations with the tenant to arrange relocation.

Last year permission for storage was granted for one year as a trial period, to be reviewed this month. Several times throughout the year we have been in touch with GYBC Planning Department to provide feedback about the way in which the applicant has failed to restrict the industrial activities to the designated area or the hours of work. However, with the complaint to the Ombudsman underway and NCC's commitment to relocate the tenant, we have not wished to waste resources and make a more formal complaint.

Through NCC's negligence we find ourselves with one of the largest wood yards in the county on our doorstep. To give open-ended permission for this land to be used for storage simply enables the operation to have even more of an impact upon us.

We do not accept the applicant's claim last year that denying him permission to store wood on this site would increase the movement of wood on the CLUED site because the CLUED site is currently at capacity anyway.

Storing wood is not simply static, as one might imagine: it involves heavy machinery to deliver, offload, reposition, load and generally transport tree trunks around the site. With the site being located so close to our boundary, the noise of heavy machinery and tumbling logs is disruptive and prevents us from enjoying our property.

Whereas the applicant has applied for storage on just a small section of the paddock, since 2012 the majority of the paddock has been used for industrial purposes; there is nothing about the remaining paddock area that relates to 'agriculture' though it still has agricultural status. To access the storage area, the machinery needs to take a large sweep way beyond the storage area and into the remaining paddock. Industrial machinery and equipment have been stored on the western reaches of the paddock the entire time. It's totally disingenuous to assume that the commercial activity is restricted to the area that's marked. It occurs to us that it's one way of benefiting from the exemption to business rates that's available to farmers, whilst operating a commercial activity.

Last November the applicant claimed there had been an increase in wildlife since he began the unauthorised use of the paddock in 2012. The applicant detailed numerous creatures such as voles that clearly appeal to the naturalist lobby. Again, we find this to be totally disingenuous: piles of wood encourage vermin of all sorts and from our perspective - and we live here - the reality has been a decrease in the more rarefied species and a profound increase in the rat population, necessitating us to constantly be vigilant about pest control in a way that we've never known before.

The facility is unsightly and jars with the surrounding marshland; the 'screening', such as it is, is inadequate, poorly maintained and non-native.

We were disappointed that GYBC saw fit to grant permission for one year and more so that the working hours stretched to 6.30 - though grateful that it was a trial period. From our perspective as neighbours, this has been a negative experience and simply serves to enable the CLUED site to further disadvantage us.

To deny further storage to this operation would limit the negative impact it's having on our lives.

We ask the GYBC Planning Department to refuse this application and limit the wood yard to the site that is already authorised through CLUED - until such time as the landlords, NCC, are able to relocate the tenant as per the Ombudsman's recommendation.

Begin forwarded message:

From: Gail Younge
Subject: Further Comments: Ref 06/17/0743/F
Date: 26 April 2019 at 12:08:46 BST
To: "Dean A. Minns" <dean.minns@great-yarmouth.gov.uk>
Cc: Haydn Thirtle <cllr.haydn.thirtle@great-yarmouth.gov.uk>, Ruder

Dear Mr Minns

I'm aware that the application for storage on the south side of Hall Farm in Mautby, ref 06/17/0743/F, is to be decided by 30th April. I realise you might be inclined to delay this again. If, however, you go ahead with a decision for the remaining period, which is 7 months to the end of November 2019, I strongly object and would like to add the following points to my previous comments.

From my perspective, the application to relocate the wood yard to Decoy Woods, 06/18/0384/F, has highlighted several anomalies and the following should be noted in relation to the Hall Farm site:

- As you said in a previous email, your reason for delaying a decision at Hall Farm was linked to the application to relocate the wood yard. In applying for a much-reduced area at Decoy Woods, MTS has demonstrated that the business would remain viable without extra storage. I feel strongly that the owner's argument that extra storage is essential at Hall Farm is now totally flawed. The size of the area inevitably reflects the scale of the operation and its impact on neighbours.
- The Broads Authority has taken a remarkably robust stand regarding Decoy Woods, which already provides far greater cover than the existing screening at Hall Farm. The boundary to the application site at Hall Farm is also adjacent to the Broads Authority and an unadopted road/public footpath, RB8. It is completely exposed for the duration of the very popular half-mile walk from the point where RB8 joins BR18. The screening that exists at Hall Farm is ineffective and the wood yard is a blight on the landscape and the natural environment. If you are not prepared to refuse this application, I would ask you to at least return to the Broads Authority for further comment. Seventeen months have elapsed.
- I also note a willingness to provide noise abatement for the storage area at Decoy Woods and an absence of such consideration at Hall Farm.

Please also take account of the points raised in my previous correspondence.

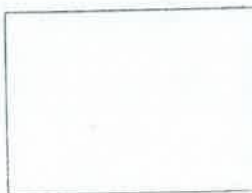
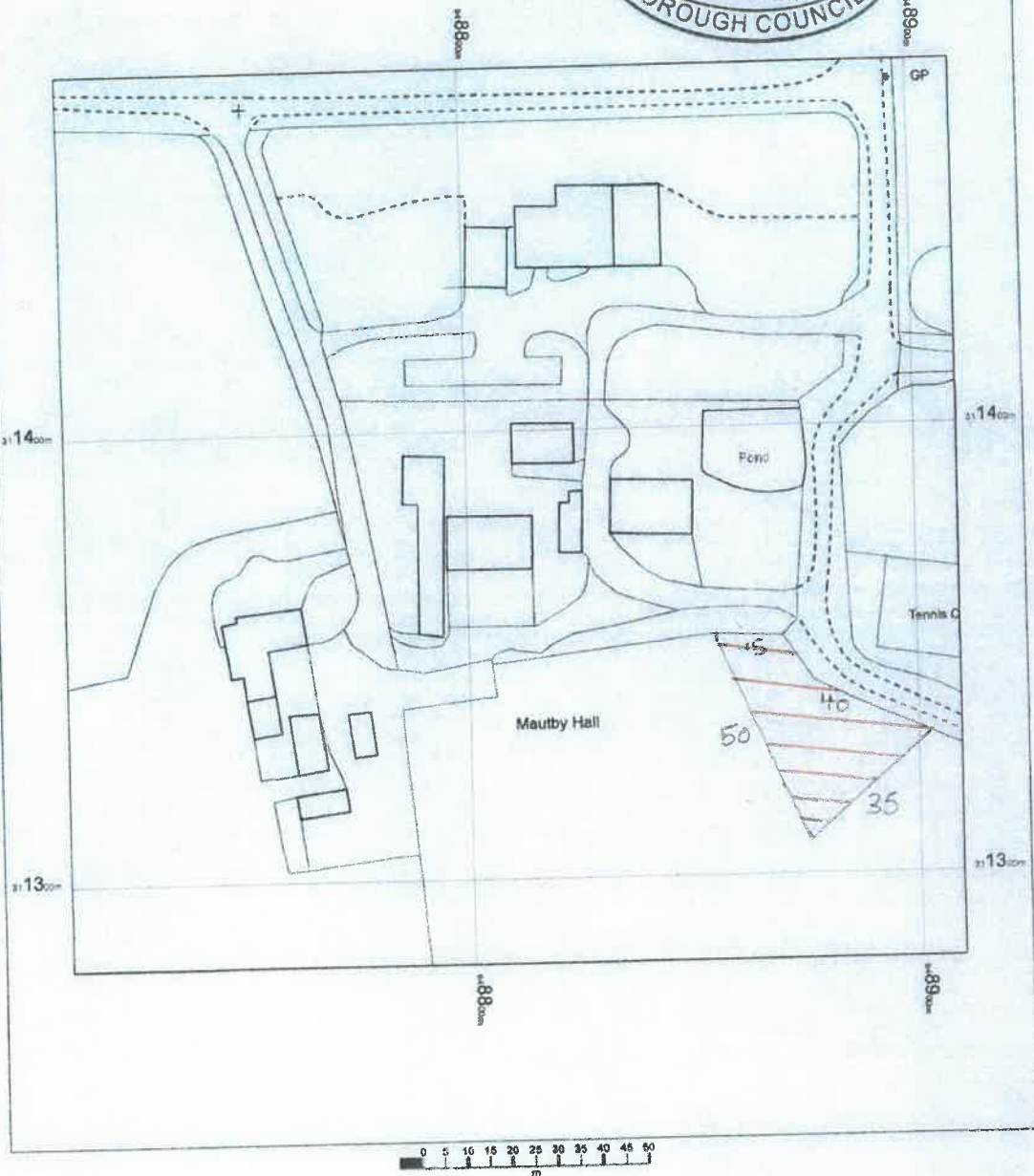
Once again, I urge you to refuse this application.

Sincerely

Gail Younge
Hall Farm Cottage
Mautby
Great Yarmouth
Norfolk, NR29 3JB

Gail Younge
Hall Farm Cottage
Mautby

06/17/0743/F

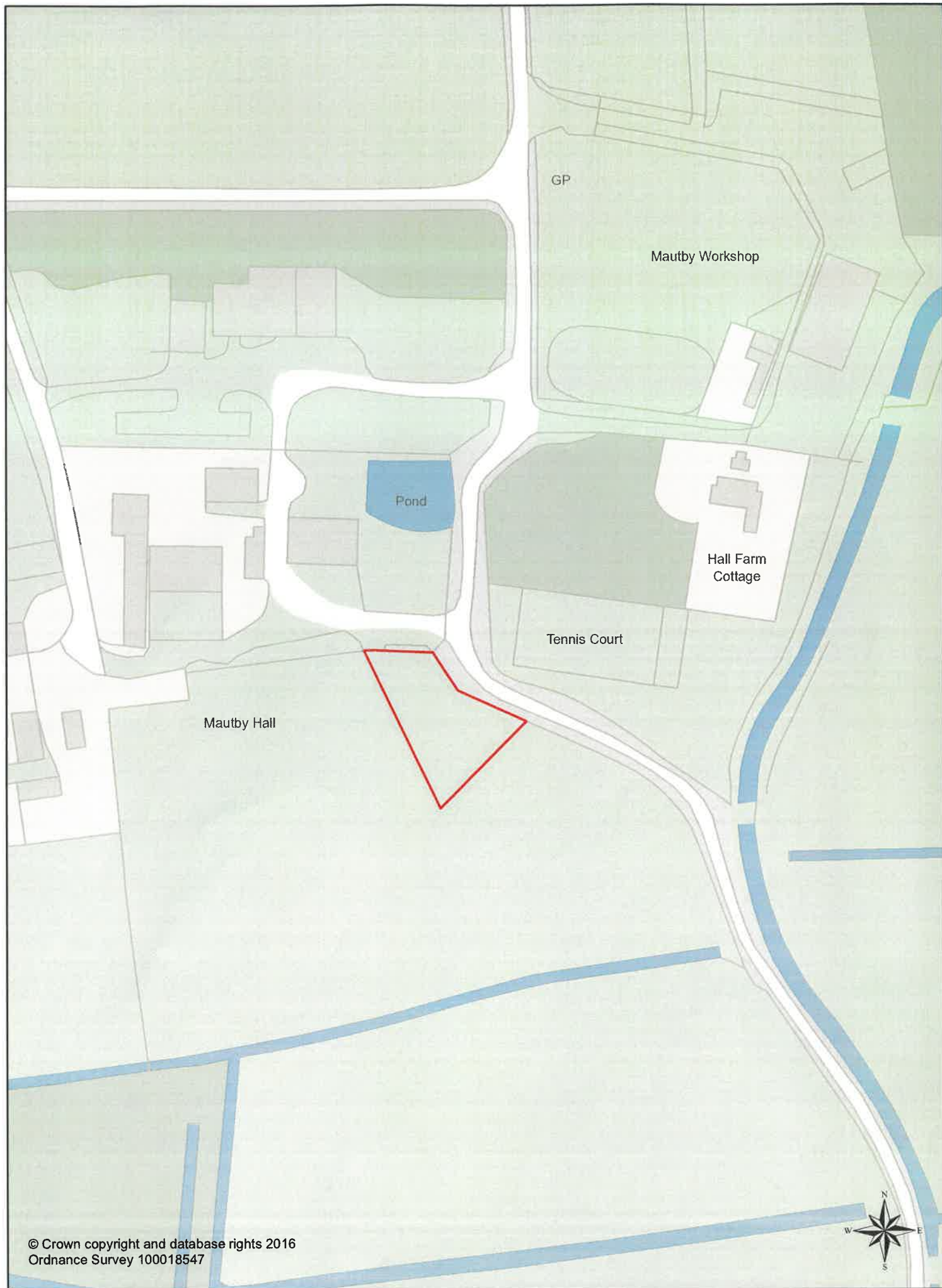


OS MasterMap 1250/2500/10000 scale
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