

Reference: 06/17/0743/F

Parish: Mautby

Officer: Mr G Clarke

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 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.
- 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.

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 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) – paragraph 28, Supporting a prosperous rural economy.

Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
- promote the development and diversification of agricultural and other land-based rural businesses;
- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres;
and
- promote the retention and development of local services and community facilities in villages such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

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.
- 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.
- 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 Providing the use is for storage only it is unlikely to cause any significant harm to the amenities of the nearest dwellings and it is considered that a further

temporary consent could be granted. If approval is granted, it should be subject to the same conditions as the previous temporary consent i.e. personal to the applicant so that if he no longer runs the business the land will revert to agricultural use, deliveries limited to 08:00 to 18:30 Monday to Friday and the site being storage only with no mechanically powered cutting, sawing work, etc. taking place on the site.

5 RECOMMENDATION :-

- 5.1 Approve – the proposal complies with Policy CS6 of the Great Yarmouth Local Plan: Core Strategy and Paragraph 28 of the NPPF.
- 5.2 Approval should be subject to the conditions suggested in paragraph 4.5.

**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.

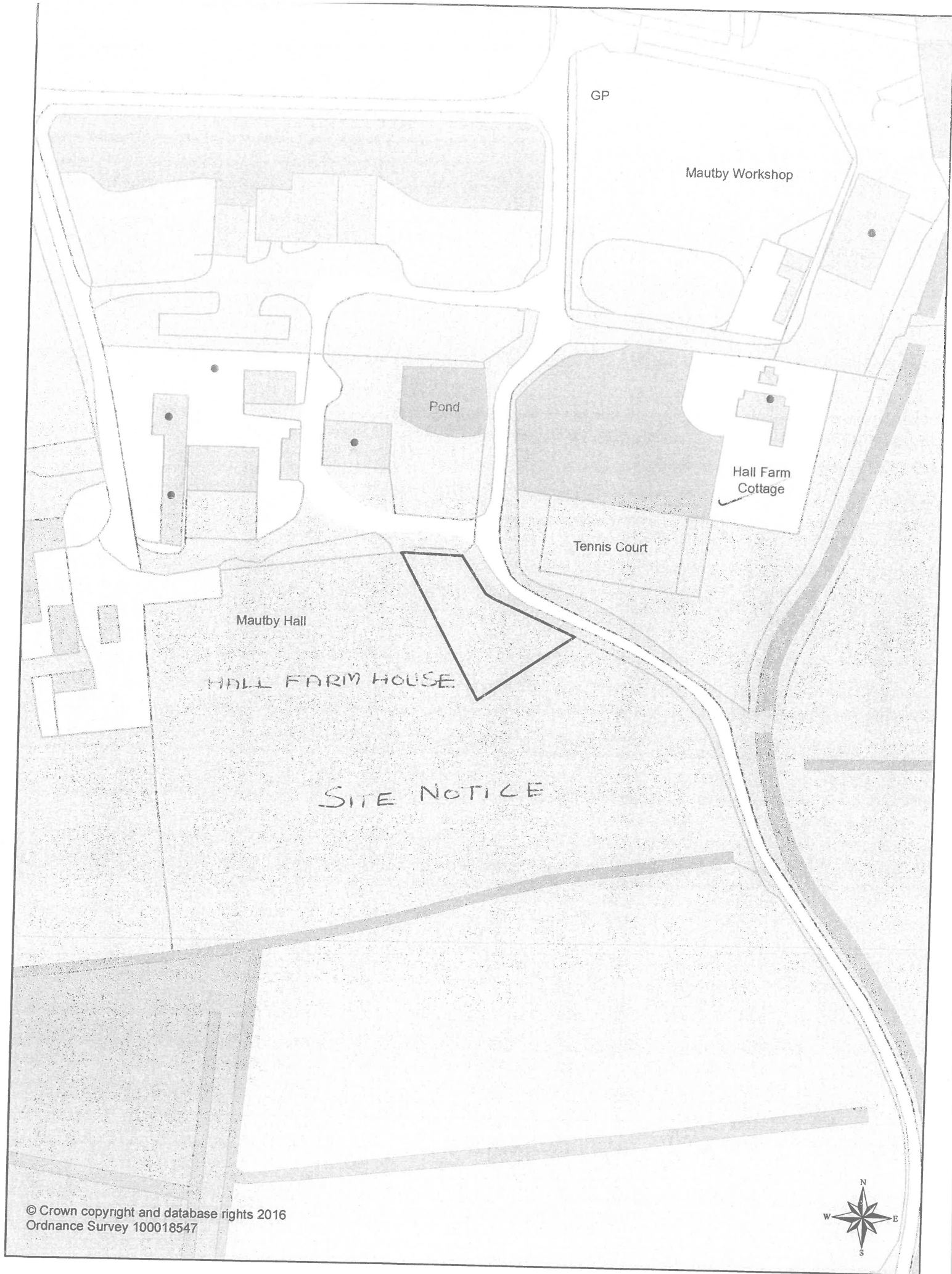
Last November the applicant claimed there had been an increase in wildlife since he began the unauthorised use of the paddock in 2012. The applicant detailed numerous creatures such as voles that clearly appeal to the naturalist lobby. Again, we find this to be totally disingenuous: piles of wood encourage 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.



© Crown copyright and database rights 2016
Ordnance Survey 100018547



Great Yarmouth Borough Council

Town Hall, Hall Plain, Great Yarmouth, NR30 2QF

06/17/0743/F.

Mapping Browser Export

Hall Farm Hall Road.

1:1,250