

## WHERSTEAD – PANNINGTON HALL FARM, PANNINGTON HALL LANE

Retention of single-storey rear extension to shop for use as production area serving the shop. Erection of single-storey rear extension for use as production area serving the shop. Change of use of barn from agricultural store to rural classrooms and erection of external staircase. Continued use of barns to accommodate monthly farmers markets. Retention of vehicular access and egress track onto C453 and construction of 120 space car park. Retention of detached feed storage building and detached gazebo.

Applicant: Mr J Doherty

Case Officer: Lynda Bacon

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SITE

1. The application site comprises a range of former agricultural buildings and associated land, located at the end of Pannington Hall Lane, which is a single width unclassified road. The site surrounds Pannington Hall, a grade II listed farm house and amounts to just over 5 hectares amongst some 40 hectares (100 acres) of farm/woodland, rented by the applicant from the landowner on a 5-year tenancy that excludes the farmhouse. The site lies outside of the defined settlement boundary of Wherstead and the Ipswich fringe, and lies adjacent to but outside of the Dodnash Special Landscape Area.
2. Situated to the south of the application site is Pannington Hall Cottage, a detached dwelling situated on lower ground that is accessed via an unmade track (bridleway) off of Pannington Hall Lane. The southern extent of the application site is defined by this bridleway that runs westward from Pannington Hall Cottage across to the C453 - Wherstead to Belstead road, which is a classified road subject to a 60 mph speed limit that links the A137 Ipswich to Manningtree road with the village of Belstead to the north west. Footpath No.34 is adjacent to the western extent of the application site.
3. To the east of the application site planning permission has been granted by the County Council for the extraction of sand and gravel.
4. Pannington Hall Farm is also known as ‘Jimmy’s Farm’, which trades as the Essex Pig Company Ltd and is the subject of a BBC documentary series.

PROPOSAL

5. See heading. This application seeks permission for various developments, the majority of which have already been undertaken and for which planning permission is now sought retrospectively. The application comprises the following;
  - A single storey ‘lean-to’ extension has been erected to the rear of the existing shop for use as a production area serving the shop and permission is sought to retain this addition, which measures 3.8m deep by 16m wide with a maximum height of 2.4m and is of a prefabricated construction under a corrugated roof. It is proposed to further extend this production area by attaching a building of box

profile tin clad construction to the rear, measuring 6.4m deep, 16m wide, 2.3m high to the eaves and 3.2m to the ridge of the roof.

- A detached two storey brick and timber clad barn is located to the north of the main barn/shop and it is proposed to change the use of this barn from agricultural storage to rural classrooms for use by visiting schools. Two classrooms will be provided on the ground floor accessed via existing openings on the east elevation and a single larger classroom will be accommodated on the first floor, accessed via a proposed external staircase to be attached to the southern elevation, with entrance through an existing high-level opening. It is further proposed to replace an area of tin sheeting at ground floor level on the east elevation with red facing brick.
  - Permission is also sought to continue running the monthly farmers market from within the main barn.
  - A car park measuring 50m x 80m has been created in a former field to the south of the main buildings, which has been surfaced in road planings to provide parking for 120 vehicles (including 12 disabled bays). The submitted block plan however, shows the provision of 142 spaces. The application form confirms that at present parking is available for 10 cars and that an additional 110 spaces are proposed.
  - A new 3m wide exit track (using rolled road planings) has been created from the southern most corner of the newly formed car park, which travels in a southerly direction before turning to the west to run alongside the existing bridleway and exiting onto the C453 Belstead road. The access track now facilitates one-way vehicle movements through the site whereby vehicles approach the site from the A137 along Pannington Hall Lane and leave the site via the newly created exit track onto the C453. It is proposed to provide a visibility splay measuring 4.5m x 120m in both directions at the point of exit onto the C453, which will require the removal of the existing hedgerow and the applicants have indicated that a replacement hedgerow will be planted behind the visibility splay.
  - A detached feed storage cabin, constructed in timber with a felt roof, has been erected in the field opposite the farm shop at the start of the farm trail and a detached information gazebo (open sided oak frame with a pantiled roof) has been erected in the same field, adjacent to the lake. Planning permission is sought to retain both buildings.
  - The existing hours of operation will continue, i.e. 9am to 5pm everyday of the week.
  - The proposal will result in the creation of employment for 4 additional full time staff.
  - The application form indicates that as a result of the proposal the number of visitors to the site will increase by 200, from 100 per day to 300.
6. The applicant has submitted a 'New Egress Visibility Assessment' to accompany the application, which recommends that the exit be provided with a 4.5m x 90m visibility splay in both directions, to be maintained at 1.05m above the carriageway surface and that the hedgerow either side of the egress should be set back to provide the required splays.

#### RELEVANT HISTORY

7. 1989 – Outline planning permission granted for the change of use of the farmhouse, agricultural buildings and cattle yard to golf and country club, application number B/89/00109/OUT refers.

8. 1989 – Full planning permission granted for the construction of one 18 hole and one 9 hole golf course. Application number B/89/00110 refers.
9. 1990 - Full planning permission granted for the conversion and extension of existing buildings to form golf complex under B/90/00562.
10. 1994 – Renewal of planning permission B/89/00110 under B/94/00438.
11. July 2005 – Erection of building for new shop area and tea room, new vehicular access and car park for 120 cars and monthly indoor farmers markets withdrawn prior to determination. Application B/05/00795 refers.
12. October 2005 – Temporary planning permission granted for the retention of 2 mobile homes for use by stockmen. Application B/04/01825 refers and expires on 24/10/2008.
13. June 2006 – Full planning permission granted for the change of use of part of the barn to café and kitchen. Application B/06/00041 refers.

## POLICY

**Please note that details or extracts of policies are no longer included in reports – see page 4 of these papers.**

14. The following policies and government guidance provide the framework against which this application should be judged:

### **PPS 6 Planning for Town Centres**

15. In planning for village shops and services, local planning authorities should adopt policies which: ensure that the importance of shops and services to the local community is taken into account in assessing proposals which would result in their loss or change of use; and respond positively to proposals for the conversion and extension of shops which are designed to improve their viability.
16. Furthermore, farm shops can also meet a demand for local produce in a sustainable way and can contribute to the rural economy. Care should however be taken to ensure that they do not adversely affect easily accessible convenience shopping available to the local community.

### **PPS 7 Sustainable Development in Rural Areas**

17. A key principle is to raise the quality of life and the environment in rural areas through the promotion of, amongst other things sustainable economic growth and diversification by developing competitive, diverse and thriving rural enterprise that provides a range of jobs and underpins strong economies.
18. Planning authorities should adopt a positive approach to planning proposals designed to improve the viability, accessibility or community value of existing services and facilities, e.g. village shops and post offices, rural petrol stations, village and church halls and rural public houses, that play an important role in sustaining village communities. Planning authorities should support the retention of these local facilities.

19. The Government's policy is to support the re-use of appropriately located and suitably constructed existing buildings in the countryside where this would meet sustainable development objectives. Re-use for economic development purposes will usually be preferable, but residential conversions may be more appropriate in some locations, and for some types of building.
20. Local planning authorities should be particularly supportive of the re-use of existing buildings that are adjacent or closely related to country towns and villages, for economic or community uses.
21. Recognising that diversification into non-agricultural activities is vital to the continuing viability of many farm enterprises, local planning authorities should be supportive of well-conceived farm diversification schemes for business purposes that contribute to sustainable development objectives and help to sustain the agricultural enterprise, and are consistent in their scale with their rural location. This applies equally to farm diversification schemes around the fringes of urban areas.
22. A supportive approach to farm diversification should not result in excessive expansion and encroachment of building development into the countryside. Planning authorities should encourage the re-use or replacement of existing buildings where feasible, and have regard to the amenity of any nearby residents or other rural businesses that may be adversely affected by new types of on-farm development.

### **PPG 13 – Transport**

23. Outlines the Government's drive to reduce the need for car travel.

### **PPG 15 - Planning and the Historic Environment.**

24. States that Local Planning Authorities have an obligation to protect the setting of listed buildings and areas of landscape designation. Views into and out of such sites are a material consideration and the setting of a listed building can quite often be viewed over long distances.

### **PPG21 – Tourism**

25. Tourism makes a major contribution to the national economy and to the prosperity of many cities, towns and rural areas. Its continuing growth generates a range of economic activity and new job opportunities. Because it often depends on a high quality environment, it can act as a positive force for environmental protection and enhancement.

### **Suffolk Structure Plan 2001**

- Policy ENV1 (Conservation of the built environment)
- Policy ENV2 (Re-use of rural buildings)
- Policy ENV3 (Design standards)
- Policy ENV4 (Countryside)
- Policy ECON1 (Employment development)
- Policy ECON 4 (Small scale employment)
- Policy ECON 9 (Towns, local centres and villages)

**Babergh Local Plan Alteration No.2 (2006)** *(the policy references below relate to the adopted version of the Local Plan – the policy numbers in some cases differ from those in the second deposit draft. Where this is the case, the previous reference number is given brackets).*

- Policy EM01 – Employment
- Policy EM20 (EM12a) - Expansion of existing employment uses.
- Policy SP03 – Retail/substantial trip generating development.
- Policy SP05 (SP07) - Farm shops
- Policy CR01 - Countryside
- Policy CR17 (CR29) - Farm diversification
- Policy CR18 (CR30) - Conversion of underused buildings in the countryside
- Policy CR23 (CR36) - Shops
- Policy TP08 (TP07) – Wherstead Park & Ride.
- Policy TP15 (TP18) - Parking
- Policy CN01 - General design
- Policy CN06 (CN10) – Listed buildings
- Policy RE06 (RE08) – Small and medium scale recreation.
- Policy RE10 (RE12) – Ipswich Urban Fringe.
- Policy RE11 (new) – Country Park, land between A137, A14 and The Strand, Wherstead.

#### OBSERVATIONS

26. PC – No objection but would like BDC to consider a speed limit and traffic calming measures on the lane down to the farm.
27. CHA – To be reported verbally at the meeting.
28. EA – The application, as submitted, does not sufficiently consider pollution control. It is considered these concerns can be overcome by imposing a condition requiring the submission of a scheme for the provision and implementation of pollution control measures.
29. AWS – Not received.
30. SCC (Archaeology) – The site lies within an area of archaeological interest and a standard watching brief condition is recommended.
31. Suffolk Constabulary (Traffic Management) – The only aspect of concern is the proposed egress from the site. It is essential that people visiting the site use the proposed egress onto the C453 Belstead to Wherstead road. The access lane is not able to manage two-way traffic without creating congestion on the A137 road. If the egress route is adopted, all the visibility splay criteria must be met. You might also ask for some warning on the C453 to advise users that traffic could be emerging from the side access. Not certain that the side road sign is appropriate but the road hazard markings might be acceptable.
32. Suffolk Wildlife Trust – Recommends the buildings be surveyed for bats before the application is determined.

33. English Nature – Agrees with the findings and recommendations of Anglian Ecology’s Bat report and subject to adherence with the recommendations, does not object to the development.
34. Footpaths Officer – Public footpath No. 34 crosses the application site and bridleways Nos.30 and 41 are adjacent. The routes should remain open, unobstructed and free for usage by the public.
35. Letters – To date one letter of objection has been received from an occupier of a property in Pannington Hall Lane. The main points raised are summarised:
- The junction of Pannington Hall Lane with the A137 (subject to a 60mph speed limit) is approximately 100 metres from a blind bend. Traffic entering the lane from Ipswich and leaving the lane for Manningtree must cross the carriageway.
  - Traffic is impeded in Pannington Hall Lane by the legally parked vehicles of residents.
  - Development undertaken without permission should not be rewarded, the application should be refused and the land returned to its original condition.
  - Classrooms infers children arriving by PCV’s that would have to negotiate the junction described above, which would be a highly dangerous manoeuvre for a mini bus let alone a coach which would present a side profile to fast moving traffic on the A137.
  - Local facilities exist (Alton Water) for nature trails, complete with good access, parking and café.
  - Application would be increasing vehicle journeys against policy for rural areas.
  - To permit monthly farmers markets would lead to a further increase of traffic, vehicle journeys in excess of that experienced during the opening hours of the existing shop.
  - To allow for a 120 space car park would encourage unnecessary vehicular traffic into a particularly sensitive rural environment not able to cope with resulting noise and pollution on roads not designed for such use.
  - Pannington Hall Lane is suffering degradation due to its unreasonable use.
  - Application would cause severe loss of amenities to the 5 residencies in Pannington Hall Lane by way of noise and nuisance from vehicles attracted to the increase in farm facilities, totally out of character with the immediate area.
  - The farm began as a rare breeds farm and has degenerated into a commercial outlet for farm goods not produced on the farm but by other wholesalers amounting to considerable commercial media attention.
  - Special considerations for farm diversification do not apply in this instance and the venture is unsustainable.

## ASSESSMENT

36. The application comprises various component elements, which if approved (and in addition to existing uses that do not require planning permission) would result in a mixed use of the site amounting to a rare breeds farm, monthly farmers markets, a school education resource, an increase in the production area serving the shop (and therefore an increase in retail turnover) and an opportunity for informal recreation by visitors using the nature trail and the herb garden. The resulting sum of all these activities has generated a significant increase in visitors travelling to the site, particularly on market days when some 400 visitors arrive by car, which have consequently required the provision of an extensive parking area and a one-way traffic system through the site.

37. The principal issues in the determination of this application are as follows:

- Policy considerations
- Highway considerations
- Impact on the countryside
- Impact on the setting of the listed building
- Residential amenity

### **Policy Considerations**

38. Policies of the development plan seek to restrict development in the countryside to that which is essential for the efficient operation of agriculture and appropriate outdoor recreation. However, policies also recognise the changing circumstances of agricultural operations and development plan policies generally support farm diversification where, amongst other things, the proposal facilitates economic activity, has no detrimental effect on landscape characteristics, has no adverse impact upon residential amenity or the highway network and results in the satisfactory retention or restoration of traditional farm buildings. These policies reflect the aims of Government as stated within PPS7 in supporting the re-use of rural buildings for economic purposes and for farm diversification in general. Policy SP05 provides specific guidance in relation to proposals for farm retail shops and is relevant to the continuance of the farmers markets from within the barn. SP05 states (inter alia) that proposals will be permitted provided there is no material adverse impact in relation to the viability of nearby village shops, highway safety, residential and visual amenity and landscape character. In addition, proposals are required to provide an adequate level of car parking. The policy also makes clear that the buildings involved should be suitable, with preference being for traditional buildings which are well related to the village and to existing farm buildings in terms of siting, scale, design and materials.
39. Other Development Plan policies presume in favour of employment generating uses provided there is no material conflict with residential and environmental amenity or highway safety. Similarly, policies exist to encourage and direct tourism and recreation uses into appropriate and sustainable locations.
40. On the other hand Development Plan policies also refer to the real need to protect the vitality and viability of town and village centres and seek to protect existing community facilities. The farm shop policy (SP05) is clear in that such shops will be permitted only where the viability of nearby town or village shops will not be adversely affected.
41. In general terms, all relevant Development Plan policies have evolved to protect and enhance the environment through the principles of sustainable development.
42. The scale, nature and frequency of the continuance of the monthly farmers markets is such that it cannot be defined as a farm shop in its truest sense. The market is attended by other local producers who 'import' their goods to the site, in addition to the applicant's 'home grown' produce and occurs for one day per month when some 400 visitors are expected over the course of the day. The market takes place in the main barn and weather permitting, it extends outdoors. The main barn is a traditional building within a typical farm yard setting and suitably accommodates the market with adequate, convenient parking close by in the unauthorised car park. However, it clearly is located some considerable distance from Wherstead village and is not accessible by means of transport other than by car. Furthermore, the high visitor numbers that are attracted to the market gives rise to an overwhelming increase in traffic on market days, which is a

severe inconvenience to other users of Pannington Hall Lane and has resulted in delays (and accidents) on the A137 approach and its junction with the A14.

43. Planning permission is required for the farmers markets in this instance as they occur within a building. However, it should be borne in mind that planning permission would not be required to hold up to 14 markets a year, if they were located in a field away from the buildings.
44. Sustainability objectives require that new shopping provision and other developments that attract significant visitor numbers should be located in town centres or other locations that enable access by methods other than the private car. The type and scale of the development is thus considered to be in an unsustainable countryside location. However, given that the most significant vehicle numbers are generated by the farmers markets, which are a specialist shopping 'experience' and occur on 12 days per year, it is considered that the viability of the town and local centres will not be adversely affected and that for the remainder of the year sustainable principles are not so severely infringed.
45. The provision of rural classrooms within an existing traditional agricultural building satisfies Local plan policies CR17 and CR18 in respect of farm diversification and the conversion of under-used buildings in the countryside. Furthermore, as this use is most likely to occur when the market is not in operation, there is unlikely to be a conflict of use or vehicle movements.
46. The butchery and shop operating at the site has, to date, not required planning permission in so far as this use is considered ancillary to the main use of the site for pig farming. The application proposes to regularise the erection of an existing rear extension to the shop to serve as a production area associated with the shop. This extension is located in an enclosed area and is not visible from public areas of the site and its retention maybe supported under policy EM20 as the expansion/extension of an existing employment use. Similarly, the proposed extension of this unauthorised addition is acceptable in principle, however as the roof and side gable of the proposed extension will be visible above the existing fence enclosure, it is considered that the use of box profile tin cladding is not appropriate against the back drop of traditional buildings and revised elevational treatments have been requested.

### **Highway Considerations**

47. In order to manage traffic more effectively, the applicants have introduced a one-way system whereby vehicles continue to arrive via the A137 and Pannington Hall Lane and are directed by signs to leave via the newly created exit track onto the C453 Belstead road. This arrangement has the support of the County Highway Authority and Suffolk Constabulary (Traffic Management) in order to negate congestion on the road network in the interest of highway safety. Since initial submission the plan of the egress on to the C453 has been upgraded to accommodate the provision of 4.5m x 120m visibility splays in both directions, which will require the removal of the existing hedgerow and its reinstatement behind the proposed visibility splays. It has been confirmed that the land covered by the proposed splays is within the applicant's control. There is sufficient space available on site to accommodate a car park to serve the needs of the development.

## **Impact on the Countryside**

48. Whilst the introduction of the one-way system through the site and its exit onto the C453 will improve the free-flow of traffic and conditions of general safety on the highway, it will undoubtedly lead to the wider dispersal of a large volume of traffic onto the C453, which is typical country road leading to Belstead, to the detriment of the character of the countryside, part of which is designated as a Special Landscape Area and contrary to the general principles of sustainability. Furthermore, the proposed visibility splay will impact on the rural appearance of the area by the creation of an artificial hedge position relative to the carriageway, together with the provision of any directional or warning signs for road users.
49. During the construction of the exit track earth has been 'banked' on either side and vegetation has grown over the banks to provide a natural (weeded) screen. The exit track runs parallel to an existing bridleway and is not noticeably different in appearance to the bridleway. Furthermore, the northern boundary of the exit track abuts part of the sand and gravel extraction site recently granted planning permission by the County Council and a 2.5m high screening mound will be constructed 5m to the north of the exit track for some 300m along its length.
50. Turning to the provision of the car park, it is considered that size and unrelieved expanse of the parking area, which is surfaced in road planings, is out of character with its rural setting. Furthermore, the submitted parking layout plan indicates the provision of 22 more parking bays than applied for on the application form, the entrance to the car park is likely to be un-useable in the position shown on the submitted plan and the position of the exit track does not reflect the actual position on site. Corrected plans have therefore, been requested.
51. Existing landscaping/planting on the eastern boundary of the car park is adequate to screen the car park from the east, however the remaining boundaries are open and afford views of the parking area from footpath 34 to the west and from Pannington Hall Cottage to the south and if parking of this scale is to be accepted, significant native planting is required to minimise the impact of the car park on the locality.
52. Having regard to the visual impact of the feed storage building and the gazebo in the landscape it is considered that given their size, design and siting along the natural trail, which includes features that do not require planning permission, the buildings are not so intrusive as to warrant refusal.
53. The barn used to accommodate the monthly markets has been surveyed for bats and their presence has been discounted although bats are present in an adjoining barn, for which mitigating measures have been established and agreed by English Nature.

### **Impact on the setting of the listed building**

54. The Council has an obligation to protect the setting of listed buildings. PPG 15 advises that the setting of listed buildings can often be viewed over long distances. The setting of the listed building known as Pannington Hall currently comprises the range of former agricultural buildings viewed together with mature trees. The setting of the listed building is undoubtedly altered on market days by the presence of the significant number of visitors and their vehicles. On non-market days, the setting of the listed building is altered to a lesser extent by the open nature of the car park, although the intervening shop and barn buildings serve to divorce the curtilage of the listed farm house from the open expanse of the car park.

### **Residential Amenity.**

55. The amenity of existing residents along Pannington Hall Lane and to a lesser extent those living along the C453 to Belstead is reduced by noise, inconvenience and general disturbance resulting from vehicular traffic arriving and departing on market days. Moreover, the privacy of the occupiers of Pannington Hall Cottage is affected by the location of the car park and exit track, to the north and east of its rear garden and the open aspect of the site, which lacks a hedgerow screen along its boundaries.
56. In terms of the issues raised by the objector, your officers would concur with most of the points summarised above. However, the most significant impact on residential amenity is caused by the monthly farmers markets, which by their very nature are intermittent. If the markets were held in the open, planning permission would not be required and the Local Planning Authority would not be able to exercise any means of control over the movement of traffic at the site. Furthermore, the applicants have taken steps to address traffic congestion issue and halve the number of movements along Pannington Hall Lane by the introduction of the one-way system and new exit track. With regard to the rural classrooms and the extensions to the shop production area, it is considered that these elements are located sufficiently far away from nearby residents so as not to harm their amenity.

### **Conclusion**

57. Whilst some aspects of the application are to be supported by Local Plan Policy, (that is the extension to the production area serving the shop, the provision of the rural classrooms and the retention of the feed store and gazebo) as they do not result in harm to the character of the area, the setting of the listed building or neighbouring amenity; there are significant conflicts with aspects of Policy in relation to the farmers markets, the exit track onto the C453, the extent of the car park and general sustainability principles. However, the application should be assessed against the impact of the development which may be carried out as permitted development, all be it in a different form and over which the Local Planning Authority would have no control.
58. On balance therefore and in view of the above and having regard to the relevant Development Plan and its policies, the following recommendation is made: -

### REASON FOR APPROVAL

The development is considered to be in accordance with Planning Policy Statements issued by Central Government and policies of the Babergh Local Plan Alteration No.2 (2006), in so far as the proposal supports rural enterprise at a site where an existing commercial use operates and is acceptable in terms of highway safety.

### RECOMMENDATION

Grant planning permission subject to the following conditions -

- As recommended by the CHA
- Landscaping
- Materials
- One market per calendar month

### DECISION

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