

**PLANNING COMMITTEE**

**Wednesday 6<sup>th</sup> August 2008**

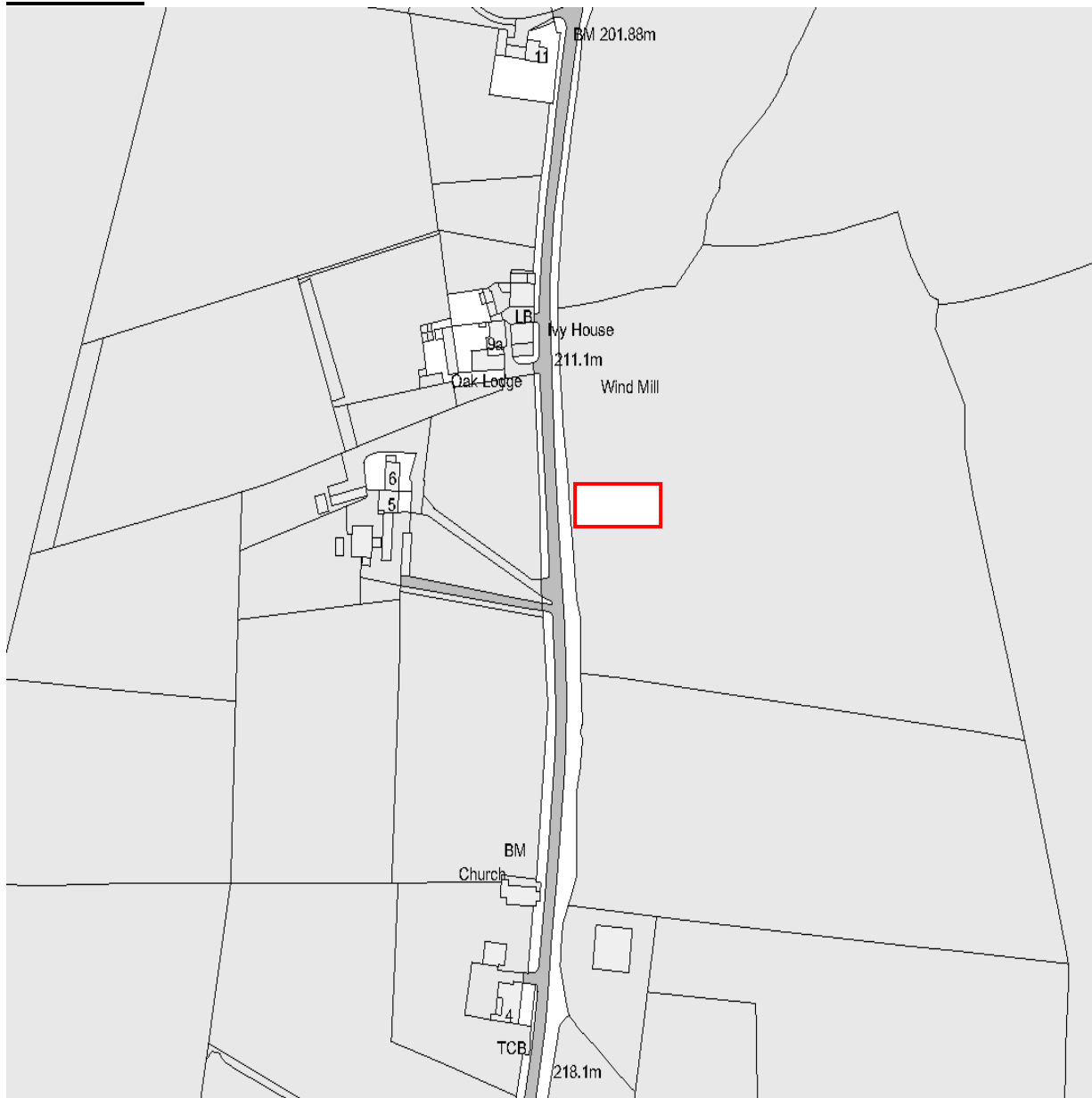
This application is reported to Members at the request of a Local Councillor. Also 15 objections and a petition of 73 names were received and the Parish Council have objected.

**Case Officer - Matthew Gibson**

**EVENWOOD & BARONY - 6/2008/0256/DM**

Erection of general purpose livestock building at Mill House Farm, Windmill for Mr Brian Sewell (23 June 2008).

**THE SITE:**



The holding is situated on the east side of the road through the hamlet of Windmill, approximately 400 metres to the north of its junction with the C32 (Nettlebed Lane). The settlement of Windmill does not have development limits and the site would therefore be considered as being within the open countryside. The nearest residential properties known as 5 and 6 Windmill, are situated on the opposite side of the road approximately 90 metres to the west of the site.

Currently on the site are the following buildings:

1. The original general purpose building nearest to the road, approved as part of application number 6/2005/0524
2. A lean to storage shed attached to original general purpose building, approved as part of notification AF/2007/0008
3. A livestock building, originally applied for as part of notification AF/2007/0017, then as part of requested application 6/2007/0566 along with a silo. As that building was not constructed in accordance with approved plans there is a current application 6/2008/0197 pending to regularise the position
4. A further storage shed was given permission as part of notification AF/2008/0013 which is within the Permitted Development Rights for the land. This building was not constructed at the time of the case officer's site visit.

### **THE PROPOSAL:**

This application seeks approval for the erection of additional livestock housing at this group of existing agricultural buildings. The proposed structure will be erected to the rear of the existing buildings. It will measure 36.78 x 12.2 metres and consist of 8 livestock bays. Access will be through double 1.5 metre high galvanised steel doors. The building will be 3.94 metres high to eaves with a roof pitch of 15 degrees to a height of 5.82 metres to ridge.

The building will be constructed of timber board walls with an 'anthracite' colour fibre cement roof over a truss portal frame. The front elevation of the proposed structure will be open facing the existing buildings and enclosed with 8 sectional feed barriers.

### **PLANNING HISTORY:**

6/2008/0197/DM – Erection of general purpose agricultural building to house livestock (pending)

AF/2008/0013 - Erection of shed to store hay/straw – approved 07/05/08

6/2007/0566/DM – Erection of general purpose agricultural building to house livestock and feed silo – Approved conditionally 16/01/08

AF2007/0017 – Erection of livestock/feedstore – planning application requested 16/11/07

AF/2007/0008 – Lean to extension to existing agricultural building – approved 04/05/07

6/2005/0524/DM – Erection of general purpose agricultural building - approved 20/01/2006

### **PLANNING POLICY:**

## **REPRESENTATIONS:**

### **Statutory and Internal Consultants:**

Highways – No objection

Environmental Health – No adverse comment on the proposal

### **Public Responses:**

#### **Objections**

A total number of 15 objections and a 73 name petition were received. The objectors raised the following concerns:

- Inaccuracies in the application form including information missing on waste management, lack of parking, impact of foul sewage, protected species, trade effluent, floor space and farmed area.
- Mr Sewell claims to have sought alternative animal housing elsewhere; an objector claims to have contacted two agents who confirmed a “vast choice and availability” of suitable buildings locally.
- The noise from the cattle who are housed constantly is unbearable and will worsen if the site doubles in capacity
- Increased traffic and pollution from the site will, with more intensive use of tractors and deliveries, have a further impact on residents.
- The access to the site is inadequate to allow deliveries and this causes issues of highway safety and damages verges when vehicles park on them.
- The site cannot produce enough extra feed for the proposed increase in cattle therefore deliveries will increase even more.
- Additional noise generated from the site from machinery, tractors, dogs, people shouting and other heavy vehicle traffic will increase.
- Liquid slurry/waste is concentrated in one location and pours down the hill through fields and into a watercourse.
- The smell is overbearing and will get worse with more cattle.
- Mr Sewell should have a slurry pit 400 metres away from properties according to DEFRA.
- Manure and feed is attracting vermin and flies. This will increase with the proposed expansion.
- Questioning what is a reasonable size development in the field of reasonable proportion. This proposal would double the size therefore not be reasonable or proportionate leading to over-development.
- The proposed building will significantly block views and have an adverse effect on the visual appearance of Wind Mill.
- The rearing of 275 calves in 3 barns on 1 field is intensive farming which is in conflict with the TDLP.
- Animal Rights protest disruption is likely to occur which would impact on residents’ security
- Privacy has been adversely affected due to the intensive practices on the site affecting residents’ outlook.
- Asthma suffers and general quality of life/health has been affected unacceptably.

- The buildings are simply too close to residents' homes. If application is approved the site will increase by 100% which is unacceptable.
- The fact that one worker is proposed should not be a relevant consideration in determining the application.
- Lighting on the site points into resident's homes and impacts upon quality of life.
- The building will destroy curlew nesting sites and have a wider impact upon local wildlife.

A number of other points have been raised by objectors relating to the process, history of the site and personal comments. These personal comments about the behaviour of the applicants or objectors and their approach are not material planning considerations.

### Support

A total of 31 letters of support were received from a variety of people and businesses offering comments in support of the planning application. An 11 name petition was received supporting agriculture practices in general. Of note were letters from the North East NFU, Castle Veterinary Surgeons and a number of local residents.

The NFU are in support of the application as they say that "it is vital a building is erected to house animals and protect them from the weather" and that the building "is vital to sustain the business".

Other letters of support make reference to the practices and quality of farming undertaken by the applicants.

Again, a number of personal comments have been included that can not be treated as material planning considerations.

## **PLANNING CONSIDERATIONS:**

### Background

### Principle of development

### Design

### Impact on amenity and highway safety

### Background

The original application for an agricultural shed was made in 2005 after it was noted the building was intended for livestock and was within 400 metres of residential properties. This application (6/2005/0524/DM) was eventually approved conditionally, despite strong opposition from local residents. The issues were addressed in the relevant officer report. This application established the principle that the development of an agricultural use was satisfactory in a countryside location, in the general vicinity of which other farming uses exist and in spite of the fact that it was relatively near a rural hamlet.

The subsequently erected lean-to shed, for ancillary farming purposes, was the subject of a notification procedure under 'Agricultural and Forestry Developments' (AF/2007/0008). Agricultural Notifications do not require neighbour consultation to take place. In any event, the brief report concerning this shed states that "the scheme would be unobtrusive to this farmland and will appear in context with the existing agricultural building without having a harmful impact on the local landscape".

Application number 2007/0566/DM was submitted for the erection of a further livestock building. This application was requested when an agricultural notification was received (AF/2008/0017) incorrectly for a livestock building which required full permission. This application also included the retrospective permission for the erection of a feed silo on the site to regularise the situation. This was subsequently given permission. This building was then erected 1.1 metres higher than approved. Therefore a retrospective application (6/2008/0197) is currently pending which seeks to regularise this increase in height.

A further hay/straw shed was approved as part of agricultural notification AF/2008/0013. This building for the storage use and not livestock was within the permitted development tolerances attributed to agricultural developments on this site and was therefore assessed as a notification. An assessment of the siting, materials and design was made and due to the position within the existing farmstead and the presence of a mature hedge along the roadside boundary the building was considered acceptable. This structure was not constructed on site at the time of the case officer's site visit for this current application but has been included on the block plan for the site.

### Principle of development

The proposed agricultural building to be used for wintering livestock will be situated in a rural countryside location. As discussed previously, the initial permission for the first building established the general principle of the site for development for agricultural uses. The retrospective nature of previous applications on the site is not a material planning consideration and this proposal will be assessed on its individual merits.

A number of objections were received questioning the scale of the proposed development in relation to the land. The farming practices at Mill House Farm are subject to the same compliance and inspection systems as all other farms in the area as part of the DEFRA Rural Payment Agency (RPA) scheme. This scheme sets out a number of criteria for agricultural businesses to adhere to. For example waste handling and animal welfare form part of the framework for inspection. Farmers have to ensure that their practices adhere to the specific criteria and therefore aim to be fully cross-compliant.

One of the requirements is to complete a Manure Management Plan. This type of farming does not create slurry as the cattle are reared and housed on straw. Therefore, the management plan refers to the spreading of muck. This has been completed for predicted stock up to 240 units. The calculation shows that 18.72 ha of land is required for the disposal of manure. The applicant states that there is currently 48 acres available for spreading including summer grazing, which amounts to 19.42 hectares. Therefore, the size of the holding in relation to number of cattle proposed is acceptable. This is also controlled independently by DEFRA in terms of waste handling and the requirement to be cross compliant. The welfare of animals also forms part of the RPA criteria and is examined yearly. In addition, a letter of support was received from Castle Veterinary Surgeons stating that they have attended the Sewell stock for the last two years. The letter confirms that "the quality of both the accommodation provided and the standards of care and attention provided is extremely high".

The Environment Agency has confirmed that they rely on the RPA scheme to ensure that the farm practices are compliant with environmental legislation. The site was reclaimed from its former opencast mine use. Therefore there are no streams or established watercourses running near to the site. The existing waste heap is on flat

ground and towards the Southern boundary of the site therefore positioned on the part of the site furthest from the nearest properties.

The Council's Environmental Health section has submitted no objection to the proposals and has recently carried out an inspection of the site. The Inspector states that "*With proper management of the agricultural activities there should be no problems with noise, smell and rodent infestations. Likewise if the disposal of animal waste and slurry is carried out in accordance with good practice guidance there will be no nuisance to occupiers of neighbouring properties. This is an agricultural building on agricultural land and as such should cause no more nuisance than any other agricultural activity.*"

It should also be noted that the alternative types of waste on the site are disposed of as part of a business waste disposal plan. This requires the applicant to store plastic wrappings etc until a sufficient amount has been collected to request a collection from a private waste disposal company.

### Design

The proposed building has been designed by a company that specialises in agricultural buildings. The building is of a standard design for the housing of cattle. The applicant has advised that the building has been positioned to allow for ease of movement and to protect the cattle from inclement weather. The use of timber boarding and muted materials for the roof will ensure the building is similar to the existing structures on the holding and constructed from standard materials attributed to many agricultural buildings in the District in accordance with policy GD1 of the TDLP 2002.

### Impact on amenity and highway safety

The settlement of Windmill is classed as being within open countryside as there is no settlement limit. The existing buildings are approximately 90 metres away from three existing dwellings on the opposite side of the road to the west (5 and 6 Windmill and an adjacent property). There is open land and forms of natural screening such as walls, hedging and a highway verge between these properties and the application site. There are also four more properties situated to the north-west of the existing buildings (Ivy Lodge, oak Lodge, Paddock House and 9A Windmill). There is also the road, open land and natural forms of screening between these houses and the site. This proposed building is to be erected adjacent to the Southern boundary of the site which is the farthest part of the site from the neighbouring properties. The visual impact of the proposed building will be reduced by the position behind the existing farmstead and therefore in accordance with policies GD1 and ENV1 of the Local Plan.

The 60 watt security light, which operates on a dawn until dusk sensor is not classified as a 'floodlight' and the applicants have pointed out that not only do other properties in the area have them, but that light from a nearby streetlight is much brighter. The issue of the removal of the previous use as green fields is does not appear to have any credence as green fields still exist beyond the farm buildings on a site which is effectively reclaimed land, having once been used for opencast mining from 1970-1990.

A number of objections have been received regarding the level of noise from the site and also the impact on smells from the site. Some noise may be generated from livestock within the buildings and their associated farming. This should be relatively minimal given the nature of the stock and the distances involved to residential properties and given that the proposed new livestock building is to be erected further from the neighbouring properties than the existing livestock barns. Indeed, in the

countryside, stock can generate noise when in fields; it is an accepted aspect of life in the countryside. Noise from traffic will be limited. As this is a minor road with relatively modest local traffic, safety is not considered to be detrimentally compromised and the farmstead will only receive deliveries on an ad hoc basis (currently twice weekly according to objectors). The number of vehicle movements generated by the development is likely to be inconsequential and should not result in any issues that would cause noise nuisance.

Issues of smell from the operation will unlikely cause problems of any consequence because of distances involved and the fact that this is a countryside business in a substantially rural location. The direction of the prevailing wind from the south west, should take any smell nuisance away from the location of existing housing. The applicant also pointed out that a number of other properties in Windmill and the locality also keep livestock in buildings closer to the objector's properties. From a site visit the level of this was unclear and how waste is disposed of, but animal noise and smells could be attributed to these practices. As the village is within a rural location a number of the other properties in the village are or have been working farms in the past. These properties include a wide range of agricultural buildings of differing quality and could, if required, be used to house livestock without permission. These buildings are in closer proximity to the objectors properties.

### Procedure

Due to specific objections regarding procedure, it should be noted that the case officer met with a number of objectors to discuss the application, explain the site history and reasons for the way the process has unfolded and also to listen to the specific objections of the owners of nearby properties. The issue of the principle was discussed at length with regards to the accepted use of the site.

A number of objections and letters of support have been received from businesses and members of the public from outside the local area and in some cases in different parts of the country. In assessing these, objections and letters of support from direct neighbours and local residents have been attributed more weight.

The objection from the Parish Council gave two reasons. The first was the retrospective nature of the previous applications; this is not a material planning consideration. The second was the mud on the road. This has been assessed as part of the highways considerations.

Councillor Richardson requested that the application be considered by Committee, in line with the scheme of delegation, on the grounds that the issues of visual impact should be assessed by Members.

### **PLAN Nos. AND DATE RECEIVED: 23 June 2008**

- 12/055/0001-1 - Site Location Plan #1
- 12/055/0001-2 – Site Location Plan #2
- 12/055/0001-3 – Site Location Plan #3
- 12/055/0001-4 – Block Plan
- 12/055/0001-5 – Proposed elevations and layouts #1
- 12/055/0001-6 – Proposed elevations and layouts #2

**RECOMMENDED: That Full Planning Permission be granted conditionally**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out wholly in accordance with the details contained in the application as submitted to the Council on the date specified in Part 1 of this decision notice unless otherwise firstly approved in writing with the Local Planning Authority.

To ensure the development is carried out in complete accordance with the approved plans.

3. No illumination shall be erected at the site without the formal, prior, written approval of the Planning Authority.

To protect residential amenity in accordance with policy GD1 of the Teesdale District Local Plan.