

Delegated Report

Planning Ref: 23/00785/FUL

Applicant: Mr Paul Hilyer

Ward: Desford



**Hinckley & Bosworth
Borough Council**

Site: Park House Farm, Leicester Lane, Desford, Leicester

Proposal: Construction of manure and slurry stores with associated landscaping and other works

Recommendations

1.1. **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

Planning application description

2.1. The proposed application is for development associated with an agricultural business, helping the applicants' better cope with fluctuations of fertiliser markets, and making better use of their farming systems byproduct. This application seeks planning permission for the Construction of manure and slurry stores with associated landscaping and other works.

- 2.2. The proposal is for the erection of one steel portal framed manure store and the erection of a cylindrical slurry store.
- 2.3. The proposed steel portal frame manure store would have a gross external area of 449.8m² with a ridge and eave height of 9m & 6.5m respectively. Proposed materials would be concrete prefabricated panels overlaid in plastisol coated corrugated metal sheeting with the northern elevation open from ground to eaves.
- 2.4. The proposed cylindrical slurry store would have a gross external area of 155m² with a ridge and eave height of 6.06m. The store has a storage capacity for 900m³ of slurry. Proposed materials would be juniper green cylindrical sheeting with a roof of juniper green pvc polyester fabric.
- 2.5. The proposed drainage will be discussed in the drainage section below in greater detail but the proposed development is designed in accordance with the Storage of Silage, Slurry and Agricultural Fuel Oil – The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil)(England) Regulations 2010, in order to protect from pollution. All slurry and effluent will feed into the Slurry Store, which will be spread on the applicant's land within the Farming Rules for Water and Nitrate Vulnerable Zone Regulations. Water collected from the Manure Store Roof will be collected in the rainwater harvesting system and will be utilised on the farm for various purposes.
- 2.6. The proposed development includes the minor removal of 5m of hedgerow, however this will be mitigated with the planting of 47m of mixed native species hedgerow.
- 2.7. There is an existing public footpath running through the site, the route of which will remain unaltered as part of the application, however now it will include crossing a section of the concrete pad to the front of the Manure Store building. A scheme for the treatment of this PRow has been submitted with the application.
- 2.8. **Description of the site and surrounding area**
- 3.1. The application site relates to an established farmyard situated a few km's east of Desford. The area is accessed from Leicester Lane via a long access track. The site is located in open countryside, as such there is a sense of openness to the rural character of the site.
- 3.2. The proposed site for the manure & slurry storage is the edge of the existing farmstead in the corner of an arable field at the rear of existing farm buildings.
- 3.3. The host dwelling on this farm is a standalone property with no other residential development surrounding.

Relevant planning history

20/01327/HOU

- Two storey rear extension
- Approved
- 04.02.2021

20/00530/AGDO

- Steel portal frame building
- Approved
- 25.06.2020

20/00168/HOU

- Two storey and single storey extension to west elevation, first floor extension to east elevation and single storey extension to south elevation
- Approved
- 07.04.2020

18/00497/GDO

- A steel portal frame building
- Approved
- 30.05.2018

Publicity

- 5.1. The application has been publicised by sending out letters to local residents.
- 5.2. A site notice was also posted within the vicinity of the site.
- 5.3. No representations were received.

Consultation

- 6.1. Desford Parish Council was consulted, no response was received.
- 6.2. Natural England- No objections following re-consultation
- 6.3. HBBC Drainage- No objection on sustainable drainage grounds
- 6.4. HBBC Waste- No objections
- 6.5. LCC Ecology- No objections
- 6.6. HBBC Pollution- No objection
- 6.7. LCC Highways- No objection subject to conditions

Policy

- 7.1. Site Allocations and Development Management Policies DPD (2016)
 - Policy DM1: Presumption in Favour of Sustainable Development
 - Policy DM4: Safeguarding the Countryside and Settlement Separation
 - Policy DM6: Enhancement of Biodiversity and Geological Interest
 - Policy DM7: Preventing Pollution & Flooding
 - Policy DM10: Development and Design
 - Policy DM17: Highways & Transportation
- 7.2. National Planning Policies and Guidance
 - National Planning Policy Framework (NPPF) (2021)
 - Planning Practice Guidance (PPG)
- 7.3. Other relevant guidance
 - Good Design Guide (2020)
 - National Design Guide (2019)

Appraisal

- 8.1. Key Issues
 - Assessment against strategic planning policies
 - Design and impact upon the character of the area
 - Impact upon neighbouring residential amenity
 - Impact on Ecology
 - Drainage
 - Highways

Assessment against strategic planning policies

- 8.2 Policy DM1 of the Site Allocations and Development Management Policies Development Plan Document (SADMP) states that planning applications that accord with the policies in the Local Plan (and where relevant, with policies in the neighbourhood plans) will be approved without delay, unless material considerations indicate otherwise.
- 8.3 Policy DM4 states that to protect the intrinsic value, beauty, open character and landscape character, the countryside will be safeguarded from unsustainable development. Sustainable development in the countryside is identified by the policy but does not specifically reference development for the purposes of agriculture.
- 8.4 The National Planning Policy Framework (NPPF) provides a presumption in favour of sustainable development. One of the overarching principles of the NPPF is to protect the countryside but to allow sustainable development where it is appropriate. As an application that is for the purposes of agriculture within the countryside the principle of development is considered to be acceptable, subject to other material planning considerations being addressed.

Design and impact upon the character of the area

- 8.5 Policy DM10 of the SADMP indicates that development will be permitted providing it meets good standards of design including that it would complement or enhance the character of the surrounding area with regard to scale, layout, density, mass, design, materials and architectural features.
- 8.6 Policy DM4 states that to protect the intrinsic value, beauty, open character and landscape character, the countryside will be safeguarded from unsustainable development.
- 8.7 The proposed development would be sited immediately adjacent to the main farmyard, which consists of a farmhouse and various steel framed agricultural outbuildings. The proposed siting of the manure & slurry storage structures would be well related to the original farmyard and limit intrusion of development into the countryside. The proposed scale of the manure & slurry storage structures would be complementary to the scale of the existing agricultural operation of the farm. The surrounding agricultural buildings would mostly obscure the proposed structure from public view. Proposed hedgerow around the slurry store would over time screen the proposed development from being seen from most vantage points apart from the PRoW which runs west to east between the proposed slurry store & proposed manure store.
- 8.8 The design and proposed materials are functional in appearance and are considered to be cohesive with the appearance of a farmyard within the countryside.
- 8.9 The proposed structure is therefore considered to retain the character of the surrounding countryside, as a development that is necessary for the purposes of agriculture. The appropriate siting of the proposed development is considered to retain the openness and landscape value of the surrounding countryside. Therefore the proposed development is considered to be in accordance with Policies DM4 and DM10 of the SADMP.

Impact upon neighbouring residential amenity

- 8.10 Policy DM10 of the adopted SADMP requires that development would not have a significant adverse effect on the privacy or amenity of nearby residents and occupiers of adjacent buildings and the amenity of occupiers of the proposed

development would not be adversely affected by activities within the vicinity of the site.

- 8.11 The proposed manure & slurry storage structures are located 1k from the nearest residential dwellings along Leicester Lane, which reduces any potential adverse impacts of the development. Furthermore, no objections have been raised by HBBC Environmental Health in regard to odours from the proposed development.
- 8.12 The development does not propose the increasing of the pig herd, but merely the increasing of storage capacity to make better use of the manure and slurry (and the nutrients it contains) to be spread on the arable land at the optimal time. As there will be no increase in intensity of the site there will be no additional impact on neighbouring residential amenity.
- 8.13 As a result of the above assessment, the proposed development is not considered to result in any significant adverse impacts upon the residential amenity of neighbouring occupants of the nearby dwellings. Consequently, the proposal is considered to be in accordance with Policy DM10 of the SADMP in this regard.

Impact upon wildlife/ecology

- 8.14 Policy DM6 of the SADMP seeks to ensure that development proposals must demonstrate how they conserve or enhance features of nature conservation and geological value including proposals for their long term future management.
- 8.15 Policy DM6 of the SADMP seeks to ensure that development proposals must demonstrate how they conserve or enhance features of nature conservation and geological value including proposals for their long term future management.
- 8.16 A topographical survey has been carried out in the preparation of this application and to facilitate the development a 4m section of hedgerow will be removed. The nearest mature tree will be retained, with its Root Protection Area in accordance with BS5837 shown on the proposed site plan, with no development occurring within the RPA. The minor loss of hedgerow (4m) will be mitigated via the planting of an additional 47 meters of mixed native species hedgerow. Because the majority of the site comprises an arable field, which is intermittently ploughed and cultivated, it is of little ecological value.
- 8.17 Natural England requested additional information and were re-consulted. Their final comments were 'Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection. Natural England consider that in this case it is clear the proposal will not facilitate an agricultural intensification, and will assist the applicant in storing slurry & manure so as to avoid spreading at inappropriate times. This will in turn contribute towards reducing the impact of these activities on water and air quality. It is difficult to accurately quantify the beneficial effect of this, however, the effect is acknowledged nonetheless. In addition, the Air Quality Note outlines additional measures being implemented by the farm, which whilst being difficult to quantify again, may have a beneficial effect on emissions. This is again acknowledged and welcomed. Finally, the SCAIL assessment tool uses a 'worst case scenario' precautionary approach to modelling air quality; it can reasonably be assumed that the actual impact on ammonia and Nitrogen deposition at Botcheston Bog SSSI may be significantly less than that indicated within the tool. In this case, as the impact indicated by the SCAIL tool remains below a 1% increase in the site relevant Critical Level for Ammonia and Critical Load for Nitrogen Deposition, and due to the information outlined above, Natural England advise that a significant impact on the notified features of the SSSI can be ruled out, and have no objection.

- 8.18 Accordingly subject to conditions it is considered that the development would accord with Policy DM6 of the SADMP.

Drainage

- 8.19 Policy DM7 of the Site Allocation and Development Management Policies DPD 2016 requires that adverse impacts from pollution and flooding are prevented and mitigated for. The Drainage Team at HBBC and Severn Trent Water have raised no objections to the application on sustainable drainage grounds.

- 8.20 The proposed drainage strategy is included on the Proposed Site Layout. The design accommodates appropriate surface water drainage facilities, to catch any effluent run off so it is directed into the Slurry Store, so it can contribute to the efficient spreading of nutrients (via the spreading of manure and slurry) on the applicant's land.

- 8.21 Slurry from 2 existing pig houses will be pumped to the Slurry Store, with effluent from the solid manure store also being pumped to the Slurry Store after being collected by drainage channels running around the Manure Store and concrete pad to the front of the building. This will then be emptied when necessary and spread on the applicant's land within the Farming Rules for Water and Nitrate Vulnerable Zone regulations.

- 8.22 The roof water from the steel portal framed manure store will also be collected into a rainwater harvesting tank, which will be used on the farm. Collectable Rainwater per annum discounted by 20% loss to allow for water loss, in the midlands region means the building will collect around 211.92m³ of water per annum. The proposed rainwater harvesting tank has a capacity of 30m³. The water will be used for washing out pig sheds, crop spraying and cleaning machinery. As such there is more than sufficient capacity to ensure that the rainwater harvesting tank would not overflow or require an outflow.

- 8.23 It is considered that the scheme is acceptable with respect to surface water disposal and flooding matters and therefore accords with Policy DM7 of the SADMP.

Impact upon Highway Safety

- 8.24 Policy DM17 of the adopted SADMP supports development that seeks to ensure convenient and safe access and that would not have any significant adverse impacts on highway safety. Policy DM18 requires new development to provide an appropriate level of parking provision.

- 8.25 Paragraph 111 of the NPPF (2021) outlines that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

- 8.26 The proposed development will lead to the reduction in the requirement for HGVs to deliver artificial fertiliser to the site, therefore it will lead to a reduction in vehicle traffic generated by the site and an improvement to highway safety.

- 8.27 There is an existing public footpath running through the site, the route of which will remain unaltered as part of the application, however now it will include crossing a section of the concrete pad to the front of the Manure Store building. A scheme for the treatment of this PRow has been submitted with the application.

8.28 The local highway authority has not objected to the proposals on highway grounds and subject to a condition regarding the PRow are supportive of the scheme. It is considered that the proposal will result in a minimal impact on parking and highway safety in compliance with policies DM17 and DM18 of the SADMP.

Equality implications

9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states:-

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
 - (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.

9.3 There are no known equality implications arising directly from this development.

9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

Conclusion

10.1. The proposed development is considered to comply with the relevant Development Plan policies and guidance within the NPPF. It is acceptable in design terms, drainage, would not have an adverse impact on neighbouring residential amenity, wildlife, or the landscape character of the countryside in accordance with Policies DM1, DM4, DM6, DM7, DM10 of the SADMP. Therefore the recommendation is to approve with conditions set out below.

Recommendation

11.1 **Grant planning permission** subject to:

- Planning conditions outlined at the end of this report

11.2 **Conditions and Reasons**

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990, as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows:

Application Form - received 10/08/2023

Unnumbered Proposed Site Plan received 10/08/2023

Proposed Elevations Dwg No [1] 350.23 received 10/08/2023

Slurry Store Dwg '5 Ring Tank Without Cover Planning Information Drawing'
received 10/08/2023

Reason: To ensure a satisfactory form of development in accordance with Policies DM1 and DM10 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

3. Prior to first use of the development hereby permitted the scheme for the treatment of the Public Right of Way S2 shown on Andrew Large drawing: 'Park House Farm, Leicester Lane, Desford - ProW Plan', submitted to the Local Planning Authority on 6 October 2023 shall be implemented in full.

Reason: To protect and enhance Public Rights of Way and access in accordance with Paragraph 100 of the National Planning Policy Framework (2023).

4. The construction traffic management arrangements associated with the development hereby permitted shall be implemented in accordance with Andrew Large Surveyors Ltd, 'Construction Traffic Management Plan - Public Right of Way S2', submitted to the Local Planning Authority on 6 October 2023.

Reason: To protect the Public Right of Way and users in accordance with Paragraph 100 of the National Planning Policy Framework (2023).

5. The approved soft landscaping scheme shall be carried out in accordance with the approved 'Proposed Hedgerow Specification and Management' details of the 'Proposed Site Plan and Cross Section' drawing. The soft landscaping scheme shall be maintained for a period of five years from the date of planting. During this period any hedgerow which die or are damaged, removed, or seriously diseased shall be replaced by hedgerow of a similar size and species to those originally planted at which time shall be specified in writing by the Local Planning Authority.

Reason: To ensure that the work is carried out within a reasonable period and thereafter maintained in accordance with Policy DM10 and DM6 of the adopted Site Allocations and Development Management Policies Development Plan Document (2016).

11.3 Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.
2. The following notes should be drawn to the applicant's attention:

- Prior to construction, measures should be taken to ensure that users of the Public Right of Way are not exposed to any elements of danger associated with construction works.
 - Public Rights of Way must not be re-routed, encroached upon or obstructed in any way without authorisation. To do so may constitute an offence under the Highways Act 1980.
 - If there are any Public Rights of Way which the applicant considers impracticable to retain on their existing lines, a separate application for diversion is required. It should be submitted under the Town and Country Planning Act 1990 to the Local Planning Authority.
 - The applicant is not entitled to carry out any works directly affecting the legal line of a Public Right of Way until a Diversion Order has been confirmed and become operative.
 - If the developer requires a Right of Way to be temporarily diverted, for a period of up to six months, to enable construction works to take place, an application should be made to networkmanagement@leics.gov.uk at least 12 weeks before the temporary diversion is required.
 - Public Rights of Way must not be further enclosed in any way without undertaking discussions with the Highway Authority (0116) 305 0001.
 - Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.
 - No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority. Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.
3. Nesting birds and bats, their roosts and their access to these roosts, are protected under the Wildlife and Countryside Act 1981 and the Conservation (Natural Habitat etc) Regulation 1994. Therefore, should birds or bats be present, works should be deferred until the late summer/autumn.