Item: **03**

Reference: **11/00184/FUL**

Applicant: **Mr John Spiby**

Location: **Land Opposite Oak Farm Ratby Lane Markfield**

Proposal: **ERECTION OF AGRICULTURAL BUILDING**

Target Date: **14 June 2011**

Introduction:-

This application is to be considered at Planning Committee in accordance with the Scheme of Delegation, as it is a major development.

Application Proposal

This application seeks full planning permission for the erection of an agricultural building for the fattening and keeping of livestock, in particular cattle. The dimensions of the proposed agricultural building are 30.5 m wide x 60.1 m long with a ridge height of 9.4 m. This provides an internal floor area of 1770 m². This building will be sited 15 m to the south of the existing barn at the site. It is also proposed to partially demolish and refurbish the existing barn at the site which measures 14.5 m wide x 18.8 m in length for use as a grain store and storage of machinery. A concrete apron measuring 6 m in width is also proposed around the southern and northern elevation of the proposed agricultural building for circulation purposes together with hardstanding to form an access into the site.

The Site and Surrounding Area

The application site consists of an agricultural field measuring 0.96 ha in area which at the time of the site visit was used as grazing land for sheep. The area around the site is agricultural. There is an existing gated access from Ratby Lane which is located directly opposite the vehicular access to Oak Farm. Oak Farm is established as a commercial livery business. The land is gently sloping from the south to the north and is bordered by low level hedges (approximately 1.5 m in height) to all boundaries. There is an existing agricultural building on the site set back from the vehicular access by approximately 10 m and is constructed from grey profile sheeting and grey block-work. This is currently used to house young cattle. The site is located within the National Forest.

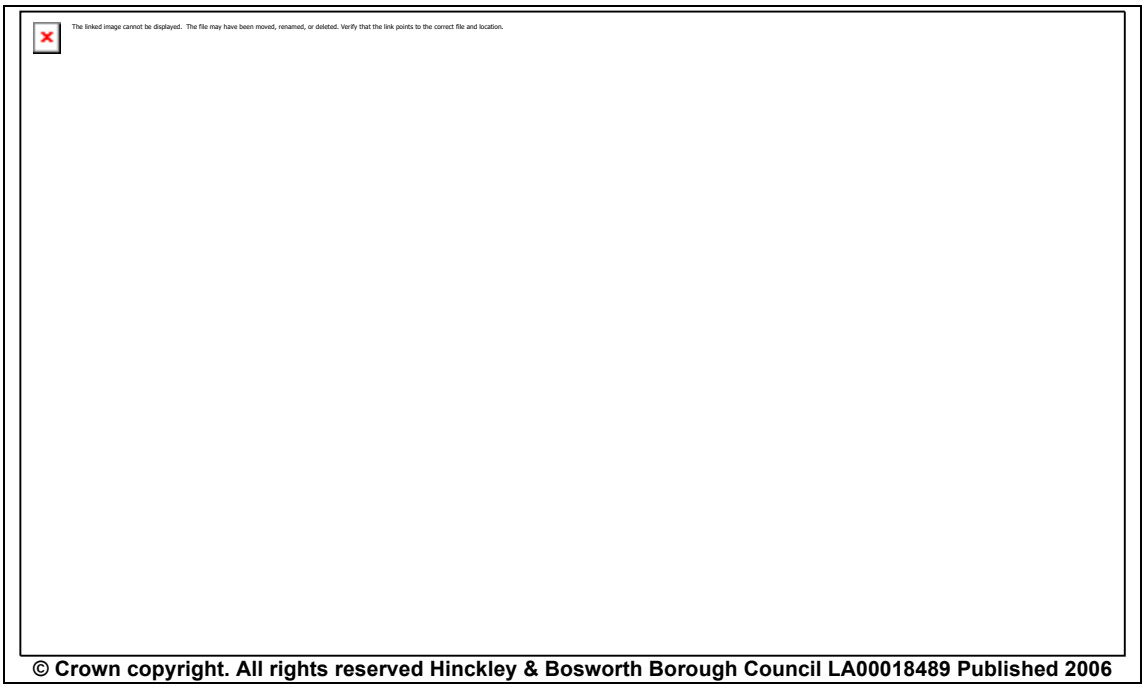
Technical Documents submitted with application

The application is accompanied by a design and access statement which states that the purpose of the proposed agricultural building is for the suckling of cows and calves and for the wintering and fattening of cattle. The applicant is seeking to relocate agricultural buildings from their existing farm at Lower Grange Farm in Markfield to incorporate them into a larger agricultural building at this site. Lower Grange Farm is located approximately 0.6 miles to the north of the site. The statement also confirms that landscaping is proposed to the east and west of the proposed agricultural building using native planting species.

Additional information was received from the applicant's agent on 4 April 2011 which stated that the reasoning for the relocation of existing agricultural operations from Lower Grange Farm is that planning permission (09/01009/OUT) was allowed at appeal for residential development at Lower Grange Farm. This application involved the demolition of the majority of the agricultural buildings belonging to Lower Grange Farm, with the farmhouse and a small number of smaller traditional barns being retained by the applicant.

History:-

None in relation to this specific site.



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Consultations:-

No objection has been received from:-

Severn Trent Water Ltd
Environment Agency- Lower Trent
The Leicestershire Constabulary Crime Reduction Officer.

No objection subject to conditions have been received from:-

Director of Environment and Transport (Highways)
Head of Community Services (Pollution).

No objection subject to notes to applicant Head of Community Services (Land Drainage).

Site notice was displayed and neighbours notified.

Thirty-nine letters of objection have been received raising the following concerns:-

a) in terms of its excessive size the proposed agricultural building is out of keeping with existing farm buildings in the area

b) the proposed agricultural building has the capacity to accommodate significant numbers of livestock, thereby resulting in odour, noise and vermin issues
c) impact of development upon the character and appearance of the National Forest and an Area of Outstanding Natural Beauty (AONB)
d) increase in the amount of waste being disposed of
e) increase in waste being spread over the fields
f) increased noise from farming machinery working the land
g) increased traffic movements along Ratby Lane to and from the site
h) the scale of the proposed agricultural building is excessive and totally out of character
i) the building is located too close to residential properties
j) a planting scheme should be undertaken to screen the development
k) detrimental impact on the countryside
l) a balcony belonging to Prospect House, Ratby Lane will be rendered unusable
m) noise generated from the mechanical feeding operation
n) devaluation of local property prices
o) safety hazard to pedestrians along Ratby Lane as a result of increased traffic
p) impact of development upon the health of local residents
q) increased odours, exacerbated by the existing odours generated from the pig farm located in the surrounding area
r) increase in HGV traffic along Ratby Lane
s) impact on increased traffic flows, including HGV's, on the junction of Thornton Lane and Ratby Lane
t) local roads cannot accommodate HGV traffic
u) the building should be re-sited
v) if approved, the proposed development would set a precedent for further development of this nature and scale in the area
w) the method of waste disposal doesn't accord with current legislation for safe disposal and treatment
x) impact on view
y) an EIA should be undertaken.

At the time of writing the report comments have not been received from:-

Markfield Parish Council
Ratby Parish Council.

Policy:-

Central Government Guidance

Planning Policy Statement 7 (PPS7): Sustainable Development in Rural Areas identifies the Governments objectives for rural areas and seeks to raise the quality of life and environment in such areas and promotes more sustainable patterns of development. All development within rural areas should be well designed, in keeping and scale with its location and sensitive to the character of the countryside.

Regional Planning Guidance

The decision of the Secretary of State for Communities and Local Government ("SoS") on 6 July 2010 to revoke Regional Strategies using powers in section 79 of The Local Democracy, Economic Development and Construction Act 2009 was successfully challenged in the High Court and was quashed in a judgment handed down on 10 November 2010. Following the decision, the SoS has written to local planning authorities stating that the government will introduce the Localism Bill in

November containing proposals to abolish Regional Strategies. The government's Chief Planning Officer has also written advising that local planning authorities should still have regard to the SoS's letter of 27 May 2010 and that it should still be regarded as a material consideration. Judgement was recently given in a second challenge by Cala Homes when the Court held that the SoS's intention to reform the planning system by removing regional strategic planning from it is to be taken into account as a material consideration. In relation to the weight to be given to that intention as a material consideration the Court held that `the weight to be given to relevant provisions of Regional Strategies pending the legislative process will be for decision-makers to gauge. Until the end of that process is reached Regional Strategies will remain in place as part of the development plan.

East Midlands Regional Plan 2009

There are no policies specific to this planning application.

Local Development Framework Core Strategy 2009

There are no policies specific to this planning application.

Hinckley and Bosworth Local Plan 2001

Policy NE5 states that Policy NE5 states that the countryside will be protected for its own sake. However, planning permission will be granted for built and other forms of development provided that it is either: important to the local economy, and cannot be provided within or adjacent to an existing settlement; for the change of use, re-use or extension of existing buildings or for sport or recreation purposes, and only where it does not have an adverse effect on the appearance or character of the landscape, is in keeping with the scale and character of the existing buildings and general surroundings, will not generate traffic likely to exceed the capacity of the highway network or impair road safety and is effectively screened by landscaping.

Policy NE21 states that permission will only be granted for built development in the National Forest where development is of a high quality. The design and materials of construction of buildings and the layout and planting of open space between them should reflect the local architecture and the setting of the proposal in the forest.

Policy BE1 seeks to safeguard and enhance the existing environment and states that planning permission will be granted where the development: complements or enhances the character of the surrounding area with regard to scale, layout, mass, design, materials and architectural features; avoids the loss of open spaces, important gaps in development and features which contribute to the quality of the local environment; has regard to the safety and security of individuals and property; incorporates landscaping to a high standard where this would add to the quality of the design and siting; ensures adequate highway visibility for road users and adequate off street parking and manoeuvring facilities; is not adversely affected by activities within the vicinity of the site which are likely to cause a nuisance to the occupiers of the proposed development; does not adversely affect the occupiers of neighbouring properties.

Design of Farm Buildings Supplementary Planning Guidance (SPG) (2004) states that the position of a new farm building or structure is usually dependant on its function and the space available. There are other factors that should be taken into account, such as the visual importance of the building, both in the wider landscape, and within the farm complex itself. The function of building will influence the scale

and type of building and the long term agricultural requirements of the building should also be considered.

Appraisal:-

The main considerations with regards to this application are the principle, impact on the character and appearance of the countryside, impact on neighbours and highway implications.

Principle of development

Policy NE5 of the Local Plan protects the countryside for its own sake and restricts the type of development that can take place. The supporting text to the policy provides examples of the types of development which would normally be considered acceptable, one of which is agriculture. As the proposal is for an agricultural building, the development is one that would normally be considered acceptable and therefore the principle of agricultural development in this location for this type of use is not contrary to policy. However the policy further requires that such acceptable uses should not have an adverse effect on the appearance or character of the landscape and that any development should be in keeping with the scale and character of the general surroundings. It is considered for the reasons discussed in the next section that the proposed development is not in keeping with the scale and character of the general surroundings and it will have an adverse effect on the appearance of the landscape. Policy NE21 provides guidance for development within the National Forest and sets criteria to be met in order for development to be considered acceptable, it requires regard to be had to the existing landscape character of the site and surrounding area, along with the physical, ecological and environmental constraints of the site. Furthermore it requires any new development to provide additional tree planting where possible. The design of new developments should be of high quality, reflecting local architecture and the setting of the proposal within the National Forest.

Impact on the character and appearance of the countryside

The site is located in a rural landscape and is largely characterised by a mix of open and closed fields with hedge planting to the boundaries. The design, scale, massing and proposed materials of the proposed agricultural building is characteristic of most modern agricultural buildings with concrete block work and metal profile sheeting to the upper floors and roof. This profile sheeting will be constructed from Yorkshire Boarding, a material common to modern agricultural buildings. The existing agricultural building at the site will be refurbished and finished in the same materials. Essentially the proposed and refurbished barns will be modern multipurpose agricultural buildings.

The main issue is the proposed scale and massing of the proposed agricultural building. The proposed agricultural building will measure 30.5 m wide x 60.1m long with a ridge height of 9.4 m. The topography of the land surrounding the site is generally flat and is occupied by an existing farm building of modest dimensions measuring 14.5 m wide x 18.8 m with a ridge height of 5 m. Taking into account the topography of the site, the proposed agricultural building will become a dominant and bulky feature on the landscape, to the detriment of the character and appearance of the countryside. By virtue of its siting, materials of construction and overall bulk the proposed agricultural building will dominate the landscape. It should also be noted that the absence of any significant existing screening along the boundaries of the site

will result in the proposed agricultural building being highly visible within the countryside.

Whilst it is conceded that the purpose of the proposed building is acceptable, it is contended that little consideration has been given to the bulk and height of the building and its relationship to its rural setting. Although landscaping is proposed at 10 m intervals along the east and west boundaries to help screen the proposed development it is considered that the agricultural building will be clearly visible from Ratby Lane, to the detriment of the visual amenity of the countryside and the National Forest. It will also take a considerable length of time for the landscaping scheme to establish itself, thereby resulting in a large, bulky and incongruous building being sited in the open countryside, to the detriment of the visual amenity of the area. Whilst quicker landscaping scheme could be established there would be concern about that being a natural feature within this sensitive landscape.

It is also considered that the proposed development has no regard to the existing barn at the site which is set to be refurbished and utilised as a machinery and feed store. In terms of its scale and bulk the proposed agricultural building will dominate the existing barn and this existing barn would be viewed as being subservient within the open countryside and National Forest.

The applicant's agent has provided further supporting information to justify the scale of the proposed agricultural building. The supporting information states that the existing agricultural buildings at Lower Grange Farm equate to 1330 sq metres in area and are used in connection with the existing livestock operations. The larger farm building is required to house all of the applicant's livestock in one location and to provide a large indoor space within a modern agricultural building to allow the farm operations to run more efficiently. However the difference in floor area between the existing farm buildings at Lower Grange Farm and the proposed agricultural building is approximately 440 square metres, thereby resulting in a much larger agricultural building to house the same amount of stock, namely 180 cattle. This is considered to be a significant increase in the floor area, which in turn results in a proposed development that has a greater impact on its countryside location. It should be noted that additional information has been requested from the applicant's agent to justify the height of the proposed agricultural building and once received; this information shall be reported and appraised as a late item. It is considered that the applicant has not demonstrated an operational requirement for a building of this footprint and height in this location.

Impact on neighbours

The nearest residential property is The Blossoms located 220 m to the north. Due to the nature of the proposals there is the potential for odour and noise to be generated. However this would largely be contained within the proposed agricultural building and would be noise/odours that would be commonly associated with an agricultural site within the open countryside. Additional information was received from the applicant's agent on 4 April 2011 which stated that waste matter will be stored in heaps sited 400 m away from Oak Farm. However due to the intensity and scale of the proposed use a significant amount of waste will be generated on a weekly basis which will require continuous disposal to ensure that it doesn't result in a hazard to human health or generate significant odours. Further information received from the applicant's agent on 5 May 2011 states that there is no intention to heap manure piles in the fields for continuous periods of time. The intended practice is for the building to be cleaned out when the cattle is turned out for grazing in May/June and then placed in heaps until it is spread onto the fields in early autumn as fertiliser.

In view of the potential for odours to be generated from the waste material it would have been considered prudent to impose a planning condition that the manure heaps be covered whilst they are being stored ready for use on the fields. This would reduce the potential for the generation of odours and prevent the run-off of waste into local watercourses during periods of rainfall. This condition would have been imposed at the request of the Head of Community Services (Pollution). Once this condition was implemented it would have ensured that waste is disposed of and stored on the site in the correct manner.

Due to the agricultural nature of the area it is expected that there will be odours generated from agricultural practises taking place. This includes the existing odours generated from the pig farm located to the west of the site and smells generated from livestock on the application site. As stated above the odours generated from the 180 cattle sited within the proposed agricultural building will largely be contained and will not exacerbate existing smells associated with this countryside location.

In terms of vermin ingress and odour control this can be reduced through good building management and maintenance. To reduce the potential for odour and vermin a condition could be imposed at the request of the Head of Community Services (Pollution) for a building management plan to be submitted to the Local Planning Authority and implemented in accordance with the agreed details.

The noise generated from the proposed development will be from mechanical feeding using a teleporter machine on a daily basis. This will take place within the existing building and not externally. Therefore the potential for loss of amenity to properties in the vicinity through noise disruption is considered to be negligible. No information has been provided to suggest that there will be an increase in farm machinery working the fields surrounding the site. Therefore comments made in relation to increased noise from farm machinery are unfounded.

An important point of note is that the proposed agricultural building will primarily be used for the wintering and fattening of cattle. These cattle will then be turned out in early summer onto surrounding grazing land. Therefore comments made in relation to factory farming, the health issues associated with factory farming and the potential for these health issues to affect the local population are unfounded.

Given the agricultural nature of the area an agricultural building within this part of the National Forest is considered acceptable in principle. There are no Areas of Outstanding Natural Beauty (AONB's) affected by the proposed development.

An objector who resides at Prospect House has stated that the proposed development will result in their balcony being unusable due to the potential odours being produced. Prospect House is located 300 m to the north of the proposed development. Due to the waste largely being contained within the proposed building and it being sited in covered heaps away from the proposed agricultural building and taking into account the separation distance to this property the potential for loss of amenity to this objector is considered to be negligible.

Highway issues

It should be noted that the existing vehicle access will be improved and a new gated access put in place. The Director of Environment and Transport (Highways) has raised no objection to the proposals subject to conditions requiring improvements to the access to ensure visibility is acceptable so as to have no adverse impact on

highway safety and that the gate be set back a minimum distance of 10 m from the Highway edge.

There is no information submitted with the application to indicate that the number of vehicle movements to the site will increase. It is accepted that the number of trips made by the applicant to the site will increase as they are seeking to consolidate their existing livestock in one location. In addition no information has been provided with the application to indicate that there will be HGV's accessing the site. It should be noted that there is a highway weight restriction along this section of Ratby Lane which is limited to 7.5 tonne vehicles only. However there will be an infrequent requirement for HGV's to access the site for the purposes of delivering materials for constructing the agricultural building, the delivery of feed and for transporting livestock from the site. Therefore HGV movements along Ratby Lane will be limited in their number and the potential for traffic incidents or HGV's being hazardous to pedestrians would be minimal. The agricultural use of this field is not something that can be controlled by the planning process.

Other issues

Need

The farm holding is in excess of 100 ha of agricultural land and therefore it is not unreasonable to assume that buildings are required for the successful running of the business. However the main issue is whether sufficient agricultural justification has been provided with the planning application to demonstrate that an agricultural building of this scale and prominence is required, taking into account the existing agricultural business carried out by the applicant. Further information has been requested from the applicant's agent in terms of justifying the proposed agricultural building; once this information has been received it shall be reported and appraised as a late item.

Property Prices

The letter received from the objector raised concern that the proposed development would result in the devaluation of local property prices. This is not a material planning consideration when determining planning applications.

Absence of an EIA (Environmental Impact Assessment)

It should be noted that the proposed development doesn't fall within the specific criteria to determine whether it is EIA dependent. Therefore an EIA is not a requirement in the determination of this planning application.

Impact on view

Impact on view is not a material planning consideration when determining planning applications and is therefore not applicable to this case.

Precedent for further development

It has been stated that if this development is permitted then it will result in further development of this nature and scale. It should be noted that a planning application would be required for any future agricultural development and such an application would be considered on its own merits.

Conclusion

In conclusion the proposed development, by virtue of its scale, mass, bulk, design and siting is considered to be harmful to the character and appearance of the open countryside, exacerbated by the relatively flat topography of the site and the absence of any substantial existing screening. The applicant has also failed to demonstrate that there is an agricultural justification for a building of this size and scale having regard to the agricultural business carried out by the applicant. Furthermore the proposed agricultural building constitutes inappropriate development within the National Forest and doesn't respect its setting within the Forest.

RECOMMENDATION:- REFUSE, for the following reasons:-

Summary of Reasons for Recommendation and Relevant Development Plan Policies:-

Reasons:-

1 In the opinion of the local planning authority, the applicant has failed to demonstrate that adequate agricultural justification exists for the proposed agricultural building and as a result the proposed development would result in an unwarranted intrusion into the open and undeveloped countryside to the detriment of its character and appearance. The proposal would therefore be contrary to Planning Policy Statement 7 and policy NE5 of the adopted Hinckley and Bosworth Local Plan.

2 In the opinion of the Local Planning Authority the proposed development by virtue of its scale, mass, design and siting is inappropriate development in the countryside. It is considered that such development will have an adverse effect on the appearance and character of the landscape and is out of keeping with the scale and character of the existing site and general surroundings. It is therefore contrary to policies BE1 and NE5 of the adopted Hinckley and Bosworth Local Plan.

3 In the opinion of the Local Planning Authority the proposed development by virtue of its scale, mass, design and siting is inappropriate development in the national forest. It is considered that the development does not reflect the setting of the proposal in the national forest. It is therefore contrary to policy NE21 of the adopted Hinckley and Bosworth Local Plan.

Contact Officer:- Scott Jackson Ext 5929