**DELEGATED REPORT**

**Recommendation Made: 15 June 2011**

**Reference:- 11/00344/FUL** **Parish:- Sheepy Parish Council**

**Applicant:- Mr C W Wykes**
**Ivy House Farm**
**Tinsel Lane**
**Wellsborough**
**Nuneaton**

**Location:- Ivy House Farm Tinsel Lane Wellsborough Nuneaton Leicestershire**

**Proposal:- ERECTION OF AGRICULTURAL BUILDING**

**Introduction:-**

This application seeks full planning permission for the erection of an agricultural building. A full application has been submitted as the building is less than 25m from a classified road.

The building will be used to house cattle.

The Agricultural holding comprises an area of 40 acres, comprising 15 acres of owned land and 25 acres of rented land and has been operating in excess of 40 years.

There are a range of agricultural buildings and a farmhouse on site.

The eastern boundary of the site is adjacent to the A444, with open countryside surrounding the site to the remaining elevations.

From the site inspection it was clear that the site operates as a working farm.

Following consultation, further information in respect of how the holding operates has been requested and submitted by the agent. This is discussed within the appraisal.

Relevant Planning History: -

| | | |
|---|---|---|
| 76/00812/4M | Erection of a garage utility room and internal alterations | Approved |
| 75/00009/4 | Erection of farm workers dwelling | Refused |

**Consultations:-**

Head of Community Services (Pollution) have raised concerns over noise and odour and have requested further information.

Head of Community Services (Land Drainage) have requested a standard note to applicant.

At the time of writing the report no comments have been received from: -
Sheepy Parish Council
Ward Members
Neighbours

**Development Plan Policies:-**

Adopted Core Strategy

None relevant

Adopted Local Plan

The site lies within the open countryside as defined in the adopted Hinckley and Bosworth Local Plan.

Policy NE5 – Development in the Countryside

Policy BE1 - Design and Siting of the Development

Supplementary Planning Guidance on the Design of Farm Buildings 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 the building will influence its size, scale, type and design. The long term agricultural requirements of the building should also be considered.

**Appraisal:-**

The main considerations with regard 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. This said the local authority has to be certain that the proposed building is required for the agricultural practices relating to the land on which the building is sited.

From the site inspection it is clear that the site is a working farm, the principle of the development is therefore acceptable.

Design and Impact on the character and appearance of the countryside

The building proposed is of common agricultural design and thus is suited to its surrounds. The building has a rectangular footprint and a shallow pitched roof, and has been designed for purpose; being subdivided into 4 open fronted bays. The building has a footprint of 18m x 6m and a maximum height of 5m. The building will face Tinsel Lane and will be to the east (rear) of the existing farm complex and buildings. The building will be finished in plastic coated steel sheet cladding.

The building will not be visible from the A444 (west) due to the existing farm house and buildings, and will not be prominent within the street scene when viewed from Tinsel Lane due to its set back of 20 meters. When viewed from the open countryside to the east, the building will be seen against the backdrop of the farm and associated buildings and will therefore not appear out of place. Further, as the building is grouped with existing buildings on site, it will not encroach further into the undeveloped countryside.

Accordingly the proposal is not considered to have any adverse impacts on the character or appearance of the countryside and is considered to be of an acceptable design.

Impact on Neighbours

The farm know as ‘The Bungalow’ is in line with the proposed building on the opposite side of Tinsel Lane. Initially Head of Community Services raised concerns over noise and odour, in terms of impacts on surrounding residential properties, however further information has been submitted clarifying that the building is to house 15-20 cows predominantly from autumn through to spring, and in summer months the stock will be out to the land. There are approximately 40 cattle currently on the holding which are housed in two small existing livestock buildings.

As this is a working farm within the open countryside, a degree of noise and odour is expected. It is not

considered that this proposal will result in an unacceptable level of noise and odour, to the detriment of the occupants of surrounding properties. Therefore the proposal is not considered to have any materially detrimental impact on residential amenity and in this respect is considered acceptable.

Highway Issues

The building is to be accessed via the existing access on Main Street, and as the building will not result in any further intensity in activity on the site, the Director of Environment and Transport (Highways) has no objections.

Conclusion

The applicant has provided information justifying that the building is required in this position for the purposes of agriculture. It has also been demonstrated that the size and scale of the building is required for the use proposed. The site is within the open countryside, however due to the presence of existing development on the site, the fact that the site is well screened and that the development will be viewed against the backdrop of existing development; the building proposed is not considered to have any detrimental impacts on the character of the surrounding countryside. Further there will be no material impacts on residential amenity or in terms of highway safety. Accordingly subject to conditions the application is therefore recommended for approval.

**RECOMMENDATION:- Permit subject to the following conditions:-**

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

Having regard to the pattern of existing development in the area, representations received and relevant provisions of the development plan, as summarised below, it is considered that subject to compliance with the conditions attached to this permission, the proposed development would be in accordance with the development plan. Resultant of the siting, scale and design of the proposal, and the agricultural justification provided, there are considered to be no material impacts on either visual or residential amenity, highway safety or on the character of the countryside. Therefore the proposal is considered acceptable.
Hinckley and Bosworth Local Plan (2001) BE1, NE5

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

2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details, as follows: Drg Refs:- 'Elevations' 'Floor Plan' OS Plan Scale 1:1250 Received by the Local Planning Authority on the 9.5.11

3 Before any development commences, representative samples of the types and colours of materials to be used on the external elevations of the proposed agricultural building shall be deposited with and approved in writing by the Local Planning Authority, and the scheme shall be implemented in accordance with those approved materials.

**Reasons :-**

1 To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

2 For the avoidance of doubt and in the interest of proper planning

3 In the interests of visual amenity and to safeguard the character of surrounding countryside, to accord with policy (s) BE1 and NE5 of the adopted Hinckley and Bosworth Local Plan.

**Notes to Applicant:-**

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations

2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

**Contact Officer:- Eleanor Shaw Ext 5680**