

Date of Meeting	13 th July 2023
Application Number	PL/2023/01303
Site Address	Saddlepack Farm, Stert, SN10 3HZ
Proposal	Erection of a cattle barn
Applicant	Mr & Mrs Elderfield
Town/Parish Council	Stert Parish Council
Ward	Urchfont & Bishops Cannings ED (Cllr Phillip Whitehead)
Type of application	Full Planning Permission
Case Officer	Lucy Rutter-Dowd

Reason for the application being considered by Committee:

This application was 'called-in' by Cllr Whitehead for the following reasons:

- Scale of development
- Visual impact upon the surrounding area
- Design – bulk, height, general appearance
- Environmental/highway impact

1. Purpose of Report

The purpose of the report is to assess the merits of the proposal against the policies of the development plan and other material considerations and to consider the recommendation that the application be approved.

2. Report Summary

The key issues for consideration are:

- Principle of development
- Landscape and visual impact (including design) CP 51 & 57
- Impact on neighbour amenity CP57
- Highways impact CP 61
- Environmental and ecological impacts CP 50

3. Site Description

Saddlepack Farm is situated to the south of the village of Stert in an area of open countryside. The site in question is positioned to the east of an unclassified no through road and PROW Bridleway (STER7). The site takes access off this unclassified road and contains existing development in the form of an agricultural storage barn. This was built as 'permitted development' following the submission and approval of a prior approval application (ref: PL/2022/03449 (Prior Notification: Building)). The existing building is positioned in the north-western corner of the field, adjacent to the access, and it faces east.

The site is well bounded by existing mature trees and hedgerow save for the existing access which has been formed in the north-western corner of the field. There are no known constraints within the application site. Nearby PROW include the aforementioned STER7, a bridleway which runs

along the north and western sides of the site, STER12, a footpath which runs west to east approximately 270m south of the site and STER4, a footpath positioned approximately 240m north of the site.

The Planning Statement states that “the total land owned by the applicant is 59 acres, (23.9 hectares) owned and farmed as one agricultural unit by Mr and Mrs Elderfield. This land is comprised of farmland, and grassland which is both grazed and cut for hay.”

Byde Farm is situated approximately 210m to the west and Fullaway Farm is approximately 215m to the north-east. Figure 1 shows the location of the site in context with the wider surroundings (the existing barn is not yet shown due to it being built relatively recently):

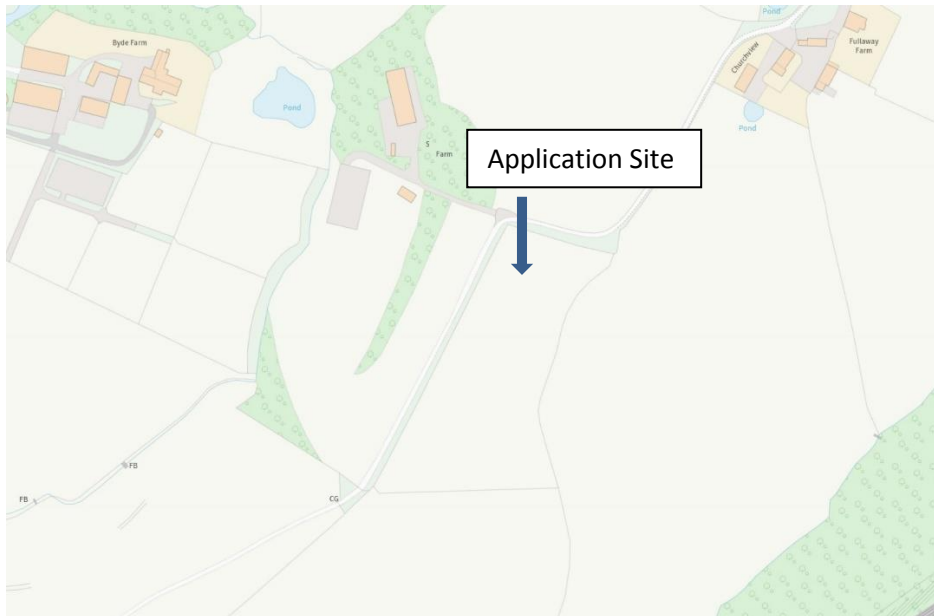


Figure 1: Site Location



Figure 2: View into the site from the existing access



Figure 3: View towards the location of the proposed barn from within the site



Figure 4: View of existing Barn within the site



Figure 5: View towards the site taken from STER4 PROW within the Conservation Area

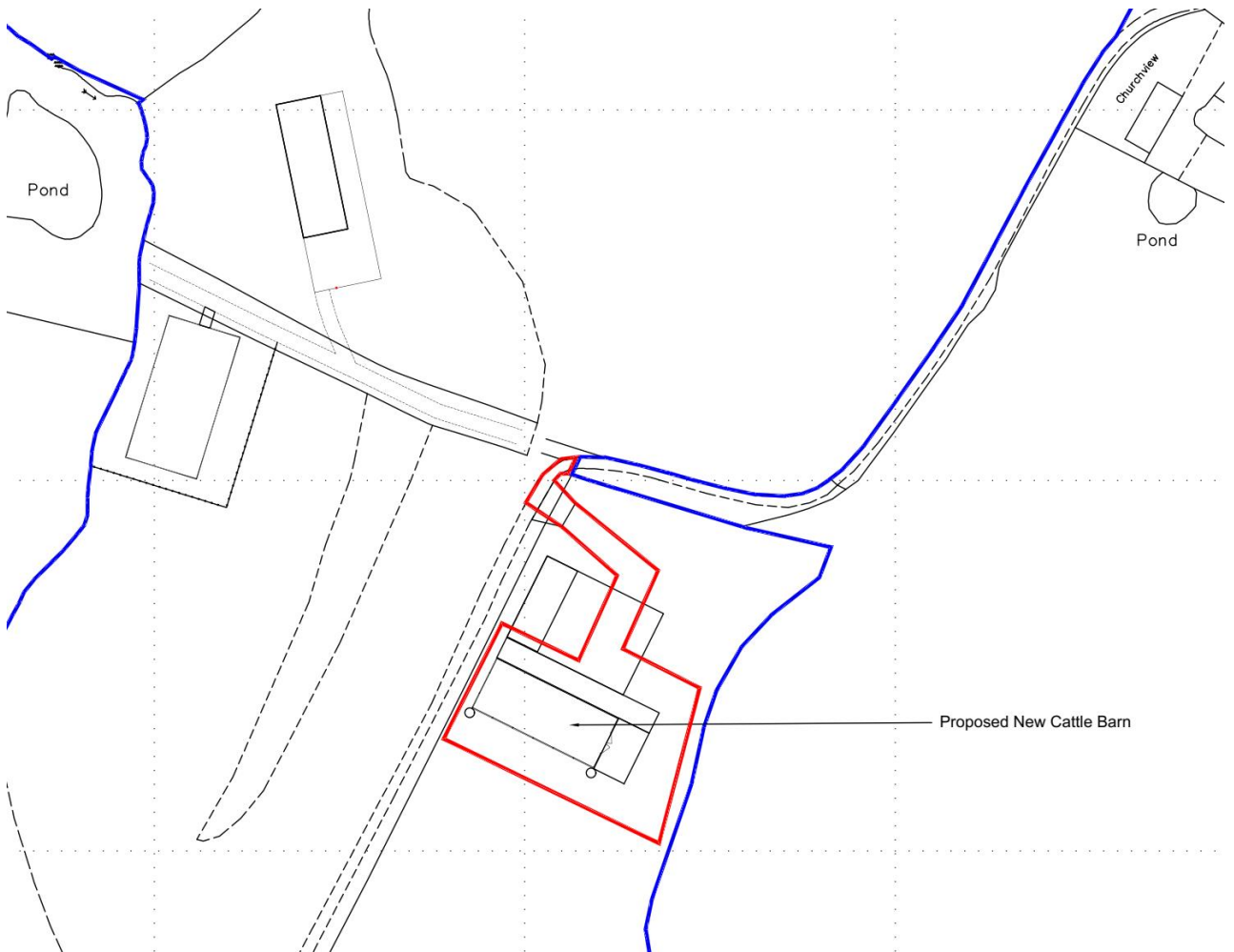


Figure 6: Site Location Plan

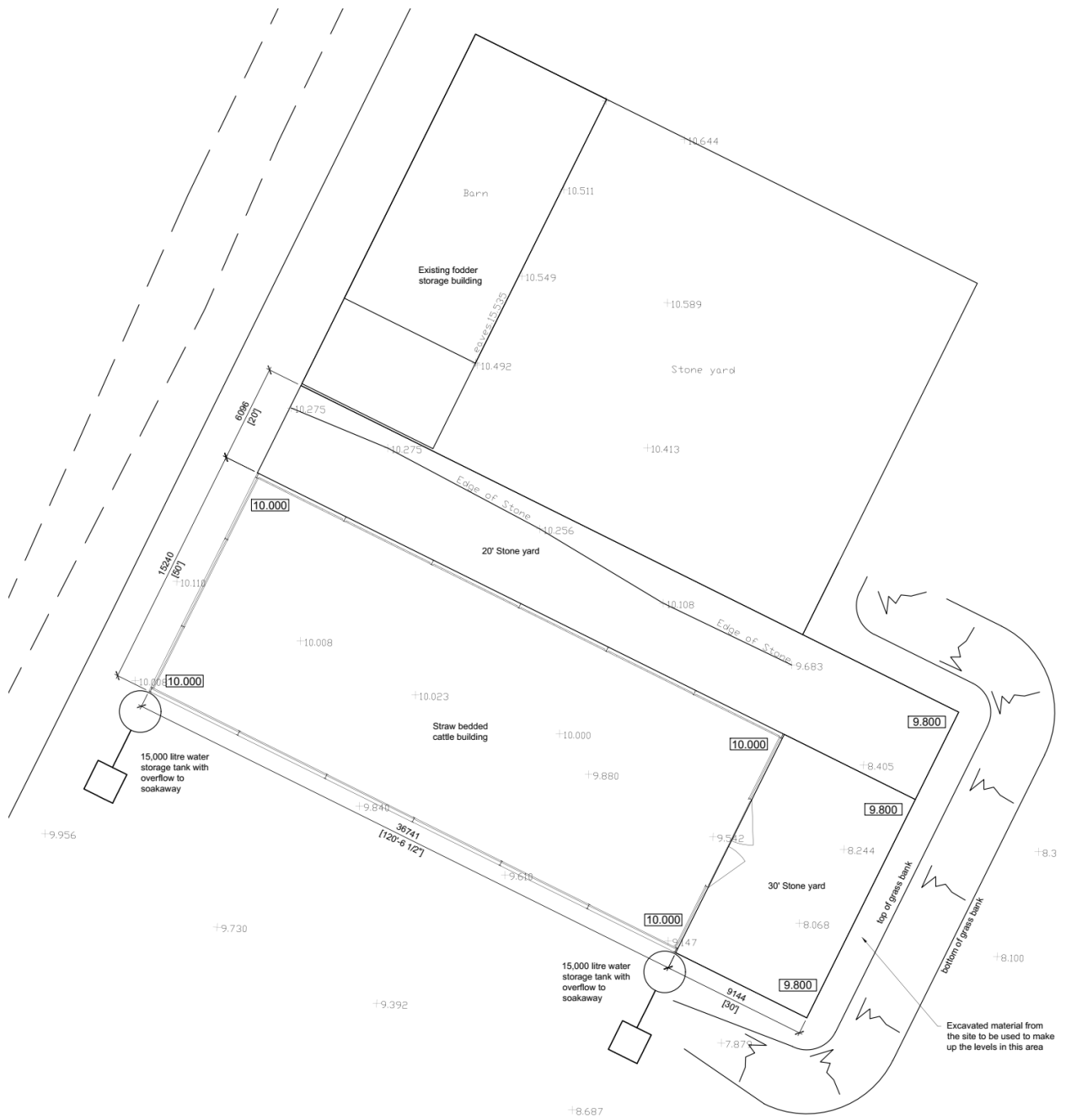


Figure 7: Proposed Block Plan

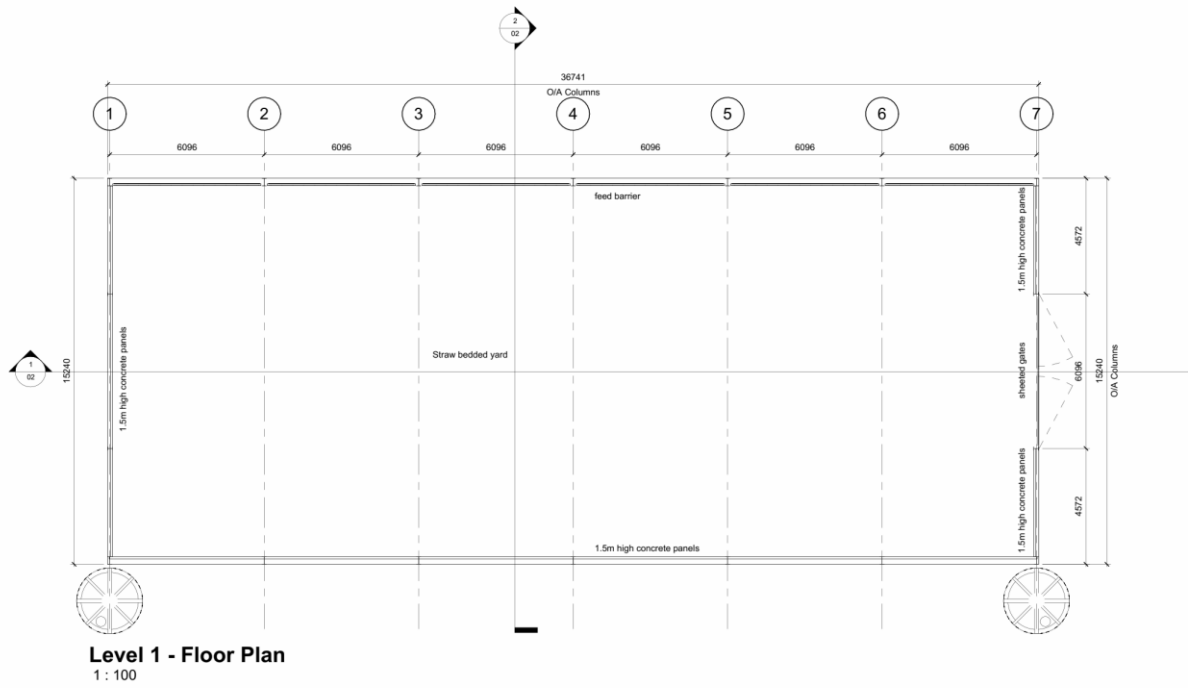


Figure 8: Proposed Floor Plan

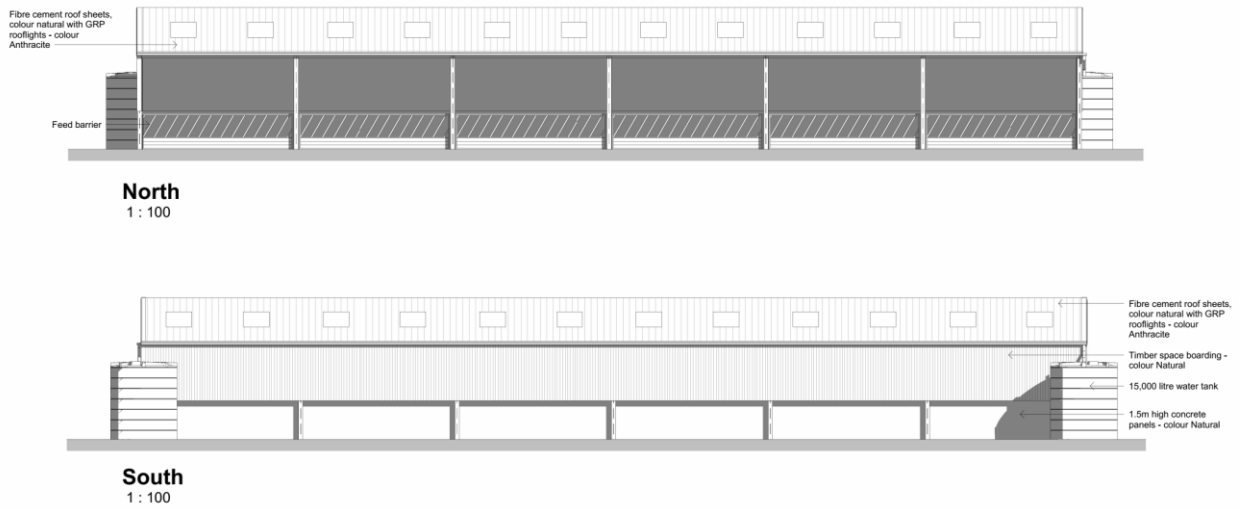
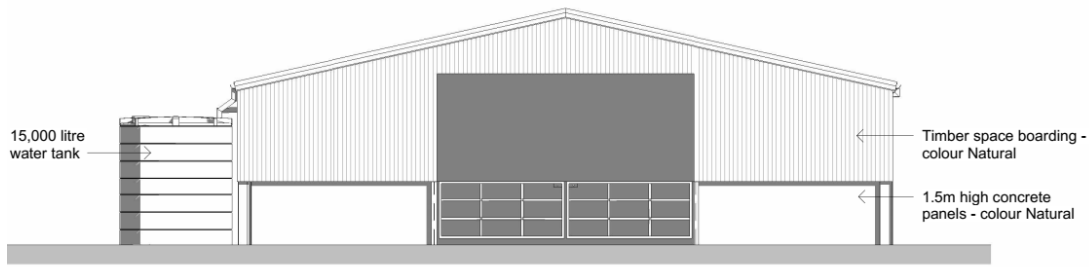
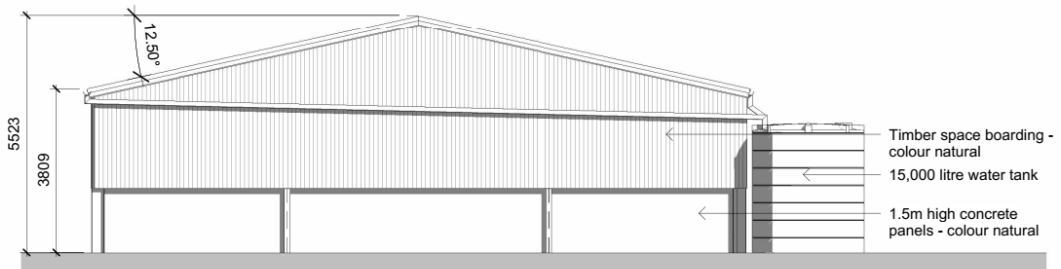


Figure 9: Proposed North and South Elevations



East
1 : 100



West
1 : 100

Figure 10: Proposed East and West Elevations

4. Planning History

The following planning history is specific to the site:

PL/2022/03449 - Agricultural general purpose / feed storage building - Prior Approval Not Required - 31/05/2022

The following planning history is related to the farm in general:

20/05021/APD - Land South of Stert, Agricultural Storage Barn - Prior Approval Not Required

20/08044/FUL - Change of use of land and erection of stables – Approve with conditions - 26/11/2020

21/01553/FUL - Formation of Manège – Approved with conditions - 07/05/2021

PL/2022/07031 - Stable building – Refused - 12/01/2023

5. The Proposal

The proposal seeks planning permission for the erection of a cattle barn, to be positioned at right angles to the existing Barn, facing north and ultimately forming a 'yard' at the northern end of the field. The proposed barn would measure approximately 36.7m in length, 15.2m in depth, 3.8m in height to the eaves and 5.5m in height to the ridge. Materials will include fibre cement sheets in anthracite grey to the roof, natural timber space boarding and concrete panel walls, with the northern elevation open save for a feed barrier. There will be two 15,000 litre water tanks positioned at each end of the building.

6. Planning Policy

National Context:

National Planning Policy Framework (NPPF)

Planning Practice Guidance (guidance on the policies contained within the NPPF)

Local Context:

Wiltshire Core Strategy (WCS)

- Core Policy 1 – Settlement Strategy
- Core Policy 2 – Delivery Strategy
- Core Policy 12 - Spatial Strategy for the Devizes Community Area
- Core Policy 34 – Additional employment land
- Core Policy 48 – Supporting rural life
- Core Policy 51 – Landscape
- Core Policy 57 - Ensuring high quality design and place shaping
- Core Policy 61 - Transport and Development

7. Consultations

Agricultural Consultant – One letter received, the full contents of which can be read on the Council's website and will be summarised within the below assessment. The concluding sentence reads as follows:

“The proposed building is required for the full implementation of the proposed farming practice at the unit.”

Highways Department – No objections. Comments included within the below assessment.

Landscape – No objections subject to a condition.

Ecology – No objections subject to conditions. Comments included within the below assessment.

Stert Parish Council – One letter received in objection to the proposal. The letter can be read on the Council's website. For ease of reference, the material planning considerations are bullet pointed below:

Visual/Environmental Impact:

- *The barn is significantly larger than the two existing barns and will be contrary to CP51 of the WCS.*
- *The barn will be visible from many areas within the village.*
- *Many houses are within 400m of the proposed barns which will expose residents to flies and odour.*

Ecological Impact:

- *The barn is in the middle of ‘Green and Blue Natural Landscape’ and next to a priority woodland.*
- *The existing barns have an adverse impact on the natural environment which would be exacerbated by a third barn.*
- *The barn would be contrary to Wiltshire's Climate Strategy, Green & Blue Infrastructure Strategy and Natural Environment Plan.*
- *150 cattle is excessive for the size of the plot (59 acres but not all available for cattle grazing) and would have a damaging effect on the environment.*

- *150 cattle housed in one barn for several months will cause nitrogen and phosphorus to leach into the streams which feed into both Crookwood fishing lake and Stert Brook on which an SSSI is located at SU 017583.*
- *Already manure is being heaped along the ditch (SU 034589) which drains into the above-mentioned stream.*
- *We note that the land is in a nitrate vulnerable zone. Defra is already monitoring the quality of the water in Worton stream (into which Stert Brook flows) and has classed it as 'poor' on many counts, including phosphate levels. This project can only serve to exacerbate the problem.*

Road Traffic Impact:

- *With 150 cows on that acreage, much of their food would need to be brought to site. This would bring even more large vehicles onto the Wessex Ridgeway and through the narrow lane of Stert.*

Public Protection – No objections.

Rights of Way – No comments received.

Environment Agency (EA) – No comment. It should be noted that the proposal does not fit the criteria which would normally warrant consultation with the EA.

Comments received following submission of an addendum to the planning statement:

Stert Parish Council – Object. The full comments can be read on the councils' website. The material considerations are bullet pointed below for ease of reference:

- The barn would have a detrimental impact on landscape views from residents' homes, and for users of the PROW.
- The barn will have an impact on the conservation area as it will be visible within the view to Salisbury Plain.
- Concerns regarding highway safety.
- Walks through the parish will be less pleasant.
- Odour, noise and light pollution.
- Harm to ecology as development has taken place during nesting season.
- Irreversible environmental and ecological impacts.
- The proposal will cause a loss of biodiversity and does not support 'natures recovery'.

Agricultural Consultant – *"Having read the content of the revised statement for the applicants it is my view that there is no need to alter my earlier advice in relation to the need for the proposed building."*

8. Publicity

The application has been advertised by way of writing directly to adjoining landowners and relevant consultees. Some comments received highlight that potential adjoining landowners were not written to directly, however this contact confirmed that they were aware of the proposal, and it was also confirmed that they had already commented on the scheme; despite this, a formal letter was offered to alleviate any concerns regarding procedural error. Speculative comments have not been included.

20 letters of representation have been received - 16 in objection and 4 in support. The full contents of these letters can be read on the Council's website. For ease of reference, the material planning considerations relating to the current proposal that have been raised are bullet pointed below:

Objections:

Principle:

- There is no social or economic advantage to the local rural community.
- With the absence of a genuine farmstead, there should be no need or justification for housing cattle on the site.
- The location is unsustainable as it's in the open countryside.
- The useable land for grazing/rearing cattle would only support approximately 22-23 cattle, once you deduct the equestrian, woodland and landscaped land.
- Concur with the comments made by the Parish Council.

Landscape/visual:

- Incremental development that represents material harm at this location.
- 3 residential properties in close proximity
- Visual impact
- The size of the barn is disproportionate to the size of the holding.
- Destruction of vegetation.
- Proposed building would not accord with Wiltshire Council's policies, namely the Climate Strategy, Green & Blue Infrastructure Strategy and Wiltshire Natural Environment Plan.
- Loss of part of the hedgerow bounding the site has already taken place.
- The building if approved would set a negative precedence for future development.
- Spreading manure and grazing cattle on these fields will make the PROW unsafe to use.
- Ongoing development at the site has resulted in PROW being blocked by electric fences, the number of users of the PROW have decreased over the last few years.
- The proposed building will be visible from within the conservation area.
- The site is not just visible from inside the village and can be seen from various far-reaching locations.
- The location is not 'isolated' as it is within 100m of a neighbouring property.
- The landscape appraisal does not give a true representation how visually prominent the site is.
- The existing barn is not suitable or appropriate mitigation for screening the proposed barn.
- Existing development will impact the root systems of the adjacent hedgerow ultimately killing the hedge and removing any existing screening.

Environmental and ecological impacts:

- Lack of manure/waste management plan, manure currently being heaped and causing ordure and possibly flies in the warmer weather.
- The amount of manure quoted in the application does not include the additional horse manure and bedding already being produced at the site.
- Dry stacking of manure will inevitably cause leaching and seepage.
- The applicants don't have 59 acres when existing use and buildings are taken into consideration.
- Would result in over grazing of land which is not fit for purpose/welfare issue as not enough land for such a large herd.
- Livestock currently being housed in barn without consent and unfit for purpose.
- The site is a nitrate vulnerable zone (NVZ), the planning statement claims it is not.
- Correcting the pollution to the water course will be much harder once the infrastructure is in place.
- The cumulative impact of development at the site, including the proposed barn is detrimental to wildlife in the area.
- Detrimental impact on the nearby water courses including Crookwood lake and feeder stream due to polluted water-run off and nitrate and phosphorous entering the stream.
- The land is naturally boggy and has been a source for ecosystems and wildlife for years, which is being destroyed by ongoing development at the site.

- The housing/rearing/grazing of cattle in this area will have a detrimental impact on local residents in terms of noise and smell.
- Light pollution from the sky lights.
- No biodiversity and ecological net gains.
- The proposal would impact bats in nearby trees.
- An existing pond at the site has been filled with dumped manure and felled trees.
- The proposed barn will obstruct nesting birds using the hedgerow.

Highway impact:

- Lane too narrow to accommodate further intensification from feed lorries which will frequently need to visit all year round.
- Safety issues for walkers and other users of the lane/bridal way
- Verges being deteriorated by large agricultural vehicles.

Procedural:

- Failure to notify Devizes Angling Association as adjoining neighbours to the site.
- A consultation letter was sent to the 'Pump House' which is not a residence.
- The site has not been properly surveyed.
- The images do not show an up-to-date representation of the site as trees and hedging have been removed.
- The submission is lacking ecology, protected species, tree and hedgerow surveys prior to establishing whether there is an ecological impact.
- Concerns the consultation with the Public Protection Officer goes beyond the remit of the role.

Support:

- Wiltshire is a rural county with approximately 73% of the landscape dominated by agriculture.
- The countryside is not just a recreational playground but supports rural businesses.
- Should be supporting farmers during these uncertain times.
- Should be supporting UK food producers.
- Farm buildings are a necessity in the countryside and better placed than tennis courts/swimming pools etc.
- Associated smells and odours should be expected in the open countryside.
- The land has an existing and historic use as agricultural land.
- There is a genuine need for a livestock building.
- The proposal complies with CP48 of the WCS and paragraphs 83 and 84 of the NPPF.
- The support of this enterprise would have a wider positive effect for other local businesses.
- The proposed barn is small in scale when compared to other nearby similar developments.
- Nearby larger development supported by Parish Council and Local Ward Member.
- The building will be well screen from view due to mature trees and hedging.
- The Landscape Appraisal demonstrates how well screened the site will be from view, and the photos were taken during the winter months when the trees and hedgerows are sparse.
- Neighbouring development has a much more prominent and less attractive building in an unscreened location, namely Fullaway Farm.
- The applicants state this is dry stackable manure to be spread on the ground once composted. According to DEFRA Government website. Organic manure has several benefits to the soil, wildlife and habitats, such as: Improves soil structure. Improve soil health, benefiting soil microorganisms, bacteria, fungi, and earth worms.

Increase carbon storage. Increase organic matter, which makes soil less prone to waterlogging and runoff, and more resilient to drought. Enhance environment for

- insects, larvae and plants to flourish providing a rich and varied diet and supply of food for much wildlife of varied species.
- Using this organic matter in this way is better for the environment than importing and spreading granular fertilizer. Manufactured fertilizer made with high levels of phosphorus and other chemicals, which can pollute and damage streams, rivers and has a high carbon footprint.
- The applicants have attempted to rent/find alternative suitable barns nearby to no avail and recently tendered for a Wiltshire Council Farm which was unsuccessful due to being considered to already have opportunities as landowners.
- No intensification of the use of the highway.
- If the application were refused it would increase road traffic.
- The site does not border the fishing lake; it borders the land within ownership.
- Nearby streams are approximately 2/3 fields away from the proposed site.
- Objections raised by neighbouring farmers who have grazed cattle on land that has access to streams.
- Objectors raise concern re: light pollution when all homes in the village create light pollution themselves which can be seen across the valley.
- It is not unusual for footpaths to run through fields with grazing cattle and expected in the countryside.
- Neighbouring registered farms should have no legitimate objection to the proposal.
- Objectors raise concern re: use of electric fencing which has nothing to do with the current proposal.
- The proposed barn will be well situated and grouped with existing development.
- No trees or hedges will need to be removed to accommodate the barn,
- The formation of a 'yard' will form a natural boundary, lessening the likelihood of further development.
- The barn will be built of suitable materials and of a suitable design.
- Crookwood Lake is over 3 fields away so unlikely to be harmed.
- The call-in demonstrates that an inconsistent approach is being taken with decision making when considering the support for other nearby similar developments.
- The barn is not just a shelter for cattle, but a requirement to support employment.

Several letters raising concerns were received after the initial consultation period with regards to the contents of the agricultural consultant's report. The main concern raised was that the report contained additional information which the public were not able to comment on during the consultation period. It should be noted that no further information was submitted by the applicant at this stage; the consultation request was made to a third-party agricultural specialist by the case officer to aid the assessment of the proposal. The response was informed by the public submission made to Wiltshire Council and conversations held directly between the agricultural specialist and the applicant. As this was a consultation response, there was no procedural need to formally re-consult with the public. Correct procedure has been followed in this regard.

However, the response did bring to light that there is an intention to use the cattle barn for the rearing of cattle for a dairy farm and not just for overwintering. This use comes under the definition of agriculture. As such, there is no material alteration to the scheme in this instance and no procedural error has been made. For full transparency, the applicant has submitted an addendum to the planning statement to offer clarification on the nature of the proposal. A period of re-consultation followed. An additional 34 letters of representation were received - 17 in support, 16 in objection and 1 mixed. The full contents of the letters can be read on the Council's website, however, the key material planning considerations raised are bullet pointed below for ease of reference:

Support:

- Confirmation from the previous landowner that the land has been used as pasture and for grazing of cattle over the years.
- Neighbouring farms have grazed dairy cattle in the vicinity.
- Development taking place at neighbouring farms has been far more obtrusive.
- The site will be well screened for most of the year.
- The site is far away from the brook to avoid contamination.

- The public footpaths are accessible, and any stock management fencing has been sympathetically placed.
- The land management at the site will lead to greater biodiversity moving forward.
- By investing in the barn, the applicants will be able to maximise the economic potential of the land available to them.
- The barn will increase animal welfare.
- Food production is a key Government priority, and the encouragement of sustainable food production is a key element of the Agriculture Act 2020
- Food production is highlighted in the 'Global Food and Farming Futures' report.
- The proposal is supported by the NPPF which specifically supports economic growth in rural areas and promotes development and diversification of agriculture.
- There is a clear operational need for the building.
- The proposal is not controversial.
- The proposed business and building is normal agricultural practice.
- The barn should be approved as there are no other alternative options available to the applicants.
- The proposal is supported by all consultees with the exception of Stert PC.
- The massing, scale, and design of the building is commonplace in our countryside and suitable for its use.
- The land is not in an Conservation Area, an AONB, SSSI nor does it have any easements. The applicants have a right to farm this agricultural land.

Objections:

- Support Stert PCs objections.
- Concerns remain regarding the drainage and possible impact on nearby water courses.
- The barn will be visible from properties within Stert.
- Too many cattle proposed for such a small acreage.
- A substantial amount of manure will be produced.
- The access roads are not suitable for heavy machinery/large vehicles.
- The addendum does not address the differences between the current proposals at the site in terms of proposed business and cattle nos.
- The statement, agricultural consultation response and associated application for an agricultural worker dwelling all suggest a different number of cattle are to be kept on site.
- The addendum does not address concerns regarding manure management, nitrate run off, or ecology. Concerns also relating to slurry storage.
- The assessment should consider the wider context and ongoing development at the site.
- There is not enough available pasture on the land to accommodate the number of cattle proposed.
- If they have access to additional land, this could put further stress on the highway.
- The land had been relatively well protected due to not being over farmed. The proposed use will have a negative impact on the local ecology and biodiversity of the area.
- The need for the barn has been manufactured, by bringing young cattle onto site in the first instance knowing there is no suitable housing.
- The planning committee should give consideration to any conflicts of interest when considering the letters of representation.
- The proposal will have a significant impact on the already compromised water supply serving nearby dwellings.
- Concerns regarding the proximity to residential properties in terms of transmittable diseases.
- Concerns regarding how the required facilities will be provided, e.g. water and electricity.

9. Planning Considerations

Principle of development

The building is being erected for the purposes of an agricultural cattle rearing business. Agriculture is defined in Section 336 of the Town and Country Planning Act 1990 as:

“agriculture” includes horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and “agricultural” shall be construed accordingly;

The proposed cattle barn is considered to meet the standards set out in the above definition.

Core Policy 34 is the WCS's dedicated policy that deals with additional employment land. This policy states the following:

Outside the Principal Settlements, Market Towns and Local Service Centres, developments will be supported that:

- i. are adjacent to these settlements and seek to retain or expand businesses currently located within or adjacent to the settlements; or*
- ii. support sustainable farming and food production through allowing development required to adapt to modern agricultural practices and diversification; or*
- iii. are for new and existing rural based businesses within or adjacent to Large and Small Villages; or*
- iv. are considered essential to the wider strategic interest of the economic development of Wiltshire, as determined by the council.*

Where they:

- a) meet sustainable development objectives as set out in the policies of this Core Strategy and*
- b) are consistent in scale with their location, do not adversely affect nearby buildings and the surrounding area or detract from residential amenity and*
- c) are supported by evidence that they are required to benefit the local economic and social needs and*
- d) would not undermine the delivery of strategic employment allocations and*
- e) are supported by adequate infrastructure.*

Point ii of this policy is particularly relevant as the proposed barn would be used for the purposes of farming and food production. Furthermore, the land has an established and historic agricultural use. As such, cattle could graze on the land without the need for planning consent. This includes the storing of manure. It is therefore not the principle of keeping cattle on the land that must be considered, but the proposed barn itself.

With regards to the lettered points above, in respect of which any proposal identified in points i to iv must comply with, the following conclusions are drawn:

The promotion of agriculture and land-based industries is something the Core Strategy is seeking to achieve to move towards a higher value economy (as stated in Core Policy 34). The promotion of agriculture in general is one of the sustainable development objectives of the plan.

The proposed building, in terms of its scale and relationship with the wider landscape, is considered to be acceptable and is commented on in more detail below under 'Landscape and visual impact'.

Cattle rearing businesses are of benefit to the local economy through the delivery of produce and associated businesses required to service such an industry e.g. vets.

The development of the site as proposed would not affect the delivery of strategic employment allocations (as defined within the WCS) and it is supported by existing adequate infrastructure, with no objections being raised by the highway department regarding highway use and safety.

In terms of principle, the proposal can be supported under Core Policy 34 of the WCS subject of

course to conformity with other relevant policies of the development plan.

In addition to the WCS, the NPPF is clear and concise with regards to rural economic development stating in paragraph 84 (Supporting a prosperous rural economy) that planning policies and decisions should enable:

- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings;
- b) the development and diversification of agricultural and other land-based rural businesses;

This is to help the rural economy prosper. National planning policy therefore also supports the principle of the scheme.

The need for the building is justified from a welfare point of view. The soil type at the site is heavy clay; as such, cattle would need to be kept in during the winter. This not only would provide the required shelter for the animals but would also allow for better management of pasture. The applicants' business (rearing of calves to heifer to sell to a dairy farm and or rearing for beef) would also necessitate shelter for young calves and any stock affected by illness. This need cannot be met by any existing buildings on the site as the two existing barns have not been built for this purpose nor do they have the correct permissions for the purpose. The adjacent existing barn has been used to house cattle temporarily; whilst this is unlawful, it is acknowledged that the current proposal seeks to rectify the situation.

Landscape and visual impact (including design) CP 51 & 57

Core Policy 57 of the Wiltshire Core Strategy states that "A high standard of design is required in all new developments, including extensions, alterations, and changes of use of existing buildings. Development is expected to create a strong sense of place through drawing on the local context and being complementary to the locality." Proposals should seek to enhance local distinctiveness and have regard to existing townscapes, patterns of development and the historic environment and landscape setting.

The design of the building is standard. Agricultural buildings are not usually things of beauty, which is to be expected as they are designed with purely a functional need in mind – the proposed building is very much an agricultural building by design that is a common sighting amongst the many farms throughout the local area. They are part and parcel of the countryside and therefore do not appear incongruous within the landscape per se. Often over time, they can seemingly blend into their wider setting and become unassuming structures. The key to this successful integration usually lies in the choice of materials, the positioning and scale of the building and the landscaping that exists or is proposed in and around the building. The proposed material choices are considered acceptable in this rural location, namely timber boarding and concrete panels to the walls and an anthracite roof; these are all typically used on agricultural buildings across the county.

In terms of scale, the proposed building has been found to be only marginally larger than required for its purpose, as identified within the response from the agricultural consultant. It is not of a scale that would warrant a refusal for this reason. Attention is drawn to nearby development of similar (or larger) proportions, bearing in mind that the scale of the proposed building is approximately L 36m W 15m H 5.5m:

- **Marsh Farm – 0.8 Miles from application site**

19/10004/FUL – Approved cattle barn. Approximate scale: L 24m W 18m H 10m

19/10005/FUL – Approved storage barn. Approximate scale: L 24m W 18m H 10m

- **Sleight Farm – 0.7 Miles from application site**

16/02919/FUL – Approved Grain Store. Approximate scale: L 36m W 7.5m H 10m

E/11/0679/FUL – Approved Extension to cattle barn. Approximate scale: L 24m W 13m H 6.4m (total length including existing structure over 40m)

Slightly further afield are the following permissions:

- **Manor Farm – 1.3 Miles from application site**

20/04399/FUL – Approved Agricultural Barn. Approximate scale: L 31m W15m H 8m

- **Bridge Farm – 2.6 miles from application site**

15/07765/FUL – Approved extension to cattle barn. Approximate scale: L 22m W 9m H 5m

The site at Marsh Farm is of particular interest as it is much closer to public vantage points (PROW URCH9 and URCH29) within the open countryside and over 550m from the original/associated farmstead. The aforementioned planning applications granted permission for two new barn buildings (including the cattle barn) in addition to 3 existing large grain stores. Subsequent applications include approval for a larger cattle barn and detached dwelling house (ref: 20/05046/FUL) and the later submission of an extension to the cattle barn (ref: 21/01990/FUL). The most recently approved application would result in a cattle barn measuring approximately 48.5m in length, 31.7m in width and 9.9m in height. All of these applications were approved with support from the parish council and no other objections. It is therefore considered that a consistent approach in decision-making should be taken in this case. In terms of its size, the proposed cattle barn at Saddlepack Farm is rather modestly scaled in comparison and suitably sized for its need (size of herd). With regard to the concerns raised regarding the herd size, this is a fluid number; the business would be expected to grow over time and these numbers are forecast within a more recent submission for retention of agricultural worker's dwelling. It is also noted that the applicants rent additional land which would help to accommodate livestock.

CP51 of the WCS proposes that *“Development should protect, conserve and where possible enhance landscape character and must not have a harmful impact upon landscape character, while any negative impacts must be mitigated as far as possible through sensitive design and landscape measures.”* The consultation response from the Landscape Officer highlighted concern that consideration had not been given with regard to the visual impact of the proposed building when viewed from PROW STER7, running along the west of the site. A pre-commencement condition requiring mitigation measures in the form of hedge and tree planting along the western and southern boundaries was suggested and subsequently accepted by the applicants. The following image (figure 11) shows the location of the required planting which will help to mitigate the visual impact of the site as a whole, will enhance existing screening along the western boundary and will provide ecological and biodiversity net gains. It should be noted at this point within the assessment that this is not the only additional planting that will be secured by condition.

In terms of impact on any heritage assets, the site does not lie within the Stert Conservation Area. The proposal is not considered unacceptable on the basis that there may be views of the agricultural building from within the conservation area. This would not warrant a reason for refusal. It should also be noted that there is no 'right to a view' in planning terms and that Wiltshire is steeped in agrarian history, therefore barns are commonplace within the landscape. There exist many other examples of modern agricultural buildings that are visible from within conservation areas of villages throughout the county. This, in itself, does not amount to harm to the character and appearance of the heritage asset. Notwithstanding this, the barn is positioned some distance away, in an area of low-lying land such that it would not interrupt any far-reaching views from within the village.

Concerns regarding the use of PROWs have been raised. No PROWs cut through the application site. As such, the use of these will not be affected by the proposal and any issues in this regard would be a separate matter governed by other legislation.



Figure 11: Visual impact mitigation required by pre-commencement condition (indicative sketch made by landscape officer).

The proposed siting for the barn will not involve the removal of any trees or hedging. Objections regarding tree and hedge removal are noted, however, any past tree and hedge removal does not form part of this current assessment and is not proposed within the submitted details. As such, existing loss in this regard is considered to be a separate matter, and potentially one that would not require the consent of the local planning authority in its own right. However, it is considered that the required planting could provide some replacement for any hedgerow that has been lost as a result of permitted development on the site. The access to the site is existing and must be considered as such. The proposed location for the barn is considered to be appropriate being closely associated with an existing storage barn and positioned in a relatively well screened location. This sensitive siting combined with further mitigation in the form of additional planting raises no concerns in relation to the criteria outlined within CP51 of the WCS. A barn in the open countryside on agricultural land is not considered to be an alien feature in the landscape.

Whilst it is appreciated that there will be a degree of visual impact, this will be most significant at a localised level (i.e. the immediate environs of the site) where its visual effect from roadside views and the PROW would be most apparent – primarily as you pass the site. However, the building will be set back from the roadside and partially blocked from view by the existing barn which will help reduce the impact. More distant views from Stert would be well-obscured due to existing land levels, hedging and trees. It is therefore concluded that the visual effects of the development are considered to have a minor adverse impact at a very localised level with those effects becoming much more minor as one moves away from the site. CP51 allows any harm to be mitigated through sensitive planting. The applicants have provided a planting schedule which is considered commensurate to the localised landscape harm identified and is sufficient to provide acceptable mitigation.

As such, it can be concluded that in terms of its visual impact, the proposal accords with CP51 & CP57 of the WCS.

Impact on neighbour amenity

It is considered that there would be no impact on neighbour amenity in terms of scale, loss of privacy, overbearing impact or overshadowing.

Agricultural dwellings (those occupied by farmers and farm workers) are not considered to be 'protected dwellings' under the terms of the Town and Country Planning (General Permitted Development) Order 2015 when considering buildings for the housing of livestock under Part 6 Class A of said legislation. Whilst this is a planning application and not a prior approval application under Part 6, such dwelling can be regarded in the same manner. Accordingly, any pollution impacts associated with a livestock building (e.g. noise and smell) is not something that would be considered for these dwellings. With regard to loss of privacy, light and overbearing impact, the building is far enough way from these farm dwelling such to not have such an impact.

Neighbouring farms have specifically been used for cattle and have a much closer relationship with the village when compared with the application site. Whilst a farm building at Fullaway Farm has been converted into an independent residential unit, it still very much remains associated with the farm, so there is an existing impact and associated use there.

In light of the above, the closest property is considered to be Stert House which is over 360m from the application site.

Concerns have been raised regarding the impact from smells/noise/flies. The appropriate storage of manure and slurry is beyond the planning remit but in any event is governed by separate legislation (EA and DEFRA). As such, the impact of these elements of keeping cattle do not technically form part of the assessment, however reassurances can be made here as the appropriate storage of manure and slurry (which would avoid leaching) can be policed by these separate departments. The granting of planning permission in this instance would not override these separate legislations which the applicants must still accord with. If subsequent changes were to be required to the planning permission to accord with this separate legislation, then the applicant would need to resubmit or vary the permission.

Some noise and odour is to be expected, but this is not unreasonable within an area of open countryside and the nearest residential properties are not considered to be close enough that there would be a significant impact on the reasonable enjoyment of their property and their living conditions.

The land is agricultural and can be used for grazing without the need for planning permission. There has been an established use for cattle in this area, on this site and in closer proximity to the village historically. As such, the proposal would not significantly alter the existing situation in terms of impacts on the reasonable living conditions of the nearby neighbours within the village of Stert. The keeping of cattle and storage of manure on site can take place with or without the existence of the proposed barn.

Any issues regarding the water supply at the site or potential impacts on other properties in the area should be taken up with Wessex Water who would have responsibility for rectifying the issue.

Highway impact CP61

The following comments were received from the highway officer:

'The site is located on a section of unclassified public highway subject to a speed limit of 30mph to the north, on the western boundary the site is bound by a brown track and a PROW Bridleway STER7.

The proposed access is from the west, where this is a Bridleway the PROW team have been consulted in this regard, I am aware that there is a DMMO on this section of Bridleway to change to a Byway which may have vehicular right over it for the purpose of access. The site is already used for cattle and has been housing the cattle within an existing barn under PD rights. The application seeks to provide a permanent building for the housing of cattle which would already

be within the site location and the quantum of which could increase without providing the barn.

I would consider that providing housing for the cattle proposed on site would be a betterment to the surrounding highway network as it would limit trips on the network by removing unnecessary movements between the farm and an off-site livestock building in the vicinity.

The access with the public highway would not be altered as access exists for the approved storage building within the site and the lane leading to the access is used by larger farm vehicles and it is not considered that the proposals would increase any use of this lane in a significant way.

I would therefore not wish to raise an objection with regard to highway safety and capacity.'

It is considered possible that trips to and from the site may be made, especially if additional land is rented which requires use of the highway to access said land, however, the assessment of the highway officer stands in that there are no existing restrictions on the use of the highway for agricultural purposes, the quantum of cattle at the site could increase without a barn in place and the council have no reasonable right to prevent the use of the highway for this already established purpose.

Environmental and ecological impacts

The initial assessment made by the Council's Ecologist were made with outdated information. The following revised comments were later received:

'The following comments supersede those submitted 09/05/2023. After discussion with the case officer and sight of photographic evidence of the current developments at the site, the Ecology Team is able to revise their previous comments. Our mapping and particularly aerial photography of the area covering the site do not show the most recent developments, i.e. the erection of the existing barn on part of this site, the access that has been constructed, the current use of the field and the current management of hedgerows.

The site is not within or immediately adjacent to any statutory or non-statutory designated sites for nature conservation, however there is well documented evidence that the wooded areas and connecting hedgerows and tree lines, within the local landscape area are well used by more than one Annex II species of bat (among the rarest in the UK), therefore a precautionary approach is needed in order to ensure that commuting and foraging routes maintain their functionality for bats, as well as birds and a range of small mammals that use the site.

Potential risks to ecology associated with the proposed development include the impact of artificial lighting and the potential impacts to boundary trees and hedgerows. The Planning Statement produced by Bourne Valley Associates Ltd confirms that there will be no external lighting and that boundary hedgerows and trees will be retained and protected. No direct impact to ecology is therefore anticipated from this development. However, care must be taken that buildings do not impact on tree or hedgerow roots that might suffer compaction of the root system, leading to death of these features and consequently reducing the functionality of the surrounding primary habitat connectivity, both within the site and also with adjacent habitat areas. It is essential that dark corridors along connective routes remain available to wildlife, therefore careful siting of the building is required. Ideally, the building should be a minimum of 10m from any hedgerow or tree line, in order to protect the integrity of these features. There should be no light spill into the space between the building and the hedgerow. However, it is noted that the existing building is closer to the hedge line than 10m, so the hedgerow may already have some reduced functionality for wildlife.

To compensate for this and for the addition of an additional building close to the hedge line, it would be appropriate to plant some additional trees or native shrubs in an area within the site where it would add to the availability of foraging, commuting and resting places for bats and other small animals and birds. This could be a small copse of native trees with a shrub understorey, somewhere within the site where it will not affect the use of the remainder of the field and will not in turn be impacted by the use of the field. I request that this should be presented on a site drawing (to be secured by condition).

There are at least two ponds within 250m of the proposed development site, which may provide breeding areas for Great Crested Newts, which are strictly protected under international and UK legislation. It is an offence to capture, kill or injure individuals and to damage or destroy a breeding site or resting place, or prevent access to foraging, breeding or resting sites. Having viewed the photographs of the site taken during the Case Officer's visit, I am of the opinion that the ponds will not be directly impacted by the development and that as long as a suitable darkened corridor is maintained between the building and the hedgerow, the habitats within the site will still offer a suitable level of foraging and commuting function for GCN, post construction. The applicant should, however, take note of the informative paragraph at the end of this response and take suitable precautionary measures to ensure the protection of all wildlife during construction works.

Core Policy 50 of the Wiltshire Core Strategy requires all development to demonstrate no net loss of biodiversity and encourages developments to seek opportunities to enhance biodiversity. The NPPF also encourages applications to deliver measurable net gains (para 174 d). At the current time therefore, the Council expects all applications to demonstrate no net loss of biodiversity and where appropriate to deliver a net gain. To meet this requirement, the provision of bat and bird boxes within the development has been conditioned (below). Bird and bat boxes should be attached to or integrated into the barn structure and/or on suitable trees within the applicant's ownership at this site. The type and positioning of bat and bird boxes must be shown on a suitable site plan. In addition, bulking up of existing hedgerows by gap planting and/or a new area of copse planting would suitably enhance the site for biodiversity while not interfering with the agricultural use of the site.'

In light of the ecologist's assessment, a number of conditions, including pre-commencement ones, as below would be necessary:

- Compensatory tree and native shrub planting within a suitable area of the site, that will replace the functionality of the hedgerows adjacent to the buildings.
- Roosting opportunities for bats and nesting opportunities for birds.
- Details of areas to be planted up with additional trees/hedges, to increase the quality and functionality of the existing habitat within the site, for the benefit of local wildlife.
- No artificial external lighting unless otherwise agreed in writing with the LPA.
- An informative bringing the applicants attention to the terms of the Wildlife and Countryside Act 1981 (as amended) and the Habitats Regulations 2017.

Many concerns have been raised with regards to ecology. Whilst the site is in a Nitrate Vulnerable Zone which requires certain additional farming practices and management, this is governed by separate legislation and enforced by the EA to ensure water pollution is controlled/prevented. Due to the distance of the application site and any nearby water courses, there is no immediate threat here, as previously stated, grazing the surrounding fields which are closer to the water course is an established use at the site and does not form part of this particular assessment.

As noted above, any proposed external lighting would need to be agreed with the local planning authority. Whilst some upward light spillage might be present, this is to be expected from a working farm, and is evident at neighbouring farms and of course from the village itself. The site does not lie within an AONB which is afforded more protection in terms of protecting dark skies and the levels are clearly not judged to be harmed to ecology or the tranquility of the landscape given that no objections have been raised by the Council's Ecologist or Landscape Officer on said issues. The condition to restrict lighting is considered sufficient to mitigate against any potential harm.

10. Conclusion

In conclusion, the proposed application seems fitting with regard to scale, design, and materials. The proposal is considered acceptable in the context of its surroundings and is in accordance with the general criteria set out in the aforementioned policies of the local development plan.

The scheme has generated no objection from the consultees in terms of highway impacts, the need for the building has been justified, as confirmed by the Council's agricultural advisor and any ecological issues can be mitigated against. The proposed barn is considered a typical development within the countryside and within this predominantly rural location. The site is well screened, even in the winter months, and would not cause harm to the wider landscape character.

Any impacts on neighbour amenity would be insignificant and likely to occur to a similar level whether the barn is approved or not.

The fall-back position is also a valid consideration, which in this case would be for the applicant to erect a barn under permitted development rights. In order to comply with the requirements of The Town and Country Planning (General Permitted Development) (England) Order 2015, a new barn fit for purpose would need to be sited further south to avoid being within 400m of a protected building, which would result in sprawling development at the site. The implications for ecology and landscape could potentially be far greater than the current proposal. In terms of design, the proposed building would group existing development together, forming a 'working farmyard' and would be the preferred outcome in this instance.

In this instance, it is considered that the right balance has been struck between the interests of farming and the overall management and protection of the countryside. The application is supported by national and local policy and should therefore be approved subject to the following conditions set out below.

RECOMMENDATION:

That planning permission be **GRANTED** subject to the following conditions:

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 provisions 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 be carried out in accordance with the following approved plans and documents:

- Doc Title: Application Form.
- Drg Title: Location Plan. Drg No: 02760-00-G. Sheet 1. Received: 17/02/2023.
- Drg Title: Block Plan. Drg No: 02760-00-G. Sheet 2. Received: 17/02/2023.
- Drg Title: Plans & Elevation. Drg No: 02760-06. Sheet 01. Received: 17/02/2023.
- Drg Title: Site Sections. Drg No: 02760-06. Sheet 02. Received: 17/02/2023.

REASON: For the avoidance of doubt and in the interests of proper planning.

3 - No development shall commence on site until a scheme of hard and soft landscaping has been submitted to and approved in writing by the Local Planning Authority, the details of which shall include:

- a) location and current canopy spread of all existing trees and hedgerows bounding the application site;
- b) full details of any to be retained, together with measures for their protection in the course of development;
- c) a detailed planting specification showing all plant species, supply and planting sizes and planting densities;

- d) any trees (details of their size, species and locations to be agreed in writing with the Local Planning Authority), shall be planted in accordance with BS3936 (Parts 1 and 4), BS4043 and BS4428

REASON: Insufficient information was submitted with the application to enable this matter to be considered prior to determination, and the matter is required to be agreed before the commencement of development to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

4 - All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the building or the completion of the development whichever is the sooner; All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the local planning authority. All hard landscaping shall also be carried out in accordance with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

REASON: To ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

5 - Prior to the commencement of any works, including any further vegetation removal, details of the following shall be submitted to and approved in writing by the local planning authority:

- 1) location, area and species of compensatory tree and native shrub planting within a suitable area of the site, that will replace the functionality of the hedgerows adjacent to the buildings.
- 2) the number, design and locations of roosting opportunities for bats and nesting opportunities for birds shall be submitted to the local authority for approval. These details should be clearly shown on a site plan. The approved details shall be implemented before occupation of the final works.
- 3) The plan will also show details of areas to be planted up with additional trees/hedges, to increase the quality and functionality of the existing habitat within the site, for the benefit of local wildlife. Biodiversity enhancements will remain available for the targeted species for the lifetime of the development.

REASON: Insufficient information was submitted with the application to enable this matter to be considered prior to determination, and the matter is required to be agreed before the commencement of development to provide enhancement for biodiversity.

6 - No external lighting shall be installed on site unless plans showing the type of light appliance, the height and position of fitting, illumination levels and light spillage have been submitted to and approved in writing by the Local Planning Authority. The plans will be in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Engineers in their publication GN01:2011, 'Guidance for the Reduction of Obtrusive Light' (ILP, 2011), and Guidance note GN08-18 "Bats and artificial lighting in the UK", issued by the Bat Conservation Trust and Institution of Lighting Professionals.

The approved lighting shall be installed and maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: To minimise unnecessary light spillage above and outside the development site in the interests of conserving biodiversity.

Informatives: (1)

7 - The applicant should note that under the terms of the Wildlife and Countryside Act 1981 (as amended) and the Habitats Regulations 2017 (as amended) it is an offence to disturb or harm any protected species including for example, breeding birds and reptiles. The protection offered to some species such as bats, extends beyond the individual animals to the places they use for shelter or resting. Please note that any planning consent does not override the statutory protection afforded to any such species. In the event that your proposals could potentially affect a protected species you should seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. Please see Natural England's website for further information on protected species.