

REPORT FOR WESTERN AREA PLANNING COMMITTEE

Date of Meeting	20.11.2019
Application Number	19/07037/FUL
Site Address	Land south of Stourton Farm, Westbury Road, Steeple Ashton, Trowbridge BA14 6DE
Proposal	Erection of agricultural building (partially retrospective)
Applicant	Mr A Harte
Town/Parish Council	WEST ASHTON
Electoral Division	Cllr Horace Prickett - Southwick
Grid Ref	388847 157893
Type of application	Full Planning
Case Officer	Steven Sims

Reason for the application being considered by Committee

Councillor Prickett has requested that this application be called-in for the elected members of the western area planning committee to determine should officers be minded to support the application to allow members to fully appraise the following key matters:

- The scale of development
- Visual impact upon the surrounding area
- The relationship to adjoining properties
- Design, bulk, height and general appearance

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

- Principle of Development and Agricultural Justification
- Impact on the Character of the Area
- Impact on the living conditions of neighbouring residents
- Impact on the public right of way footpath
- Ecology impacts
- Highway issues
- Other issues

3. Site Description

The application site is located in the open countryside some 700m south-west of Ashton Common and just over 1km to the north-west of Steeple Ashton. The identified application site extends to approximately 1.75 hectares (4.3 acres) and is located to the south-east of Stourton Farm and is accessed via a track that connects with the A350 Yarnbrook Road.

A public right of way (PRoW) footpath (SASH9 which connects with WASH13) runs along the north-western site boundary which is illustrated along with the site location on the following page. The landscape character of the area is one of Rolling Clay Lowland and as confirmed by the application proposal, the applicant has made a

material unauthorised start on site with several parts of the steel frame being erected (however due regard should be given to the site's planning history which is set out below). As shown in the case officer's site photo below, the applicant has sited a touring caravan without any justification or approval – which is the subject of a separate enforcement investigation. For the purposes of this application, the touring caravan forms no part of the submission being reported to members.



4. Planning History

19/00378/ENF – Enforcement Investigation into unauthorised works on site (to which the application before the elected members seeks to regularise).

16/02274/FUL – Erection of an agricultural building (Resubmission of 15/12384/FUL) – Approved 09.05.2016

Note: The approved barn measured 12m long, 8m wide and approximately 4m high to the roof apex (96 square metres in size and 384 cubic metres)

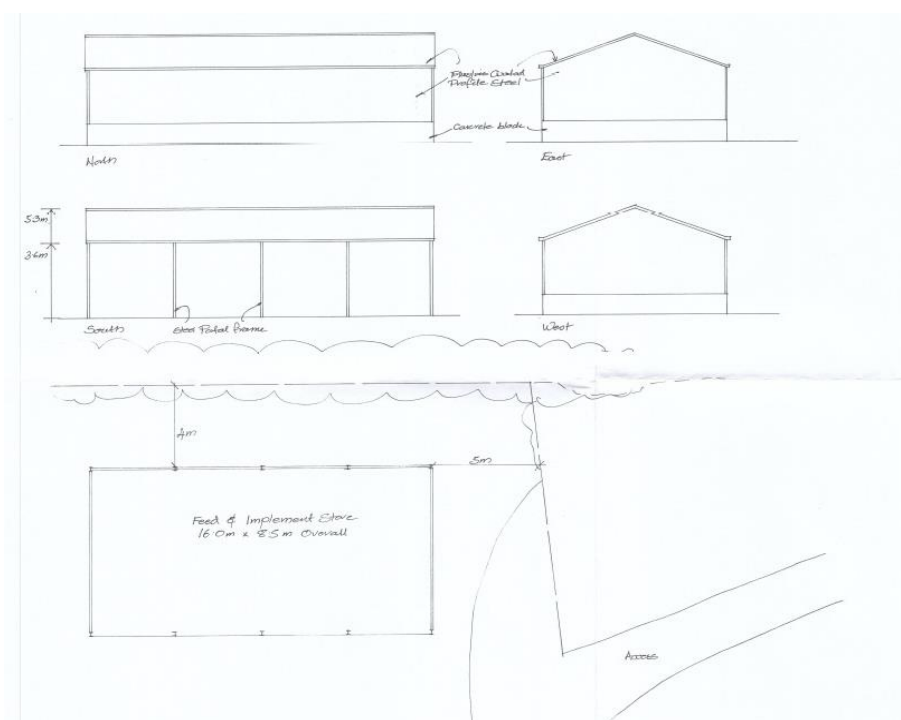
15/12384/FUL - Erection of agricultural building – Refused for the following reasons:

1. By reason of the particularly limited size of the land comprising the application site and large size of the proposed barn, the development of the land by the provision of the proposed new building has not been demonstrated to be reasonably necessary for the purposes of agriculture. The proposed development would thereby constitute unjustified development within the countryside which would by introducing a new development (built form) into a previously undeveloped field and would be detrimental to the existing character of the surrounding countryside. The proposed development is therefore contrary to CP48, CP51 and CP57 of the Wiltshire Core Strategy.
2. The proposed development, by virtue of its height, bulk, massing and location would have an adverse impact on the character of the countryside in this highly prominent position within the landscape that is not outweighed by a proven agricultural need. The proposed development is therefore contrary to CS 51 and CS57 of the Wiltshire Core Strategy and advice contained in section 7 of the National Planning Policy Framework.

Note: The size of the barn refused planning permission was to measure 24m long, 11.6m wide and 6.6m to the apex of the pitched roof.

5. The Proposal

This is a full application for the erection of an agricultural barn for the storage of hay and associated machinery and to provide accommodation for livestock during the winter. The application is partly retrospective because part of the steel frame has been erected on site (with works commencing in February 2019). The building would measure 16m long, 8.5m wide and have a maximum height of 5.3m (with 3.6m to the eaves). The building (which is shown below) would have a gross floor area (measured externally) of 136 square metres and a gross volume (measured externally) to the eaves of 490 cubic metres (and a total volume of approx. 558 cubic metres). The building would be constructed of green plastic-coated profile steel sheeting with a concrete block base.



6. Local Planning Policy

Wiltshire Core Strategy (WCS) Core Policy 15 Melksham Community Area; Core Policy 50: Biodiversity and Geodiversity; Core Policy 51: Landscape; Core Policy 57: Ensuring High Quality Design and Place Shaping; and Core Policy 62 Development Impacts on the Transport Network.

National Planning Policy Framework 2019 (The Framework) especially sections 12. Achieving Well-Designed Places; and section 15. Conserving and Enhancing the Natural Environment

Other Material Considerations Planning Practice Guidance (PPG); The Wiltshire Landscape Character Assessment (which defines the site and in the immediate environs as 'Rolling Clay Lowland'; and the Draft Trowbridge Bat Mitigation Strategy SPD (which in due course, Council officers hope will be adopted as part of the Wiltshire Housing Sites Allocation Plan DPD)

7. Summary of Consultation Responses

West Ashton Parish Council: Objects and raises the following comments and concerns.

The 2015 application was refused because of the scale of the proposed barn. The application in 2016 was approved for a smaller barn which was never implemented and is now time expired. The current application is retrospective and appears to be larger than what was approved in 2015.

Objection Issues:

1. Rights of way and the diversion / re-routing of the footpath behind the barn. What explanation is there with regard to the impact on the maintenance and inconvenience to users of the footpath.
2. The applicant's statement relative to land ownership is misleading because it appears that Mr Roy Clarke (who has objected) owns some of the land identified in blue which the applicant proposes to use for cattle. This land would not be available for such use and it therefore reduces the need for the proposed barn.
3. The area is very sensitive in terms of bats in the area (ref: Ashton Park, Biss Wood etc). The emerging HRA should raise concerns about the proximity to bats, their roosts and foraging routes.
4. The land appears to be used for unlicensed storage / waste, which Wiltshire Council should be aware of (Highways or their contractors).

Additional comments:

Land usage and the barn is predicated on the proposed and continued rearing of livestock, is there an issue for DEFRA to comment on necessary licences?
Given the size of the parcels of land claimed to be used for livestock is there an issue related to the overall acreage and animal welfare?

Steeple Ashton Parish Council: Objects for the following reasons:

The application is not accurate in its representation of land ownership and resubmits details included as part of previous planning decisions. Part of the land referred to has now been sold to a third party.

The application site and development are not proportionate to the land in question.

The scale of the proposed building is larger than the 2016 approved agricultural building.

The application, if approved, would require a re-routing of the footpath, which in the Parish Council's opinion would be detrimental in terms of the accessibility of the footpath.

The application would result in a disturbance of bats, which have a high density of population in the area. The land is "red zoned" for bat habitat within Wiltshire Council planning policy.

The Parish Council objects, as matter of policy and principle, to retrospective applications especially where development has not been in accordance with previously issued planning permissions.

The PC has further concern regarding the licensing for the applicant's animals and asks the Planning Authority to ensure that the appropriate licenses are in place.

Wiltshire Council's Agricultural Consultant: The applicant's freehold land ownership extent at Stourton Farm extends to approximately 1.75 hectares. The applicant also owns land 4.45 hectares at Semington and 5.16 hectares at Kington St Michael and rents a further 8.09 hectares at Semington, which are understood to be farmed as a single unit extending to 19.45 hectares (equating to 48 acres or thereabouts). All the land pursuant to this application site is grass, which is used to provide grazing and winter fodder for store cattle. On behalf of the applicant, it is represented that 30 store cattle are finished annually across the combined farm holding.

The land is used for grazing and for the production of hay, which is used as winter feed, with any surplus sold.

The applicant's proposal is to retain the store cattle enterprise and to introduce a sheep enterprise, comprising 20 ewes, which would be maincrop lambed. Lambs would be finished and sold the following autumn and winter – with the farm land to be kept in grass and managed as at present.

There are no agricultural buildings on the freehold land owned by the applicant. Under this application, the applicant seeks planning permission for a steel portal frame agricultural building that would be divided into four bays.

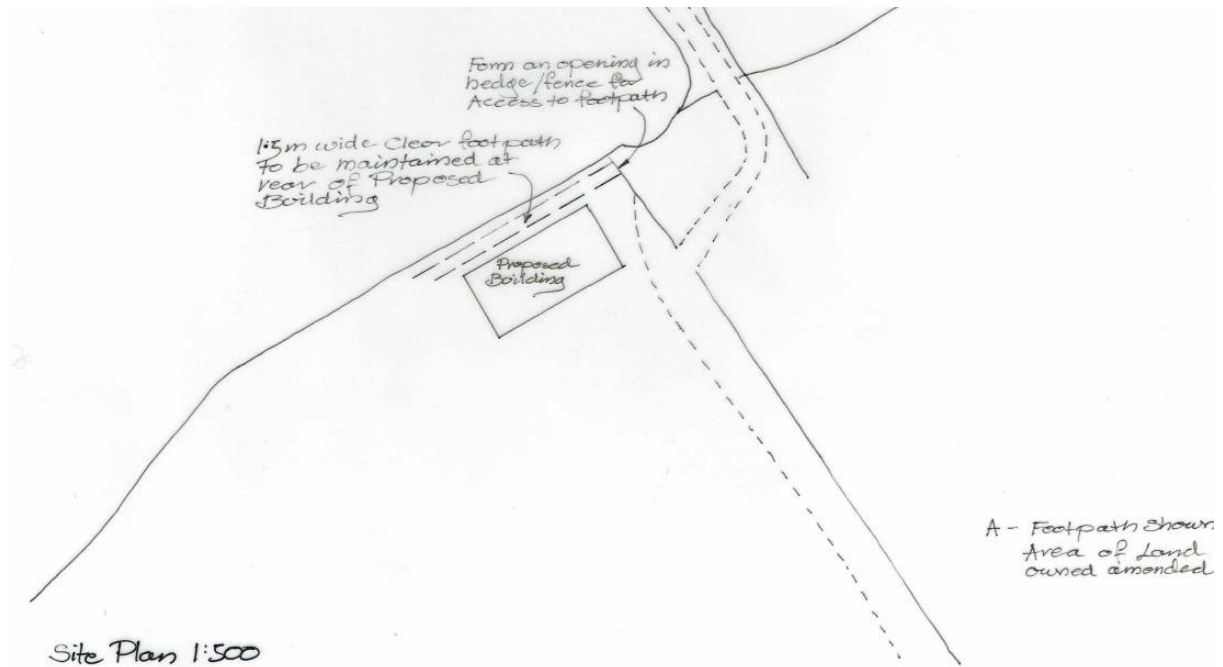
The applicant advises the building is to be used to provide accommodation for store cattle during the winter and for hay produced on the holding.

The local planning authority has sought my opinion on the need for the proposed building. In forming my opinion, it is first necessary to determine whether there is a requirement for a building for the stated purpose. Second, it is necessary to determine whether the size and design of the building is appropriate to the functions, considering the extent and scale of the agricultural practice.

Note: Within section 9.1 of this report, additional commentary is provided to supplement the case officer's planning appraisal and informs the planning

recommendation. The building is of an appropriate size for the combined holding. The building is not well suited to accommodation for livestock.

Public Rights of Way Officer: No objection. The PRoW team are satisfied that the footpath can run behind the barn and would still be within the tolerance of the original route as shown on the Definitive map of Public Rights of Way as illustrated below:



8. Publicity

The application was publicised by the display of a site notice and individually posted out notification letters sent to neighbouring/properties within close proximity of the

site. As a result of this publicity, 6 letters of objection (4 from the same individual) were received with the summarised objections being set out as follows:

- Incorrect details are included on the application form pursuant to land ownership details and the size of the farm holding
- Additional traffic generated by the development should not be supported
- The proposed development would result in harming the living conditions of neighbouring residents
- The development has already started and would have an adverse impact on the public footpath
- The proposed barn would be too large for the farmland and disproportionate to the proposed land use.
- There are animal welfare issues highlighted arguing that the 1.75-hectare land holding would not support a cattle herd of 15.
- Bats are in evidence on the site – which falls within the ‘red zone’ as set out within the emerging Trowbridge Bat Mitigation Strategy and would result in the loss of foraging habitat for bats
- Concerns have been raised over the current use of site used for waste disposal. The land at Littleton Stables has been used as an unlicensed waste dump and was subject to enforcement investigation (enforcement case 19/00594/ENF) which resulted in the removal of waste material.
- The Council’s PRow team were not consulted.

9. Planning Considerations

9.1 Principle of Development and Agricultural Justification

9.1.1 The provision of any new building within the countryside has the potential to adversely affect its character simply by reason of its presence and the act of developing on the land *per se*. However, where proposed development is justified for *bona fide* agricultural purposes, including the maintenance and management of the land and welfare of animals etc, officers recognise that some adverse effects may be outweighed by substantive agricultural justification and functional need.



9.1.2 The application site located to the south-east of Stourton Farm comprises one field extending to some 1.75 hectares and is accessed via a track that connects with the A350. The aerial insert on the previous page reveals the manner in which the field and the surrounding agricultural land is laid out with well-established hedgerows and trees defining much of the field boundaries with Smith's Well Woodland illustrated to the west.

9.1.3 In addition to the land south east of Stourton Farm, the applicant either owns or rents an additional 17.7ha at three other land parcels (with 2 plots of land at Semington and one at Kington St Michael) which equates to a farm holding of just under 20ha.

9.1.4 Under this application, the applicant proposes to erect a farm building measuring 16m long by 8.5m wide with an eaves height of 3.6m and an overall height of 5.3m. The floorplan of the proposed barn would extend to approximately 136 square metres and would have a volume of about 558 cubic metres.

9.1.5 To support the application, an agricultural justification has been submitted which asserts that the proposed barn would be used for the storage of hay, agricultural equipment and tools and to accommodate livestock in adverse weather conditions (winter) and for lambing. The land is currently used for grazing and for the production of hay, which is used as winter feed, with any surplus sold. Based on the level of land that is farmed by the applicant, over 730 cubic metres of hay could be produced each year which would require suitable under cover storage and as previously reported, there is no building on any of the land parcels owned by the applicant. In addition, the submitted agricultural justification states that the applicant grazes 30 head of cattle each year; and that the farming business seeks to expand in 2020 to accommodate up to 20 ewes with the flock to be grazed across the four parcels of farm land that is available to the applicant.

9.1.6 As part of the planning assessment, the Council commissioned Tony Coke to independently appraise the applicant's agricultural justification and invited him to provide the local planning authority with his own assessment which is partly set out in section 7 of this report. To supplement the case officer's own appraisal, Tony Coke provided the following concluding advice contained within para 6.4 of his consultation response whereby he argues that:

"a building is necessary to provide suitable covered accommodation to prevent baled hay from spoiling as a result of adverse weather. Spoilt hay has a reduced nutritional value and low to no sale value."

and he continues to assert that:

'It is my view that the welfare of store cattle can be improved through the use of suitable covered accommodation to mitigate the effects of adverse weather in winter.'

9.1.7 In his determination as to whether the size and design of the proposed agricultural building would be appropriate for the proposed agricultural function, Tony

Coke considered the extent and scale of the agricultural practice over the extent of the farm holding and argued within paragraph 6.5 that:

“Having established that the proposed functions warrant suitable covered accommodation it is then relevant to consider the specific requirement. The calculations below are based on standard published industry data.

- Assuming there are two cuts of hay across the holding a reasonable level of output might be two tonnes per acre, producing a total of 96 tonnes of hay. Assuming a stored density of 8m³ per tonne the total storage volume required would be 768m³. Assuming hay is stored to the eaves height (3.6m) of the proposed building the floorspace required would be 213m².

- Assuming a liveweight of 300kg per animal and 5m² per animal, 30 head of store cattle would have a space requirement of approximately 150m²”.

Within paragraph 6.6 of his consultation report, Tony Coke argues that

“It would be reasonable to expect a reduction in the hay crop, to reflect grazing by the cattle; however, based on the above calculations and assumptions the hay crop would have to be reduced by more than 35% for the building to be too large for the hay alone. It must be noted that the design of the building is more of a general purpose shed, rather than as a livestock building. The cladding to the upper elevations does not facilitate natural through ventilation and in my view that renders the building unsuitable for long-term use by livestock”.

Within paragraph 6.7, Tony Coke concludes by saying:

“Overall it is my view that the building is appropriately sized for hay storage across the combined holding. The proposed building is capable of use by livestock, but it is not designed for that purpose. The size of the proposed barn is considered acceptable for the proposed agricultural use”.

9.1.8 Although the Council's agricultural consultant states that the building is not ideally suited for the housing of livestock long term, it can be used for winter cover and or during extreme bad weather, as well as for lambing. Officers are equally satisfied that there is substantive agricultural merit in approving the building. There is a functional need for the agricultural building on site and it is considered to be of an appropriate size that is reasonably necessary for the farming business.

9.2 Impact on the Character of the Area

9.2.1 Core Policy 51 of the adopted Wiltshire Core Strategy (WCS) requires development to protect, conserve and where possible enhance landscape character and negative impacts must be mitigated where possible through sensitive design and landscape measures. In addition, Core Policy 57 requires a high standard of design in all new developments and that development should respond positively to the existing landscape.

9.2.2 The landscape character of the area is one of Rolling Clay Lowland. This is characterised by gently undulating, largely rural area of mixed arable and pasture

land with medium to large rectangular fields bounded by thick hedgerows with mature hedgerow trees. Settlements are sparse with scattered nucleated and linear villages and farmsteads. The application site consists of a single field bordered by mature hedges which slopes gently downwards east to west.

9.2.3 The proposed agricultural building would be located approximately 4m set back from the well-established hedgerow which is identifiable in the site photos below that forms the applicant's northern field boundary and separates it from the Stourton Farm land to the north and provides a northerly backdrop for the WASH13 and SASH9 public footpath. Officers submit that the barn would be reasonably well screened from views from the north (looking south-easterly) and would be screened further by the existing hedgerow that defines the field's eastern boundary. At circa 5.3m in height, the barn would exceed the height of the hedgerow, however in the opinion of officers, it would not appear as being substantively visually obtrusive given the shallow roof pitch and the proposed agrarian elevation form and recessive material palette; and officers submit that it would comply with CP51 and CP57 of the Wiltshire Core Strategy and sections 12 and 15 of the NPPF.



View of the frame of the barn from the southwest adjacent the existing hedgerow boundary

9.3 Impact on the Living Conditions of Neighbouring Residents

9.3.1 Core Policy 57 of the Wiltshire Core Strategy requires a high standard of design in all new development and that development proposals should have regard to the compatibility of adjoining buildings and uses, the impact on the amenities of existing occupants, and ensure that appropriate levels of amenity are achievable within the development itself.

9.3.2 The nearest residential property to the application site is Springfield House which is located approximately 85 metres to the north-east, with Stourbridge Farm being located approximately 172 metres to the north-west. These separation distances are such that the development should not pose a risk to blight the living conditions experienced and enjoyed at the aforementioned properties. There would

be no substantive loss of amenity to justify a refusal of planning permission and officers are satisfied that the development would comply with Core Policy 57 of the Wiltshire Core Strategy.

9.4 Impact on the Public Right of Way Footpath (WASH13 / SASH9)

9.4.1 No objection is raised by the Council's PRow warden who acknowledges that the partially constructed barn does not compromise the definitive route of the PRow and there would be no substantive grounds to refuse the application pursuant to the right of way located between the barn and the hedgerow.

9.5 Ecology Impacts

9.5.1 Concern has been raised by third parties about the impact the development may have on bat habitat in the area; and it is acknowledged that the application site lies adjacent to Stourton Plantation and to the east of Smith's Well Wood, which are known woodland habitat used by Bechstein bats and that the application site is within a 'red zone' area designated by the Council as contained within the Draft Trowbridge Bat Mitigation Strategy SPD where there is a high risk of impact from development on the commuting routes and foraging areas of bats.

9.5.2 In this particular case, the application comprises no substantive loss of foraging land and the barn would not result in the loss of any bat habitats. There is no proposed removal of hedgerows or trees; and the proposed end use would not result in added pressure to the nearby known bat habitat (unlike residential forms of development – which have a consequential recreational pressure). Officers are fully mindful that should permission be granted it would be necessary to impose a planning condition pursuant to any external lighting the applicant may wish to install which would need to be worded in a suspensive manner.

9.6 Highway Safety Issues

9.6.1 Although it is recognised the use of the barn would result in an increased use of the access track to the site, the use would not lead to such severe impacts on highway safety to justify refusal of planning permission fully cognisant of paragraph 109 of the NPPF and WCS Core Policy 62.

9.7 Other Issues

9.7.1 It is acknowledged that concern has been raised through the consultation and public notification processes about the size of the proposed barn in comparison to the previously refused barn proposal on the same site. In response to this concern, it is necessary to assess each application on its own merits; and in this case the applicant has put forward sufficient evidence to justify the barn of the size proposed – which is not opposed to by officers or the Council's agricultural consultant; and it is noteworthy to mention that the proposed barn would be smaller in height and length when compared to the refused 2015 application that is cited earlier in this report.

9.7.2 The queries and anomalies that were raised over land ownership at an early stage of the application were resolved by virtue of a revised submission.

9.7.3 The third-party enforcement concerns duly referenced that are not relative to the barn proposal are the subject of a separate investigation by the Council's planning enforcement team. In terms of any land that is considered to be untidy, the Council can serve an 'amenity' notice on the owner of any land or building which is in an unreasonably untidy condition and considered to have an adverse effect on the amenity of the area. This is done under section 215 of the Town and Country Planning Act 1990 (as amended). When the site was visited by officers, the land was not considered to be untidy to warrant such actions, however it would remain open to the Council to review this as an ongoing matter, should local concerns be raised – which for the avoidance of any doubt, should be reported through the Council's planning enforcement team.

9.7.4 In response to the concerns raised about building materials being stored on site, officers found that these had been removed by the applicant when the site was visited in early September and through an ongoing liaison with the enforcement team, the site is being monitored. To provide more surety as part of any grant of planning permission, officers are minded to recommend a bespoke planning condition given its rural location to restrict external storage for agricultural purposes only.

9.7.5 Third parties have also raised issues of animal welfare including the licensing of animals however such issues are not a planning matter and are dealt with under other legislation; and as such, it cannot influence the planning balance or determination.

9.7.6 Lastly, in response to the concern raised about the partially retrospective nature of the application, whilst it is always regrettable when an applicant proceeds with a development prior to obtaining the necessary permissions, a retrospective application cannot be treated any differently to a standard planning application. The appropriate tests are set out above and after taking on all the material planning considerations into account, officers are supportive of the application.

10. Conclusion (The Planning Balance)

Based upon the information provided, officers are satisfied that there is a functional need for the proposed agricultural building at this site and it is considered that the size of the building is appropriate and reasonable for the agricultural holding that is farmed by the applicant and to support the farming business. Officers are satisfied that the development would have no adverse visual impact on the countryside or to the amenities of adjacent residents or harm the setting of the public footpath. In addition, the development would not result in any substantive harm to highway safety interests or result in adversely impacting the commuting routes and foraging areas of bats species known to be in the area. The application therefore complies with Core Policies 15, 50, 51, 57 and 62 of the Wiltshire Core Strategy and the advice contained within the National Planning Policy Framework.

11. RECOMMENDATION: APPROVE subject to conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location/block plan scale 1:2500/1:500 Dwg no. 2379/1 A
Proposed plans and elevations scale 1:100 Dwg no. 2379/2

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

2. The development hereby approved shall only be used for the purposes of agriculture and the storage of agricultural equipment and material and for no other purpose.

REASON: In the interests of the appearance of the site and the amenities of the area.

3. No materials, goods, plant, machinery, equipment, finished or unfinished products/parts of any description, skips, crates, containers, waste or any other item whatsoever shall be placed, stacked, deposited or stored outside the building hereby approved.

REASON: In the interests of the appearance of the site and the amenities of the area.

4. No external lighting shall be installed on the building hereby approved or within its curtilage until full details showing the type of light appliance, the height and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institute of Lighting Professionals in their publication "Guidance Notes for the Reduction of Obtrusive Light GN01:2011 have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site