

REPORT OUTLINE FOR AREA PLANNING COMMITTEES

Date of Meeting	5 August 2015
Application Number	15/03266/FUL
Site Address	Land off Shirehill Lane, West Kington, Chippenham, Wiltshire, SN14 7AR
Proposal	Erection of General Purpose Agricultural Building
Applicant	Mr T Holderness-Roddam
Town/Parish Council	NETTLETON
Division	BY BROOK – Cllr Jane Scott
Grid Ref	380227 175681
Type of application	Full Planning
Case Officer	Sam Croft

Reason for the application being considered by Committee

Applications called in by Councillor Jane Scott on behalf of the Parish Council who is worried about site access, extra traffic on roads and the impact on the AONB.

1. Purpose of Report

To consider the above applications and to recommend that planning permission is APPROVED subject to conditions.

2. Report Summary

The main issues in the consideration of this application are as follows:

- Impact on the Context and Character of the Site, Surrounding Area and AONB
- Agricultural Need
- Highways
- Ecology

Nettleton Parish Council and Marshfield Parish Council both object to the application. 11 letters of objection were received from the public in respect to the development.

3. Site Description

The application site lies in open countryside, adjoining a small wooded area which is just west of Mountain Bower. The public highway, Shirehill Lane, is immediately south of the application site. The site is located in the Cotswold Area of Outstanding Beauty (AONB) and occupies a potentially prominent position within the landscape siting atop a ridge.

The proposal would be associated with West Kington Farms which comprises in excess of 770 ha (1,900 acres). The enterprises at the farm are an arable operation, a suckler beef unit and an equine business. The equine business and the arable unit both operate from buildings on the freehold land at Church Farm. The beef unit is however spread across a number of locations. There was a previous application which sought to consolidate the beef unit at a single location; however, the application was withdrawn (Application Reference

14/03742/FUL). The current proposal is to provide a new general purpose building to serve a block of some 90 ha or freehold land; this paper deals with the proposed farm building in the context of that single block. The land to which the application relates is currently used to run a beef suckler herd and to produce arable crops.

Planning History

14/03742/FUL Agricultural Livestock & Storage Buildings, Laying of Yards, Erect Dwelling, Formation of Access & Associated Landscaping

4. The Proposal

The submitted plans show the proposed building with a steel portal frame divided into six bays. The building is shown clad to the gable ends and one long elevation with the remaining elevation shown gated. The overall dimensions of the building are shown as 36m x 18m with an eaves height of 6m; the building will thus have a floor area of 648m². The building is shown with profile sheet to the roof, spaced timber boarding to 4m and concrete panels to 2m.

The proposal is for the building to accommodate the calving cows; the progeny will be accommodated across the other buildings under the applicant's short-term control. The cattle will be loose housed and bedded on straw from the arable enterprise.

5. Local Planning Policy

National Planning Policy Framework Sections 1, 6, 7 and 11

Planning Practice Guidance

Adopted Wiltshire Core Strategy

- Core Policy 51: Landscape
- Core Policy 57: Ensuring High Quality Design and Place Shaping

6. Summary of consultation responses

Nettleton Parish Council - Object to this application on the grounds of poor site access, increase in building size (from 7 to 8 metres) from previous application which would cause a negative visual impact in regards to the AONB in appearance and its prominent position on the hill, plus the probable increase of large farm traffic through the village.

Marshfield Parish Council - object to this application on the same basis as the previous application on the following grounds:-

- a) The proposed development is in a prominent position in an Area of Outstanding Natural Beauty and will be widely visible. Other large agricultural buildings are built in less obtrusive folds in the land.
- b) The surrounding road network consists of narrow unclassified roads, some single track with passing places. The building and running of the cattle unit will require servicing by large vehicles totally unsuited to the access lanes. Damage will no doubt be caused to the verges and to the road surface.

Also the junction with the A420 is unsuitable for increased traffic movements and traffic associated with this development would lead to safety concerns.

Highways - I am minded to adhere to the premise that this proposal is an agricultural use and as such the associated vehicle numbers and type are to be expected in the countryside and on the adjacent rural roads. The proposed access will require an adequate visibility

splay and be surfaced in a consolidated material. In summary I am minded to raise no highway objection to the agricultural proposal subject to conditions.

Ecology - Having reviewed the available information I do not believe that the proposals would have any significant effects on the local ecology of the area however there is potential for nesting birds to be affected by the works, therefore it is recommended that any permission granted include an informative highlighting the legal protection afforded to active bird nests.

Given the nature and small area of habitat involved, and the availability of similar habitats in the surrounding landscape, I do not consider that the scheme would have any long-term effects on population status.

I have no objection in relation to ecology.

Archaeology - No Comment

Cotswold Conservation Board - The Cotswolds Conservation Board no longer raises an objection to this current planning application for the following reasons:

As noted within the planning application a meeting was held on site with the agent to discuss what changes would be required to the previous scheme to remove the objection from the Cotswolds Conservation Board.

The current scheme now includes the following changes:

- Re-use of the existing access track (not a new access).
- A single general purpose agricultural building (not a series of Agricultural Livestock & Storage Buildings, Laying of Yards and a new Dwelling).
- The proposed 8m high building has been located backing on to an area of mature woodland (with a tree canopy up to 12m in height).
- The location of the building is within a defined area of general open storage used for haylage or silage storage (within an existing earth bund).
- The proposal includes more suitable landscaping and modification of the earth bund that will physically and visually help to contain the single building and its use.
- The scheme at 648 sqm in total is now considered to be of a typical modern farm building scale and design and was not as before as blocks of industrial like buildings.

In conclusion, the Board maintains its objection to the scale of the original planning application 14/03742 for the reasons given in our original response. Accordingly the Board would resist any future applications at this site should further planning applications be submitted in an attempt to gain what was proposed as part of planning application 14/0372 in a piecemeal fashion. However, in considering the merits of this current application in its own right for a single farm building and with consideration as to the applicant's potential permitted development rights for a building of 465 sqm, the Board does not raise an objection to this proposal. The Board also does not consider a single farm building of the scale proposed within an existing farm holding as likely to result in any material change in traffic flows.

Should the Council be minded to approve this application planning conditions should be attached to secure the protection of the existing woodland during construction; the approval of the landscaping scheme, its future management and necessary alterations to the existing bund; the approval of external materials; no external lighting; the withdrawal of permitted development rights to restrict any new additional farm buildings beyond that proposed in this application.

Landscape Officer - No objection subject to conditions.

Agricultural Consultant - The proposed building is warranted by the proposed alteration to the farming practice, consolidating the beef enterprise at the application site.

7. Publicity

11 letters of representation were received objecting to the application, on the basis that:-

- Impact upon the AONB.
- Concerns about access and the number of vehicle movement.
- Not connected to services making it inappropriate for the housing of animals.
- The applicant owns plenty of lower land to house stock.
- Would necessitate the building of a dwelling on site.
- Impact on wildlife specifically nesting birds.
- Site is not suitable for a single isolated livestock building, which would be better sited closer to the other principle buildings on the Holding.

8. Planning Considerations

Under the provisions of section 38(6) of the Planning and Compulsory Purchase Act 2004, applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015) and the 'saved' policies of the North Wiltshire Local Plan (NWLP) 2011 (adopted June 2006). A number of the NWLP policies continue to be saved to sit alongside the policies of the Core Strategy. These policies will be subject to further review as part of the Core Strategy Partial Review process.

Impact on the Context and Character of the Site, Surrounding Area and the AONB

The application is located within the Cotswold Area of Outstanding Natural Beauty (AONB). Core Policy 51 of the WCS relates to Landscape and sets out 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. In particular, proposals will need to demonstrate that the following aspects of landscape character have been conserved and where possible enhanced through sensitive design, landscape mitigation and enhancement measures:

- i. The locally distinctive pattern and species composition of natural features such as trees, hedgerows, woodland, field boundaries, watercourses and waterbodies
- ii. The locally distinctive character of settlements and their landscape settings
- iii. The separate identity of settlements and the transition between man-made and natural landscapes at the urban fringe
- iv. Visually sensitive skylines, soils, geological and topographical features
- v. Landscape features of cultural, historic and heritage value
- vi. Important views and visual amenity
- vii. Tranquillity and the need to protect against intrusion from light pollution, noise, and motion
- viii. Landscape functions including places to live, work, relax and recreate, and
- ix. Special qualities of Areas of Outstanding Natural Beauty (AONBs) and the New Forest National Park, where great weight will be afforded to conserving and enhancing landscapes and scenic beauty.

Furthermore, proposals for development within or affecting the Areas of Outstanding Natural Beauty (AONBs), New Forest National Park (NFNP) or Stonehenge and Avebury World Heritage Site (WHS) shall demonstrate that they have taken account of the objectives, policies and actions set out in the relevant Management Plans for these areas.

In national policy paragraph 115 of the National Planning Policy Framework (NPPF) states

“Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.”

The National Planning Practice Guidance (March 2014) confirms that National Parks and Areas of Outstanding Natural Beauty management plans may also be material considerations in making decisions on individual planning applications, where they raise relevant issues.

Given the location of the proposal and its potential to impact upon the Cotswold AONB the Cotswold Conservation Board (“the Board”) were consulted upon the application. The Board identified that the Cotswolds AONB Management Plan 2013-18 includes the following policies relevant to this application:

LP1: The key characteristics, principal elements, and special qualities (including tranquillity), which form the natural beauty of the Cotswolds landscape are conserved and where possible enhanced.

LP2: Development proposals and changes in land use and management, both within and outside the AONB, take account of guidance and advice published by the Board.

DTP1: All Local Plan documents, neighbourhood planning, and planning decision-making processes should have regard to the statutory AONB Management Plan, and Position Statements, Landscape Strategies and Guidance issued by the Board, as well as the following criteria in determining the acceptability of a proposed development in the Cotswolds AONB.

Development should:

- be compatible with the distinctive character of the location as described by the relevant landscape character assessment, strategy and guidelines;
- incorporate designs and landscaping consistent with the above, respecting the local settlement pattern and building style;
- be designed to respect local building styles and materials;
- incorporate appropriate sustainability elements and designs;
- have regard to the impact on tranquillity, including dark skies;
- not have an adverse impact on local community amenities and services as well as access to these;
- protect, and where possible enhance, landscape and biodiversity;
- be in accordance with a more sustainable pattern of development, reducing dependence on car travel.

The Cotswolds Conservation Board no longer raises an objection to this current planning application. As noted within the planning application a meeting was held on site with the agent to discuss what changes would be required to the previous scheme to remove the objection from the Cotswolds Conservation Board.

The current scheme now includes the following changes:

- Re-use of the existing access track (not a new access).
- A single general purpose agricultural building (not a series of Agricultural Livestock & Storage Buildings, Laying of Yards and a new Dwelling).
- The proposed 8m high building has been located backing on to an area of mature woodland (with a tree canopy up to 12m in height).
- The location of the building is within a defined area of general open storage used for haylage or silage storage (within an existing earth bund).
- The proposal includes more suitable landscaping and modification of the earth bund that will physically and visually help to contain the single building and its use.
- The scheme at 648 sqm in total is now considered to be of a typical modern farm building scale and design and was not as before as blocks of industrial like buildings.

In conclusion, the Board has confirmed that they wish to maintain their objection to the scale of the original planning application 14/03742/FUL for the reasons given in their original response. Accordingly the Board would resist any future applications at this site should further planning applications be submitted in an attempt to gain what was proposed as part of planning application 14/0372/FUL in a piecemeal fashion. However, in considering the merits of this current application in its own right for a single farm building and with consideration as to the applicant's potential permitted development rights for a building of 465 sqm, the Board has raised no objection to this proposal.

The Council's Landscape Officer was also consulted on the application and given the Cotswolds Conservation Board comments has raised no objection to the application subject to appropriate conditions.

Whilst it is noted that concerns about the potential impact of the development on the AONB were raised in a number of the consultation responses, on the basis of the comments from the Cotswolds Conservation Board and the Councils Landscape Officer, it is not considered that the proposal would have a detrimental impact on the AONB and accordingly the application is considered to comply with Core Policy 51 of the WCS and paragraph 115 of the NPPF

Agricultural Need

The proposal is for the building to accommodate calving cows; the progeny will be accommodated across the other buildings under the applicant's short-term control. The cattle will be loose housed and bedded on straw from the arable enterprise.

The farm operates under the "Farm Assured" system so the space requirement for the livestock is informed by those regulations. The space requirement is tabulated below:

Animal	Number	Space/animal/m²	Total m²
Cow and calf	120	10	1,200

The overall space requirement for the whole herd is thus approximately twice the size of the proposed building. It is understood that calving will be phased such that cows close to calving can be accommodated in batches throughout calving, with other buildings utilised as necessary.

It follows from the above that in the opinion of the Agricultural Consultant the building is of a suitable size for the intended purpose. Turning to the design, the principal criteria for a cattle building where loose housing is utilised is that the upper elevations should allow a good flow

of fresh air to facilitate air changes to remove airborne pathogens and that the lower elevations should retain the accumulated farmyard manure. The proposed building meets those two criteria by utilising spaced timber boarding at the upper elevation which allows the passage of natural ventilation and at the lower elevation pre formed thrust resistant concrete panels are shown which facilitate the retention of soiled bedding over the winter. Overall it is considered that the proposed building is warranted by the proposed amendment to the farming practice.

It is noted that a number of the consultation response suggest that there might be existing buildings that could be utilised rather than the erection of a new building or might be better located elsewhere. In the assessment of the application the Council's Agricultural Consultant noted that the enterprises at the farm are an arable operation, a suckler beef unit and an equine business. The equine business and the arable unit both operate from buildings on the freehold land at Church Farm. The beef unit is however spread across a number of locations. Therefore the location of the building at church farm is not considered appropriate.

The current proposal is to provide a new general purpose building to serve a block of some 90 ha of freehold land; the supporting information deals with the proposed farm building in the context of that single block rather than the entire farm enterprise as a whole. The land to which the application relates is used to run a beef suckler herd and to produce arable crops and therefore the location of the building is considered appropriate.

The previous planning proposal (14/03742/FUL), which was withdrawn by the applicant, sought to consolidate the beef unit at a single location however that application was withdrawn. Given the previous application, concerns have been raised during the consultation that if the current application were to be approved this may lead to further development of the site including the provision of an Agricultural Workers Dwelling which would further impact on the AONB. Despite these concerns the Agricultural Consultant identified that the overall staffing requirement for the beef unit is approaching one unit full time across the year and that this requirement is met through the existing farm staff.

It is also noted that concerns were raised during the consultation period that the building would not be connected to services making it inappropriate for the housing of animals. However, the Agricultural Consultant considered the design and location of the building and considered that the building is appropriate for its intended use.

Despite this assessment if an application for a dwelling were to be forthcoming this would be assessed separately and would need to meet the required functionality and financial tests. It should be noted that the Council cannot consider the potential for future development of the site as part of this application and could not justify refusal of permission on this basis.

Highways

The Council's Highways officer concluded that this proposal is an agricultural use and as such the associated vehicle numbers and type are to be expected in the countryside and on the adjacent rural roads. The proposed access will require an adequate visibility splay and be surfaced in a consolidated material. In summary they raise no highway objection to the agricultural proposal subject to conditions. It is noted that the access/highways is a key concern raised in a number of consultation response; however, given the nature of the development and the fact that the development will be utilising an existing farm track it is considered that the associated vehicle numbers and type are to be expected in the countryside and on the adjacent rural roads.

Ecology

It is noted that the development has the potential impact upon nesting birds and that concerns have been raised in a number of the consultation responses. The Council's Ecologist was consulted on this application and commented that they do not believe that the

proposals would have any significant effects on the local ecology of the area; however it is recommended that any permission granted include an informative highlighting the legal protection afforded to active bird nests.

In conclusion it is considered that given the nature and small area of habitat involved, and the availability of similar habitats in the surrounding landscape, it is not considered that the scheme would have any long-term effects on population status. Therefore no objection has been raised by the Council's Ecologist.

9. Conclusion

Section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 require that the determination of planning applications must be made in accordance with the Development Plan, unless material considerations indicate otherwise. Overall it is considered that the proposed building is warranted by the proposed amendment to the farming practice. Furthermore, the proposed development is not considered to result in a detrimental impact to the Cotswold AONB or surrounding area. The design of the building would appear to be appropriate given the proposed use of the building. It is therefore considered that the proposal complies with Core Policy 51 and 57 of WCS.

RECOMMENDATION

Approve subject to 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. No development shall commence on site until details and samples of the materials to be used for the external walls and roofs have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: In the interests of visual amenity and the character and appearance of the area.

3. No external lighting shall be installed on site until plans 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 Engineers in their publication "Guidance Notes for the Reduction of Obtrusive Light" (ILE, 2005)", 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.

4. 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:-

- location and current canopy spread of all existing trees and hedgerows on the land;
- full details of any to be retained, together with measures for their protection in the course of development;
- a detailed planting specification showing all plant species, supply and planting sizes and planting densities;
- finished levels and contours;
- all hard and soft surfacing materials;

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure a satisfactory landscaped setting for the development and the protection of existing important landscape features.

5. 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(s) 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.

6. No development shall commence on site until a landscape management plan, including long-term design objectives, management responsibilities and maintenance schedules for all landscape areas has been submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved in accordance with the approved details.

REASON: The application contained insufficient information to enable this matter to be considered prior to granting planning permission and the matter is required to be agreed with the Local Planning Authority before development commences in order that the development is undertaken in an acceptable manner, to ensure the proper management of the landscaped areas in the interests of visual amenity.

7. The development hereby permitted shall not be first brought into use until the access measuring 5m in width for the first 10m, measured from the edge of the carriageway, has been consolidated and surfaced (not loose stone or gravel). Any gate will be required to be set back 15m and be made to open inwards. The access will be required to drain away from the highway and shall be maintained as such thereafter.

REASON: In the interests of highway safety.

8. No development shall commence on site until visibility splays have been provided between the edge of the carriageway and a line extending from a point 2.4 metres back from the edge of the carriageway, measured along the centre line of the access, to the points on the edge of the carriageway 43 metres to the West and 43 metres to the East from the centre of the access in accordance with the approved plans. Such splays shall thereafter be permanently maintained free from obstruction to vision above a height of 900mm above the level of the adjacent carriageway.

REASON: In the interests of highway safety.

9. The development hereby permitted shall be carried out in accordance with the following approved plans and documentation: Application Form, Supporting Statement, LDC.1900_001 Location Plan, LDC.1900_002 Site Plan, LDC.1900_003 Proposed Site Plan, LDC.1900_004 Proposed Building Plan and LDC.1900_005 Proposed Elevations, received on 07/04/2015.

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

10. **INFORMATIVE TO APPLICANT:**
Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.
11. **INFORMATIVE TO APPLICANT:**
The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.

12. **INFORMATIVE TO APPLICANT:**
Please note that Council offices do not have the facility to receive material samples. Please deliver material samples to site and inform the Planning Officer where they are to be found.