

REPORT TO THE NORTHERN AREA PLANNING COMMITTEE			Report No. 6 (1)
Date of Meeting	27 th May 2009		
Application Number	N/09/00074/FUL		
Site Address	Land off Malmesbury Road, Leigh, Wiltshire SN6 6RB		
Proposal	Erection of Temporary Agricultural Workers Dwelling; Agricultural Storage Barn; Chicken Rearer; Chicken Brooder Unit; Access Track; Turning Area and Associated Works		
Applicant	Mr J. Beard & Miss E. Hanselman		
Town/Parish Council	Leigh		
Electoral Division	Minety & Purton	Unitary Member	Mrs Soden
Grid Ref	407366 192434		
Type of application	Full Application		
Case Officer	Céline Le Boëdec-Hughes	01249 706668	celine.leboedec- hughes@wiltshire.gov.uk

Reason for the application being considered by Committee

This application has been submitted to the Committee for decision at the discretion of the Area Development Manager as the proposed development has generated local concern.

1. Purpose of Report

To consider the above application and to recommend that planning permission be GRANTED subject to conditions.

2. Main Issues

This application is for the erection of a temporary agricultural workers dwelling, an agricultural storage barn (including a dressing and refrigeration area), chicken rearer units, one chicken brooder unit, an access track with turning area and various associated works. Revised drawings have been received during the negotiating process.

The key points to consider are as follows:

- Implications on DC Core Policy C3
- Impact of the development on the open countryside (Policy NE15)
- Noise and Pollution (Policy NE18)
- Residential development in the open countryside (Policy H4)

3. Site Description

The development site is located in Leigh, along the B4040, opposite the Blakehill Nature Reserve. The site, which incorporates three fields, comprises 26 acres of flat pasture land and approximately 1 acre of woodland. The site has vehicular access onto the B4040.

4. Relevant Planning History

There is no planning history relevant to this proposal.

5. Proposal

This application is for the erection of a temporary agricultural workers dwelling, an agricultural storage barn, chicken rearer units, one chicken brooder unit, an access track with turning area and various associated works.

6. Consultations

Leigh Parish Council – objects to the application for the following reasons:

- Financial sustainability for this amount of chickens
- Increase of vehicular movements onto and off the B4040
- Not suitable to the open countryside
- Smell and increased noise from this proposed development

Cricklade Town Council – the development is outside of Cricklade but will impact on the residents of Cricklade. Cricklade Town Council objects to the application for the following reasons:

- Increased traffic movements
- Smell
- Risk to water courses from effluent
- Very little information has been submitted
- Contrary to Policy C3 (iii and iv), BD7 (i to iv) and H7 (i to ii)

Cricklade Town Council subsequently withdrew their objection in light of the further information received and support the application subject to:

- An assessment of the impact of the development on local residents
- An adequate flood risk assessment being undertaken
- Councillors support small businesses in the rural economy

Environmental Health Officers – no adverse comments but it is suggested that the shed be sited away from residential properties.

Highways Officers – raised no objections to the application subject to a number of conditions being attached to any permission granted.

Agricultural Consultant – based on the information submitted, the Council's Agricultural Consultant is of the opinion that the financial and functional tests of Annex A of PPS7 are met and concludes that the proposed business appears to be planned on a sound financial basis and that the applicants appear to have the intent and ability to implement the business plan.

Environment Agency – raised no objections to the proposal.

7. Publicity

The application was advertised by site notice, press advert and neighbour consultation.

Seventeen letters of objection have been received and one petition with eight names has been received from the local Traveller Community site (Bourne Lake Park).

Summary of key relevant points raised:

- Temporary mobile home proposed will lead to a permanent dwelling
- Noise and smells (ammonia)
- Increase traffic
- Erosion of countryside
- Rodents and other undesirable species will appear
- Risk of bird flu/avian flu
- Access is dangerous

- Poor visibility
- Visual impact
- Area subject to flooding
- Movements at all times of day and night
- Light pollution
- Waste disposal
- Manure disposal
- Devaluation of surrounding properties
- Chicken houses appear large
- Nearby Alpaca farm forced upon local residents, now a chicken farm
- Clay soil means ground is not suitable for animals between October and May
- Is it essential to live on site?
- A path runs through the site
- Drainage concerns
- Development will be seen from public footpath at Archers Farm
- Development is out of line with the building line in the area
- This industrial enterprise is unsuitable in this location
- Figures are misleading
- No EIA has been submitted
- Pollution of water tables and water courses
- Chicken farming is intensive and cruel
- Is the business financially viable in our current financial market?
- Impact on adjacent Blake Hill Nature Reserve
- Impact on traveller community at Bourne Lake Park
- Little information submitted on the killing, preparing, disposal or burning of carcasses
- Sheds could be moved very close to residential properties
- Impact on local wildlife due to woodland/hedge removal

Thirteen letters of support have also been received.

Summary of key relevant points raised:

- Applicants are reliable, competent, conscientious, hardworking, broadminded, enthusiastic and educated people
- Experience in catering
- Knowledge of animal awareness and welfare
- Sound understanding of the practical and environmental issues involved
- Work has already been done to improve site
- Ideal location for poultry farming
- People want free-range poultry, local, sustainable and ethically produced food
- This type of enterprise is vital to the local economy
- No evidence submitted by objectors that proposal will lead to smell, pollution and noise
- People who have chosen to live in the countryside objecting to farming is a disgrace and a betrayal
- The countryside is about farming
- Objectors are misinformed and ignorant of farming matters
- Welfare regulations require regular inspections and supervision
- Poultry farming requires to work outside normal working hours
- Land is well drained and well suited to poultry farming

8. Planning Considerations

Principle of the development

The proposal seeks permission for the erection of an agricultural workers' dwelling in association with the proposed chicken rearing enterprise. The plans show that the temporary dwelling is to be in the form of a mobile home (vertical timber boarding for the walls and a felt roof) to be sited to the north-west of the proposed brooder unit and barn. The Council's agricultural consultant has considered this element of the proposal in light of PPS7 and has concluded that, based on the evidence submitted, there is a functional need for the applicants to live on site at all times due to the continued use of artificial heat to rear the very young chicks in the first few weeks of life.

The proposal also includes the erection of four chicken rearer units and one brooder unit. The plans show that these units are to be 11.7m long by 5.9m wide and 3.6m high. There has been some discussion as to whether these units could be considered as moveable structures which would therefore not require planning permission but the applicants have failed to convince officers that this is the case. For these reasons, revised plans have been submitted showing specific areas within which the proposed rearer units will be moved. These areas are to be away from residential properties (over 200m away from the closest residential units – Bourne Lake Park and 1-4 Malmesbury Road). A condition can be attached to any permission granted limiting the siting of the rearer units to the sites indicated on drawing No. 481:P:02A.

A barn, measuring approximately 21.3m by 18.4m with a ridge height of 5.9m is also proposed. The plans show that the barn is to accommodate a dressing and refrigeration area, a workshop and an open barn. The submitted report states that bedding and feed for the birds will be stored in the barn in a silo, together with all the machinery required to maintain the site (tractor, tools etc) and all the waste containers holding any feathers/chicken waste. The Council's agricultural consultant has looked into the size of the proposed barn and concludes that the areas shown for a workshop and food preparation are accepted as being reasonable. The area identified for general storage appears to be of an appropriate size to that warranted by the quantities of produce and machinery identified by the applicants.

The proposal also includes a track to gain access to the barn and mobile home from the B4040.

The site currently accommodates approximately 90 birds in temporary wooden chicken sheds. By year three of their business plan, the applicants propose to produce 7,680 finished birds. The applicants have submitted a business plan as part of their application. The plan sets out the gross income for the business, along with the anticipated costs of generating the income. The plan lacks some detail according to the Council's agricultural consultant and is aware that the current recessionary climate is not ideal but confirms that the functional test outlined in PPS7 will be met on the basis that the proposed business appears to be planned on a sound financial basis and the applicants appear to have the intent and ability to implement the business plan.

Impact of the development on the open countryside:

The development site is located within the open countryside, protected under Policy NE15 of the North Wiltshire Local Plan (2011). This policy requests that the landscape be conserved and enhanced and only permits development which does not adversely affect the character of the area and features that contribute to its local distinctiveness.

The plans submitted show that the proposed buildings are to be located away from existing houses and behind an existing hedge. The siting of the proposed buildings outside the existing 'building line' would reflect other farm complexes (i.e. adjoining Archers Farm) where there is a long drive leading to the farm buildings and farmhouse. Revised plans have been submitted showing the barn, brooder unit and mobile home brought closer together in order to keep the dispersion to a minimum and to limit the amount of hardstanding/tracks required. This will also help protect the rural character of the surrounding area. The siting of the rearer units has also been limited to four specific areas.

Local residents object to the proposed development on the grounds that it will further erode the countryside. However, the proposal is for an agricultural based enterprise which could only be undertaken in the countryside, away from any built-up areas. It is the type of agricultural activity that one would expect to see in this rural location.

The visual impact of the proposed development, and the fact that it will be seen from a public footpath at Archers Farm, has also been raised as reasons for objecting to the proposal. The large barn, which will be the most prominent building due to its height (5.9m), is to be sited some 250m away from the main public viewpoint, the B4040 and will in fact be well screened by existing vegetation and hedges. It is considered that the proposed development will have no adverse impact on the nearby public footpath on the grounds that it will be some 100m away and again well screened by mature vegetation and field hedges. The path that runs through the application site is not a public footpath.

Local residents question whether it is essential for the applicants to live on site at all times and are of the opinion that the temporary mobile home proposed will automatically lead to a permanent dwelling being built. These issues have been taken into consideration by the Council's agricultural consultant who confirms that a permanent presence on site is required due to the continued use of artificial heat to rear the very young chicks. Whilst under heat, chicks are vulnerable to sudden external fluctuations in temperature and they are also wholly reliant on the continuation of heat to ensure they remain alive for the first few weeks. Such reliance falls into the category of "essential care at short notice" which is specifically cited as part of the functional test outlined in PPS7. Planning permission would only be granted on a temporary basis and for a maximum of three years. At the end of the three years, the applicants will be required to remove the mobile home and any ancillary works or structures and restore the land to its former condition or submit an application for a permanent dwelling on the site. Such an application would only be supported if the applicants can demonstrate that the functional and financial tests of PPS7 can be met.

The figures submitted by the applicants in their appraisal have been considered by the agricultural consultant who concludes that the proposed business appears to be planned on a sound financial basis.

In terms of the impact of the proposed development on the adjacent Blake Hill Nature Reserve and local wildlife, comments are still awaited from the Council's Ecologist.

Impact of the development on residential amenities:

The impact of the proposal on the residential amenities of local residents has been taken into consideration when determining this application. Environmental Health Officers have also been consulted and have raised no objections to the proposal subject to the rearer units being sited away from any residential dwelling. The closest rearer unit will be sited approximately 200m away from the closest residential unit (Bourne Lake Park) which is considered to be an acceptable distance for noise and smell concerns. In addition, providing there is good husbandry and that the rearer units are cleaned out properly and regularly, there is no reason that the proposed development would lead to offensive smells or ammonia or to the appearance of rodents and other undesirable species.

Issues relating to waste/manure disposal and to the killing, preparing, disposal or burning of carcasses and all issues relating to the risks of bird flu would be considered and regulated by the Department for Environment, Food and Rural Affairs (DEFRA) and/or the Environment Agency. The applicant would be required to adhere to these strict regulations.

Impact of the development on highway safety:

With regards to the impact of the development on highway safety, it should be noted that the site benefited from a field access prior to the applicants purchasing the fields. It is the Council's understanding that this access has been upgraded and improved by the current owners.

Objectors are concerned about increased traffic along the B4040 and of the dangers of entering and exiting the site due to poor visibility. These concerns have all been taken into consideration by the Highway Officers consulted on this application who take the view that based on the information submitted by the applicants and subject to conditions, the proposal is acceptable on highway grounds.

Impact of the development on flooding:

A major concern raised by objectors relates to flooding. The site area is less than one hectare and is located within a Flood Zone 1 and for these reasons there is no requirement for the Environment Agency to be consulted or for a Flood Risk Assessment to be submitted. However, local residents have contacted the Environment Agency and provided information relating to localised drainage and/or flooding problems in the area.

The Environment Agency has commented on the information sent by third parties and notes that the majority of the photographs submitted showing flooding were in fact taken at Chelworth Lodge/Bourne Lake Park and do not directly relate to the application site. The photographs relate to an area which is in a Flood Zone 3. This flood risk area is to the north-east of the application site and does not, as such, affect this proposal.

The photographs which relate to the proposed site do show some localised ponding which could have been caused by snow melt. The Environment Agency is aware that a watercourse runs through the site and also runs along the north-west and southern boundary of the site. Overall, the Environment Agency raises no objections to the proposed development, subject to a number of conditions and informatives being attached to any permission granted.

The Council's Drainage Engineer has also been consulted and notes that, generally, in Leigh surface water tries to go north to the River Thames. If there is a good drainage path from the site to the River Thames in the north, then there should be no flooding problems.

9. Conclusion

The proposal is for an agricultural based enterprise which appears to be planned on a sound financial basis and where the applicants appear to have the intent and ability to implement the business plan. The proposed development will not be harmful to the character and appearance of the area and will have no significant adverse impact on the amenities of adjoining residents. On this basis, the proposal is in accordance with Policies C3, NE15, NE18 and H4 of the North Wiltshire Local Plan 2011.

10. Recommendation

Planning Permission be GRANTED for the following reason:

The proposed development will not be harmful to the character and appearance of the area and will have no significant adverse impact on the amenities of adjoining residents. On this basis, the proposal is in accordance with Policies C3, NE15, NE18 and H4 of the North Wiltshire Local Plan 2011.

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 occupation of the residential caravan hereby permitted shall be limited to a person solely or mainly working, or last working, in the locality in agriculture (as defined in Section 336(1) of the Town and Country Planning Act 1990 or in any provision equivalent to that Act in any statutory instrument revoking and re-enacting that Act with or without modification), or in forestry, or a widow or widower of such a person, and to any resident dependants.

REASON: The site is in an area where residential development for purposes other than the essential needs of agriculture, or forestry, is not normally permitted and this consent is only granted on the basis of there being demonstrated an essential and overriding need for a new dwelling/residential accommodation in this location.

POLICY: H4 of the North Wiltshire Local Plan 2011.

3. The residential caravan hereby permitted and any ancillary works or structures shall be removed and the land restored to its former condition within three years of the date of this permission, in accordance with a scheme of work submitted to and approved by the Local Planning Authority.

REASON: Permission has been granted on a temporary basis to enable the applicant and the Local Planning Authority to establish whether there is a functional need for permanent on site residential accommodation on this agricultural holding.

POLICY: H4 of the North Wiltshire Local Plan 2011.

4. The chicken rearer units shall be sited only within the red line rectangles shown on drawing No. 481:P:02A date stamped 30th March 2009 and shall at no time be sited anywhere else on the land outlined in blue.

REASON: In the interests of the amenities of local residents.

POLICY: C3 of the North Wiltshire Local Plan 2011.

5. There shall be no retail sales of goods to visiting members of the public of any kind from the site.

REASON: The site is in the open countryside where the Local Planning Authority will not normally permit retailing in the interests of the rural character of the area and in the interests of encouraging a sustainable form of development.

POLICY: C3 and NE15 of the North Wiltshire Local Plan 2011.

6. 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 any building on the site without the prior approval in writing of the Local Planning Authority.

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

POLICY: C3 and NE15 of the North Wiltshire Local Plan 2011.

7. 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 have been submitted to and approved in writing by the Local Planning Authority. The lighting approved shall be installed and shall be maintained in accordance with the approved details.

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

POLICY: C3 and NE15 of the North Wiltshire Local Plan 2011.

8. The development hereby permitted shall be used only for the purposes of agriculture (as defined in Section 336(1) of the Town and Country Planning Act 1990 or in any provision equivalent to that Act in any statutory instrument revoking and re-enacting that Act with or without modification).

REASON: To ensure that the development is used only for the purposes of agriculture.

POLICY: C3 and NE15 of the North Wiltshire Local Plan 2011.

9. Should the use of the building and/or structures hereby approved cease within a period of 10 years from the date of this permission, then the building shall be removed and the land shall, within a period of three months from the date of the substantial demolition of the said building, be restored to its condition before the development took place or to such other condition as may be agreed in writing by the Local Planning Authority.

REASON: These buildings are only permitted because of the agricultural need of the holding. This condition ensures that the specialist agricultural buildings or structures are removed on cessation of their agricultural purposes in the interests of protecting the rural character of the area.

POLICY: C3 and NE15 of the North Wiltshire Local Plan 2011.

10. No development shall be carried out on site until details of any fences to be erected have been submitted to and approved in writing by the Local Planning Authority. The fences shall be erected in accordance with the approved details.

REASON: In the interests of the amenities of the area.

POLICY: C3 and NE15 of the North Wiltshire Local Plan 2011.

11. Before the access hereby permitted is first brought into use, the area between the nearside carriageway edge and lines drawn between a point 2.4m back from the carriageway edge along the centre line of the access and points on the carriageway edge 75m in the north-east direction and 80m in the south-west direction from the centre line of the access shall be cleared of obstruction to visibility at and above a height of 1m above the nearside carriageway level and thereafter maintained free of obstructions at all times.

REASON: In the interests of highway safety.

POLICY: C3 of the North Wiltshire Local Plan 2011.

12. The area between the gates and the carriageway edge shall be properly consolidated and surfaced (not loose stone or gravel), details of which shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on site. The works shall be implemented prior to the development hereby permitted first being brought into use and shall be maintained as such thereafter.

REASON: In the interests of highway safety.

POLICY: C3 of the North Wiltshire Local Plan 2011.

13. No development shall be carried out 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) indications of all existing trees and hedgerows on the land;
- (b) details of any to be retained, together with measures for their protection in the course of development;
- (c) all species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site, in relation to the proposed buildings, roads, and other works;
- (d) finished levels and contours;
- (e) means of enclosure;
- (f) hard surfacing materials;

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

POLICY: NE15 of the North Wiltshire Local Plan 2011.

14. 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.

POLICY: NE15 of the North Wiltshire Local Plan 2011.

15. The development hereby permitted shall not be carried out until such time as a scheme to dispose of foul and surface water has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.

REASON: The south-west of the site sits on top of sand and gravel stratum defined as a minor aquifer and groundwater quality could be impacted by the effluent from the sewage treatment plant. Therefore the proposed development should incorporate measures to prevent impact on the groundwater quality. The rest of the site lies on Oxford Clay, thus the use of soakaways may not be appropriate at this site. Soakage tests should be undertaken to determine their suitability. You may be required to apply for a formal consent to discharge from the Environment Agency.

16. Before the development is carried out, a scheme for the provision and management of a buffer zone alongside the watercourse shall be submitted to, and approved in writing by the

Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority. The scheme shall include:

- a) Survey of the presence of water voles in the watercourse
- b) Suitable fencing during construction to protect this bufferstrip and the watercourse from disturbance and pollution

REASON: Development that encroaches on a watercourse has a potentially severe impact on their ecological value. This is contrary to government policy in Planning Policy Statement 1 and Planning Policy Statement 9 and to the UK Biodiversity Action Plan. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected. Article 10 of the Habitats Directive also stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change.

Informatives:

1. This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

- Drawing No. 481:P:01A, 481:P:02A, 481:P:03A, 481:P:04A date stamped 30th March 2009.
- Drawing No. 194/1, 194/3A, 194/4A and 194/5A date stamped 16th January 2009.
- Brightwells Report date stamped 16th January 2009.

Policy C3, NE15, NE18 and H4 of the North Wiltshire Local Plan 2011.

2. We note that there is a section of culverted watercourse adjacent to the site. Erection of flow control structures or any culverting of a watercourse requires the prior written approval of the Environment Agency under s.23 of the Land Drainage Act 1991 or s.109 of the Water Resources Act 1991. The Environment Agency resists culverting on nature conservation and other grounds and consent for such works will not normally be granted except for access crossings.

3. Support for the Sustainable Drainage Systems approach to managing surface water run-off is set out in paragraph 22 Planning Policy Statement 1: Delivering Sustainable Development and in more detail in Planning Policy Statement 25: Development in Flood Risk at Annex F. Paragraph F8 of the Annex notes that "Local Planning Authorities should ensure that their policies and decisions on applications support and complement Building Regulations on sustainable rainwater drainage".

4. Any open chemical or refuse storage areas should be surrounded by suitable liquid tight bunded compounds to prevent drainage from these areas discharging into the surface water system.

5. Fuel storage tanks should be double skinned or bunded and capable of storing 110% of the tanks volume.

6. Any above ground oil storage tank(s) should be sited on impervious base and surrounded by suitable liquid tight bunded. No drainage outlet should be provided. The bunded area should be capable of containing 110% of the volume of the largest tank and all fill pipes, draw pipes and sight gauges should be enclosed within its curtilage. The vent pipes should be directed downwards into the bund. Guidelines are available from the Environment Agency.

7. An EPR (Environmental Permitting Regulation) permit will be required if it is proposed to accommodate 40,000 or more birds on site. A permit will still be required if there is the capacity to house this number of birds even if this number of birds will not be housed on site.

8. The site should follow the guidance stated in the 'Code of Good Agricultural Practice' 2009.

Appendices:	None
Background Documents Used in the Preparation of this Report:	<ul style="list-style-type: none">• 1.20• 2.02• 2.25• 3.03• 4.02• 4.04• 4.07