

# REPORT TO THE NORTHERN AREA PLANNING COMMITTEE

Date of Meeting	16 <sup>th</sup> July 2014		
Application Number	14/03183/FUL		
Site Address	Blackberry Pond, Chelworth Road, Cricklade, SN6 6HD		
Proposal	Replacement of existing agricultural building with portal frame agricultural building with solar panels on roof		
Applicant	Mrs Julia Moisejevs		
Town/Parish Council	Cricklade		
Electoral Division	Cricklade	Unitary Member	Cllr Bob Jones
Grid Ref			
Type of application	FULL		
Case Officer	Lydia Lewis	01249 706643	Lydia.lewis@wiltshire.gov.uk

## Reason for the application being considered by Committee

Councillor Jones has submitted a request for the planning application to be considered by the committee to consider the previous planning refusals and outstanding enforcement notices on this site.

### 1. Report Summary

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

### 2. Main Issues

The main issues in the consideration of this application are the impact of the proposal on the: principle of development; design and appearance; and residential amenity.

The application has generated objection from Cricklade Town Council and 2 letters of objection.

### 3. Site Description

The site is situated outside of the defined Settlement Framework Boundary within open countryside and is located behind a high hedge with screen gates and fencing separating it from the highway set in a flat rural area to the south of Cricklade with some sporadic houses, including 3 dwellings within approximately 70 metres.

The applicant's freehold extends to approximately 1.4 hectares at the application site. In addition to the land at the application site the applicant advises she has use of 2 hectares owned by her father, together with a further 2 hectares at Down Ampney and 4.5 hectares at Ashton Keynes, both of which are held on annual licence, with no long terms security of tenure.

There is currently a caravan, septic tank and a metal container on site and a hard surfaced area that do not benefit from planning permission and are not included as part of this planning application. An enforcement notice was issued on 10<sup>th</sup> April 2012 in relation to these, this was subject to an appeal that was dismissed and the enforcement notice upheld. Granting consent for the proposed development would not undermine the current enforcement notice.

<b>4. Relevant Planning History</b>		
<b>Application Number</b>	<b>Proposal</b>	<b>Decision</b>
13/01854/FUL	Retention of agricultural building, hardstanding, boundary timber fencing, storage container and septic tank (retrospective)  <i>'Although certain aspects of the application are justified on agricultural grounds, it is still considered that the cumulative visual impact of the proposed and existing buildings / structures etc. would be to create a cluttered appearance detrimental to the rural landscape, particularly because they are not purpose-built, of a high standard of construction or respect the local character and distinctiveness of the area. Having regard therefore to the Wiltshire Landscape Assessment, it is considered that the proposed development is contrary to Saved Policies C3 and NE15 of the North Wiltshire Local Plan (2011), and Paragraphs 56, 58 and 109 of the National Planning Policy Framework (2012).</i>	Refused for the following reason:
10/04305/FUL	Agricultural building for feed, bedding and tractor storage  <i>'The proposed development is reliant upon the use of almost entirely third party land, over which the applicant has not demonstrated long term control. A permanent building is required only on the basis of the continued availability of land over which the applicant has no long term control. In the absence of this, the building is not warranted for agricultural purposes and as such as a permanent feature in the landscape would be detrimental to the character and appearance of the landscape as a matter of principle. Accordingly, the proposal is considered to be contrary to Policies C3 and NE15 of the adopted North Wiltshire Local Plan 2011.'</i>	Refused for the following reason:
06/03175/COU	Erection of 4 stable blocks, change of use to equestrian, change position of vehicular access	Permitted.

## **5. Proposal**

The applicant seeks consent for the erection of an agricultural building with solar panels on the roof. The building would measure approximately 9 metres wide, 5.9 metres deep, 3.5 metres to eaves level with an overall height of 4.3 metres. The building would comprise a steel portal frame divided into 3 bays. Externally the building would have a profile sheet roof and would be open fronted along the north east elevation; the remaining elevations would be constructed of spaced timber boarding to the upper elevation and concrete block to the lower elevations. Solar panels are proposed on the south west elevation. It is proposed that the existing metal container on the site be re-located within the proposed new building.

## **6. Planning Policy**

C3 – Development Control Policy  
 NE15 – The Landscape Character of the Countryside  
 NE16 – Renewable Energy  
 NE18 – Noise and Pollution

## **7. Consultations**

Cricklade Town Council – Object to this application. It is the Town Council's understanding that enforcement action has been started following an unsuccessful appeal. According to the letter accompanying the application some of the items have been removed but others including the caravan have not, pending the outcome of this application. The application also suggests the caravan which was not permitted previously can now be retained without further permission as 'ancillary use of the agricultural land'. The application appears to be very similar to the previous applications. The replacement building is to replace an unsatisfactory building that also has no permission which has apparently suffered wind damage in recent storms. It is to be in the same position as the existing unpermitted building, but appears from the plans to be larger. There is no doubt that the site is currently unsightly and appears very poorly maintained. It is difficult to see beyond the poor perimeter fencing but it certainly does not fit into what, in this part of Chelworth, is more residential than industrial or agricultural. In a previous application Cricklade Town Council objected due to the lack of a valid business case. According to the paperwork a case has been made, but the applicant admits that in manpower terms less than one person (the applicant) will be engaged in the activity. This does not therefore seem to offer any wider economic benefit.

Agricultural Consultant – Comments contained within the main body of the report but in summary the proposed building will be warranted by the full implementation of the proposed expansion of the goat enterprise.

Environmental Health – No objections.

## **8. Publicity**

The application was advertised by site notice and neighbour consultation.

2 letters of objection have been received in response to the application publicity. The concerns raised are summarised as follows:

- Despite an enforcement notice being issued, the site has still not been cleared;
- The application is clearly an attempt to avoid complying with an enforcement notice to remove the caravan, hardstanding, septic tank, shipping container etc;
- The applicant should be forced to make the site planning compliant before any further planning applications are accepted;
- Intensive rearing of goats close to residential properties creates both noise and smell issues;
- The stated area required for keeping the number of goats suggested is not within RSPCA guidelines;
- The solar panels are unnecessary, you do not need electricity during daylight hours for animals and the roof of the proposed building is not in the right direction for solar panels; and
- The application has been refused in the past.

## **9. Planning Considerations**

### Principle of Development

The applicant currently has seven nanny goats and two billies, together with, two pedigree Dexter cows, two Dexter heifers and a bullock and a small quantity of laying hens. The livestock are all bred. Kids from the goats are sold either privately or at Cirencester market. The cows are served by AI and progeny are sold as yearlings either privately or at market.

The applicant plans to increase the number of goats to 50 breeding nannies, which are proposed as Boer goats, to be sold for meat. The goats will be kept at the freehold land and will be fed from

hay and supplementary rations. Goats do not have a particular requirement to forage and can be kept on small areas of land.

The proposal is for the new building to be used to accommodate the goats and partly to accommodate hay and straw for the goats. The accommodation will be used in conjunction with that available in the existing stable block.

The available space is shown in the table below:

Building	Size (metres)	Floor area (m <sup>2</sup> )	Proposed use
Stable block	18 x 3.6	64.8	Goats
Proposed building	11 x 5	55 (41.8 net)	Goats & hay
Metal container	2.2 x 6	13.2 (within the proposed building)	Machinery
<b>Total for livestock / hay (net)</b>		<b>106.6</b>	

The space requirements for the goats and hay are set out below:

Livestock / Fodder	No	m <sup>2</sup> / head	Total
Nanny plus kid	50	1.5	75
Hay	7 tonnes	7m <sup>3</sup> / tonne	49m <sup>3</sup> or 20m <sup>2</sup> at 2.4 high
<b>Total</b>			<b>95m<sup>2</sup></b>

Allowing for the space in the existing stable block, the goats will require 10m<sup>2</sup> of accommodation in the proposed building. The remainder would thus be used to accommodate hay and the container. It is thus the opinion of the Council's Agricultural Consultant that the expanded farming practice will present a requirement for the building in terms of the amount of space that it will provide.

The Council's Agricultural Consultant further advises that the building is an open fronted portal framed shed, providing readily accessible covered accommodation. The design and elevations are compatible with use as a livestock building. Whilst hay can be accommodated outdoors under tarpaulin that means storage leads to high levels of waste and deterioration.

In consideration of the above and the advice of the Council's Agricultural Consultant, the principle of development is acceptable. A condition restricting the use of the building to agricultural is recommended.

### Design and Appearance

Policy NE15 of the Local Plan states that buildings in the open countryside, away from existing settlements or from areas allocated for development, shall be strictly controlled. All development in rural areas shall contribute to sustainability, be well designed, in keeping and in scale with its location, and sensitive to the areas landscape character and local distinctiveness.

The previous application (ref: 13/01854/FUL) sought retrospective consent for the retention of agricultural building, hardstanding, boundary timber fencing, storage container and septic tank. This application was refused on the basis of the cumulative visual impact of the proposed and existing buildings resulting in a cluttered appearance detrimental to the rural landscape.

The current application seeks consent for the replacement of the existing agricultural building with portal frame agricultural building. The existing metal container would be placed inside the proposed building. An informative is recommended reminding the applicant that the existing caravan, septic tank, metal storage container and area of surfacing do not benefit from planning permission and are subject to an enforcement notice.

The proposed building is justified on agricultural grounds and its design is compatible with its proposed use as a livestock building. In design terms it is akin to similar buildings that you might

expect to find in a rural setting such as this and furthermore the largely open nature of the proposed building would reduce its visual impact.

Accordingly and on balance, the proposed development is considered to be in keeping with the character and appearance of countryside at this location compliant with policies C3 and NE15 of the adopted North Wiltshire Local Plan 2011.

### Residential Amenity

Policy NE18 of the Local Plan states that development will only be permitted where it would not generate, or itself be subject to, harm upon health or cause pollution to the environment by the emission of excessive noise, light intrusion, smoke, fumes, other forms of air pollution, heat, radiation, effluent or vibration.

The Council's Environmental Health team have reviewed the proposals and have considered that there would not be an undue nuisance to residents in the area. A condition is recommended requiring details of the siting of the manure heap and waste disposal methods to be agreed in writing by the Local Planning Authority.

## **10. Recommendation**

Planning Permission be GRANTED subject to the following conditions:

### WA1 – Full Planning Permission

The building hereby permitted shall be used for the purposes of Agriculture as defined in Section 336 of the Town and Country Planning Act 1990.

REASON: To define the permission.

### WM6 – Disposal of waste / manure

No development shall commence on site until details for the storage of manure and soiled bedding (including the location of such storage) and its disposal from site (including frequency) have been submitted to and approved in writing by the Local Planning Authority. Before the development is first brought into use, the works for such storage and disposal shall be completed in accordance with the approved details and shall subsequently be maintained in accordance with the approved details. No storage of manure and soiled bedding shall take place outside of the storage area approved under this condition.

REASON: In the interests of public health and safety, in order to protect the natural environment and prevent pollution.

### WM9 – No portable structures

No portable buildings, van bodies, trailers, vehicles or other structures used for storage, shelter, rest or refreshment, shall be stationed on the site without the prior approval in writing of the Local Planning Authority.

REASON: In order to protect the living conditions of nearby residents and/or the rural character of the area.

When the solar panels hereby permitted cease to be operational for a continuous period of 12 months (or such period as may otherwise be agreed in writing by the local planning authority), all the components relating to the solar panels shall be removed from the building.

REASON: In the interest of visual amenity and the character and appearance of the area in accordance with policies C3, NE15 and NE16 of the North Wiltshire Local Plan 2011.

## WM13 – Approved plans

- JM30 – Plans and elevations
- JM20 – Layout plan
- JM10 – Site plan

All date stamped 19<sup>th</sup> March 2014

### INFORMATIVES

There is currently a caravan, septic tank and a metal container on site and a hard surfaced area. The applicant is reminded that these do not benefit from planning permission and are not included as part of this planning application. An enforcement notice has been issued in relation to these.