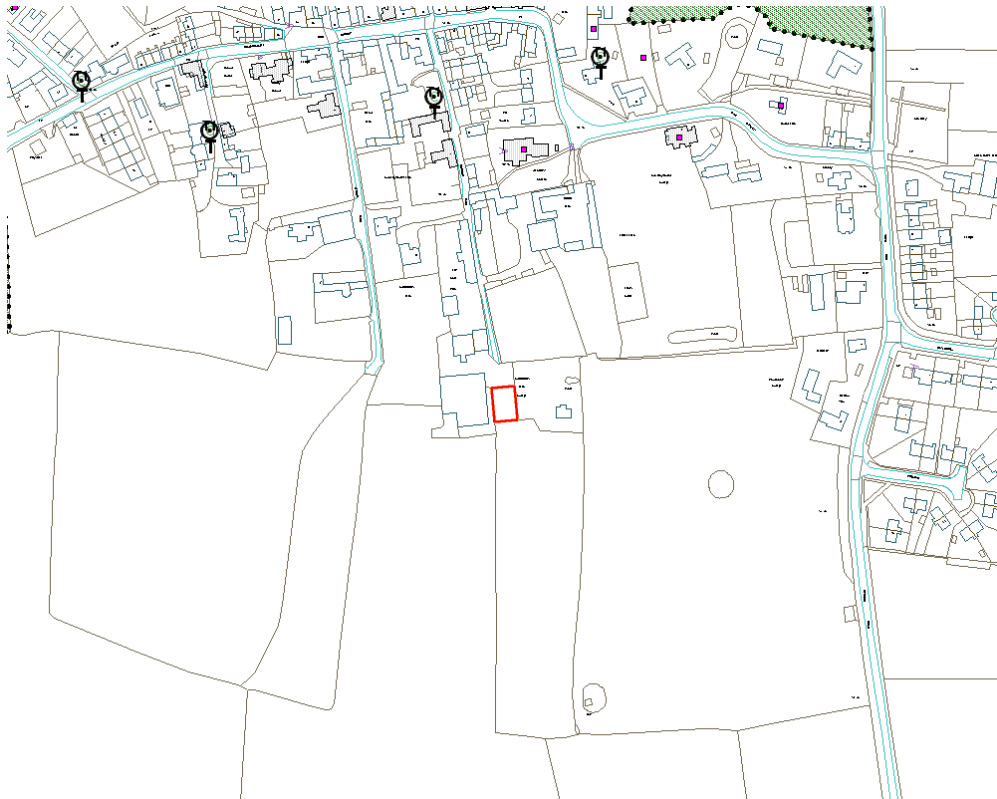


**Reference:** 14/00034/FUL  
**Date Submitted:** 13<sup>th</sup> January 2014  
**Applicant:** Mr M Barnes  
**Location:** Southfields 10 Church Lane Somerby LE14 2PS  
**Proposal:** Agricultural steel framed building to house cattle.



**Introduction:-**

The application seeks consent to erect an agricultural livestock building on the existing footprint of the silo clamp situated within the farm yard. Access to the farm is via Church Lane and the farm buildings sit to the south of the village of Somerby outside of the village envelope and designated Conservation Area.

**It is considered that the main issues relating to the application are:**

- Sustainable Rural Economic Growth
- Design

The application is required to be considered by the Committee as the applicant is a Ward Councillor for the Council.

## **Relevant History:-**

01/00653/FUL – Application permitted for an agricultural livestock building

## **Planning Policies:-**

### **Adopted Melton Local Plan (Saved Policies)**

**Policy OS2** planning permission will not be granted for development outside the town and village envelopes shown on the proposals map except for development essential to the operational requirements of agriculture and forestry;

**Policy C3** concerned to ensure agricultural buildings blend with their surroundings and are not prominent in the open countryside. Intensive food production and central grain stores are usually of an industrial design and can create greater environmental problems than general agricultural buildings. In principle they constitute appropriate activities within the countryside but related activities can have an adverse impact on the general locality. It is therefore important that good access to classified roads is available and that units are located well away from existing residential areas.

**The National Planning Policy Framework** was published 27th March and replaced the previous collection of PPS. It introduces a ‘presumption in favour of sustainable development’ meaning:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
  - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
  - specific policies in this Framework indicate development should be restricted.

The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that whilst the NPPF does not automatically render older policies obsolete, where they are in conflict, the NPPF should prevail. It also offers advice on the weight to be given to ‘emerging’ policy (i.e the LDF) depending on its stage of preparation, extent of unresolved (disputed) issues and compatibility with the NPPF.

It also establishes 12 planning principles against which proposals should be judged. Relevant to this application are those to:

- Proactively support sustainable economic development to deliver business and industrial units,
- Promoting sustainable transport
- Supporting a prosperous rural economy
- Effective use of brownfield land
- Always seek to ensure high quality design and a good standard of amenity for all existing and future occupants of land and building
- recognising the intrinsic character and beauty of the countryside and supporting thriving communities within it.

### **On Specific issues relevant to this application it advises:**

#### **Building a strong competitive economy**

- Planning should encourage growth, not prevent it and should plan proactively to encourage economic growth
- Significant weight should be given to the need to support economic growth

#### **Sustainable Transport:**

- Safe and suitable access to the site can be achieved for all people.
- Development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development are severe.

### **Prosperous Rural Economy**

- Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both new buildings and conversions.

#### **Consultations:-**

<b>Consultation reply</b>	<b>Assessment of Head of Regulatory Services</b>
<b>Highway Authority – No Objection</b>	There will be no change to the current access arrangements. There are two points of access to the farm yard with the main access being the one at the top of Church Lane. <b>The Highway Authority has no objection to the proposal.</b>
<b>Somerby Parish Council:- No objection</b>	Noted.
<b>LCC Rights of Way:-</b>  Footpath D74 will be affected by the proposed development. The department is aware that a silage clamp has obstructed the public footpath for a number of years and that during this time the landowner has allowed walkers to find an alternative route through the farmyard. The unofficial route currently marked through the farmyard does not have any legal standing.  There are two options available: <ul style="list-style-type: none"><li>• find an alternative location for the new building, with the silage clamp no longer in use the footpath can be restored to its proper legal line,</li><li>• apply to formally move the public footpath to an alternative convenient route for walkers but one which avoids the proposed building footprint.</li></ul> An application for a Public Path Diversion Order can be made to run concurrent with the planning application using provisions within the Town and Country Planning Act (amended by the Growth and Infrastructure Act 2013).	The applicant has submitted a Public Diversion Order to have the line of the footpath to be diverted to follow the established route through the farm yard.
<b>Environment Agency:</b>  The EA have visited the site and detected small amounts of ammonia readings in the slurry ditch. The farm is not currently covered under an Environment Permit and the Environment Agency is currently working with the farmer on the issue of effluent disposal.	The farm has been operating in this location as a cattle farm for a great number of years. The application is not to expand the farming practice but to provide better housing for the livestock as the existing buildings are no longer suitable due to their age.  A condition can be imposed to ensure that a satisfactory resolution of treatment of the effluent be agreed..

**Representations:**

A site notice was posted and as a result one letter of objection has been received to date. The objection is summarised below.

<b>Consideration</b>	<b>Assessment of Head of Regulatory Services</b>
<p>The Ramblers Society object to the blocking of the Public Right of Way D74.</p> <p>The cow effluent from the existing cattle sheds already poses a threat to public health. Creating more sheds to house more cows is simply going to worsen the problem.</p> <p>The noise and smell emanating from this farm is already high, depending on the wind and weather conditions. As this farm is close to the centre of the village in a predominantly residential area, it would seem unreasonable to continue expanding the capacity of the buildings to house livestock, thereby creating more noise and smell for the surrounding inhabitants</p> <p>The proposed building is to be situated at the bottom of my garden and will visually overlook my garden/orchard area. This will be visually intrusive and will also result in the loss of privacy to my garden area.</p> <p>The proposed building is to be situated in a Conservation Area, close to listed buildings (namely Somerby Church and Somerby House) and a number of mature trees that exist in the area. Although, the building proposed is effectively an extension to an existing farm, it seems there should be some limit on how big the farm is allowed to become, because of its central position within a protected area.</p>	<p>Noted. Please see commentary above.</p> <p>There would not be an increase in cattle on the site. The cattle numbers currently stand at eighty. The new livestock barn is required as the current building is no longer suitable for housing of livestock. The cattle are only housed during the winter months as they are usually in the fields.</p> <p>Noted. The site is not expanding but seeks to improve the quality of the building stock to ensure good level of welfare exists for the cattle. The Environment Agency is currently working with the farm to address issues in regards to discharge of effluent in light of the fact that the site is not covered by an Environment Permit.</p> <p>The building is to be sited on the site of the former silage clamp making use of the concrete base which would be bedded out with straw for the cattle to lie on and will be approximately 15 metres from the high boundary wall of Firdale Farm. Firdale Farm dwelling sits some 115 metres away to the northeast and it is therefore considered that an acceptable separation distance exists so as not to have any adverse impact upon Firdale Farm.</p> <p>The building has been designed to be in keeping with a standard design for an agricultural stock building with an overhanging roof on one side to create a cover over the feeding area. The proposal is for a modest sized building, it's dimensions are the bare minimum which are required to fulfil the farm's needs, measuring 22.86 metres by 12.20 metres having an eaves height 4.27metres.</p> <p>It is proposed to use the materials that are typical of a standard agricultural cattle building i.e. fibre cement sheets on the roof and dark brown stained boarding lapping 2m high concrete panels on the sides. The boards will be laid with 1" ventilation gaps between the boards. The roof sheets will be in a natural grey colour in order to match those on the existing agricultural buildings.</p> <p><b>It is considered that the building has been design to meet the functional requirements of the farm and it is considered that the proposal due to location and materials will not have a detrimental impact upon the character of the area and complies with the relevant</b></p>

<p>Impact upon the safety of highway users on Church Lane with an increase in activity at the farm.</p>	<p><b>development plan policies OS2 and C3. The NPPF seeks to support rural economic growth</b></p> <p>The Highway Authority has not objected to the proposal which does not seek to increase activity on the farm but provide additional functional accommodation for housing of livestock. The existing buildings are over stocked causing concerns on welfare issues.</p>
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**Other material considerations (not raised through consultation or representation)**

<p><b>Consideration</b></p>	<p><b>Assessment of Head of Regulatory Services</b></p>
<p><b>Impact upon Residential Amenity</b></p>	<p>The building has been sited to the east of the farm yard along the boundary to Southfields Farm Cottage, No. 14 Chapel Lane which is a workers dwelling associated with the farm. The site was the former silage clamp area and it is not considered that the activity will create and unacceptable living arrangement of the occupiers.</p> <p><b>The building is considered to be sited at acceptable separation distances from existing residential properties so as not to have any adverse impact upon residential amenities.</b></p>
<p><b>Application of the Development Plan Policies.</b></p>	<p>The proposal is located within an existing farm complex outside of the village envelope for Somerby but within the Conservation Area. It is therefore considered to be open countryside and therefore OS2 is the applicable policy. The application proposes an agricultural building and which is supported by policy OS2 and C3 of the Local Plan.</p> <p>The NPPF supports economic development and states its commitment to securing sustainable economic growth, explaining that planning should do “everything it can” to facilitate this. Paragraph 28 of the NPPF relates to supporting a prosperous rural economy. It states that <b>local planning authorities should support the sustainable growth and expansion of all types of business and enterprise in rural area.</b> The key to this policy is considered to be the consideration of ‘sustainable’.</p> <p>It is considered that the local plan polices are in conformity with the NPPF and the application is supported.</p>

**Conclusion**

The application seeks to provide a modern purpose built agricultural livestock building on an existing cattle site. It is considered that the design and location is acceptable and that there would not be an adverse impact upon the residential amenity to nearby residents. The farm is established within the village and no objections have been raised by the Highway Authority as it proposes no changes to the access and parking arrangements within the site. Accordingly the application is recommended for approval.

**RECOMMENDATION: Permit, subject to the following conditions:**

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The proposed development shall be carried out strictly in accordance with plan drawing numbers 13017T received by the Authority on 13th January 2014.
3. The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application unless alternative materials are first agreed in writing by the Local Planning Authority. The development shall be carried out in strict accordance with the approved details.
4. No farm effluent or contaminated surface water from the buildings or associated impervious areas shall be discharged into any ditch or watercourse.

Officer to contact:

**Mrs Denise Knipe**

**19<sup>th</sup> February 2014**