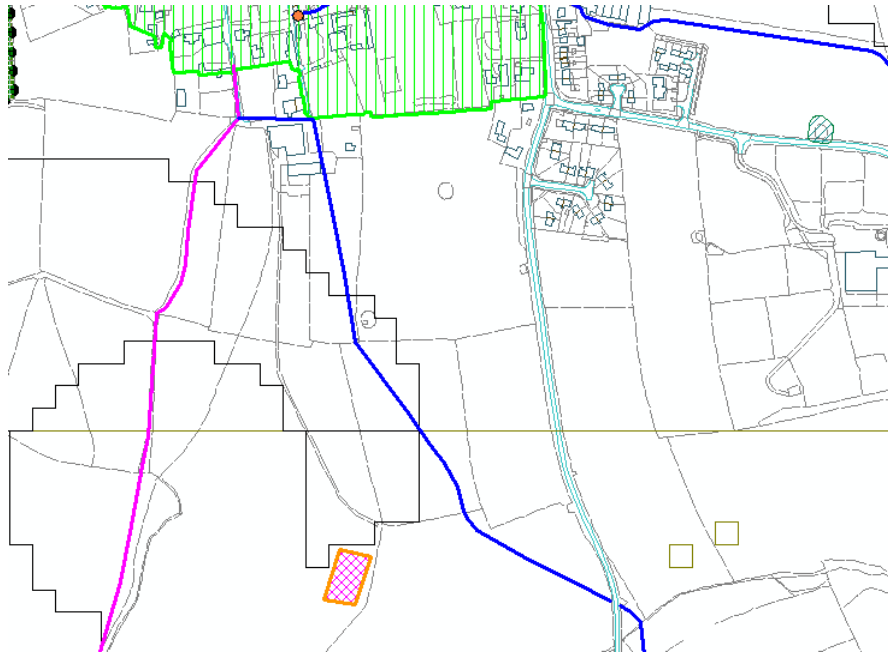


**Reference:** 15/00503/FUL  
**Date Submitted:** 6<sup>th</sup> July 2015  
**Applicant:** Mr M Barnes  
**Location:** Southfields 10 Church Lane Somerby LE14 2PS  
**Proposal:** New Agricultural Livestock Building.



**Introduction:-**

The application seeks consent to erect a large agricultural livestock building to the south of Southfields Farm. The livestock building will be sited adjacent the existing livestock track from Owston Road leading to Southfields Farm within the open countryside.

The existing farm buildings within the farm yard are no longer fit for purpose and have experience problems with drainage and effluent. The expansion of the dairy farm is constrained as there is insufficient space to erect further buildings within the farmyard and the existing buildings are at capacity during the winter months.

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

- Sustainable Rural Economic Growth
- Impact upon the Countryside

The application is required to be considered by the Committee as the applicant due to the level of representation received.

**Relevant History:-**

01/00653/FUL – Application permitted for an agricultural livestock building  
14/00034/FUL - application permitted for agricultural steel framed building to house cattle.

## **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>	<p>There will be no change to the current access arrangements from Owston Road. Whilst there are two points of access to the farmyard from Church Lane and Manor Lane the main activity for the livestock building would be from the Owston Road access. The site of the proposed livestock building has been chosen to allow better efficiency of the business transportation of the dairy herd to and from the adjacent fields.</p> <p><b>The Highway Authority has no objection to the proposal.</b></p>
<p><b>Somerby Parish Council:- No objection</b></p> <p>Somerby Parish Council approve the application, providing that a subsequent change of use cannot be put in place. There are no planning objections</p>	<p>Noted.</p> <p>Any change of use of would be subject to a separate planning application and would be adjudged on its own merit.</p>
<p><b>LCC Rights of Way:- No objection</b></p> <p>Public Footpath D74 runs within the same field as the proposed new building. LCC have no objection to the application as it should not affect the public’s use and enjoyment of the Right of Way; however It is recommend the following Notes should be applied to any permission:</p> <ol style="list-style-type: none"> <li>1. The Public Footpath must not be enclosed in anyway without undertaking discussions with the County Council’s Travel Choice and Access Team (0116) 305 0001.</li> <li>2. The Public Footpath must not be re-routed, encroached upon or obstructed in anyway without proper authorisation. To do so may constitute an offence under the Highways Act 1980.</li> <li>3. Any new trees or shrubs which are proposed to be planted adjacent to the Public Right of Way should be set back by a minimum of 1 metre from the edge of the route and be of species which do not spread. This will minimise the likelihood of the width of the Right of Way being encroached upon and reduced by overhanging vegetation in the future.</li> <li>4. If the developer requires a Right of Way to be temporarily closed or diverted, for any period of time, to enable construction works to take place, an application should be made.</li> </ol>	<p>Noted.</p> <p>The building will not impact upon the Rights of Way and will be located adjacent the boundary hedge.</p>

**Representations:**

A site notice was posted and as a result 8 letter of objection has been received to date from 5 separate households. The objections are summarised below. Two letters of support have also been received.

<b>Consideration</b>	<b>Assessment of Head of Regulatory Services</b>
<p data-bbox="225 232 794 266"><b>Impact upon the Countryside</b></p> <p data-bbox="225 293 794 443">The large building will impact upon the open countryside and the Planning Inspectorate refused the wind turbine on grounds that it had an adverse effect on the nature of the landscape which equally applies</p> <p data-bbox="225 477 794 533">The size of the development will have detrimental effect on the nature of the landscape</p> <p data-bbox="225 566 794 779">The large scale semi industrial building in this location will impact upon many of the same planning concerns which were highlighted by the Inspectorate in the Somerby Turbine Refusal decision (2014); namely, harming the rural landscape and the traditional setting of designated buildings and heritage assets</p> <p data-bbox="225 813 794 936">A building of this scale in this setting will also undermine the local rural characteristics as set out clearly in the Melton Mowbray Landscape Sensitivity Study (2014).</p> <p data-bbox="225 969 794 1048">This Building is far too big, will stick out like a sore thumb and is no-doubt the pre-cursor to further development on this green site</p> <p data-bbox="225 1081 794 1137">The landscape is sensitive to change and this building is too large</p> <p data-bbox="225 1171 794 1328">This is a beautiful piece of rural England, and many villagers of Somerby will have their view and tranquillity, and subsequently the value of their property negatively affected due to one farmer</p> <p data-bbox="225 1361 794 1485">It is an area of outstanding beauty, so building a barn in the middle would completely ruin the character and beauty of the surrounding countryside, and make an eyesore!</p>	<p data-bbox="799 232 1359 813">The site has no national landscape designation and does not lie within a green belt. The proposed building would be located in an area of the Leicestershire countryside known as the High Leicestershire landscape character area. The character of the area has been assessed in various documents. It forms part of the wider “High Leicestershire Landscape Character Area defined at the National Level in the Countryside Character Map of England as Area 93, in the East Midlands Regional Character Assessment as Area 5c: Undulating Mixed Farmlands and at a local level by the Melton Landscape Character Assessment where it forms part of the LCA 15 High Leicestershire Hills. These documents describe the area as an area of mixed arable and pasture land with widespread features of historical interest and a quintessential lowland English pastoral landscape.</p> <p data-bbox="799 846 1359 1081">In determining the appeal for the wind turbine the Inspector considered that the landscape was sensitive to change however the presence of a turbine would introduce an alien feature out of keeping with the landscape whereas an agricultural building is traditionally more expected and supported by local plan policies OS2 and C3.</p> <p data-bbox="799 1115 1359 1350">The livestock building is to be located within a parcel of land associated with the working farm and is wholly within the open countryside. The topography in the location of the application site is one of hills falling within the High Leicestershire landscape character with the position of the livestock being sited on the higher land but on a slope.</p> <p data-bbox="799 1384 1359 1933">The building is large and will be visible within the landscape. In order to mitigate its impact upon the landscape the building has been re-sited to sit adjacent the existing hedgerow to the east which will receive supplementary planting and allowed to grow. This will provide screening when viewed from the east along Owston Road. The siting of the barn in this location has been chosen as it is relatively flat however the land falls gently to the south and to the west. It has been proposed to cut the building into the land to reduce its height when viewed across the landscape from the north and west. To further aid with assimilating the building into the landscape, it has been proposed to use a light green roof covering and Yorkshire timber boarding, tree planting is also proposed along the northern boundary and to the west of the building.</p> <p data-bbox="799 1966 1359 2024">Over time the trees will grow which will reduce the dominance of the agricultural building and</p>

	assist with managing the wind around the building. The proposal is considered to comply with the local plan policies OS2 and C3 which supports agricultural development (providing there is not an adverse impact upon residential amenities and the surroundings).
<p><b>Impact upon existing Public Rights of Way</b></p> <p>The building will have a significant impact on the landscape and access to footpaths in its present location</p>	The public footpath runs to the east and west of the parcel of the land. The building would not have an impact upon the enjoyment of the Public Rights of Way and no objection to the proposal has been received from Leicestershire County Council.
<p><b>Planning Policy</b></p> <p>The applicants proposal flies directly against stated planning policy and the documented wishes of the local community.</p>	<p>The proposal is located within an existing farm practice outside of the village envelope for Somerby. 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 in terms of location 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 policies are in conformity with the NPPF and the application is supported.</p>
<p><b>Support</b></p> <p>The new shed is essential to the business to ensure livestock health is of the highest standard and the land is not damaged by ongoing winter grazing.</p> <p>Supports the long term sustainability of the family run business.</p> <p>The building has been design to blend with the countryside location and landscaping will further enhance the site</p> <p>Long Clawson Dairy supports the proposal. To meet stringent animal welfare and audit standards it is important our suppliers continually invest in their farms. The investment on this farm for new cow sheds will help them meet the ever increasing demands on auditing standards.</p>	<p>Noted. The application has been supported with a justification statement to show compliance with local plan policy C3.</p> <p>The farm currently has 150 Pedigree Ayrshire dairy cows, mainly spring calving, who produce milk for Long Clawson Dairies, who make it into Stilton Cheese. It is a family run business, with the applicant’s parents and siblings also living and working on the farm.</p> <p>The justification for large buildings is to increase and improve the herd by breeding with better genetics, rearing all their own youngstock replacements in house (to limit disease infection) and to increase yields from a low input extensive system of paddock grazing for the most part of the year. Through the winter months of Nov, Dec, Jan and Feb, there is a requirement to house all of the stock off the land. The current capacity of buildings in the farmyard (100 cubicles and a straw yard for 40 cows) does not have adequate space for all the youngstock, dry cows and bulls. The farm has been at capacity for the past two</p>

	<p>winters, and this has brought the decision to invest further in stock housing to make the business more sustainable. By keeping the livestock off the land for the four winter months, allows the grazing fields to rest and refresh by March, which is usually when the milking herd are turned out to graze the spring grass.</p> <p>Currently, the farm buildings and milking parlour are between Church Lane and Manor Lane amongst a number of residential dwellings. In order to not have an adverse impact upon the living conditions of the residents the siting further to the south is considered to be the most suitable. The larger building will house all the youngstock (80 animals per winter) and all the dry cows (up to 40).</p> <p>There is already a good concrete farm track which will link the two sites, without having to drive tractors, feed, manure etc through the narrow village lanes. Furthermore, the concrete track will link this building with the Owston Road roadside gate for direct vehicle access.</p>
--	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**Other material considerations (not raised through consultation or representation)**

<b>Consideration</b>	<b>Assessment of Head of Regulatory Services</b>
<b>Impact upon Residential Amenity</b>	The building has been sited much further to the south of the existing farming complex away from residential properties and will therefore not impact adversely on the amenities of the village residents.

**Conclusion**

The application seeks to provide a large 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 landscape has no national designation but is considered to be of value being with the character of High Leicestershire with its rolling topography. Additional planting is proposed to help assimilate the building into its surrounds. The building supports the long term sustainability of the farm providing modern winter care for the livestock and allows the business to expand without the need for further buildings. 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 ML/MB/5422, 5423, 5424, site location plan and landscaping plan received by the Authority on 21<sup>st</sup> September 2015.
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. Notwithstanding the roof colour as specified in the application it shall be green as per the submitted sample.
5. No farm effluent or contaminated surface water from the buildings or associated impervious areas shall be discharged into any ditch or watercourse.
6. The approved landscape scheme (both hard and soft) shall be carried out before the occupation of the buildings or the completion of the development, whichever is the sooner; unless otherwise agreed in writing by the Local Planning Authority. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reasons

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.
3. To ensure a satisfactory standard of external appearance.
4. To ensure a satisfactory appearance and respect the countryside location.
5. To prevent pollution.
6. To provide a reasonable period for the replacement of any planting.

Officer to contact:

**Mrs Denise Knipe**

**28<sup>th</sup> September 2015**