

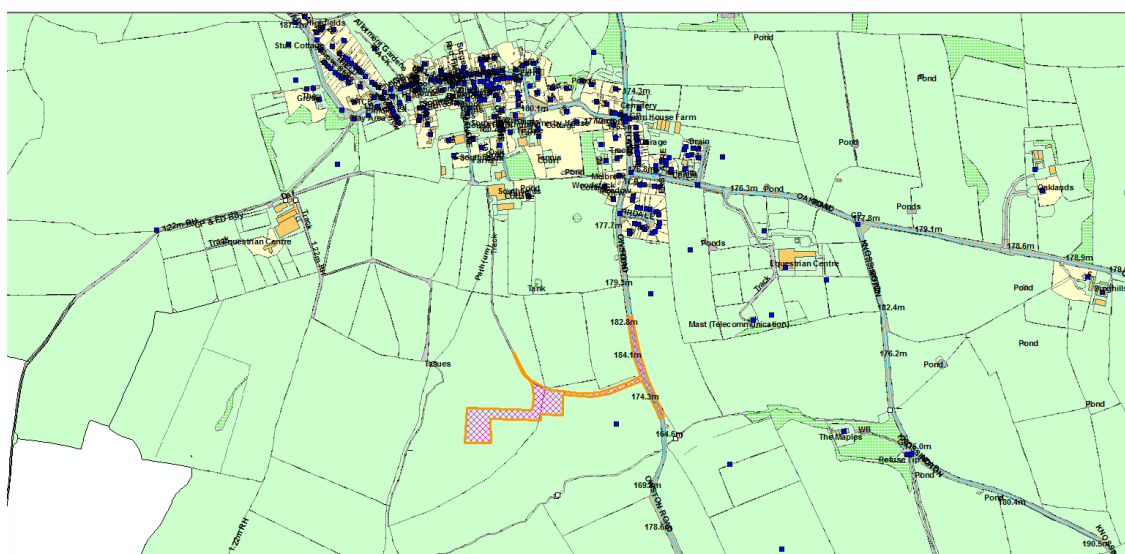
**Reference:** 16/00616/FUL

**Date submitted:** 4<sup>th</sup> October 2016

**Applicant:** Mr M Barnes

**Location:** Southfields 10 Church Lane Somerby

**Proposal:** Construction of new farmhouse and detached domestic garage and extension to existing agricultural building for form milking shed. All to be served by existing farm access.



**Proposal :-**

This application seeks full planning consent for the construction of new farmhouse and detached domestic garage and extension to existing agricultural building to form milking shed, all development is to be served by the existing farm access.

The total area of the farm holding is 81 hectares (200 acres). It is a livestock farm with approximately 200 cattle, bulls and calves. All fields lie to the south of the village. The existing livestock buildings are close to private residential properties at the end of Church Lane. The existing farm buildings are accessed through Church Lane the proposal is to site the new farm house and farm buildings away from the village on land within the applicants ownership. Access will be from Owston road utilising the existing farm access. It should be noted that this application is intrinsically linked to application 16/00146 which proposes demolition of livestock buildings and construction of 12 dwellings.

**It is considered that the main issues arising from this proposal are:**

- **Compliance or otherwise with the Development Plan and the NPPF**
- **Impact upon the character of the area and open countryside**
- **Impact upon residential amenities**
- **Impact upon highway network**

The application is required to be presented to the Committee due to the intrinsic link to application reference 16/00146 which is also to be considered by the Planning Committee.

**History:-**

**01/00653/FUL – Proposed agricultural stock building – approved**

**14/00034/FUL – Agricultural steel framed building to house cattle – approved**

**15/00503/FUL – New agricultural livestock building – approved**

**16/000146/OUT – Demolition of livestock buildings and construction of 12 dwellings.**

**Planning Policies:-**

**Melton Local Plan (saved policies):**

**Policy OS2** - does not allow 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, and small scale development for employment, recreation and tourism.

**Policy BE1** - allows for new buildings subject to criteria including buildings designed to harmonise with surroundings, no adverse impact on amenities of neighbouring properties, adequate space around and between buildings, adequate open space provided and satisfactory access and parking provision.

**Policy C1:** states that planning permission will not be granted for development which would result in the loss of the best and most versatile agricultural land, (Grades 1, 2 and 3a), unless the following criteria are met: there is an overriding need for the development; there are no suitable sites for the development within existing developed areas; the proposal is on land of the lowest practicable grade.

**Policy C15:** states that planning permission will not be granted for development which would have an adverse effect on the habitat of wildlife species protected by law unless no other site is suitable for the development Policy C16.

**The National Planning Policy Framework 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 establishes 12 planning principles against which proposals should be judged. Relevant to this application are those to:

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs.
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- recognising the intrinsic character and beauty of the countryside
- promote mixed use developments, and encourage multi benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

- Take account of the different roles and characters of different areas, promoting the vitality of urban areas, recognising the intrinsic character and beauty of the countryside and support thriving rural communities.

**On Specific issues it advises:**

**Promoting sustainable transport**

- Safe and suitable access to the site can be achieved for all people
- Development should be located and designed (where practical) to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities.
- Create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians
- Consider the needs of people with disabilities by all modes of transport.

**Require Good Design**

- Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- Planning decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

**Conserving and enhancing the natural environment**

- Encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value
- Aim to conserve and enhance biodiversity by taking opportunities to incorporate biodiversity in and around developments

**Supporting a prosperous rural economy**

- Support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings
- Promote the development and diversification of agricultural and other land based rural businesses.

This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. (NPPF para. 12)

**Consultations:**

<b>Consultation reply</b>	<b>Assessment of Head of Regulatory Services</b>
<p><b>Highways Authority: No objection, subject to conditions</b></p> <p>Following the submission of the previous highways observations to the Local Planning Authority, the applicant has submitted revised access proposals along with 7 day speed data for Owston Road recorded in the vicinity of the site access.</p> <p>This application is also linked to application reference 16/00146/OUT for the demolition of livestock buildings and the construction of 12 dwellings at South fields Farm, accessed off Church Lane. The HA advised approval of that application, subject to conditions, one being that a new vehicular access is provided off Owston Road to serve the farm and that farm traffic associated with Southfields Farm shall cease to use Church Lane.</p>	<p>The removal of farm traffic onto Church Lane is considered as betterment and would allow traffic to flow more freely along Church Lane.</p> <p>Whilst the visibility splays are below those that are recognised by the CHA, speed surveys have been submitted to demonstrate the average speed of traffic along this route.</p> <p>The proposal would minimise the amount of farm and delivery vehicles to the farm from accessing the site through the centre of the village.</p> <p><b>There are considered to be no grounds to resist permission based on highways issues.</b></p>

The applicant has proposed to relocate the existing access on to Owston road by approximately 10 metres to the South. A 7 day speed survey has also been submitted which indicate 85% mile speeds are 35.1 mph in a northerly direction and 33.2 mph in a southerly direction. Visibility splays would measure 70 metres in each direction which, while well below the distances required for a national speed limit road, would be acceptable to the HA due to the measured speeds at this location.

The applicants have also proposed to relocate an access point within land under the applicants control on the opposite site of Owston Road to opposite the new site access. Whilst it is concerned the proposed visibility splays of 2.4 by 55m are substandard and a crossroads would be formed between the accesses which are generally undesirable to the HA, there are no proposals to intensify the usage of the relocated access as part of this application and the location offers an improvement to visibility over the existing location, would had been noted as being poor during a previous site visit. It is understood livestock is walked between both sides of Owston Road and the proposals would minimise the amount of time in which animals are crossing the road. On balance, the relocation of the eastern access is seen as a highway gain by the CHA.

The proposals would also remove the need for farm traffic to use Church Lane, which would not be able to accommodate traffic from both the development proposed as part of application ref 16/00146/OUT and the existing level of farm traffic.

#### **Conditions**

1 Before first use of the development, all details of the site accesses and visibility splays to the west and the east of Owston Road shall be provided in accordance with the details shown in HSSP Architects Drawing No. 7171-03-20 Revision B.

Reason: In the interests of highway safety

2 Once the western access outlined in Condition 1 has been provided, no farm traffic associated with Southfields Farm shall use Church Lane.

Reason: In the interests of highway safety

3 The gradients of the access drives shall not exceed 1:12 for the first 10 metres behind the highway boundary.

Reason: To enable vehicles to enter and leave the

<p>highway in a slow and controlled manner and in the interests of general highway safety.</p> <p>4 All existing vehicular accesses that become redundant as a result of this proposal shall be closed permanently within one month of each new access being brought into use.</p> <p>Reason: To reduce the number of vehicular accesses to the site and consequently reduced to reduce the number of potential conflict points.</p>	
<p><b>Parish Council: Supports</b></p> <p>Somerby Parish Council has no objections to this application but wishes to make the following comments:</p> <ol style="list-style-type: none"> <li>1. The Design &amp; Access Statement is very over-exaggerated</li> <li>2. There is some concern about the timing of this build. It is essential that it takes places <u>before</u> the commencement of the related development (application 16/00146/OUT) as the combination of farm traffic and construction traffic on Church Lane, Somerby would be place intolerable strain.</li> <li>3. Some form of natural screening would be required.</li> </ol>	<p>Should the application be approved appropriate conditions could be used to ensure the timing of the development and also ensure that appropriate landscaping and screening is offered to the development.</p>
<p><b>Access Officer, Leicestershire County Council: No objection subject to condition.</b></p> <p>No objection to the application as it should not affect the Public's use and enjoyment of the Public Footpath as a whole.</p> <p>Although more farm traffic will cross the southern end of the footpath, the northern end, at Church Lane will be quieter.</p> <p>Suggest however that the following Notes should be included in any Planning Permission granted:</p> <p>a) No new gates, stiles, fences or other structures affecting a Public Right of Way, of either a temporary or permanent nature, should be installed without the written consent of the Highway Authority having been obtained.</p> <p>Unless a structure is authorised, it constitutes an unlawful obstruction of a Public Right of Way and the County Council may be obliged to require its immediate removal.</p> <p>b) The Public Footpath must not be re-routed, encroached upon or obstructed in any way without proper authorisation. To do so may constitute an offence under the Highways Act 1980.</p>	<p>Noted. The note can be added as an informative to the planning consent if granted.</p>

<p>c) Any damage caused to the surface of a Public Right of Way, which is directly attributable to the works associated with the development, will be the responsibility of the applicant to repair at their own expense to the satisfaction of the Highway Authority.</p> <p>d) If the developer requires a Right of Way to be temporarily closed or diverted, for a period of up to six months, to enable construction works to take place, an application should be made to <a href="mailto:roadclosures@leics.gov.uk">roadclosures@leics.gov.uk</a> at least 8 weeks before the temporary closure /diversion is required.</p>	
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**Representations:**

A Site notice was posted and neighbouring properties consulted. **1 letter of support has been received and no letters of objection** the representation is detailed below:

Representations	Assessment of Head of Regulatory Services
<p>The proposed new access off Owston Road is much improved and safer than the current access to the farm for our milk tankers, than the current tight turning off High Street onto the narrow Church Lane.</p>	<p>These comments are noted.</p>

**Other Material Considerations not raised through representations:**

Consideration	Assessment of Head of Regulatory Services
<p><b>Design of proposed building and impact on landscape</b></p>	<p>The existing farm buildings are in need of substantial improvement and repair, the applicant has stated that new barns are required for over wintering cows, a new milking parlour and new slurry lagoons are also required.</p> <p>The proposals comprises the erection of a new milking shed sited alongside a recently approved cattle shed (15/00503) and a proposed feed store sat behind these two units. The proposal also contains a new four bedroomed detached farmhouse with separate garage and domestic curtilage.</p> <p>Both the feed store and milking shed are to be constructed of Tanalised Yorkshire Boarding with Concrete Precast stock panels to lower sections the roofs will comprise Green profiled sheeting, these materials are to match the existing cattle shed.</p> <p>It is not considered that he proposed buildings would be out of character in the rural landscape, the proposed dwelling whilst fairly substantial in size, the design is traditional in form and typical of a farm dwelling.</p> <p>There are a number of other agricultural buildings on site. It is considered that the proposed building</p>

	<p>will sit well with the existing buildings on site and would not be harmful to the appearance and character of the area.</p>
<p><b>Functional Need</b></p>	<p><b>Other Considerations:</b></p> <p>The applicant and his family have been farming in the area for a considerable amount of years.</p> <p>The NPPF unlike its predecessor, PPS7, does not give a methodology for assessing ‘essential need’ however it is accepted that there is a functional need to live on the site to assist with the day to day running of the farm and for welfare of the animals.</p> <p>The information put forward supports the need to live on site, on site presence whilst not a reason to grant consent would aid to the security of the site and aid the welfare of the animals which have a high stock value.</p> <p>Should permission be granted a condition will be imposed ensure that the dwelling is tied to the farm business and not used independently from the farm.</p>
<p><b>Planning Policy</b></p>	<p>The National Planning Policy Framework is a material consideration in the determination of this application that is considered to be of significant weight. The NPPF is clear in its advice that the <b>presumption is in favour of sustainable development</b>. The guidance also states that where the development plan is absent, silent or relevant policies are out-of-date, local planning authorities should grant planning permission unless “<b>any adverse impacts of doing so would significantly and demonstrably outweigh the benefits</b>”.</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>The NPPF defines sustainable development as economic, social and environmental. The site proposed is located within the open countryside, but on the edge of Somerby. The location of the proposal is intended to reduce overall travel distances for the collection of raw materials and their subsequent distribution, and of course facilitates the storage and processing of materials from the applicants immediately surrounding land</p>

	<p>without the need for their transportation.</p> <p><b>Whilst it is considered that the proposed development would be located in a rural area, remote from any significantly sized settlement, it is considered that it would bring advantages in terms of overall travel distances and uses of the highway network and would represent economic growth of the type encouraged by the NPPF.</b></p>
<p><b>The (new) Melton Local Plan – Pre submission version.</b></p> <p>The Pre Submission version of the Local Plan was agreed by the Council on 20<sup>th</sup> October and was subject to consultation which ended on 16<sup>th</sup> December 2016. It is due to be reported to Council before formal submission.</p> <p>The NPPF advises that: From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:</p> <ul style="list-style-type: none"> <li>● the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);</li> <li>● the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and</li> <li>● the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).</li> </ul> <p>The Pre Submission version of the Local Plan identifies Somerby as a ‘Service Centre’,</p> <p>Service centres are villages that act as a local focus for services and facilities in the rural area. They have the essential services and facilities (primary school, access to employment, fast broadband, community building) and regular public transport, as well as a number of other important and desirable services such that they are capable of serving basic day to day needs of the residents living in the village and those living in nearby settlements. These villages should have all four of the Essential services and a good range of important and other facilities.</p>	<p>Whilst the Local Plan remains in preparation it can be afforded only limited weight.</p> <p>It is therefore considered that it can attract weight but this is quite limited at this stage.</p> <p>The proposal is in accordance with the emerging local plan in terms of its location (see applicable policy opposite) which it is considered adds to the issues that add weight in support of the proposal.</p>

### **Conclusion**

It is considered that the application presents a balance of competing objectives and the Committee is invited to reconcile these in reaching its conclusion.



The existing farm is need of repair, the buildings are run down and some of which require replacement in their entirety. The existing access to the farm along Church Lane is restrictive and causes issues for local residents.

The proposed use of the existing access off Owston Road whilst not achieving the standard of visibility usually accepted by the County Highway Authority is considered as betterment in Highway terms, removing farm vehicles from Church Lane.

There are a number of other positive benefits of the scheme which include the removal of poor quality agricultural buildings and the associated noise and smell of the farm for nearby residential dwellings.

Other positive benefits of the scheme which include surface water management in the form of a sustainable drainage along with developer contributions to mitigate impacts upon local services.

It is considered that balanced against the positive elements are the specific concerns, particularly the impact on Highway Safety.

**In conclusion it is considered that, on the balance of the issues, there are significant benefits accruing from the proposal when assessed as required under the guidance in the NPPF in terms of boosting the rural economy and removal of a farm use within close proximity to residential dwellings. The balancing issues – proposed access not meeting the usual requirements of the County Highway Authority are considered to be of limited harm.**

**This is because, the applicant would not be intensifying the use of the access and speed results have been submitted that demonstrate the access does not pose a risk to highway users.**

Applying the ‘test’ required by the NPPF that permission should be granted unless the impacts would “significantly and demonstrably” outweigh the benefits; it is considered that permission can be granted.

**Recommendation: PERMIT, subject to:-**

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.

7171K-01 Revision B  
7171K-02  
7171K-03  
7171K-04  
7171K-05  
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received by the Authority on 04.10.2016

3. No development shall start on site until representative samples of the materials to be used in the construction of all external surfaces have been submitted to and agreed in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.
4. The occupation of the dwelling hereby permitted shall be limited to a person solely or mainly working or last working in the business adjacent to the site known as Southfields Farm, and/or the or a widow or widower of such a person, and to any resident dependants.
5. No farm effluent or contaminated surface water from the building or associated impervious areas shall be discharged into any ditch or watercourse.
6. Before first use of the development, all details of the site accesses and visibility splays to the west and the east of Owston Road shall be provided in accordance with the details shown in HSSP Architects Drawing No. 7171-03-20 Revision B.
7. Once the Western access outlined in Condition 1 has been provided, no farm traffic associated with Southfield Farm shall use Church Lane.

8. The gradients of the access drives shall not exceed 1:12 for the first 10 metres behind the highway boundary.
9. All existing vehicular accesses that become redundant as a result of this proposal shall be closed permanently within one month of each new accesses being brought into use.

Reasons:

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted.
4. The erection of dwellings in the countryside is contrary to the Local Planning Authority's general planning policy for the protection of the open appearance and character of the countryside and were it not for the special agricultural justification the development would not be permitted.
5. To prevent pollution
6. In the interests of highway safety
7. In the interests of highway safety.
8. To enable vehicles to enter and leave the highway in a slow and controlled manner and in the interests of general highway safety.
9. To reduce the number of vehicular accesses to the site and consequently reduce the number of conflict points.

Officer to contact: **Ms Louise Parker**

**Date: 18<sup>th</sup> April 2017**