

Reference: 10/00246/FUL
Date Submitted: 09.04.10
Applicant: Mr And Mrs Blackburn
Location: Hose Lodge Farm, Hose Lane, Harby LE14 4BJ
Proposal: Construction of a 16,000 bird free range egg production unit.

Introduction:-

The application seeks full planning permission for the erection of a building for the purpose of a free range egg production facility at Hose Lodge Farm. The agricultural holding lies within designated open countryside and consists of 72.80 acres of land, the majority being used as arable land with the rest being laid to grass. Within the farm holding is a Farm House and a number of agricultural buildings. There are two accesses into the site from Hose Lane, one was used for the livestock farming activities that took place on the site and the other serves the domestic use. The surrounding land is agriculture, defined by mature hedging separating the parcels of land.

The application is presented to Committee as it is a major application.

Relevant History:-

There are no relevant planning histories for the site.

Melton Local Plan (saved policies):

PPS 1 ‘Delivering Sustainable Development’ - The guidance says that planning should promote sustainable and inclusive patterns of development. A key principle involves the need to reduce the need to travel by car and to identify land for development in locations where there is, or the potential for, a realistic choice of access by means other than the private car. The Government is committed to promoting a strong, stable, and productive economy that aims to bring jobs and prosperity for all. Planning authorities should ensure that suitable locations are available for industrial, commercial, retail, public sector (e.g. health and education) tourism and leisure developments, so that the economy can prosper.

PPS4 ‘Planning for Sustainable Economic Growth’ – The guidance states that local planning authorities should adopt a positive and constructive approach towards planning applications for economic development including rural areas. Planning applications that secure sustainable economic growth should be treated favourably. Policy EC6.1 seeks to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and to ensure it may be enjoyed by all. EC6.2 advises that in rural areas, local planning authorities should: strictly control economic development which would result in an economic output or product which is away from existing settlements, or outside areas allocated for development in development plans and set out the criteria to be applied to planning applications for farm diversification, and support diversification for business purposes that are consistent in their scale and environmental impact with their rural location.

PPS7 ‘Sustainable Development in Rural Areas’: The principles for permitting rural economic development is now contained within the PPS4 however PPS7 is still relevant and contains advice on determining applications in rural areas and sets out national planning policy in relation to development in rural areas. The Government recognises the important and varied roles of agriculture and planning policies should recognise these roles and support development proposals that will enable farming and farmers to adopt to new and changing

markets, diversify into new agricultural opportunities and become more competitive, sustainable and environmentally friendly. All development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.

PPG 13 ‘Transport’ - A main objective seeks to reduce the need to travel, especially by car. With regard to rural areas, the guidance makes clear that jobs, shopping, leisure facilities and services are primarily sited at the most accessible locations in the local area. In determining the appropriate strategy for employment in rural areas, the guidance says that it is important to consider the scale, impact and likely catchment area of development, and that the larger the number of staff employed on site, the greater the need to ensure the development is accessible by public transport, walking and cycling.

Regional Spatial Strategy

Policy 1 of the Regional Plan seeks to ensure that development within the East Midlands is sustainable. It sets out Regional Core Objectives which should be met through Local Development Frameworks and planning applications.

Melton Local Plan (Saved Policies)

Policy OS2 - carries a general presumption against development outside town and village envelopes except in certain instances such as development essential for agriculture and forestry, small scale employment, tourism and recreation development, development for statutory undertakers and telecommunications operators, changes of use of existing buildings and affordable housing.

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 C3 describes the circumstances in which agricultural buildings are permissible and states that planning permission for agricultural buildings outside the town and village envelopes will be granted provided:-

- the building is reasonably necessary for agriculture and would not occupy a prominent position in the landscape which in itself could not be ameliorated by tree planting or other suitable methods of screening;
- the size, scale, design and construction materials of the building are appropriate to its setting and specific use;
- the development would not cause loss of amenities through unacceptable noise, smell, dust or other forms of pollution;
- there would be no significant adverse effects on residential amenities;
- satisfactory access and parking is provided to accommodate the level and type of traffic likely to be generated.

Policy C4 – allows for the erection of agricultural buildings providing they are within existing groups of buildings and amongst other things will not have a detrimental impact upon the rural character of the area, would not cause loss of amenities through unacceptable noise, smell dust or other forms of pollution and that there will be no adverse effects on residential amenities or highway safety.

Melton LDF Core Strategy: seeks to support development which enables those who earn a living from, and help to manage the countryside, to continue to do so, while also protecting the countryside for its own sake. Development in the countryside will therefore be limited. Agricultural uses are acceptable.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
<p>Highway Authority – No objections to the amended proposal showing the revised access location subject to the imposing of conditions relating to:-</p> <ul style="list-style-type: none"> • Closing of the existing access • Access widths • Surfacing • Visibility splays • Parking and turning facilities 	<p>The proposal has been amended on the advice of the Highways Authority as the existing access was considered to be substandard. The existing access is to be closed and a new access constructed further to the north in order to achieve better visibility. Conditions can be imposed as requested.</p>
<p>Hose and Clawson Parish Council – No objections to the proposal subject to:-</p> <ul style="list-style-type: none"> • The traffic route to and from the farm must be via Waltham Lane; • The roof must be green so it is not visually intrusive coming down the hill <p>The Parish Council has no objections to the amended plans re a new access, on condition that the access should be kept to the minimum of splay as to not detract from the rural aspect of the area.</p>	<p>The traffic movements proposed amount to 2 egg collection lorries per week and 3 feed delivery lorries every four weeks and at the end of a 14 month cycle; once the birds have been removed, a 'clean out' of the unit would amount to 10 lorry loads of manure being taken off site over a 2 day period. The Highways Authority has no objections to the use of the site given that it is an existing livestock farm. It is stated by the applicant that the livestock business will cease as they are arable farmers and therefore the vehicle movements proposed will be minimal.</p> <p>It is proposed to construct the poultry unit from timber frame and external tongue and groove weather board, Teak in colour. The roof would be constructed using profile sheeting, Blue Slate in colour. Materials can be conditioned should the Committee resolve to approve the application</p>
<p>Environment Agency – No objections</p> <p>Wash water from livestock buildings is classed as "slurry" under the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel oil) (England) Regulations 2010. Any storage facility must therefore comply with the requirements of the above regulations.</p> <p>Washwater may be spread on agricultural land subject to the requirements of Nitrate Pollution Prevention Regulations 2008.</p>	<p>Noted. A 2,500 gallon tank will collect dirty water which will be removed from site. The sealed tank will be sunk into the ground and will not be visible.</p>
<p>Leicestershire County Council Archaeologist:</p> <p>The site has been checked against the Leicestershire & Rutland Historic Environment Record (HER) and do not feel that any archaeological work is required as part of the scheme.</p>	<p>Noted.</p>
<p>Melton Borough Environment Health Officer: No objections to the proposal.</p> <p>Fly infestations and odours associated with intensive poultry husbandry are matters which can be largely controlled by the management of the site/shed. The Fly and Odour Management plan submitted in support of the application addresses these issues and if it is followed</p>	<p>Contained within the Design and Access statement the applicant has set out controls and mitigation measures on how fly and odours will be kept to a minimum. During the flock cycle (14 months) the majority of the manure produced is within the Unit. The key to controlling both odour and flies is to keep the manure dry. The Unit has been designed to achieve this. The use of Carcinopes (beetles which eat the eggs and</p>

diligently I would not anticipate a nuisance.	larvae of flies) and chemical fly control is used along with ultra violet light and fly paper within the unit.
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Representations:

A site notice was posted at the site entrance along with a notice published in the local press. There were no neighbouring properties identified within the consultation zone for the site that required to be consulted separately. As a result 36 separate letters of objection representing objections from 36 households and a petition with 13 signatures has been received to date, 16/06/10. The objectors have commented on the proposal on the following grounds:

Representations	Assessment of Head of Regulatory Services
<p>Character and appearance of area:</p> <ul style="list-style-type: none"> • As regular dog walkers, we consider that the proposal will detract from our enjoyment of the area due to the visual impact • Will be an eyesore in the historic vale of Belvoir • Development will spoil the countryside • Will be a blot on the landscape • Conflicts with general character of the area and there are more appropriate locations outside of the Vale • A major poultry farm in the Vale of Belvoir will blight this beautiful area • Whilst this is an extension of existing agriculture holding, the new building does not sit well with traditional buildings • The size of the buildings, fences to keep out foxes and lack of screening will make the building very intrusive – it does not have a traditional appearance • Un-spoilt countryside will be spoilt by inappropriately sized buildings 	<p>The proposal will be visible in the landscape but will be sited close to existing agricultural buildings on the farm holding. The existing hedging will offer some screening when viewed from certain locations and it is proposed to allow the hedgerows to grow to further mitigate any impact from the development. Policy C3 of the development plan sets out the criteria for the acceptance of agricultural buildings in the open countryside. It advises that if a development can be suitably screen then its impact upon the landscape should not be sufficient reason alone to refuse a proposal. Additional screening can be sought by the means of a condition.</p> <p>The proposed unit will have a foot print of 2175.65 square metres. A flock of 16,000 birds requires 1777.78 square metres. The additional 397 square metres is to provide a central packing area which eliminates the need for a further building and contains the use into one building. The overall height of the building will be 5.36 metres sloping to eaves height of 2.44 metres which is considerable lower than that of a typical livestock building and those currently sitting on the site. In that context the overall height of the building is considered to be low impact. However due to the nature of the proposal the building will appear to be long and narrow, with an overall length of 118.948 metres and a width of 18.288 metres, which is of a considerable size. The impact will be reduced as the building is to be sited adjacent the southern boundary hedge, which is to be left to grow. This screening will eliminate the building when viewed from Hose.</p> <p>The site slopes from west to east and the proposed siting of the unit will be set lower down than the existing farm buildings and the front boundary hedge will screen the building from view, reducing any potential impact when viewed from Hose Lane. It is considered that due to the topography of the surrounding area the building will be at its most visible from approach down Waltham Lane as the building will sit on lower land. This will be reduced the further down the hill you travel where</p>

	<p>the land levels out. The building is to be constructed from timber and will be treated in a dark teak stain this will ensure that the visual impact will be reduced. The applicant is agreeable to further planting should this be required.</p>
<p>Loss of View</p> <ul style="list-style-type: none"> • It will spoil my view and views over the Vale of Belvoir • Location will spoil panoramic views and should not be considered • Will spoil the view from adjacent holiday cottages and result in loss of bookings • Growing hedges to screen the building will impact on panoramic views • Will ruin un-interrupted view • Building is not high, but huge expanse of roof will be very visible from Harby Hill and other escarpments • 120m long building will spoil public enjoyment of the view • Will affect views from many tourist accommodation/attractions • Not opposed to rural businesses, but one on this scale will require very extensive landscaping as a requirement of permission if it is not to affect the views and local businesses • There are errors in the application submitted – views will not just be the gable end of building but its entirety and it will be visible for many miles • Other developments – mining and turkey farming that would have affected the views have been successfully resisted • Previous Appeal Inspector noted the contribution that the views and scenery made to the area, and which would be adversely affected 	<p>The issues raised through the consultation relating to loss of view are not planning matters however given the strength of feeling on this matter it is worthy of comment.</p> <p>The site lies within the Vale of Belvoir and is featured in the Local Plan as an Area of Particular Attractive Countryside (APAC). The policies relating to APAC sites have not been ‘saved’ as such this designation has lapsed. PPS7 paragraph 1 notes that “All development in rural areas should be well designed and inclusive, in keeping and scale with its location, and sensitive to the character of the countryside and local distinctiveness.” PPS7 also states in the key principles that the Government’s aim is to protect the countryside for the sake of its intrinsic character and beauty, the diversity of its landscapes, heritage and wildlife, the wealth of its natural resources and so it may be enjoyed by all.</p> <p>The landscape assessment for the borough of Melton has identified The Vale as a neat, intensively farmed domesticated and well-managed farmland area where the landscape is gentle and subtle, and the dominant and most attractive element is the traditional villages with fine stone houses and churches.</p> <p>The appeal referred to was in 1997 and the proposal consisted of 10 turkey sheds and a managers house. Since that decision there has been a number of new policies and guidance issued which results in a different approach being taken.</p> <p>In summary any development in the open countryside should be sensitively planned in order to minimise any impact upon the countryside location. The proposal is for an agricultural building which is considered to be reasonably necessary, as there are no other buildings capable of being adapted for the purpose of egg production. The design of the building ensures that it will be relatively low, in comparison to typical livestock buildings. The materials proposed are timber and will be stained in a dark colour in order to reduce any visual impact and screening of the site limits views. The proposal undoubtedly will be visible from the escarpment however it will be viewed with the existing farm buildings in the back drop and not as a stand alone building. It is considered that the view down onto the vale would not be materially affected and this should not form grounds for refusal. The proposal therefore accords with the development plan</p>

	policies OS2, C3 and C4.
<p>Impact upon the Highway:</p> <ul style="list-style-type: none"> • Extra traffic on narrow rural roads will be a real danger to walkers and riders in the area • Will result in an increase in H.G.V's in the area which will be a danger to local runners • Traffic noise will impact on nearby horse-stud • Will lower the quality of the local roads • Use of access will have an increase in traffic and local roads can not support extra traffic • Applicants traffic survey plays down number of accidents and traffic speeds in area of site – will be a serious safety matter 	<p>Subject to the amended access the proposal is not considered to have a detrimental impact upon highway safety. The existing live stock rearing will cease and the traffic generated from the proposed poultry farming is considered to be acceptable. The Highways Authority have not raised any objections based upon the no. of proposed traffic movements, which has been demonstrated as minor resulting in approx. 2.75 vehicle movements per week.</p> <p>Records held at Leicestershire County Council Highways show that there have been just 2 recorded personal injury road traffic accidents in the last 5 years between the proposed site entrance and the junction with Waltham Road. One just to the east of the site involved a young driver losing control on the bend and the other occurred at the junction with Waltham Road when a car pulled out in front of another car. Both accidents were slight accidents. The accident record is not so bad as to be able to justify a highway reason for refusal of this proposal.</p>
<p>Impact on Amenities:</p> <ul style="list-style-type: none"> • As regular dog walkers, we consider that the proposal will detract from our enjoyment of the area due to the odours • Smell during cleaning out and transporting will be horrendous • Other chicken sheds in Harby were a constant source of neighbour complaints regarding smell • Local farming practice is of arable and dairy farming and poultry smells are an alien intrusion in this area • Will create light pollution 	<p>Consultation has taken place with the Environment Agency and Melton Borough Council's Environment Health Officer. No objections have been raised. As stated above the applicants have submitted information on how odours will be controlled and providing it is appropriately managed issues relating to smells will not become an issue. It has been pointed at that there will be an occasional increase in odour in the area when the unit is cleaned out and sterilized ready for the next flock. This practice takes place once every 14 months and it is considered that due to infrequency this practice should not give rise to complaints.</p> <p>Only one external bulk head light fitting is proposed at the entrance door. This will be fitted with a motion sensor with an 8 meter zone.</p>
<p>Impact on Businesses in area:</p> <ul style="list-style-type: none"> • Will affect adjacent farm business and result in job losses • Will affect local stud farm and result in job losses as many clients will not bring their horses here – horses are easily spooked and quiet relaxing atmosphere will be lost – gallop is next to site and will result in injury to horses or riders • I work nearby and if the chicken farm goes ahead, the works will close and my job will be lost • Will affect adjacent horse stud and result in loss of trade for local suppliers and affect jobs • Stud employs 8 people (plus 3 extra at 	<p>The proposal relates to the construction of a free range egg production unit. The end product has seen an increase in demand and requires high standards from RSPCA – Freedom Foods Animal Welfare Regulations and The Lion Code. Free Range Egg production requires birds to be stocked at 2,000 per hectare rather than the previous figure of 1,000 hectare and this requires large sites with access to open fields.</p> <p>It is unclear as to what context the proposal will result in job losses at the nearby stud. The birds will be contained within paddocks with pop holes from the unit which will give the birds access to outside. This activity will take place within the applicants land and will not impact upon any</p>

<p>busy times) and these will be affected by proposal – as well as vets, farriers, bedding and feed merchants – it will result in loss of my business as young thorough-bred stock are trained near to the site</p> <ul style="list-style-type: none"> • Will seriously damage the tourist industry with a follow-on impact on local pubs, shops and other businesses • We regularly visit area for holidays but the noise/smell and loss of view will result in us going elsewhere • Area is popular destination for ramblers and caravaners who add to local economy • Proposals will not create any local employment or aid the economy 	<p>neighbouring land.</p> <p>Assuming that the loss of tourism would be due to the visual appearance of the unit, as stated above the unit is considered to be of low impact and reasonably necessary for the purpose of agriculture. Local Plan policy C3 seeks to permitted agricultural buildings stating that if the impact can be ameliorated by tree planting or other suitable methods of screening then it should be permitted. In this instance it is considered that due to the level of screening currently on site it and that it will be located within an existing farm complex that the proposal is acceptable and complies with the policy.</p> <p>PPS 4 seeks to promote the rural economy and advises local planning authorities to take a positive approach for determining rural economic growth proposals which is consistent in their scale and environmental impact with their rural location. The egg production will supplement the earnings of the applicants who's main activities will be arable farming, not livestock.</p>
<p>Health Issues:</p> <ul style="list-style-type: none"> • Noise/smell/odours and flies and volume of droppings will be a blight on the health of local residents • Possible health risk for Hose village due to an outbreak of bird-flu 	<p>No objections have been received from the Environment Health Officer. Matters relating to health are covered under separate legislation.</p>
<p>Other Considerations:</p> <ul style="list-style-type: none"> • Egg production in U.K is already sufficient to meet the needs – buildings of this nature are not required in this area • Sets precedent for further expansion • Will only benefit the individual farmer offering no benefit to the local community. • It is noted that applicant lives abroad and will not have to endure this blot on the landscape • Other potential purchasers of the site would have undertaken more appropriate uses 	<p>The applicants have managed a free range egg production unit in Nottinghamshire in the past and is therefore familiar with practice. Having recently purchased this holding from returning from Canada they wish to carry on with arable and poultry farming in the UK. It is stated that the free range egg market is in demand and there has been an increase in market of 30% since 2005. Furthermore it is implied that practices relating to battery cage systems will be illegal from 2012. This would imply that there would be a need for this type of production. Should the site require further expansion in the future it would be subject to formal planning consent and would be determined on its own merits.</p> <p>Poultry farming is an agricultural activity and one that is typically found in countryside locations given the nature of farming practices. Had the existing buildings been adequate on the site to accommodate the use, planning permission would not have been required. The site could have a more intensive use as a live stock holding such as beef or pig farming.</p>

<ul style="list-style-type: none"> • De-values village/countryside values <p>Consultation:</p> <ul style="list-style-type: none"> • Insufficient consultation – Parish Councils should have notified local residents • In-effective consultation with neighbours undertaken – publicity is at the root of planning and yet it has failed in this instance • It is closer to Hose than Harby and site is not isolated – it is surrounded on 3 sides by residences 	<p>The Landscape Character Assessment for the borough identified ‘the Vale of Belvoir as a neat, intensively farmed domesticated and well-managed farmland area. The proposal if permitted would not detract from that assessment.</p> <p>The site is situated outside of any village centre and in that regards there were no immediate neighbours to consult by letter. In circumstances such as this site notices are placed at the entrance of the site in order to alert the wider community. Parish Councils are also consulted in the interest of the wider community and notices are published in the local newspaper.</p> <p>In this instance a site notice was placed at the entrance of the site on the gate post on the 23rd April to advertise the proposal.</p> <p>The consultation undertaken accords to the adopted Melton Statement of Community Involvement and the Consultation Strategy</p>
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Other Material Considerations:

<p>Sustainable Development:</p> <p>To mitigate the proposals environment impact a number of measures have been proposed. This relates to reducing the amount of energy used for the running of the unit by 20%. It is proposed to:</p> <ul style="list-style-type: none"> • Fit only 1 external light which will be on a sensor • Replace pendant bulbs with strip lights and compact fluorescent bulbs. Reducing the amount of lights required • Install larger pop holes to bring in more natural day light which will reduce the need to have the lights on over the litter area to 4 hours per day • Use light sensors at the pop holes to turn of the lights when the light levels increase • Leave the lights on for only 1 hour per day over the next boxes 	<p>Sustainable development is central to planning policies which seek to reduce the impact proposals may have on the environment. When taking into account the potential impact regards to the location of the development is also considered. The application site is located in open countryside where its use is compatible with the countryside location. The measures taken by the applicant show that they are recognising the importance of sustainable development and the small changes help to achieve the objectives of PPS1 and PPS7 by fostering sustainable and environmentally friendly practices.</p>
<p>Environment Impact Assessment:</p>	<p>In accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 1999 a screening opinion was carried out and is not considered to be EIA development.</p>

Conclusion

The proposal seeks to apply for full planning permission for a new free range egg production unit on the holding of an existing agricultural farm. The proposal is considered to not cause any detrimental harm to the countryside due to the design and construction materials proposed, along with the existing screening of the site, which will reduce the visual impact from the open countryside. The access arrangements are considered to be acceptable and to not cause any further impact upon the highway infrastructure. The proposal is considered to comply with the objectives of the Local Development

Framework, regional and national planning policies in terms of complying with policies relating to agricultural development.

It is therefore recommended for approval subject to conditions.

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 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.
3. Before building works commence on the proposed poultry unit, the existing vehicular access shall have been permanently closed and the crossing reinstated as verge, and the proposed new access as shown on the amended plans shall have been provided with a minimum width of 6 metres (with 0.5 metre wide clear margins on each side), surfaced in tarmacadam, concrete or other similar hard bound material for a minimum of 20 metres behind the highway boundary. Once provided the access shall thereafter be permanently so maintained.
4. Before building works commence on the proposed poultry unit, visibility splays shall be provided out of the access in accordance with details that shall have previously been agreed in writing with the Local Planning Authority. Once provided these splays shall thereafter be permanently so maintained in accordance with the approved details.
5. If any vehicular access gates, barriers, bollards, chains or other such obstructions are to be erected across the proposed vehicular access, they shall be set back a minimum distance of 15 metres behind the highway boundary and shall be hung so as to open inwards only.
6. Before the poultry unit is first brought into use, parking and servicing facilities shall have been provided within the site in accordance with details that shall first have been submitted to and approved by the Lpa. Once provided these facilities shall thereafter be permanently remain available for use.

Reasons:

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. To enable the Local Planning Authority to retain control over the external appearance as no details have been submitted.
3. In the general interests of highway safety.
4. To afford adequate visibility at the access/junction to cater for the expected volume of traffic joining the existing highway network and in the interests of general highway safety.
5. To enable a vehicle to stand clear of the highway whilst the gates are opened/closed and protect the free and safe passage of traffic, including pedestrians, in the public highway.
6. In the general interests of highway safety.

Officer to contact: **Mrs Denise Knipe**

18th June 2010