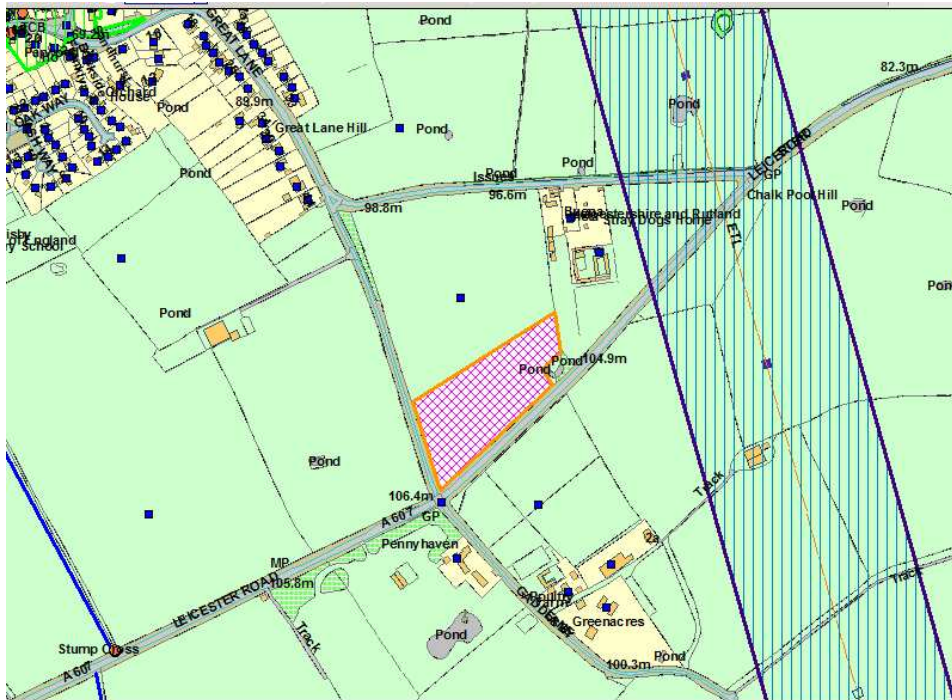


Reference: 16/00519/FUL
Date Submitted: 29^h July 2016
Applicant: Mr Andy Gibson
Location: Field OS 0044, Leicester Road, Frisby on the Wreake
Proposal: Proposed Livestock Barn (Total floor area 450m²)



The application is brought back to Committee following the need to update Members on the progress of this application following the decision to defer determination taken at the Committee meeting on 27TH July 2017.

A decision was deferred to seek information on the background to the application and the means of operation, in order to consider pollution issues. Members agreed and stated that identification of Agricultural Holding information is integral information to make a decision.

In response to this the applicant has:-

- Submitted additional information in response to Environmental Health Issues
- Stated they have rolling tenancy Licences
- Provided Holding nos. and advised that they hold Herd and Flock numbers
- Provided background information and the means of operation

No new representations have been received.

Introduction:-

The application seeks consent to erect an agricultural livestock building on a parcel of land, within Field OS 0044 Leicester Road, Frisby on the Wreake. Positioned adjacent to the main A607 Melton to

Leicester Road and to the cross roads of Gaddesby Lane and Great Lane Hill. The field has been subdivided by a post and rail fence to the north, with this resulting field parcel measuring approximately 1.6 hectare. There are hedges to all other boundaries with an existing access gate from Great Lane Hill which continues to descend down into the village of Frisby

The applicant, as of last year, had to vacate his tenanted farm and has recently purchased the parcel of land to establish a farm base, in which to centralise their livestock operations. Constructed of galvanised sheet roofing and galvanised metal cladding, the proposed building will be located alongside the west boundary hedge, within designated open countryside, having a ground floor area of 450sqm with open frontage.

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

- **Being reasonably necessary for the purposes of agriculture**
- **Impact upon the Countryside**
- **Sustainable Rural Economic Growth**
- **Impact on residential amenity**
- **Local and Neighbourhood Plan policy**

The application was originally required to be considered by the Committee due to the level of representation received in support of the application,

Relevant History:-

14/00146/GDOAGR– An intervention notice was issued to prevent the erection of a barn housing livestock within 400 m of a dwelling house. A subsequent application was submitted.

14/00247/GDOAGR- The notification was deemed acceptable for the storage of forage.

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.

Policy BE1 states that planning permission will not be granted for new buildings unless among other things, they are designed to harmonise with their surroundings, they would not adversely affect the amenity of neighbours and there is adequate access and parking provision.

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:-

Consultation reply	Assessment of Head of Regulatory Services
Highway Authority – No Objection	There will be no change to the current access arrangements from Great Lane Hill. The existing access is considered acceptable subject to standard highway conditions regarding the surfacing of the access and any new vehicular gates. The Highway Authority has no objection to the proposal.
Frisby Parish Council:- Have made no comment to date	Noted.
LCC Ecology:- No objection The use of the barn will allow the land parcel to continue being used for grazing, therefore retaining the habitat. The site does not meet any triggers for requiring a biodiversity survey and we therefore have no comments on the application.	Noted. The building will not impact upon the habitats within the site or the nearby pond Ecology have no objection to the proposal
Environmental Health From the submitted information it is understood the applicant has sheep and cattle, the proposed	The shed will be positioned approx. 140m from

<p>building is an open sided shed (typical for cattle) and will use passive ventilation. The nearest residence appears to be ‘Pennyheven’ to the south. More information is required concerning its intended future use. In the context of odour control it is necessary to understand:</p> <ol style="list-style-type: none"> 1. Will both cattle and sheep be kept indoors? 2. What type of bedding system will be used? 3. What are the plans for contain and deal with the manure/slurry, waste liquids? 4. How will food stocks be stored? 5. What is the land use to the south? 6. Are there any objectors? Have the residents to the south supported the application? <p>Poor farm management such as manure stored for long periods on site, rain infiltrating and wetting the bedding area, liquid wastes escaping the barn and running down the yard and festering in pools etc can all be causes of nuisance and pollution.</p> <p>Solid waste should be off-sited asap and liquid wastes captured and channel into holding tanks for treatment. If the neighbours to the south are happy with the development then this should be considered. Similarly, if the local land use is agricultural or equestrian as suggested then this should help define the ‘character’ the area.</p>	<p>the nearest residences. This compares to a 400m ‘exclusion’ prescribed in legislation for livestock buildings when buildings are proposed as permitted development.</p> <p>The applicant has provided further information in response to those questions raised:</p> <ul style="list-style-type: none"> • Livestock will only be kept in the building for safety reasons or during adverse weather • Only dry bedding will be used • Manure will be removed from the site by vehicle and taken to Newleigh Farm, Asfordby (there is no liquid waste) • Food stocks will be kept in rodent proof bins <p>Environmental Health have stated they do not have sufficient information in terms of amount of use, number of livestock and waste controls, to gauge the scale of development or to be confident that the proposed development can be undertaken without causing odour nuisance.</p> <p>It is therefore considered that in the absence of such information the application cannot be supported because of the possible adverse effects the proposal could have upon the residential amenities of neighbouring properties.</p>
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Representations:

A site notice was posted and 1 neighbouring property notified by letter, as a result 11 letters of support have been received and 1 letter of objection to date. These are summarised below.

Representation	Assessment of Head of Regulatory Services
<p>Impact upon Residential Amenity</p> <p>What are the guidelines with regard to distance in relation to dwellings and the keeping of cattle/sheep?</p>	<p>Policy OS2 states that If a proposal for development within the countryside is acceptable in principle it will also be considered against more detailed criteria contained in other policies of the Plan which relate specifically to the activity and in this instance would be Local Policy C3</p> <p>Policy C3 states that planning permission for agricultural buildings outside the town and village envelopes will be granted provided:- the development would not cause loss of amenities through unacceptable noise, smell, dust or other forms of pollution and there would be no significant adverse effects on residential amenities</p> <p>The proposed building will be sited approximately 135 metres away from the nearest residential dwellings, the nearest of which lies south adjacent the highway of the main A607. It is considered that such activities would not be alien within the open countryside and that the</p>

<p>Sustainable Rural Economic Growth being reasonably necessary for the purposes of agriculture,</p> <p>Where is the necessity for such a large building in the open countryside</p> <p>What are the guidelines in respect of the number of cattle, to the size of land and that of the proposed building.</p>	<p>separation distance together with the dividing highway, would alleviate any negative impact on these neighbours and would not therefore reduce the residential amenities more than that already existing.</p> <p>The proposals would not have an undue adverse impact on the residential amenities of neighbouring properties.</p> <p>The parcel of land to which the application outlines is approximately 1.6 hectare and is the result of a small field having been sub divided by a post and rail fence and sold to the current applicant. The northern section of the divided field already has deemed consent for an agricultural building under the realms of the General Permitted Development Order but has not yet been constructed.</p> <p>The applicant of this proposal is unable to meet the criteria of the GPDO due the lack of size of his holding and the parcel of land referred to, together with the size of the proposed building and housing of livestock within 400 metres of a dwelling house. The submitted application is therefore to be considered against the relevant Local Plan Policy and NPPF</p> <p>Policy OS2 makes provision for some limited forms of development subject to consideration of impact on the appearance or character of the landscape. Although the applicant has suggested reducing the size of the proposed building, its position running along the west boundary additionally helps to soften its scale, size and presence within this small parcel. However the overall size in relation to the holding, being isolated from any working farm and that of the applicants own dwelling is questionable with regard to the essential need for a building to this size and location and its sustainability.</p>
<p>Planning Policy</p>	<p>The proposal is located within a small parcel of land and lies outside of the village envelope for Frisby on the Wreake. It is therefore considered to be open countryside whereby OS2 is the applicable policy. The application proposes an agricultural building and is generally supported in terms by policy OS2 and C3 of the Local Plan subject to the more detailed criteria within those policies.</p> <p>The NPPF supports economic development and states its commitment to securing sustainable economic growth, explaining that planning should</p>

	do “everything it can” to facilitate this. Paragraph 28 of the NPPF relates to supporting a prosperous rural economy. It states that local planning authorities should support the sustainable growth and expansion of all types of business and enterprise in rural area . The key to this policy is considered to be the consideration of ‘sustainable’.
<p>Support</p> <p>We need to encourage existing and new interest in farming and agriculture.</p> <p>The building should be approved in order for the best health and welfare of livestock and to support his breeding and rearing enterprise.</p> <p>The building has been design to blend with the countryside location and landscaping will further enhance the site</p> <p>The building should afford shelter for his cattle and sheep and to facilitate calf rearing, lambing, the management of orphan lambs and their essential needs.</p> <p>With no barn it would be impossible to use the land for raising the Charalois cattle.</p> <p>He has struggled with no suitable accommodation for his livestock and has brought the land with the aim of creating a farm base.</p>	<p>Noted.</p> <p>The application has not been supported with sufficient justification to show compliance with local plan policy C3.</p> <p>The land to which the application applies is a small parcel of land isolated from the applicants own dwelling and remote from any exiting farm business. There was no evidence during my site visits of livestock or associated activity to warrant the requirement and need for a building of this size and to this location. and the applicant has been unable to provide current business accounts.</p> <p>Concerns remain that the applicant has not provided sufficient evidence to prove that the proposed building is deemed to be reasonably necessary for the purposes of agriculture and sufficient evidence has not been provided to convince officers that this is the case.</p>

Other material considerations (not raised through consultation or representation)

Consideration	Assessment of Head of Regulatory Services
<p>Holding Numbers</p> <p>Holding numbers requested by the Committee have now been received;</p> <ul style="list-style-type: none"> • Frisby on the Wreake is - cph22/283/0260 • The original holding number (East Leake) since the year 1995 is - cph 32/156/0026 <p>Negotiations are underway to rent a further 70 acres location not provided).</p> <p>The applicants have provided rolling Licences, Herd and Flock numbers but have not specified the quantities.</p> <p>The barn is required on the site for animal welfare and as such satisfies the requirement for need to be demonstrated.</p>	<p>Noted</p>

<p>Farming Operations and locations</p> <p>A letter explains that the applicant carried out a calf rearing enterprise at East Leake but that site is no longer available due to the expiry of the tenancy. The applications site is proposed as a replacement location for this enterprise.</p> <p>The applicant has provided details of his tenancies of grazing land which relate to land at:</p> <ul style="list-style-type: none"> • Walton Lodge Farm, nr. Barrow on Soar • Paddy's Lane , Old Dalby • East Leake, nr Loughborough 	<p>The tenancy agreements submitted relate to land and activities remote from this site at Frisby and although the applicant has provided holding numbers for this particular site, it would appear to promote an unsustainable arrangement which, due to the distances involved, would involve significant regular travel. This site is proposed to be the core base of the farming enterprise with this parcel of land being isolated and distant activities stated. As such it is considered unsustainable in travel terms.</p> <p>It is considered that the local plan policies are in conformity with the NPPF and as such they continue to carry weight.</p> <p>The proposal is considered to fail to meet the criteria as set out in The Local Plan Policy C3 of OS2 and the NPPF in regard to Sustainable Rural Economic Growth and being reasonably necessary for the purposes of agriculture at this location.</p>
<p>Impact upon the Countryside</p>	<p>The building has been sited to the west boundary and will be substantially screened by the mature hedge to Great Lane Hill. The building would currently be visible to the south and from the Highway of the A607 due to the hedge having recently been layed, however given the land drops off to the north and with future growth of the hedge, this would mature and provide further screening from this aspect.</p> <p>It is therefore considered that the proposal would not have an adverse impact on the character and appearance of the open countryside this respect.</p>
<p>Frisby Neighbourhood Plan (FNP) The FNP has reached Examination stage.</p> <p>The NP introduces a 'limits to development' for the purposes of "<i>The purpose of LTD is to ensure that sufficient sites for new homes and economic activity are available in appropriate locations that will avoid impinging into the local countryside</i>" which is articulated by Policy H3. <i>Focusing development within the agreed LTD will help to support existing services within the village centre and help to protect the countryside and the remainder of the Neighbourhood Plan area from inappropriate development</i>"</p> <p>Policy H3: Limits to Developments states: <i>Development proposals within the Neighbourhood Plan area will be supported on sites within the Limits to Development as identified.....where it complies with the policies of this Neighbourhood Plan and subject to design and amenity considerations</i>".</p>	<p>The Neighbourhood Plan is a material consideration to be taken into account in all applications in the area it relates to. It is progressing and is now at Examination stage, with the outcome of this awaited and Referendum to follow (assuming it progresses). Therefore, it is considered to carry only 'limited' weight owing to the steps yet to be completed, the degree to which its content is contested and challenges made regarding compliance with the NPPF.</p> <p>The NP seeks to focus development (including economic activity) within the Limits to Development and does not appear to make an exception for such activities outside the limit to development. However it clearly anticipates some development in such locations and a suite of policies (see opposite) relate to, or include, locations outside the defined limits. Outside these specific policies, there are not stated controls or requirements outside the limits to development.</p>

<p>Policy TR1 -Traffic Management <i>Requires that all development must:</i> <i>-Be designed to minimize additional traffic generation and movement</i> <i>-Consider where appropriate the improvement and where possible the creation of footpaths and walkways to key parish services . The Parish Council will work with the highways agency to explore traffic management solutions to traffic issues in Frisby on the Wreake.</i></p> <p>The FNP also contains a range of policies designed to protect Green Spaces, Important Open Spaces, Other Sites of Environmental Significance and Important Trees, Woodlands and Hedgerows, Biodiversity, Ridge And Furrow, Important Views and flooding.</p> <p>Of these Policy ENV 3 Important Woodland, Trees And Hedges is relevant because the site contains a hedgerow identified by the policy. This policy requires that <i>Development proposals that will affect trees, woodland and hedges of environmental (biodiversity, historical, arboricultural) significance, or of landscape or amenity value, will be resisted. Hedgerows are to be retained and protected, where minor loss is unavoidable, it must be minimised and loss mitigated with replacement planting of locally appropriate native species providing a net gain in length and quality.</i></p>	<p>There is no evidence that the development has been designed to minimise additional traffic generation, indeed it is understood that it will be a base for which several distance holdings will be served which will require travelling between them and the site. As such it appears contrary to Policy TR1.</p> <p>The application does not propose to impact upon the hedgerow identified under Policy ENV 3 except for a minor widening/adjustment of the existing point of access. As such it appears to comply with Policy EN3.</p>
<p>The (new) Melton Local Plan (Pre submission draft and Addendum of Focussed Changes, July 2017)</p> <p>Policy D1 addresses design considerations and states that design should be respectful of its surroundings, sensitive to its landscape setting and protect trees and hedges etc.</p>	<p>The Local Plan is progressing but it is still considered to carry only ‘limited’ weight owing to the steps yet to be completed and the degree to which its content is contested.</p> <p>The proposal is considered to assimilate well into the landscape and benefits from a degree of screening from trees and hedges that will ‘soften’ its appearance. Its material would be those expected in the countryside and as such it would not appear over prominent or incongruous.</p>

Conclusion

The application seeks to provide an agricultural livestock building to a relatively small and isolated parcel of land. The applicant has provided further explanation regarding the business and holding numbers which illustrates a ‘dispersed’ approach involving significant travel.

However, there remains lack of information regarding the amount of livestock, which prevents EH giving informed comments on any impact the proposal may have in terms of noise and odours etc. Any permission granted should be subject to these concerns being satisfactorily concluded.

Furthermore, concerns remain in relation to its location, being isolated from any working farm and that of the applicants own dwelling or land holdings, therefore being questionable with regard to the essential need and sustainability to this location. The proposal also appears to be contrary to aspects of the emerging FNP which also seeks to minimize additional traffic generation, which conflict with intended movement to and from the site.

RECOMMENDATION: Refuse, for the following reason:

It is considered that the development would be contrary to Melton Local Plan Policy C3 and OS2, and the NPPF in regard to sustainability and being reasonably necessary for the purposes of agriculture.

Officer to contact: **Mrs Deborah Wetherill**

20th September 2017