



## 23/01159/FUL Land off Ashby Road, Twyford

### Proposal: New Barn and sheep pens under cover lairage

Site: Land off Ashby Road, Twyford

Applicant: Joanna Lees

Planning Officer: Sarah Matthews

<b>Report Author:</b>	<b>Sarah Matthews</b> , Planning Development Officer
<b>Report Author Contact Details:</b>	01664 502440 smatthews@melton.gov.uk
<b>Chief Officer Responsible:</b>	<b>Sarah Legge</b> , Assistant Director of Planning
<b>Chief Officer Contact Details:</b>	01664 502380 slegge@melton.gov.uk

<b>Corporate Priority:</b>	Delivering sustainable and inclusive growth in Melton
<b>Relevant Ward Member(s):</b>	Leigh Higgins (Somerby)
<b>Date of consultation with Ward Member(s):</b>	29 January 2024
<b>Exempt Information:</b>	No

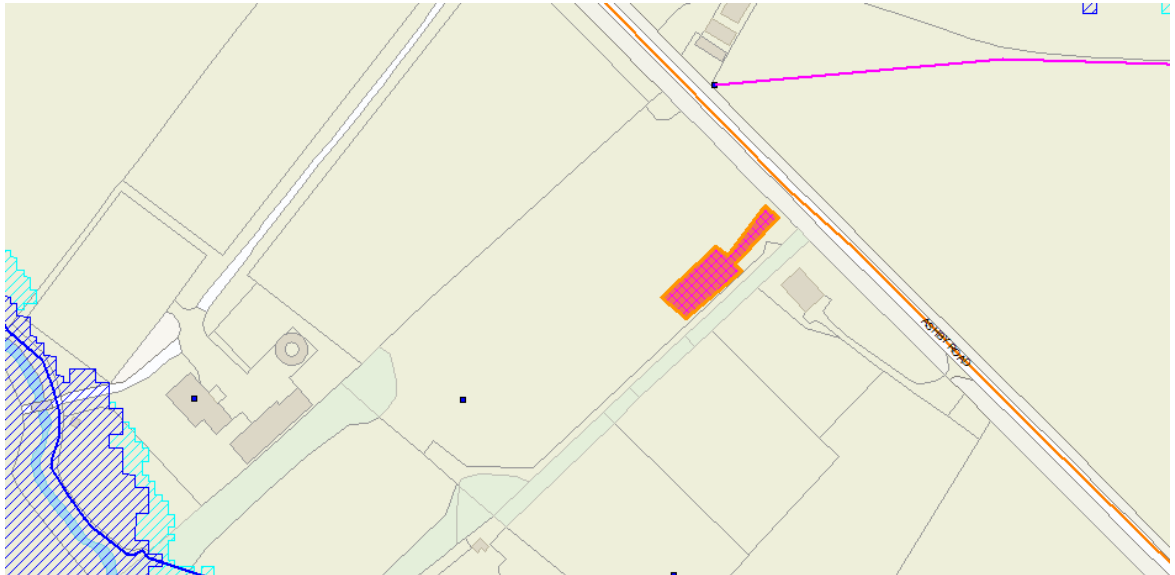
#### Reason for Committee Determination:

The applicant is a member of staff at Melton Borough Council. The constitution therefore requires this application to be determined by the Planning Committee

Web Link: [Melton Borough Council Planning Online](#)

What 3 words: <https://w3w.co/totals.earplugs.lined>

## Site Location Plan:



### RECOMMENDATION(S)

1. It is recommended that the application be **Approved** subject to conditions, as listed in detail at section 10 of this report.

## 1 Executive Summary

- 1.1 The proposal seeks full planning permission for the construction of an agricultural building for the housing of livestock and for the storage of agricultural fodder and equipment associated with the agricultural holding. A similar size building on the site was consented to in 2016 but was not implemented.
- 1.2 The Development Strategy for the Borough is set out in Policy SS2 of the Melton Local Plan. The policy identifies that within the open countryside outside the settlements identified as Service Centres, and those villages identified as Rural Hubs and Rural Settlements, new development will be restricted to that which is necessary and appropriate in the open countryside. Policy EC2 provides support for development which creates or safeguards jobs subject to specific criteria which includes the use of land for agriculture subject to the proposal being appropriate in scale and development on agricultural land, which helps to support the viability and retention of the farm holding.
- 1.3 This application relates to an agricultural building, constructed in materials that are typical for this type of development within a rural agricultural setting. The proposal is to provide winter and summer shelter and to be used for the purposes of lambing in relation to the applicant's flock of sheep. The parcel of land is currently used solely for agricultural purposes and the proposal would result in a development that is both appropriate and necessary in this location. The building is limited in size, and due to the set back and lower land level of the field from the highway the building would not present as an overtly dominant feature within the landscape.
- 1.4 Located within open countryside the field benefits from an established agricultural access with five bar gate. It is proposed to set back the building from the field access by 25m. Adjacent land uses to the site are also agricultural and to the south is an equestrian interest.

The proposed development would therefore not result in any significant adverse impacts upon neighbouring amenity given the adjacent uses.

- 1.5 The site is situated within Flood Zone 1. The applicant has demonstrated that the run off from the building will be diverted into the existing land drainage system as documented in the supporting information submitted in support of this application. It is also noted that the site is not within an area at risk of surface water flooding on the Environment Agency mapping system.
- 1.6 The proposed development would therefore accord with Policies SS1, SS2, EC2, D1, EN1, EN11 and IN2 of the Melton Local Plan and the overall aims of the National Planning Policy Framework.

## **Main Report**

### **2 The Site**

- 2.1 The application site consists of a parcel of land extending to 2.09 hectares, the land level of which falls away slightly from north-east to south-west. Situated to the south-west of the highway on Ashby Road the site is on a slightly lower land level to the highway.
- 2.2 Access to the site is via an established agricultural field access located towards the south-eastern corner of the land. The site is laid to grass and is currently used for grazing. The land is bounded by mature hedgerow planting interspersed with some trees. The current use of the site is agricultural.
- 2.3 The village of Twyford is approximately 400m to the south of the site. To the south and west of the site runs the Gaddesby Brook. The proposed agricultural building would be positioned approximately 200 metres north-east of the Brook.

### **3 Planning History**

- 3.1 The site history shows one previous planning application for the site. Planning application reference 16/00045/FUL New Farm Barn permitted 21.03.2016 – a timber portal frame agricultural building external dimensions 18.3m x 5.49m with a ridge height of 3.36m.

### **4 Proposal**

- 4.1 The application seeks full planning consent for the construction of a timber framed agricultural building the critical dimensions of which are width, 6.096m, length 13.7m with a ridge height of 3.65. The design of the building incorporates two open fronted bays and a further enclosed bay to provide secure storage. Access doors will be positioned within the side elevations of the building to enable “mucking out” and to provide access to the storage part of the building.

### **5 Amendments**

- 5.1 None

## **6 Planning Policy**

### **6.1 National Policy**

6.1.1 National Planning Policy Framework (NPPF)

### **6.2 Melton Local Plan**

6.2.1 Policy SS1 Presumption in Favour of Sustainable Development

6.2.2 Policy SS2 Development Strategy

6.2.3 Policy EC2 Employment Growth in Rural Areas (Outside Melton Mowbray)

6.2.4 Policy D1 Raising the Standard of Design

6.2.5 Policy IN2 Transport, Accessibility and Parking

6.2.6 Policy EN1 Landscaping

6.2.7 Policy EN11 Minimising the Risk of Flooding

### **6.3 Neighbourhood Plan**

6.3.1 There is no neighbourhood plan relevant to the site.

## **7 Consultation Responses**

### **7.1 Summary of Technical Consultation Responses**

7.1.1 LCC Highways

a) The Local Highways Authority refers to current standing advice.

7.1.2 Lead Local Flood Authority

a) Refer to Standing advice

7.1.3 Environment Agency

The development falls within flood zone 1 and therefore the EA have no fluvial flood risk concerns associated with the site. There are no other environmental constraints associated with the application site which fall within the remit of the Environment Agency.

### **7.2 Summary of Representations**

7.2.1 **Ward Member(s)**

a) No response received.

7.2.2 **Parish Council**

a) Concern raised with regards to the rain water run off and farm yard manure pollution to the watercourse and land drainage plan. The applicant states they want to eject surface water into a nearby watercourse, the LPA attention is drawn to the LLFA Standing Advice which states:

"7. Standing Advice – Drainage and Waste Disposal

Where a drainage or waste disposal system is to be constructed or altered that is not proposed to be adopted by either the

WASC (Water and Sewerage Company) or the County Council as highway authority then the system should be constructed in accordance with Part H of Building Regulations 2010.

#### Standing Advice – Overland flow routes

Overland flow routes as shown on the update map for surface water should be considered such that buildings are not placed directly at risk of surface water flooding. Such flow routes should be utilised for roads and green infrastructure".

I do not want to stifle development of agricultural applications, but I feel that with the problems that we have in this area around Twyford, this application should be looked at in greater depth and more information should be supplied as to the flow of surface water and how it can be reduced when going onto the flood plain.

- b) LLFA Standing Advice, 2. Standing Advice – Consent states "If there are any works proposed as part of an application which are likely to affect flows in a watercourse or ditch, then the applicant may require consent under s.23 Land Drainage Act 1991. This legislation is separate from the planning process". It then goes on to state "No development should take place within 5 metres of any watercourse or ditch without first contacting the County Council for advice". The disposal of surface water from the roof requires further clarification.

### 7.2.3 Neighbours

- a) No comments received

### 7.2.4 LCC Highways

The Highways Authority refer the Local Planning Authority to current Standing Advice. The site has an existing agricultural access to the site which is to remain unchanged. The proposal does not change or intensify the use at the site which is to remain in agricultural use.

### 7.2.5 LLFA

The site is located within Flood Zone 1. The LLFA refers the LPA to Standing Advice. The development is considered a minor development and therefore a FRA is not required for this application. Information has been provided by the Applicant to demonstrate the existing land drainage system and how the proposal will connect to the drainage system.

### 7.2.6 Environment Agency

The development falls within Flood Zone 1 and therefore we have no fluvial flood risk concerns associated with the site. There are no other environmental constraints associated with the application site which fall within the remit of the Environment Agency. If, however, the proposal subsequently changes such that you feel that it may pose a significant environmental risk then please do not hesitate to contact us and we will be pleased to review our response.

## 7.3 Response to Consultations and Representations

The Parish Council comments received in response to the statutory consultation process are material planning considerations and relate to the area in which the proposed development is located in relation to being located within a Flood Zone Area and the potential for an increase in surface water flooding. The applicant has provided additional clarification in this regard in respect of the how the run off from the building will be managed.

## **8 Planning Analysis**

### **8.1 Main Considerations**

8.1.1 The main considerations in determining this application are as follows:

8.1.2 Principle of Development

8.1.3 Design and Impact upon the Character of the Area

8.1.4 Flooding and Drainage

8.1.5 Neighbour Amenity

### **8.2 Principle of Development**

8.2.1 The Development Strategy for the Borough is set out in Policy SS2 of the Melton Local Plan. The policy identifies that within the open countryside outside of the settlements identified as Service Centres, and those villages identified as Rural Hubs and Rural Settlements, new development will be restricted to that which is necessary and appropriate in the open countryside.

8.2.2 The application relates to the construction of an agricultural building, within a rural agricultural setting, to provide winter and summer shelter for the applicant's flock of sheep which currently graze the land. The development is therefore considered to be both appropriate and necessary in this location. The development is small scale and would be set back into the site by 25 metres. The current access and parking at the site would remain unchanged and given the proposed use of the building it is considered there would be no intensification of vehicular movement to and from the site.

8.2.3 Local Plan policy EC2 provides support for rural employment proposals which create or safeguard jobs. It sets out certain types of rural employment development as acceptable and includes:

- development that helps to support the viability and retention of the farm holding
- the development being of an appropriate scale for its location
- having sufficient accessible off road parking provided on site to cater for the use proposed

8.2.4 The principle of development is therefore considered acceptable and the proposed development would be compliant with Policies SS2 and EC2 of the Melton Local Plan.

### **8.3 Design and Impact upon the Character of the Area**

8.3.1 Policy D1 of the Melton Local Plan seeks to ensure that the siting and layout of new development must be sympathetic to the character of the area and that buildings and development should be designed to reflect the wider context of the local area.

8.3.2 The proposed shelter with secure store would be a timber framed building of limited scale in terms of agricultural buildings with a floor area of 100 square meters. The design and materials are considered to represent an agricultural field shelter and is considered acceptable in terms of general design.

8.3.3 Policy EN1 of the Melton Local Plan states that the character and landscape of the countryside will be conserved, and where possible, be enhanced by ensuring new development is sensitive to its setting, and proposals will be supported where they do not have an unacceptable adverse effect upon important landscape features including important views, approaches and settings.

- 8.3.4 The site is located within open countryside where there is limited built form. The development has an established agricultural access which is to remain unaltered.
- 8.3.5 To each boundary of the site is established hedgerow which provides a level of screening to the site. The land level falls away north to south slightly from the level of the highway. The limited scale of the proposal and its position 25m into the site from the adjacent highway is considered to result in an acceptable form of development in this regard.

#### **8.4 Flooding and Drainage**

- 8.4.1 The development is located within Flood Zone 1 as such the Lead Local Flood Authority refer the Local Planning Authority to Standing Advice for minor developments.
- 8.4.2 Concerns regarding the potential for increasing surface water flooding at the site have been raised by the Parish Council. The site is located wholly outside the surface water flooding area on the Environment Agency mapping system, and therefore it is not considered that the proposal presents an additional risk to this or other properties in respect of surface water flooding.
- 8.4.3 The applicant has provided details of the position of land drains installed across the paddock (Autumn 2000) and details as to how the run off from the building is to connect to the existing land drains within the site. The level of detail provided is considered commensurate with the level of development that is being proposed.
- 8.4.4 The site is located in a Flood Zone 1 and is considered minor development. The concerns of the Parish Council are noted however, the site is located in Flood Zone 1 and as a result the LLFA and EA raise no concerns. The drainage proposals as submitted by the applicant are considered suitable for the type and scale of development that is being proposed. Details of the run off of water from the development to the existing land drainage on site can be secured by condition and as such is not considered to raise any substantial concerns in respect of drainage matters to justify refusal of the application.

#### **8.5 Impact on residential amenity**

- 8.5.1 The closest neighbour to the site is in the region of 200m away from the location of the proposed building and is a farmhouse. It is not considered that the agricultural use, as existing and proposed, would result in an unacceptable loss of privacy or amenity to any neighbouring dwelling and as such the proposal is considered policy compliant with Policy D1 of the Local Plan which seeks to ensure that neighbouring amenity is not compromised by development.

### **9 Conclusion & Reason for Recommendation**

- 9.1 The application is recommended for approval, subject to the conditions recommended at section 10 of this report.
- 9.2 The proposal accords with the requirements of Policies SS1, SS2 and EC2 which seek to restrict development within the countryside to that which is necessary. The site is an existing agricultural unit and the proposal is considered consistent with the existing use at the site.
- 9.3 The barn is required for animal husbandry and for the secure storage of agricultural equipment and feed associated with the current use of the land. As such the siting and design of the building are considered to meet these functional needs. The proposed materials are fairly typical for a field shelter and are in accordance with Policy D1 of the Melton Local Plan.

- 9.4 Given the use of the site and the limited scale of the proposal, the development is considered appropriate within the landscape character of the area and is compliant with Policy EN1 of the Local Plan.
- 9.5 The proposal is situated within Flood Zone 1 and is classified as a minor development. Drainage exists at the site and the proposal sets out how the water run off from the building will be discharged into the existing land drains within the site. The detail relating to drainage at the site has been confirmed by the applicant and the proposed development will be conditioned to be carried out in accordance with the submitted detail.

## 10 Planning Conditions

- 10.1 The development shall be begun before the expiration of three years from the date of this permission.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by S.51 of the Planning and Compulsory Purchase Act 2004.

- 10.2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the submitted application details as follows:

- Amendment to Original Planning Application Document 14.02.2024
- Proposed Plans submitted to and received by the Local Planning Authority 14.02.2024
- Design and Access Statement dated 05.12.2023
- Additional Planning Statement dated 15.04.2024
- Response to concerns regarding rain water run off and farm yard manure pollution to watercourse and land dated 18.03.2024

**Reason:** To ensure that the development has a satisfactory external appearance in accordance with Policies D1 and EN1 of the Melton Local Plan.

The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application form and the Design and Access Statement submitted in support of 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

Reason: To ensure a satisfactory standard of external appearance and to accord with the requirements of Policies D1 and EN1 of the Melton Local Plan 2016-2023

## 11 Informatives

If there are any works proposed as part of an application which are likely to affect flows in a watercourse or ditch, then the applicant may require consent under s.23 Land Drainage Act 1991. This legislation is separate from the planning process.

Guidance on this process and a sample application form can be found via the following website:

<http://www.leicestershire.gov.uk/Flood-risk-management>

No development should take place within 5 metres of any watercourse or ditch without first contacting the County Council for advice.



**Where a drainage or waste disposal system is to be constructed or altered that is not proposed to be adopted by either the WASC (Water and Sewerage Company) or the County Council as highway authority then the system should be constructed in accordance with Part H of Building Regulations 2010.**

- 11.1 To prevent an increase in the discharge rate or volume due to development of external surfaces, permeable surface material should be utilised where possible, without an impermeable lining unless required to prevent mobilisation of contaminants or groundwater flooding.

Note: Response provided by the Lead Local Flood Authority under the delegated authority of the Director of Environment and Transport.

## **12 Financial Implications**

- 12.1 N/A

**Financial Implications reviewed by: N/A**

## **13 Legal and Governance Implications**

- 13.1 N/A

**Legal Implications reviewed by: Tom Pickwell (Deputy Monitoring Officer)**

## **14 Background Papers**

- 14.1 N/A