

03/17/0004

MR A HABBERFIELD

**Relocation and formation of agricultural access with erection of an agricultural building for livestock and storage with associated yard and landscaping on land west of Cobhay, Milverton**

Location: LAND WEST OF COBHAY, MILVERTON, TAUNTON, TA4 2AH

Grid Reference: 308173.125209

Full Planning Permission

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## **Recommendation**

**Recommended decision: Conditional Approval**

### **Recommended Conditions (if applicable)**

1. The development hereby permitted shall be begun within three years of the date of this permission.

Reason: In accordance with the provisions of Section 91 Town and Country Planning Act 1990 (as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004).

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

(A3) DrNo 303B-PL-01 Proposed Barn Location Plan  
(A3) DrNo 303B-PL-02 A Proposed Barn Floor Plan  
(A3) DrNo 303B-PL-03 A Proposed Barn Elevations & Section A-A  
(A3) DrNo 303B-PL-04 A Proposed Barn Block & Roof Plan  
(A3) DrNO 303B-PL-05 A Proposed Barn Street Elevations

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Prior to the erection of the building hereby permitted a detailed landscaping scheme which shall include numbers, density and size of all new trees and shrubs to be planted and a programme for their implementation shall be submitted to an approved in writing by the Local Planning Authority. The landscaping scheme shall also identify the northern and western boundary hedgerows to be maintained at a height of 3m.

For a period of five years after the completion of the landscaping scheme, the trees and shrubs shall be protected, (including the maintenance of the boundary hedgerows to a height of 3 metres) and maintained in a healthy weed free condition and any trees or shrubs which cease to grow, shall be replaced with others of similar size and species or other appropriate trees or

shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development does not harm the character and appearance of the area.

4. Prior to the use of the development hereby permitted the proposed access over at least the first 10 metres of its length, as measured from the edge of the adjoining carriageway, shall be properly consolidated and surfaced not loose stone or gravel, in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. Once constructed the access shall thereafter be maintained in that condition at all times.

Reason: In the interests of highway safety.

5. Any entrance gates erected shall be hung to open inwards, shall be set back a minimum distance of 10 metres from the carriageway edge and shall thereafter be maintained in that condition at all times.

Reason: In the interest of highway safety.

6. Provision shall be made within the site for the disposal of surface water so as to prevent its discharge onto the highway, details of which shall have been submitted to and approved in writing by the Local Planning Authority. Such provision shall be installed before the site is first brought into use and thereafter maintained at all times.

Reason: In the interests of highway safety.

7. At the proposed access there shall be no obstruction to visibility greater than 300 mm above the adjoining road level within the visibility splays shown on the submitted plan Drawing No. 303B-PL-04 Revision A dated July 2017. Such visibility splays shall be constructed prior to the commencement of the development hereby permitted and shall thereafter be maintained at all times.

Reason: In the interests of highway safety.

8. Before any internal or external lighting is installed, erected, placed or operated on the site, details shall have been first submitted to and approved in writing by the Local planning Authority. Details should include the lighting (manufacturers specifications), number(s) of lights and their siting. There should be no 'light spill' outside the site. The works shall thereafter be carried out in accordance with the approved details and in no circumstances shall external illumination be operated on the site other than in accordance with the approved scheme.

Reason: To ensure that the proposed development does not harm the character and appearance of the area and the amenities of the surrounding area.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any order revoking and re-enacting the 2015 Order with or without modification, no development of the type described in Schedule 2, Part 6, Class A of the 2015 Order other than that expressly authorised by this permission shall be carried out within the field without the further grant of planning permission.

Reason: To prevent over development of the site and to ensure that the proposed development does not harm the landscape character.

10. Prior to the erection of the building hereby permitted details for the surface water drainage works to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to the use of the building. The works shall thereafter be retained in that form.

Reason: To ensure the adequate provision of drainage infrastructure.

11. Prior to the use of the development hereby permitted commencing the existing access to the north west of the application site shall be closed up, details of which shall have previously been submitted to and agreed in writing with the Local Planning Authority and shall thereafter be maintained in accordance with the approved details.

Reason: In the interests of highway safety.

12. The applicant shall undertake all the recommendations made in Quantock Ecology's hedgerow assessment report dated August 2017.

The works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect wildlife

#### Notes to Applicant

1. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the applicant and has negotiated amendments to the application to enable the grant of planning permission.
2. Biodiversity -
  1. Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended).
  2. It should be noted that the protection afforded to species under UK and EU

legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

## **Proposal**

It is proposed to erect an agricultural building to serve a block of 70 acres of land at Cobhay which forms part of Nunnington Park Farm but is a separate piece of agricultural land accessed via the public highway, some 1.3 miles by road south of the main farm complex.

There are no agricultural buildings currently at the Cobhay landholding so the proposed building is to be a multi-purpose building used for the storage of feed and bedding for livestock farmed on the surrounding land, the housing of livestock and shelter for their treatment, storage of machinery and equipment used on this satellite landholding avoiding transporting such items to and from the main farm complex. At different times of year the building will therefore be used for different needs.

The building will be 36.6m long by 30.5m high with a height to eaves of 8.5m and to ridge of 10.18m, sufficient to enable clearance by machinery. The lower level external walling will be concrete panels with timber boarding above with an anthracite grey metal cladded roof with roof lights.

The building will be set in the north western corner of an agricultural field some 25 m off the roadside hedgeline. A hardstanding will be created between the building and the roadside hedge and a further section of hardstanding on the eastern (field side) of the building.

A small orchard will be planted to the north of the building and oaks planted in the boundary hedges to help screen the development. A new hedgerow will be planted to the eastern elevation to tie the building into the adjacent field. The eastern roadside hedgerow and the northern field boundary hedgerow will be maintained at a height of 3m.

The existing field access will be blocked up by hedgerow planting and a new agricultural access created to the south of the proposed building by breaching the roadside hedgerow. Planting will be carried out around the field entrance and a timber field gate erected. A hard surfaced trackway will be constructed running parallel with the inside of the hedgeline to the building.

## **Site Description**

Cobhay is a parcel of agricultural land (70 acres) that forms part of the Nunnington Park Farm landholding to the south of Wiveliscombe. The site comprises agricultural land and the proposed building will be located within the north-western corner of a low lying section of field that runs parallel with the public highway. The driveway to Woodlands Farm is located to the west of the application site and the closest residential dwellings are two semi-detached properties Furzehams and Furzehams Cottage approximately 150m to the south of the proposed building and some 45m

from the location of the proposed field access.

## Relevant Planning History

None

## Consultation Responses

### *BATHEALTON PARISH COUNCIL* – Object

- The proposed location is wrong.
- It will increase flooding, which occurs regularly and effects property and buildings. The new entranceway will further exacerbate this.
- Increase in heavy vehicular traffic on a single narrow carriageway effecting safety and further road damage.
- Applicant has other land more suitable nearer better roads.
- Size of barn for 70 acres – seems excessive.
- Disposal of livestock effluent – not to contaminate water courses.
- Landscape hedges to grow to 3m not enough for a barn approaching 12 m height.
- Change of landscape character in Bathealton.

### *SCC - TRANSPORT DEVELOPMENT GROUP* – Recommend Standing Advice.

*LANDSCAPE* - I have now had a chance to look at the amended proposal to this scheme. The applicant appears to have taken on board many observations made so the proposal is an improvement on the scheme initially submitted.

### Building

This is still a large building but steps have been taken to try to reduce its landscape impact by

- Reducing the eaves height of the building from 8.0m to 6.5m
- Creating an overhang to the roof by 2m which will create shadow so help to break up the scale of the building
- Amending the regular positioning of the rooflights
- Using more sympathetic materials

### Landscaping \_

The proposed landscaping is acceptable but full details (species and size of stock) will be required.

The note re the hedge should state that **the hedgerow will be allowed to grow up** then be maintained at a **minimum** height of 3m

### *BIODIVERSITY* –

The application is for relocation and formation of agricultural access with the erection of an agricultural building on land west of Cobhay, Milverton. The proposal involves the removal of a section of hedge (<5m). Quantock Ecology carried out a hedgerow assessment in August 2017. Findings were as follows:

### Designated sites \_

Holme and Clean Moor SAC is located approximately 400m to the east of the site.

### Birds /Dormice

During the assessment there was no evidence of nesting birds or dormice, but it is likely that both species use the hedge. The hedge should be removed outside of the bird nesting season

Condition for protected species:

The applicant shall undertake all the recommendations made in Quantock Ecology's hedgerow assessment report dated August 2017.

The works shall be implemented in accordance with the approved details and timing of the works, unless otherwise approved in writing by the Local Planning Authority.

Reason: To protect wildlife

Informative Note:

1. Most resident nesting birds are protected under the Wildlife and Countryside Act 1981 (as amended)
2. It should be noted that the protection afforded to species under UK and EU legislation is irrespective of the planning system and the developer should ensure that any activity they undertake on the application site (regardless of the need for planning consent) must comply with the appropriate wildlife legislation.

## **Representations Received**

Six letters of objection have been received objecting on the grounds of the need for the building when the main farm holding is only a mile away and the scale of the building required to serve the 70 acre landholding. In the past only crops have been grown at the site so the use of the building for livestock is questioned. Due to the siting and scale of the building the location is considered unacceptable on visual impact grounds. The removal of hedgerow to form the new access is objected to on landscape grounds. Residents state the narrow approach roads are unsuitable for farm traffic which will not be able to manoeuvre the new access and by breaching the hedgerow to form an access it will exacerbate flooding in the lane which readily occurs due to blocked drains.

One letter of support has been received from a vet stating the development would have potential health benefits for livestock for example allowing foot bathing of sheep in the dry, providing a handling facility for livestock and in adverse weather it would enable lambs to be brought inside to be finished off. It would reduce disease outbreak by separation of livestock from the main holding and although cattle are not

grazed on this part of the landholding (due to lack of housing), it would enable cattle to be grazed on the land in rotation with cereals which would be beneficial to the soil improving future forage for livestock.

## **Planning Policy Context**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The development plan for Taunton Deane comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015), and Somerset Waste Core Strategy (2013).

Relevant policies of the development plan are listed below.

DM1 - General requirements,  
DM2 - Development in the countryside,  
CP8 - Environment,  
CP1 - Climate change,  
SB1 - Settlement boundaries,  
D7 - Design quality,

This takes into account the recent adoption of the SADMP.

## **Local finance considerations**

No financial considerations.

## **Determining issues and considerations**

### **Principle of development**

As the proposed development is in a rural location outside of defined settlement limits policy DM2 of the adopted Core Strategy applies, as does policy CP8. Policy DM2 'Development in the countryside' supports (DM2.4a) the development of "new non-residential agricultural and forestry buildings commensurate with the role and function of the agricultural or forestry unit". In this application the proposed development would provide a multi-purpose building to serve the surrounding 70 acres of land. The building will be used throughout the year for a variety of uses dependent on the use of the surrounding land. There are currently 1000 lambs presently grazed on the land at Cobhay at any one time, with batches of lambs brought to Cobhay and then returned to Nunnington Park Farm at the beginning and end of the season. The land at Cobhay is also used for growing maize, grass and

barley. Presently the crop has to be hauled back to Nunnington Park Farm for storage, and then brought back to Cobhay to feed the stock as a supplement to the stubble turnips that are grown at Cobhay. The farm gets through some 150 tonnes of supplementary feed over the winter and this is taken by road from the Nunnington Park Farm to Cobhay some 4 or 5 times a day every day between October and April.

With regards to introducing cattle onto the land once the building is erected, the use of the land for cattle does not involve a change of use and the applicant is entirely within his rights to use his land for such use and hence can justify the requirement to use the proposed building in association with this use. There are no other buildings on this 70 acre site that could be utilised and thus the building is justified in terms of its role and function of the farming enterprise and is supported in principle by Policy DM2.4.a.

Policy CP8 'Environment' will support development provided that it protects habitats and biodiversity, protects and conserves the landscape, and natural and historic assets, and is appropriate in terms of scale, siting and design. The proposed development site is not subject to any nature designations and the proposal will not affect any wildlife. The development would not significantly impact on any natural or historic assets nor would it detrimentally affect the landscape and rural setting.

### **Landscape and visual**

In recognition that this is an isolated building, a landscape appraisal was submitted to demonstrate why the proposed site was selected within the 70 acre landholding.

Other sites within the landholding were dismissed due to either greater landscape impact, highway safety or for biosecurity reasons as the main purpose is to provide a building on the Cobhay land which would enable farming practices to continue in the event of a disease outbreak at the Nunnington Park Farm complex and landholding.

The application site is on a flat low lying area of agricultural land and there is no doubt that the building will be visible from the adjacent public highway and some distant views from public footpaths. Following detailed negotiation with the Council's Landscape officer the design of the building has been amended and whereas previously a more 'sterile' looking building of grey plastic coated cladding walls and roofing was proposed, the building will now be a timber boarded building with a roof nearly 1.5m lower than that originally proposed, a reduction in the height of the eaves from 8.5m to 6m and with the addition of a roof overhang that will all help to reduce the overall massing of the building. An orchard to the north and west of the building is now proposed, the planting of oaks within the western roadside boundary and the northern field boundary all to mitigate the visual impact of the building when viewed from the public highway. A new hedgerow will be planted along the eastern elevation of the building to tie the building better into the surrounding field.

The site is not within any landscape protected area. Although recognising this would result in an isolated building in an open countryside location, the proposal is acceptable in principle. The redesign of the building and the additional landscaping measures proposed would lessen the visual impact of the development. With the maintenance of the roadside boundary hedge at 3m, the proposal is considered acceptable on landscape grounds.



## **Flood risk and drainage**

Although located in a low lying section of the field, the proposed building and access will not be located within a floodzone 2 or 3 and therefore will not be at risk of fluvial flooding.

Residents have expressed concern over increased risks of flooding to the local highway which according to residents can be subject to flooding during adverse weather conditions. In terms of surface water disposal from the erection of the building it is proposed to discharge it naturally to the ground through the use of soakaways and other infiltration devices. To ensure such measures are satisfactory, it is recommended that drainage details are submitted for approval should permission be granted.

In terms of surface water run-off from the new access onto the highway, the drainage details to be installed at the access are as set out in the Somerset County Councils Highways Development Control Standing Advice. This will ensure that surface water will not be discharged onto the highway and such measures can be made a condition of planning permission being granted.

## **Amenity**

The closest dwellings to the site are the semi-detached properties Furzehams and Furzehams Cottage that lie on the opposite side of the public highway to the site. The dwellings are some 150m south of the proposed building and with roadside hedgerow screening and trees will have limited views of the building. The proposed new access although closer to the dwellings than the existing field access will still be some 45m from the properties. In addition as stated previously, there was originally a field access in this location and with the whole purpose of the development being to store machinery and equipment within the building, the number of heavy farm vehicle movements to and from Nunnington Park Farm will be reduced thus an improvement on the current situation.

## **Highways**

The existing field access is located in the north western corner of the agricultural field where the building will be sited. The access however has limited visibility. With farm machinery currently travelling to and from the site to the main farm complex this proposal provides an opportunity to address the highway safety at the site. As a result the proposal includes the closure of this access by planting hedgerow to tie in with the existing boundary hedge and the formation of a new vehicular access some 140m further along the lane to the south. This location was chosen as it is on the outside of a bend, making best use of natural visibility and minimising loss of hedgerow. Furthermore as residents have also confirmed, there was previously a field entrance in this location. Concern has been expressed about the ability of heavy farm machinery accessing the site via the new entrance and whether it is capable for such vehicles to manoeuvre. The Highways Authority have raised no objection subject to Standing Advice. The proposed access includes a 5m wide entrance, 4.5m turning radii, visibility splays set at 2.4m x 43 m in each direction. A drainage channel will be laid across the mouth of the access, draining to a sub-surface soakaway. This design clearly meets the highway standards as set out in Somerset County Council's Highways Development Control Standing Advice

dated 2013.

The distance from Nunnington Park Farm to Cobhay is some 1.3miles/2km by road and the journey takes around 5-7 minutes. Whilst this is not a long distance, if multiple trips are required over the course of a day by farm vehicles, this can add up not only to a considerable amount of traffic on the local highway network but also time for the farmer and increased transport costs.

The building will also serve the southern parcel of land currently rented by the farmer only some 0.35 miles away. In providing the building to store the necessary machinery and vehicles that work the surrounding and nearby land it will subsequently reduce the number of heavy vehicles travelling to and from the landholdings back to the main farm complex. The proposal is therefore clearly beneficial to highway safety

## **Conclusion**

The proposed development would provide a multi-purpose building associated with the landholding at Cobhay enabling a well-established farming business to thrive and potentially expand. The new access is considered satisfactory on highway safety terms. The erection of the agricultural building is supported in policy terms and would not have significant impacts on amenity, flood risk, highway safety, wildlife or the landscape and for these reasons it is recommended that permission is granted.

In preparing this report the planning officer has considered fully the implications and requirements of the Human Rights Act 1998.

**Contact Officer: Mrs K Wray**