

17/14/0003

MR R C ELLICOTT

**ERECTION OF AN AGRICULTURAL BUILDING FOR LIVESTOCK ON LAND
ADJACENT TO GOULDS FARM, FITZHEAD**

Location: WESTERN GOULDS, WIVELISCOMBE ROAD, FITZHEAD,
TAUNTON, TA4 2RN

Grid Reference: 310315.129751

Full Planning Permission

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

RECOMMENDED CONDITION(S) (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:

(A4) DrNo 4/23/001A Site Plan
(A4) DrNo 4/23/002 Site Plan
(A3) DrNo 4/23/003 West and South Elevation
(A3) DrNo 4/23/004 East and North Elevation
(A3) DrNo 4/23/005 Floor Plan
(A3) DrNo 4/23/006 Roof Plan
(A4) DrNo 4/23/008 Cross Section Plan
(A4) DrNo 4/23/009 Floor Levels Plan

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

3. (i) A landscaping scheme, which shall include details of the species, siting and numbers to be planted, shall be submitted to and approved in writing by the Local Planning Authority.
(ii) The scheme shall be completely carried out within the first available planting season from the date of commencement of the development, or as otherwise extended with the agreement in writing of the Local Planning Authority.

- (iii) For a period of five years after the completion of each landscaping scheme, the trees and shrubs shall be protected and maintained in a healthy weed free condition and any trees or shrubs that cease to grow shall be replaced by trees or shrubs of similar size and species, or the 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 in accordance with Policy DM1 of the Taunton Deane Core Strategy.

4. Prior to implementation, details of the location and means of storing manure and waste material within the site shall be submitted to and approved in writing by the Local Planning Authority. The store shall be constructed in accordance with the approved details prior to the building hereby permitted first being brought into use and shall thereafter be so maintained.

Reason: In the interest of amenity and protection of groundwater from contamination, in accordance with Policies DM1 and CP8 of the Taunton Deane Core Strategy.

5. An earth mound shall be constructed and maintained along the western boundary of the site in accordance with details to be submitted to and approved in writing by the Local Planning Authority and shall be provided within three months of the commencement of any part of the development and shall thereafter be maintained as such.

Reason: To ensure that the proposed development does not harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy.

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 entered into pre-application discussions to enable the grant of planning permission.
2. Any soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).
3. All waste should be disposed of in accordance with the Code of Good Agricultural Practice to ensure protection of nearby water courses. Available from the DEFRA website.

PROPOSAL

The application seeks planning permission for the erection of an agricultural livestock building on land West of Goulds Farm, Fitzhead.

The proposed building will be located immediately South of an existing linear structure; it will measure approximately 10.97 m square and have a height to eaves and ridge of 2.89m and 4.1m respectively. The building will be of a portal frame construction, enclosed to the walls with timber boarding and Yorkshire boarding with a grey box profile sheet roof.

Additional information has been provided to indicate the means of disposing with surface water from the building, together with plans showing existing and proposed site levels and finished floor level for the building.

SITE DESCRIPTION AND HISTORY

The application site is a small holding located between Goulds Farm and Western Goulds Farm. The site is to the Western periphery of Fitzhead Parish.

The site currently consists of one linear storage building with rendered walls and profile roof sheeting. It is somewhat dilapidated and in need of some repair. The surrounding landscape is left to pasture, with topography generally descending to the North and rising sharply to the South. The public highway immediately abuts the Northern boundary of the site. Since the submission of the application, the applicant has undertaken some earth works on the site to provide a level base for the siting of temporary and moveable animal shelter.

There are three residential properties in the area; Goulds Farm some 50m East, Western Goulds 210m to the West and a barn conversion nearing completion some 80m West of the site.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

FITZHEAD PARISH COUNCIL - Initially supported the proposals subject to the following being taken into account:

1. To use the spoils at the east elevation side to landscape the bank with planting on top adequately between Goulds Farm and the field.
2. To take into consideration a provision for the foul water, even though the livestock will be on straw;
3. It is understood the level of the roof line is not allowed above the existing buildings - so to ensure this is built as low as possible;
4. The Councillors thought the barn was in the correct place and not large enough to make an impact, as it was being built lower into the ground.

Subsequently made the following comment after the receipt of additional and amended details:

- The Council would like to support Councillor Gwil Wren comments made in

his email dated 10 April 2014.

- It has further been brought to the notice of the Council that **ALL** feed, silage and bedding will have to be brought in and stored on site to feed the cattle which will be over wintered in this proposed agricultural building.
- Currently there is no suitable hard standing to store any feed or bedding outside, therefore it is likely that in due course additional works will be required on this small site.
- All Farm Yard Manure will have to be moved off site for disposal as the area around the proposed building is too small and too steep for muck spreading.
- The earth bank as shown on the plan is far too steep and should not finish at the foot of the building wall, over time the earth will slip or move through gravity.

Bearing in mind the above points, the Council would like the Planning Authority to carefully consider whether this particular site is suitable for a new building with so little existing infrastructure and on such a restricted acreage.

SCC - TRANSPORT DEVELOPMENT GROUP - No comment.

LANDSCAPE LEAD - The main view into the site is from the lane, to the north of the site, when travelling from the west in an easterly direction. Views from the east travelling west are limited given the existing group of trees to the east. There will need to be considerable 'cut' to bring the floor level down to the existing barn and I recommend that the spoil produced is used to provide a bank along the western boundary of the site with hedgerow and tree planting to provide additional screening. As no details of earthworks are provided I suggest condition NE06 be used to control the height and spread of mounding. Additional hedge and tree planting along the roadside on the existing bank will help to soften the impact of the development. I'm assuming that no vegetation or hedgerow needs to be removed to meet highway visibility splay requirements.

Representations

OBJECTION from Ward Cllr Wren, making the following comment:

The basic problem is that the site is on a significant slope. There is no information in the application about the fall across the site. There are no cross-sectional plans and therefore it is impossible to determine whether the building will be built on a level site. Common sense would dictate that it ought to be but to achieve that the applicant would have to either excavate a hole or build up one side. There is no information about this at all.

The drawings show no site detail other than the proposed position of the shed. The south and east walls of the shed are the boundary of the development but if the site is to be excavated then the site will have to expand beyond the red line in order to produce stable slopes. This is because the timber board walls would not be strong enough to resist the external forces if they were up against an earth bank.

It therefore seems clear that the applicant proposes to build the shed above ground. This will require the building up of the site either by cut and fill (which would probably expand the site of the proposal) or by the importation of materials which would need a license and also spread beyond the red line boundary. Either way this shed standing on a leveled site at 4.1m to ridge would provide a massive intrusion in that location. I therefore object to the application on the grounds that its size, scale and impact on the locality are in conflict with Policy DM1.

Despite what that Design and Access statement says about ventilation there are no details provided. The upper walls are closed boarding and there are no ridge ventilation details therefore the only openings for air flow will be the gates in the gable ends. If these are regularly kept open there will be a significant odour nuisance to neighboring properties and I think you need to ask the applicant how he will avoid this. I therefore object to this application on the grounds that this development will increase air pollution and odour in conflict with Policy DM1.

Despite the significant slope on the site down to the road there are no details about drainage other than in the application form. This says drainage will be to a soakaway and, rather alarmingly, to an existing watercourse. Discharging effluent from a cattle building to a watercourse I believe is illegal and a soakaway could well lead to groundwater contamination. In a small development like this the Environment Agency refer planning authorities to Standing Advice. Have you consulted its Standing Advice or sought the opinion of the Councils Drainage Engineer?

Given that the total site is about 1ha and applicant does not live nearby I have to question the sustainability of this proposal. The animals will have to be visited at least twice a day and the applicant lives several miles away.

As I have stated the drawings are very basic so if you approve this application any condition to build in accordance with the submitted plans will be virtually meaningless.

2 letters of OBJECTION received raising the following planning relates concerns:

- The building will be 80m away from Western Goulds which is being converted to residential;
- It will be above the skyline, barn and its garden;
- Concerned about smell, flies and noise from animals in the shed so close to this new home;
- The existing building is adequate for a holding of this size; there is no need or justification for this building;
- Lack of detail provided on construction including access, earth works and drainage;
- Unacceptable harm to the amenity of neighbouring residents and their ability to enjoy their properties; the development will be visible in views towards the West from client's property and Western Goulds and from several public view points;
- The building will have a landscape and visual impact upon the appearance of the wider area;
- The barn is unattractive and imposing on the landscape;
- The barn will be large and overbearing in nature, especially for neighbouring occupiers;

- Another barn on the small piece of land will exacerbate the visual impact of this unspoiled area of countryside.
- Not an appropriate location for a nucleus of farm buildings, on a small piece of land between two residential properties;
- The limitations imposed on new livestock buildings of 400m within the GDPO show the Government recognises that issues can occur between agricultural buildings and dwellings.
- Concerned about noise arising from a suckler herd at all times of the day and night, giving negative impact upon enjoyment of clients home;
- Odour will likely carry to clients property; cattle will attract flies, particularly in the summer when client will be using gardens more;
- Ventilation will allow prevailing wind to carry odour towards clients property;
- Removal of waste and drainage of foul water;
- Application provides no details on the disposal of waste and manure; no details about the number of cattle to be kept;
- Site is too small to allow manure and waste to be spread on fields and to do so would see waste washed towards clients property which has private water supply; proposals pose possible contamination issue for client;
- Storage on manure on site will give rise to odour concerns;
- If surface water is not dealt with adequately then flooding along highway could be exacerbated;
- No information provided to justify how proposal is commensurate with the role and function of the holding;
- Not stated why the existing building is not suitable for livestock use;
- Cattle to be kept on straw will raise need for another building in which to store the straw;
- Application does not show the totality of works necessary for the use of th building;
- Concerned about a lack of information for landscaping;
- Potential for future nuisance claims that will need to be controlled through Environmental Health.
- Request conditions be imposed is planning permission granted, to include noise limit to 30 dB(A), odour management plan, restrict species, age and numbers to be kept on site, landscaping, control cut and fill, and limit hours of construction work.

PLANNING POLICIES

DM1 - TD CORE STRATEGY - GENERAL REQUIREMENTS,
 DM2 - TD CORE STRATEGY - DEV,
 CP8 - CP 8 ENVIRONMENT,

DETERMINING ISSUES AND CONSIDERATIONS

The pertinent issues to consider are the impact of the proposed development upon landscape character and residential amenity.

Landscape Character and Appearance

The objections raised have included concern over an adverse impact from the building upon the character and appearance of the surrounding area, given its location, design and scale. Concern has also been raised as to the ability to assess the impact of the proposal given a perceived lack of detail. Additional detail was provided upon request and included site levels and cross sectional plans with drainage information.

The building is limited in scale in comparison to others within the locality, particularly one recently erected to the West adjacent to Western Goulds. The cross sectional details show the finished floor level of the building being at the same level as the existing linear structure that is sited parallel to the highway. The ridge height of the new building will be 4.1 metres to ridge, approximately 440mm higher than the existing building.

The building will be set into the field through cut and fill; a rear bank will be created setting the building down by approximately 2.0m below the existing level of the field. This will significantly reduce the visual impact of the building within the wider landscape. With the exception of the public highway, there are no nearby public footpaths from which the building would be clearly visible. There is a footpath approximately 500m to the West and one 640m to the East of the site. From here, any view of the proposal would be in conjunction with the residential and agricultural buildings present within the landscape that surrounds the application site. From the North, any new view would be seen in conjunction with the existing building which will largely screen the structure; from the South the topography of the landscape and woodland will screen any wider view.

Notwithstanding the objections received, this is a building of modest in scale and of a modern design and appearance for general purpose agricultural buildings; these are commonly found in rural areas such as this and are, to a degree, part of the character of rural areas. The recently erected building at Western Goulds is significantly larger than this and received little if any objection. I do not agree that this is an unspoiled area of landscape given the degree of recent and more historic development that has taken place within the immediate vicinity.

Concern has been raised about the need for extra buildings and facilities within the site following this proposal. Whilst this may or may not be necessary, each development must be considered on its individual merits and what may or may not transpire in the future must be attributed very little weight.

I am of the opinion that the proposed development will not give rise to any significant adverse impact upon landscape character or appearance within the immediate and/or wider area and on this basis the application is considered to be acceptable.

Residential Amenity

The proposed development has attracted objection from neighbouring residents concerned over the adverse impact that the development will have upon their amenity, especially from noise, odour, flies and potential ground water contamination. The objections suggest that the GPDO sets a minimum separation distance of 400m between livestock buildings and residential properties. This is not so; the 400m is a limit within which planning permission is required in order to allow

the impact of a livestock building to be assessed.

The proposed building will be erected 30 metres from the adjoining residential curtilage of Goulds Farm. It is accepted that the proposed development will give rise to some level of additional noise and odour within the area, and such will at times, be detectable from Goulds Farm and to a lesser extent Western Goulds. That said, this is a rural area where agricultural development does occur and merely the keeping of cattle within the field and using the existing building will give rise to these issues.

The size of this building will itself limit the head of cattle that can be accommodated on the holding. This is also the case for the land surrounding the building that is within the applicants ownership. 1 hectare will not support a significant head of cattle either. It has been advised that approximately 6 suckler cows with 2 calves each will be on site at any one time; this totals 18 head of cattle. Whilst there will be some additional odour and noise from the development, at an intensity as low as this the impact upon adjoining residents will be limited.

Further, it has been queried why the existing building cannot be used. It should be noted that were the building used to house livestock, which would not require planning permission, similar issues would exist with regard to the impact of the development upon amenity. This fall back position for applicant carries some weight in determining the proposals.

On balance, the proposed development, being of a low intensity at present, is not considered to significantly harm the amenity of neighbouring residents to a degree that warrants the refusal of planning permission.

Other matters

Additional information has been provided to indicate that surface water from the building will be directed to a soakaway pipe. Soakaway are a traditional means of disposing of surface flows without directly impacting upon flood risk. Subject to the design being to British Standards, this is considered to be acceptable.

With regard to foul waste, the livestock will be kept on a straw based system, with waste removed and stored on site. Given the low number of animals to be kept on the site the amount of waste straw and manure being produced will be minimal. Whilst it is always preferable to store waste under cover, this is not yet a common agricultural practice. In order to ensure that waste is stored within an appropriate location, a condition can be applied to any permission in order for the location of any manure and waste storage to be agreed prior to the building being brought into use.

With regard to other conditions, it would not be reasonable to restrict the number of animals to be kept on the site or within the building and controlling odour and noise from the site/animals would not pass the text of conditions whilst it would be unreasonable to restrict construction hours.

Conclusions

Having regard to the above matters, it is recommended that planning permission be granted subject to conditions.

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

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