

41/09/0001

MR F COATE

ERECTION OF TWO STABLE BLOCKS, ONE FEED BUILDING AND ONE STOCK SHED TO SUPPORT FARM BUSINESS AT SUNNYSIDE FARM, TOLLAND DOWN, TOLLAND AS AMENDED BY LETTER DATED 11TH AUGUST 2009 AND PLAN NO.S 165/A/G1A & 165/A/L2B AND FURTHER AMENDED BY PLAN NO.165/A/G1A & 165/A/G2A RECEIVED 24TH AUGUST 2009.

309833.132887

Full Planning Permission

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PROPOSAL

Planning permission is sought for the erection of two stable blocks (mainly for donkeys), and two other barns for cattle and sheep, and other general storage as required. The proposed buildings would feature stained boarding under a green fibre cement sheeting pitched roof. The submitted plans indicate that the buildings would be cut into the hill side to reduce the impact on the landscape. Amended plans have been submitted in response to the landscape officers comments. The amended plans now show that the ridge height of the buildings would be 3.2m for the stable buildings and 5.0 (as opposed to 5.7m) for the larger barns. The land would also be excavated further in order to cut the buildings into the hillside, with the spoil been graded to meet existing levels and grass seeded. The landscape officer has also devised a landscape belt comprising of blackthorn (50%), hawthorn (30%) and field maple (20%) to establish both a windbreak and landscape mitigation function with additional planting either side of the proposed building and reinforcing the existing hedgerow.

The supporting information sets out the background of the applicants business. The applicant has recently set up a donkey stud business to diversify and support the more conventional agricultural farming elements of the holding. This comprises of 140 suckler cows and a bull, 150 ewes and plans for a further 60 calves to be reared upon completion of the buildings. The donkey element comprises a total stock of 27. The application also includes a copy of the contract with Butlins to train and provide donkey rides 7 days a week all year round.

As part of the justification for the proposed buildings the application is accompanied by a letter from a veterinary clinic. The letter states the stabling would be essential for the mares for foaling and the immediate post parturient period.

A concurrent application, planning reference 41/09/0002, has been submitted for a temporary workers dwelling to serve the holding.

SITE DESCRIPTION AND HISTORY

The site comprises agricultural land and is accessed via a field gate from the B3224. To the west is the tree plantation at Willet Hill. The character of the area is of undulating countryside with the application site located on higher ground. The main views towards the site are from the West. The siting of the buildings is set down from the skyline due to the proposal being cut into the hillside. There is also a mature native hedgerow, up to 5 metres in height, along the south west boundary of the application site. There is a

redundant stone agricultural building on the site to the north west of the proposed siting. The site is not subject to any national landscape designation.

CONSULTATION AND REPRESENTATION RESPONSES

Consultees

TRANSPORT DEVELOPMENT GROUP, COUNTY HALL - The proposed development site is remote from any urban area and, therefore, distanced from adequate services and facilities, and public transport provision is very limited in this area (Stage Coach South West 606 Service, that operates one service in the morning and one in the afternoon on a Wednesday and Saturday only).

This is an unusual proposal as the stables are required for 26 donkeys that are used in connection with recreational/tourist activities for donkey rides at Butlins/Minehead, local shows, fetes, parties, etc, which will involve them being transported from the site to these various function in various locations. I assume (perhaps the Planning Officer can clarify), the use will not be one which will encourage visitors to the site by private cars in this unsustainable location, for donkey rides, or use like that of a donkey sanctuary.

This is a different type of business to that of a livery, which results in individuals making journeys by private car to tend to their horses, as it is likely that the donkeys will be transported in a larger vehicle that would accommodate several of the animals.

This is a business/commercial venture/use, however it must be a matter for the Local Planning Authority to decide what use class this should be considered under, and whether Taunton Deane has a suitable policy to permit its acceptance and use in what is considered to be an unsustainable location in transport terms.

If the LPA/committee, are minded to grant consent, it may be appropriate to impose a condition to ensure that the enterprise does not expand or is altered in a way that would encourage the use of private vehicles to the site.

LYDEARD ST LAWRENCE & TOLLAND PARISH COUNCIL - Objects to the granting of permission for the following reasons:

- The size of the development is too big; likely to have impact upon the landscape.
- The keeping of donkeys (for the business of donkey rides at Minehead as it is understood) is not considered to be 'agricultural use' of the land.
- Concern expressed over FYM storage in NV2 area.

DRAINAGE ENGINEER - No details of how surface water run off from the buildings is to be treated. Details to be approved prior to any consent being given.

HERITAGE AND LANDSCAPE OFFICER - Original Submission - My main concern is that the proposals will be dominant on the skyline as seen from the west and will be detrimental to the landscape character of the area – EN12. Amended Plans - now satisfied that the amended plans, which show a reduction in ridge height and further cutting into the hillside, supplemented by a comprehensive landscaping scheme are acceptable.

ENVIRONMENT AGENCY - The Environment Agency has no objections, in principle, to

the proposed development but recommends that if planning permission is granted the following informatives and recommendations should be included in the Decision Notice.

These relate to drainage; siting of manure/dung heaps to avoid pollution; disposal of collected wastes to be undertaken in accordance with the MAFF Code of Good Agricultural Practice for Protection of Water; no discharge of foul or contaminated drainage from the site into either ground water or any surface waters.

Representations

FOUR LETTERS OF OBJECTION – making the following points.

- Intrusive and detrimental to the landscape.
- The existing traditional barn on site (no information is given regarding its use) is currently visible through the existing screening (even in summer leaf); the visual impact of the proposed buildings will be even greater during the winter months.
- The siting of the buildings above the 200m contour on the western side of the saddle of Tolland Down would dominate the skyline from the B3188 and Brompton Ralph (Church)
- Submission of photographs to demonstrate the prominence of the site.
- Policy S2 requires the design of all buildings to reinforce the local character and distinctiveness of the area; including the landscape setting.
- Policy S7 requires that the proposed development should be sited and designed in a way that avoids breaking the skyline – no visual impact assessment has been carried out; it is for the applicant to demonstrate that the proposals will not unacceptably impact on the prominent skyline – this has not been done.
- Cutting the proposed buildings into the hill will irreversibly alter the contours of this important landscape feature which will have a significant adverse visual impact on views from a number of public view points; the crude alterations proposed to the topography of the site will result in an alien feature in the landscape.
- Proposed buildings (modern materials) will have the appearance of a quasi-industrial development in a prominent location which is important in both local and distant views.
- Temporary mobile home will inevitably be followed by an application for a permanent residential dwelling.
- Question the logic of siting the development at the end of the track where there are no services other than a derelict barn is not clear; twelve stables, stock shed and a large storage shed appears to be a generous provision for the amount of stock reasonably to be expected on 20ha.
- The siting of an appropriately sized development at the bottom of the track closer to transport and other services would reduce the visual impact, be less costly and provide a satisfactory outcome for all.
- The size of the proposed development seems to be excessively large for this purpose and no justification has been given for the size of the buildings.
- Where is the applicant's clean water coming from? Objection would be raised if a borehole is to be used as this would deplete water supply to my fields further.

The applicant has responded to the submission of photographs of the site on the basis that the pictures were taken with the camera's telescopic function and do not reflect what would be seen from the naked eye. The applicant has submitted further photographs.

ONE LETTER OF CONCERN – making the following comments.

- In response to representations suggesting that the development be sited adjacent to the B3224 I would object as this would site the development directly opposite a residential dwelling increasing noise, disruption and potentially blocking light.

ONE LETTER OF SUPPORT – making the following comments.

- The Royal Agricultural Society of England support the application as the development of the farm enterprise will attract new vibrant agricultural people into the local agricultural industry by expanding their farm and business.
- There is no doubt that the farm is in capable hands.
- Withholding permission would cause the business to plateau.

The agent has also responded to the objections received as part of the consultation process. Summary of main points: - proposed building relates to an existing agricultural holding; use of land is agricultural – the holding includes suckler cows and a bull, 150 breeding ewes, and a further 60 calves upon completion of the buildings – the donkey element does not constitute a material change of use; PPS7, para 32, sets out how equine-related activities should be supported; proposal is a mixed and sustainable agricultural operation; justification for the proposed buildings set against calculation of livestock needs; reference to security of both livestock and machinery; buildings will not be on the skyline as the contours indicate; accords with PPS7 with regards to the need for the buildings and its design and siting.

PLANNING POLICIES

PPS1 - Delivering Sustainable Development,
 PPS7 - Sustainable Development in Rural Areas,
 PPS25 - Development and Flood Risk,
 RPG10 - Regional Planning Guidance for the South West,
 STR1 - Sustainable Development,
 STR6 - Development Outside Towns, Rural Centres and Villages,
 S&ENPP49 - S&ENP - Transport Requirements of New Development,
 S1 - TDBCLP - General Requirements,
 S2 - TDBCLP - Design,
 S7 - TDBCLP - Outside Settlement,
 H13 - TDBCLP - Agricultural of Forestry Workers,
 M1 - TDBCLP - Non-residential Developments,
 EN6 - TDBCLP -Protection of Trees, Woodlands, Orchards & Hedgerows,
 EN12 - TDBCLP - Landscape Character Areas,

DETERMINING ISSUES AND CONSIDERATIONS

The main issues in the consideration of this application relate to the justification for the development, impact on the visual amenities of the landscape, and impact on the highway network.

It is noted that the donkey element (for the intention proposed) does not constitute agriculture within the meaning of the Town and Country Planning Act. However, it is an activity which one would expect to be carried out in a rural area and would be considered ancillary to the agricultural holding in its present form. This application is linked to the concurrent scheme for an agricultural workers dwelling, reference 41/09/0002. The donkey component of the enterprise is a specialist element where

further advice was sought to inform the decision-making process. Acorus Rural Property Services were commissioned to appraise the requirement for a full time agricultural worker to be on site. This included interviewing the applicant and his agent on site. As part of the report Acorus also responded on the justification for the proposed buildings to serve the enterprise.

The Acorus report sets out the history of the applicant's farming business. The farm was purchased in April 2007 and extends to about 20.2 ha (50 acres) which is owner occupied. An adjoining 16.2 ha (40 acres) is rented on an informal basis from the neighbouring landowner. The business comprises both agricultural (beef and sheep) and non-agricultural (breeding donkeys) enterprises. The business plan is to manage the ewe flock to produce early season lamb, maintain the suckler cows and sell stores at about 6-7 months of age, have a contract calf rearing business and develop the donkey enterprise which has various elements, breeding, stud work with the Jacks (male donkeys), donkey rides with Butlins, attending various local shows, fetes and other events.

With regards to existing buildings on the site the Acorus appraisal refers to the existing stone barn on site and suggests that whilst this offers potential storage use it is not suitable for modern livestock accommodation.

The proposed four additional buildings total some 585m² in floor area and comprises two stable blocks, mainly for the donkeys and two other barns for the cattle and sheep, and other general storage as required. Acorus have calculated the required floor areas, based on the stock numbers, totals 868.0m². This total does not allow for any fodder or storage space, or for machinery to be kept under cover.

The appraisal states that in practice however, there would not need to be completely separate 'designated' areas for all the livestock, as the sheep coming in at Christmas will often take over space that had been used for the storage of bedding or fodder. However, the proposal is still modest when judged against these requirements. The appraisal concludes that for the proposed farming enterprises the level and scale of the buildings is justified and proportionate to the existing and proposed activities.

The main issue therefore relates to the impact of the buildings on the landscape. The site is located on higher ground and therefore its impact needs to be assessed carefully. The landscape officer initially raised concern regarding the impact of the development when viewing the site from a distance. The landscape officer has since met the applicant on site to discuss the siting and visual appearance of the development. The landscape officer is now satisfied that amended plans, which show a reduction in ridge height and further cutting into the hillside supplemented by a comprehensive landscaping scheme, are acceptable. This includes the creation of a bund behind the development utilising the spoil to provide additional landscape mitigation. This will help to assimilate the development in its landscape setting.

It is therefore considered that the scale of the proposed buildings would serve an established need and would not adversely affect the rural character and appearance of the area.

RECOMMENDATION AND REASON(S)

Recommended Decision: Conditional Approval

The proposed development is considered to be acceptable in its siting, scale and appearance. The development would not adversely affect the landscape qualities of the area, nor impact significantly upon the highway network or neighbouring property. The proposal therefore accords with Local Plan Policies S1, S2, S7 and EN12 of the Taunton Deane Local Plan, Policy STR1 and Policy 49 of the Somerset and Exmoor National Park Joint Structure Plan Review, and advice contained in Planning Policy Statement 7.

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.
 - (i) The landscaping/planting scheme shown on the submitted plan shall be completely carried out within the first available planting season from the date of commencement of the development.
 - (ii) For a period of five years after the completion of the 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 other appropriate trees or shrubs as may be approved in writing by the Local Planning Authority.

Reason: To ensure that the proposed development makes a satisfactory contribution to the preservation and enhancement of the local character and distinctiveness of the area in accordance with Taunton Deane Local Plan Policy S2.

3. No development relating to the agricultural buildings hereby permitted (including ground works) shall take place until a drainage strategy dealing with foul and surface water run-off has been submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be installed and fully operational prior to the agricultural buildings hereby permitted being brought into use and shall thereafter be maintained as such.

Reason: To ensure adequate facilities exist for the disposal of foul and surface water, in the interests of preventing pollution and any increase in off-site flooding, in accordance with Policy S1 of the Taunton Deane Local Plan and Planning Policy Statement 25.

4. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out and thereafter retained as such, in

accordance with the approved details as above, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the character and appearance of the existing building in accordance with Policy S2 of the Taunton Deane Local Plan.

5. The development hereby permitted shall not be open to the general public.

Reason: In the interests of highway safety and to reduce care movements to the site in accordance with Policy 49 of the Somerset & Exmoor National Joint Structure Plan Review.

Notes for compliance

1. The site must be drained on a separate system with all clean roof and surface water being kept separate from foul drainage.
2. Manure/dung heaps must be sited in an area where it/they will not cause pollution of any watercourse or water source by the release of contaminated run-off.
3. The subsequent disposal of collected wastes must be undertaken in accordance with the MAFF Code of Good Agricultural Practice for the Protection of Water.
4. There must be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1988.

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