

24/17/0010

MR D PYLE

Erection of an agricultural building for housing of livestock and storage with associated hardstanding, access track and access onto highway on land at Newport Farm, Newport Road, North Curry (amended scheme to 24/16/0038)

Location: LAND AT NEWPORT FARM, NEWPORT ROAD, NORTH CURRY,
TAUNTON, TA3 6DJ

Grid Reference: 331323.122846

Full Planning Permission

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:

(A4) Location Plan

(A1) DrNo 16/017/001 Rev B Proposed Field Access & Section

(A3) DrNo 1867/01A Rev A Proposed Site Plan

(A3) DrNo 1867/02A Rev A Barn Plans

(A3) DrNo 1867/03A Rev A Barn Elevations

(A3) DrNo 1867/05 Elevations of entrance looking from the road

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 will include, the planting of trees and shrubs to the south between the site and the adjacent A378, to the west between the site and Ludwells Farm, within the site entrance and additional screening to the north of the building shall be submitted to an approved in writing by the Local Planning Authority. The submitted scheme shall include species such as oak and maple and shall include numbers, density and size of all new trees and shrubs to be planted and a programme for their implementation.

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 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 in accordance with Policy DM1 of the Taunton Deane Core Strategy.

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 Number 16/017/001 Revision B dated 16/01/2017. 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 external security 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 in accordance with Policy DM1 of the Taunton Deane Core Strategy.

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 in accordance with Policies DM2 and CP8 of the Taunton Deane Core Strategy.

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 in accordance with Policy DM1 of the Taunton Deane Core Strategy.

11. No removal of vegetation that may be used by nesting birds (trees, shrubs, hedges, bramble, ivy or other climbing plants) shall be carried out between 1st March and 31st August inclusive in any year, unless previously checked by a competent person for the presence of nesting birds. If nests are encountered, the nests and eggs or birds, must not be disturbed until all young have left the nest.

Reason: To avoid disturbance to nesting birds thereby ensuring compliance with the Wildlife and Countryside Act 1981, as amended by the CROW Act 2000.

12. Prior to the use of the development hereby permitted commencing the existing access off the A378 to the 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.

13. The development hereby permitted shall not be exercised in addition to any permission already granted (viz application no. 24/16/0038) and shall be treated as an alternative so the developer has the option of carrying out development in accordance with the present permission or the permission already granted but not both.

Reason: The development would result in two agricultural buildings in two different locations within the same landholding utilising separate accesses off the A378 which would harm the character and appearance of the area in accordance with Policy DM1 of the Taunton Deane Core Strategy and may conflict with highway safety.

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 and has imposed planning conditions to enable the grant of planning permission.
2. Where works are to be undertaken on or adjoining the publicly maintainable highway a licence under Section 171 of the Highways Act 1980 must be obtained from the Highway Authority. Application forms can be obtained by writing to Transport Development Group, Environment Department, County Hall, Taunton, TA1 4DY, or telephoning 01823 355645. Applications should be submitted at least four weeks before works are proposed to commence in order for statutory undertakers to be consulted concerning their services.

The fee for a Section 171 Licence is £250. This will entitle the developer to have his plans checked and specifications supplied. The works will also be inspected by the Superintendence team and will be signed off upon satisfactory completion.

3. Having regards to the powers of the Highway Authority under the Highways Act 1980 the applicant is advised that the creation of the new access will require a Section 184 Permit. This must be obtained from the Highway Service Manager for the Taunton Area at the The Highways Depot, Burton Place, Taunton, Somerset, TA1 4HE, Tel No 0845 345 9155. Application for such a permit should be made at least four weeks before access works are intended to commence.
4. The applicant is informed that further expansion of the site through additional development would not be supported in the interests of the visual amenities and in order to protect the character and appearance of the area.
5. Soakaways should be constructed in accordance with Building Research Digest 365 (September 1991).

Proposal & Background

The proposal is to erect an agricultural building for the keeping of cattle during the winter months and for storage such as for straw, dry fodder and machinery during the rest of the year. The building will measure approximately 48.8m long by 15.25m wide with 6.2m to ridge height with a small overhang on the north eastern elevation.

The building will be a steel portal framed structure with concrete panel walls to the north west and south west elevations having timber space boarding above, sheeted gates to the south east elevation with timber cladding to the gable end above and feed barriers to the north east elevation. Internally, the building will be laid out with a

lying area to the rear of the building which will be used for straw/loose housing of cattle and a scrape passage along the front of the building behind the feed barriers. The roof will be a profiled anthracite grey.

A concrete hard standing will be provided to the north east and south east of the building with a crushed stone access track leading from a new entrance formed off the public highway by the breaching of approximately 11m of roadside hedgerow. New field gates and stock proof fencing will be erected across the entrance to tie in with the remaining hedgerow.

Landscape planting is proposed to the rear of the building, along the highway frontage and as the new access track joins the public highway.

Permission 24/16/0039 granted in October 2016 granted permission for the same development but further to the west of the application site. Following concerns from residents living opposite the site, the applicant has not implemented the permission and has submitted this current application to resite the development as a good will gesture to the residents. If this proposal is permitted the scheme under permission 24/16/0039 would not be developed.

Site Description

The application site is within a 120 acre land holding which currently carries no buildings and is sited to the east of Wrantage off the A358. The new access will be constructed off the northern edge of the A378 to the east of the proposed building. The new building will be sited just within the field boundary with the A378, between Ludwells Farm which now consists of Ludwells Barn and a couple holiday lets to the west and Croft Cottages a group of 10 cottages to the east. The rear of 4 of these cottages face the application site and have rear gardens adjacent to the field boundary.

Consultation Responses

NORTH CURRY PARISH COUNCIL - The Parish Council objects to the granting of permission for the following reasons:

1. There is no proof requirement for the building to be in this position in the 120 acre field.
2. Close proximity to 12 rural properties and in view of others.
3. Concern that run off from the building and hardstanding could exacerbate flooding in the area.
4. The site is in an even worse location than the approved site due to increased numbers of houses effected.
5. Removal of hedgerow.
6. The site is in open countryside.

If TDBC are minded to approve the application, the Parish Council request most strongly that the following conditions to be applied to the approval:

1. Any lighting is internal only and sited well within the building to ensure light doesn't shine out of the building.

2. The provision of landscaping to the north of the building.
3. In order to avoid unnecessary disturbance of neighbours, farm traffic accessing the site to be limited to no earlier than 7.00 am and no later than 6.30 pm during the winter.

SCC - TRANSPORT DEVELOPMENT GROUP - Please refer to previous observations made by the Highway Authority on 24/16/0038:

'The application is located on land adjacent to the A378 on land at Newport Farm, North Curry. The proposal is to create an agricultural building with access onto the A378.

I am aware that the applicant has received pre-application advice from the Highway Authority in relation to this proposal. In this the applicant was advised that the access arrangements were acceptable and in line with Design Manual for Roads and Bridges (DMRB). Taking this into consideration the Highway Authority does not raise an objection to this aspect of the proposal.

The level of traffic that is likely to be generated would not have a detrimental effect on the highway.

When consulting drawing No. 16/017/001, the access to the proposed agricultural building has a width of 10 metres and a radii of 9 metres. This is deemed sufficient to deal with the agricultural traffic that the proposal is likely to generate. Should the applicant wish to use a gate then it should be set back at least 10 metres from the edge of the carriageway to allow vehicles to wait off the highway while the gate is opened and the gates must also be designed to open inwards.

To prevent any loose materials being deposited onto the highway, which could cause a potential highway safety concern, the access up to the gate measured from the edge of the carriageway should be a fully consolidated surface.

As there is likely to be an increase of impermeable surface, the applicant must also ensure that no water is discharged onto the Highway.

To avoid any potential highway safety concerns the gradient of the access must not exceed 1 in 10.

Taking the above into account, the Highway Authority does not wish to raise an objection to the proposal however, should planning permission be granted I would recommend conditions are imposed to cover the following:

- consolidated access for first 10 m
- entrance gates to be hung to open inwards
- disposal of surface water to prevent discharge onto highway
- No obstruction to visibility
- Gradient of access no steeper than 1 in 10'.

ENVIRONMENTAL PROTECTION CONTAMINATED LAND - No comments received.

ENVIRONMENTAL HEALTH - NOISE & POLLUTION -

No comments received.

LANDSCAPE - The new building will be partly screened from the public road to the west by Ludwells Farm. When travelling along the road from the east westwards, the farm and associated trees will form a backdrop to the new building. However the building will be viewed from properties to the north as well as from local PROWs.

If permission is granted, as well as planting to the south, some landscaping to the north would help screen the building. Species should include other species that are proposed such as oak and field maple. Details are required on spacing and size of stock proposed.

Representations Received

A petition was submitted by the 10 properties known as Croft Cottages objecting for the following reasons:

- the building is too close to the residents,
- in their direct line of sight and facing bedroom windows of 5 properties,
- noise,
- smell,
- light pollution,
- increase in agricultural traffic using the proposed entrance with the possibility of mud and slurry on the A378 and that it could lead to further development.

Eight of the residents reiterate the same objections in individual letters with further objections on the grounds of increased flooding on the A378 and that the proposed scheme would impact more on residents than the development approved under 24/16/0038.

The owner of Ludwells Barn also objects for the same reasons but in addition:

- the building would be better sited to the east where there are existing agricultural buildings and a slower road,
- insufficient information has been submitted, in particular regarding storage and handling of slurry waste, leading to odour nuisance which could contribute to an increase in hazardous material running onto the highway,
- wildlife impact,
- the building is not in keeping with the local area and it is too close to the road.

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

None

Determining issues and considerations

The main issues of relevance to this application are the principle of the development, highways, landscape and visual impacts, flood risk, drainage and amenity.

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 building and associated formation of access and access track would serve to provide accommodation for some 100 cattle over the winter months and be used for agricultural storage for the remainder of the year. Following the acquisition by the applicant of the 120 acre land holding in August 2014, after years of continuous arable crops the land has been re-seeded to grass and is used for cattle grazing and the conservation of winter fodder for cattle. The use of land for cattle does not involve a change of use and the applicant is entirely within his rights to use the landholding for such use. Being such a large landholding of 120 acres thus accommodating a large number of cattle justifies winter housing for the amount of stock it carries. There are no other buildings on the landholding 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.

Highways

The existing field access is located in the western corner of the 120 acre field and this access has poor visibility particularly to the right. As part of the proposal this

access will be closed. A new access is proposed off the A378 with the formation of short section of a crushed stone access track leading to the new building. Where the building is proposed a new access can be safely constructed off the A378. The Highway Authority are satisfied that the proposed access is acceptable given the amount of traffic likely to be generated by the development and considers it would not have a detrimental effect on the highway. Subject to imposing conditions to ensure the satisfactory development of the access, there is no objection on highway grounds. The ground level here is such that the gradient condition is not necessary.

Landscape and visual

The proposed building has a conventional design and is similar in scale and materials to most modern farm buildings found in open countryside locations such as this. The proposed building is of a design and scale which would allow for the amount of livestock to be accommodated and the layout suitable based on a straw based housing system.

A landscaping scheme has been proposed which includes the planting of trees to the south of the site between the proposed building and the boundary hedge with the A378. This would mitigate for any visual impact of the development from views to the south along the A378. Further planting would be carried out to the rear of the building to screen views from Ludwells Farm to the west which already has some boundary vegetation along its eastern curtilage. Although views of the site would be achievable to some of the properties known as Croft Cottages to the east, the rear gardens of these properties are some 40 - 45m away and furthermore the new building would be seen amongst the new planting and against the backdrop of the existing vegetation around the curtilage of Ludwells Farm. A public footpath runs across the landholding to the north of the site. The Landscape Officer and the Parish Council have both requested should permission be granted to protect views from the north as well as local public rights of way, additional planting is carried out to the north. On the recommendation of the Landscape Officer, this should include specifically oak and field maple and as such should permission be granted a revised landscaping scheme should be implemented.

Although hedgerow would be removed to breach the access into the field, the new access will replace a currently poor access and this is to be welcomed on highway safety grounds. Although the removal of the hedgerow may open up the field frontage there will be no direct views of the new building from the access as the building will be partly screened from the west by Ludwells Farm and to the east by the new landscape planting. The building will also be sited some 10 m further west of the new access .

It has been suggested that the building would be better sited to the east of the landholding near to other farm buildings. These buildings however are part of a separate agricultural holding and to house livestock from another land holding in such close proximity would not be practical for bio security reasons. Furthermore, the land available to the applicant in this area mostly falls within a floodzone 2 and/or is crossed by a public footpath.

To ensure however that in the future the proposed development does not lead to future harm of the character of the landscape and the rural setting, permitted

development rights would be removed for Class A, Part 6, Schedule 2 if permission is granted .

Flood risk and drainage

The proposed building is to be sited close to the southern boundary of the land holding. In this location the building will not be at risk from flooding unlike other areas within the landholding. The proposed building will not be located within a floodzone 2 or 3 although to the north of the land holding land is prone to flooding hence the reason why the proposed site has been chosen. In terms of drainage, there is natural drainage already in place to take any surface water via a large field drain, and all land and drainage infrastructure already runs away from all properties. The roof water will also be collected in a tank and re-used for cattle drinkers within the building. However to ensure such measures are satisfactory, it is recommended that drainage details are submitted for approval should permission be granted. In terms of surface run off onto the highway, with the building sited some 10m to the west of the access to the highway there will be no risk of run off onto the highway directly from the new building and a condition is recommended to ensure satisfactory drainage at the new access.

Amenity

Following concerns raised by residents and the Parish Council further information on the operation of the unit have been provided which includes details for the storage of manure, lighting, drainage and flood risk.

Although it is recognised that the landholding has been used as arable for many years, the use of the land for cattle does not result in a change of use and is a land use permitted in planning law. The siting of the building is considered a sufficient distance from the closest residential properties. The closest properties are holiday lets to the west at Ludwells Farm and thus are not occupied as a person's sole or main residence. Regardless, the elevation of the building facing these properties will be totally enclosed and views of the building will be restricted by the existing boundary hedgerow and further landscape planting to be carried out to the rear of the building.

When the building is used to house cattle, it will be mainly young stock aged up to 1 year old, and there will be no slurry to deal with, as it will be a complete loose housed system i.e. the building will be completely bedded up with straw on a regular basis. The building will then be cleaned out of the resultant farmyard manure which will either be spread directly on the land, or stored in field heaps and then spread when ground conditions permit. This procedure is governed by other guidelines and Regulations outside of the planning process. There is sufficient space within the 120 acre land holding to store the manure that will not impact on the residential amenities and it will continue to be spread onto the surrounding fields as per the current arrangement. Incidentally when the building is used to house cattle, it will be when the wet ground conditions do not enable the cattle to be out at grass and/or due to inclement weather. This will be during the winter months and coincides when people will be mostly inside their homes and not out in their gardens.

Some machinery will be kept on site however additional screening will reduce any visual impact that could arise. Given the site is located in close proximity to the A378 which already generates a significant amount of noise from traffic, the proposal is not considered to give rise to further noise disturbance above and beyond what is already experienced.

The Parish Council requested no farm traffic accessing the site in the evening after 6.30pm or before 7.00 am however this would be unreasonable given this is a livestock building and on animal welfare grounds access to the site could be required 24/7. Furthermore with the building sited in close proximity to the A378 to limit traffic to the site when there is constant traffic along the A378 would be unreasonable.

Concerning lighting, no lighting would be kept on overnight either internally or externally. The applicant proposes inward facing/internal lighting to illuminate the interior floor area and any external lighting would be for security purposes and would be kept to a minimum and only what is required for the development to function. This is to minimise light spill/light pollution and to protect the rural night sky and also in the interest of highway safety for passing traffic on the A378. A condition can be imposed to approve such details.

A footpath passes to the rear of Ludwells Farm and then out across the landholding to the north of the site. Although this would have views of the building, an agricultural building within an agricultural holding is not out of character within such rural areas. Furthermore were permission granted, additional planting would be required to the north of the site. For these reasons, it is not considered that the erection of the building would impact on the amenity value for users of the footpath.

As stated, it will only be during the winter months when the building will be used to house cattle. For the rest of the year the building will be used for the storage of straw, fodder and some machinery which incidentally could be stored out in the open in the same location without the need for planning permission.

Wildlife

In terms of wildlife impact there is no reason to believe that the development would impact on the wildlife value of the area. The site is not subject to any nature designations and a condition would be imposed to ensure the removal of the hedgerow would not impact on any nesting birds. There is no evidence of badger setts at the site and as stated the building will not be illuminated overnight to cause any disturbance to bats or owls that may be in the area.

Conclusion

The proposed development would provide winter shelter for cattle associated with the landholding and be used for agricultural storage during the remainder of the year. 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