

36/19/0033

MR A GOTHARD

**Erection of an agricultural building for the housing of livestock at Lower Huntham Farm, Huntham Lane, Stoke St Gregory (resubmission of 36/19/0009) (retention of part works already undertaken)**

Location: LOWER HUNTHAM FARM, HUNTHAM ROAD, STOKE ST GREGORY, TAUNTON, TA3 6EY

Grid Reference: 333995.126041 Retention of Building/Works etc.

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## **Recommendation**

**Recommended decision: Conditional Approval**

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

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

(A1) DrNo 2777D-DR-A-080-000 Proposed Plans and Elevations

(A1) DrNo 2777D-DR-A-080-001 Proposed Site Plan, Location Plan, Area Plan

(A1) DrNo: 2777-DR-A-080-002 Plan of land to be bound by condition

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

2. Prior to the use of the development hereby approved samples or digital details of the materials to be used in the construction of the external surfaces of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and thereafter maintained as such.

Reason: To safeguard the character and appearance of the building and area.

3. Prior to occupation or use of the development hereby approved, works for surface water drainage or re-use via a rainwater harvesting system shall be provided on the site to serve the development, hereby permitted, in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be retained and maintained in that form.

Reason: To prevent discharge into nearby water courses and ensure the adequate provision of drainage infrastructure.

4. (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 development, 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 does not harm the character and appearance of the area.

5. No external lighting shall be installed on the development hereby permitted without the prior written consent of the local planning authority

Reason:

To protect dark skies and in accordance with policy CP8 of the adopted Taunton Deane Core Strategy

6. The cumulative number of cattle kept within the blue line shown on plan 2777-DR-A-080-002, both inside the development hereby approved and externally, shall not be greater than 120

Reason:

To ensure that cattle numbers do not increase over that as existing, and to protect the SSSI and in the interests of amenity. In accordance with policy CP8 of the adopted Taunton Deane Core Strategy

7. A wooded shelter belt will be provided immediately south of the proposed sheds. A scheme will be produced following guidance produced by the Centre for Ecology and Hydrology

<https://www.farmtreestoair.ceh.ac.uk/ammonia-reductioncalculator>

shall be submitted to and approved in writing by the Local Planning Authority. The scheme will be implemented prior to operational use of the permitted development and maintained thereafter.

Reason:

In the interests of the integrity of a RAMSAR site, biodiversity generally and in accordance policy CP8 of the Taunton Deane Core Strategy.

In accordance with paragraph 38 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.

## **Proposal**

Erection of an agricultural building for the housing of livestock at Lower Huntham Farm, Huntham Lane, Stoke St Gregory (resubmission of 36/19/0009) (retention of part works already undertaken)

## **Site Description**

The proposed development site is an open agricultural field bordered by a mature hedgerow to the western road boundary. The main farm complex is located to the south of the site with various extant agricultural buildings located to the north-east, including livestock sheds, there are also other sites in the locality connected to the agricultural operation. The site is relatively level and is on raised ground above the Sedgemoor marshes to the east. There is an open slurry lagoon next the site proposed for development and a pre-existing access to the highway. The West Sedgemoor SSSI, RAMSAR site and SPA are very close to the site. The land is just outside the settlement boundary to the village of Stoke St Gregory. There are dwellings approximately 100m to the north-west of the site and about 180m to the south-west.

## **Relevant Planning History**

- 36/18/0016/AGN - Agricultural Building - No Objection - 9/7/2018
- 36/18/0017/AGN - Agricultural Building - No Objection - 9/7/2018
- 36/18/0018/AGN - Agricultural Building - Planning Permission Required - 21/8/2018
- 36/18/0025/AGN - Agricultural Building - Planning Permission Required - 21/8/2018
- 36/18/0026/AGN - Agricultural Building - Planning Permission Required - 21/8/2018
- 36/18/0044 - agricultural building for storage of farm machinery (Baileys Farm) - C/A - 26/02/2019
- 36/19/0009 - agricultural livestock building (stage 2) - refused - 16/09/2019
- 36/19/0010 - agricultural livestock building (stage 3) - refused - 16/09/2019
- 36/19/0032 - agricultural livestock building - current
- 36/19/0034 - agricultural livestock building - current
- 36/19/0035 - agricultural livestock building - current

## **Consultation Responses**

*STOKE ST GREGORY PARISH COUNCIL* - The Parish Council offers no comment on this application as the information provided is incomplete and in some instances, contradictory. The Parish Council believe it is appropriate that this application, along

with others for the contiguous building, should be put before the planning committee. It would also recommend that these four applications along with the permitted development contained therein be considered as a single application

*SCC - TRANSPORT DEVELOPMENT GROUP* - no observations

*Environmental Health - all Areas including Housing Standards* - The proposal is for an agricultural building on an open field. As stated, the buildings will be used to house cattle and agricultural machinery etc.

There were concerns raised about potential odour issues. However, you have confirmed that the applicant has agreed that number of cattle on the land will not be increased over what is already kept on the site, and that the existing slurry storage will continue to be used.

Environmental Health have no record of any complaints about odours from the existing use of the land. It is possible that there could be odours from agricultural uses of land in the country side, however, if the use is not being changed or intensified, then it is not likely to lead to any increase in the potential for odours to affect any neighbouring properties.

If there are issues with odours this can be due to management of waste/slurry, however, if this has not been a problem up until now, then the applicant should be able to continue to manage any waste so that it does not affect any neighbouring properties

*LANDSCAPE* - no comments received

*PLANNING ENFORCEMENT* - this application relates to a current enforcement case

*NATURAL ENGLAND* - required an initial air quality screening report before commenting. After this was provided and a subsequent Habitat Regulation Assessment provided by the County ecologist Natural England agreed to remove their objection and commented in respect of phosphate issues at the RAMSAR site, that "...regarding phosphorous, we understand that the applications will not increase the herd. You may wish to use a condition to ensure that the number of livestock (and so phosphorous) does not increase as a result of the applications.

We note the further information on air quality mitigation to satisfy the HRA. We have no objection to the application subject to the mitigation being secured through a condition

*SCC - ECOLOGY* - noted proximity of West Sedgemoor SSSI and Moors SPA RAMSAR sites and presence of cranes which might require condition for construction to be outside of breeding season. Further correspondence and a Habitats Regulation Assessment (HRA) were undertaken, and a condition for implementation of the mitigation (tree plantings) measures arising from the HRA were requested

## **Habitats Regulations Assessment**

completed, see below

## **Representations Received**

Local councillor Phil Stone wrote an objection noting that:

The building can be used to house large numbers of cattle and it would be difficult to ensure restrictions on numbers, supplies of feed and bedding will need to be brought in by HGVs, there will be mud on the road and roads are narrow, disposal of slurry could impact upon the SSSI, flooding is a major issue, keeping livestock creates unpleasant smells and the development should be dealt with via a single application for a large building

The RSPB noted their objections to the proposal commenting that:

Without clear proposals regarding waste management (slurry and runoff) that will prevent pollution risk to neighbouring watercourses and the SSSI or restrictions on future use which could see this risk increased, the RSPB objects to this application.  
Yours sincerely, Damon Bridge Somerset Levels and Moors Conservation Officer

Seven households sent letters of objection, including from some of the neighbouring residents, the issues raised were:

- Landscape impacts
- Increased traffic with heavy agricultural vehicles
- Should be sited within an existing farmyard complex
- Will need lighting in the winter
- Should be one application not four
- Should be subject to an EIA
- Incomplete and contradictory information
- Should consult EA, NE and RSPB
- Do SCC Highways have resources to ensure safe roads
- Council have a duty to protect the environment
- There are three large dairy farms within one square mile

One neutral letter was received from the farmer at Huntham Farm to the north, noting that the development would not have negative impacts

Six households sent letters of support, the issues raised were:

- Family has farmed locally for five generations
- Farming practice has modernised
- Applicant has tried to engage with local residents, the parish council etc and reach harmonious accord with them
- Development would reduce traffic movements
- Improvements for animal welfare and in-line with current best practice
- Will allow business to remain viable
- Will not have bad impact on the landscape
- Rainwater harvesting will reduce flood risks
- Applicant has worked with the Woodland Trust to improve habitats/biodiversity

## **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.

CP8 - Environment,  
DM2 - Development in the countryside,

## **Local finance considerations**

none

## **Determining issues and considerations**

The main issues are the principle of development, function and use, design, landscape impacts, biodiversity and HRA, traffic, and flood risks

### **Principle of development**

This application seeks to regularise an unauthorised, part-built livestock building, and is one of four concurrent applications which encompass one large building and are intended to address a situation in which parts of the building benefit from extant permissions. Two previous applications (reference 36/19/0009 and 36/19/0010) at the same site were refused in 2019 and it was further ascertained that extant prior notifications had not been built in accordance with approved plans and that the overall larger building was intended to be used for keeping livestock so the prior notification procedure was not appropriate for the type of agricultural building proposed. This application represents a resubmission of 36/19/0009 and relates to the north-east end part of the larger building so includes the end elevation. It is noted that in legal terms the applicant is perfectly entitled to apply separately for parts of a building forming one larger whole, and this means of applying for planning permission should not prejudice any eventual decision regarding the suitability of the proposal and its compliance with the relevant policies, locally and nationally.

It is proposed to be sited in a field between two parts of the enterprise with a range of agricultural buildings, including livestock buildings and silage clamps, located to the north and served by the same access.

The application site is not subject to any landscape or heritage designations, however the site is very close to the west Sedgemoor RAMSAR site and SSSI, additionally issues with phosphates are of relevance, which are discussed below.

There is a public right of way across the field to the north of Huntham Road towards Stoke Road. The site is within the Open Countryside outside of defined settlement limits to North Curry and Stoke St Gregory. The main Core Strategy policies of relevance are CP8 Environment and DM2 (Development in the Countryside) which states that outside of defined settlement limits, that developments for agricultural uses will be supported subject to the buildings being 'commensurate with the role and function of the agricultural ...unit'.

The applicant contends that the building will allow for livestock to be kept in well-ventilated conditions thereby improving animal welfare and production. It is also stated that the development will reduce travel between various sites serving the

agricultural enterprise and allow the business to function in a more efficient manner.

Policy CP8 'Environment' supports 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 proposal therefore has in principle support subject to an assessment of details and other materials considerations.

The application is not considered to be an EIA development because it does not represent an 'intensive' form of farming as the maximum number of cattle (120) to be kept internally and/or externally would remain the same as existing, and this would be subject to a condition which has been agreed with the agent and applicant. Additionally only part of the larger building would be used for housing livestock with the remainder used for storage of feed, hay and machinery. The application therefore falls below the criteria set for new agricultural buildings for intensive livestock operations under Schedule 2, 1(c) (intensive livestock installations) of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended), and does not meet criteria under Schedule 2 (a) (Projects for the use of uncultivated land.. for intensive agricultural purposes) as the land is not 'uncultivated' as it is classed as permanent pasture land, so in an existing agricultural use. Therefore an Environmental Impact Assessment is not required.

#### Function and use

The proposed building overall is intended be a combined storage building and for keeping livestock which would be young stock kept in the barn over winter and outdoors during the summer. No increase in current herd numbers at the site is proposed and the applicant has agreed to a condition restricting numbers to 120 cattle in both the building and the wider field. This would be enforceable as farmers have to keep stock records and it is considered that with such a condition the proposed scale of use is acceptable. The submitted details include reference to comments from a local veterinarian who deals with livestock and who notes that the building would offer vastly proved facilities for livestock with better animal welfare and a likely reduction in livestock movements by road as well. The proposed scale of use is therefore considered to be acceptable, subject to the condition restricting numbers.

#### Design and materials

The design is for a large, pitched roof (using cement sheeting and with rooflights), open-sided agricultural building, with concrete panels, open above and Yorkshire boarding to the top of the gable-end elevations, and with 5no. galvanized metal doors to the north-east end elevation, which are part of this application. The design is standard for its purpose, and appropriate to its intended function, with good ventilation providing for improved animal welfare. The design whilst utilitarian is as expected for a modern agricultural building and proposes to use materials consistent with other agricultural buildings in the locality. The design and proposed materials are considered acceptable subject to approval of details of materials to be set by condition.

### Landscape impacts

This application has to be considered alongside the three concurrent applications for various stages of the same overall building, which are yet to be determined, and extant permission on the site (36/18/0044) for a joined machinery building (part of the larger structure). As there would be several buildings located in close proximity to one another the application is considered as part of one larger building. The landscape impacts of 36/18/0044 were assessed by the officer as acceptable subject to a condition for landscaping.

This application, and its concurrent sister applications (36/19/0032 & 34 & 35), are assessed in a cumulative manner. Whilst the design has not significantly changed from that as per the previously refused applications, other than the inclusion of rooflights, the current applications included significantly increased landscaping and tree plantings which would soften visual impacts. Although when viewed from immediately adjacent to the site the overall building is large from road viewpoints (Huntham Lane and Huntham Road) it can only be seen in very close proximity to the site, although there are wider views into the site from places such as the Fivehead area. As landscaping and ecological mitigation features (see below) would be part of the development and conditioned as such, it is considered that landscape impacts do not represent a substantive reason to refuse the application. The site is close to extant agricultural buildings and would not fundamentally change the rural character of the area. It is also well setback from the highway and benefits from screening provided by existing hedgerows. New plantings and trees will take time to mature but in the longer term it is considered that landscape impacts will be relatively minor.

### Amenity

The main issue in relation to amenity is the possible impacts from the keeping of livestock on 'protected' dwellings, which are those that are not part of the agricultural enterprise. The nearest is Orchard Cottage, approximately 80m north-west from the site, with other dwellings about 180m south-west. The LPA's environmental health officer has not objected to the development and noted that cattle have traditionally been kept in the fields forming the site and adjacent to it. Additionally there are pre-existing cattle sheds to the north of the site and the proposal is not considered to represent significant impacts on amenity over and above those from cattle sheds already in situ and use of the land for pasture by young calves. The Environmental Health officer also noted mooted conditions for restricting numbers of cattle at the site, which would stop an intensification in the use of the land. As numbers would not increase there would be very little potential for a marked increase in unpleasant smells. Therefore it is considered that amenity will not be unduly impacted by the proposed development.

### Access and traffic impacts

The site benefits from a pre-existing access which also serves agricultural buildings located to the north. The access is considered acceptable. The proposal should reduce travel as the enterprise currently keeps young animals at several locations and the proposed (multi-stage building) would consolidate calves in one location. There would therefore be potential for traffic reduction overall as a result.

### Biodiversity



The site is in close proximity to the RAMSAR and SSSI sites on Sedgemoor where there is an identified issue with phosphate pollution. Accordingly the application has been subject to Habitats Regulation Assessment (HRA) and consultee comments from Natural England and the County ecologist. Natural England have not objected to the development but recommended that the LPA could impose a condition restricting numbers. Additionally the County ecologist has recommended a condition for the enhanced landscaping measures used to offset potential impacts highlighted in the HRA. Any permission granted will be subject to these conditions. The HRA and response from both the County ecologist and Natural England have taken on-board the full implications of the so-called 'Dutch nitrogen' case in regards to potential phosphate issues with the development. An additional condition restricting exterior lighting will also be included in any permission granted to prevent detrimental impacts on dark skies in the locality. (The application does not propose any outside lighting.)

#### Drainage and slurry

The application proposed use of large tanks for storage and re-use of rainwater run-off which is fully in accordance with SUDS principles. However no other details have been supplied so these will be set by condition. In regards to slurry there is an existing slurry lagoon adjacent to the site and as no increase in cattle numbers is proposed (and will be mandated by planning condition) the existing facility is considered adequate for purpose. The RSPB's concerns are noted however it is considered that all matters related to biodiversity have been thoroughly addressed in consultation with Natural England and the County ecologist. The development is not considered to represent an increased flood risk as it would be subject to a condition for approval of details of drainage.

#### Other matters

The parish council have presented a neutral viewpoint but requested that the application is heard and determined at the SWT planning committee. One of the local ward councillors has written objecting to the proposal citing concerns about landscape impacts, biodiversity, traffic, flooding, slurry and the fact that the application is split into parts when it should be single application.

Seven households sent in letters of objection, citing concerns about landscape impacts, smells, and HGVs and traffic impacts. Whilst it is acknowledged that there may be a minor increase in trip generation to and from the site the overall impact of the development should decrease traffic on the road network in the local area for reasons cited above. Other matters are also discussed above.

One neutral letter has been received from a neighbouring farmer and six households sent in letters of support.

#### Conclusion

Subject to conditions cited above the proposed development is recommended for approval. As the application is in part retrospective no time limit for commencement condition is needed.

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

**Contact Officer: Mr Alex Lawrey**