

Application Details	
Application Reference Number:	49/21/0030
Application Type:	Full Planning Permission
Earliest decision date:	01 July 2021
Expiry Date	14 July 2021
Extension of time	30 September 2022
Decision Level	Committee
Description:	Erection of an agricultural building for the rearing of calves on Simons Holt Farm retained land, Whitefield, Wiveliscombe
Site Address:	SIMONS HOLT FARM RETAINED LAND, WHITEFILED, WIVELISCOMBE, TA4 2UU
Parish:	Wiveliscombe
Conservation Area:	No
Somerset Levels and Moors RAMSAR Catchment Area:	Within
AONB:	NA
Case Officer:	Briony Waterman
Agent:	NA
Applicant:	T & L CHERRY
Committee Date:	23/06/2022
Reason for reporting application to Committee	Ward member objection

## 1. Recommendation

1.1 That planning permission be GRANTED subject to conditions

## 2. Executive Summary of key reasons for recommendation

2.1 The proposal is for a barn to house cattle, the size, scale and location are considered acceptable in principle.

## 3. Planning Obligations and conditions and informatives

### 3.1 Conditions (full text in appendix 1)

3.1.1 Time Limit

3.1.2 Drawing Numbers

3.1.3 Roof colour to be grey

3.1.4 Lighting for bats

3.1.5 Landscaping

### 3.2 Informatives (bullet point only) \_

3.2.1 Proactive Statement

3.2.2 Nesting bird

3.2.3 Badger

## **4. Proposed development, site and surroundings**

### **4.1 Details of proposal**

Erection of an agricultural building for the rearing of calves.

The building is to measure approximately 30.5m long by 15.2m with a ridge height of 6.4m

### **4.2 Sites and surroundings**

The barn is to be located to the south west of an agricultural field laid to pasture. There is an existing access to the east of the site. The field is bounded by hedging and is located to the north of Langely Marsh, surrounded by other agricultural fields.

## **5. Planning (and enforcement) history**

No relevant planning history.

## **6. Environmental Impact Assessment**

NA

## **7. Habitats Regulations Assessment**

The site is located within the catchment of the Somerset Moors and Levels Ramsar site. As competent authority it has been determined that a project level appropriate assessment under the Conservation of Habitats and Species Regulations 2017 is not required as the Council is satisfied that as the animals are on site and the barn would not lead to an intensification above the legal base line it therefore considered that the proposal would not increase nutrient loadings at the catchment's waste water treatment works. The Council is satisfied that there will be no additional impact on the Ramsar site (either along or in combination with other plans or projects) pursuant to Regulation 63 (1) of the Habitats Regulations 2017.

## **8. Consultation and Representations**

Statutory consultees (the submitted comments are available in full on the Council's website).

8.1 Date of consultation: 25/05/2021

8.2 Date of revised consultation (if applicable): NA

8.3 Press Date: NA

8.4 Site Notice Date: 10 June 2021

8.5 **Statutory Consultees** the following were consulted:

Consultee	Comment	Officer comment
WIVELISCOMBE TOWN COUNCIL	No concerns regarding the location and visual appearance of the barn. there are a number of mature trees to the south of the barn - retention of these is vital to screen noise and potential visual impact condition protecting tree and or additional planting scheme. applicant has stated there will be no slurry or liquid waste produced from a calf rearing using a straw bed system issue of phosphates leaking into the water. condition used for the proposed use only and that further consent would be required to change the use to house any other livestock or the system used for housing livestock.	conditions added
SCC - ECOLOGY	within catchment, any vegetation to be removed/lighting added?	condition added
SCC - TRANSPORT DEVELOPMENT GROUP	No observations	
WESSEX WATER	no comments received	

8.6 **Internal Consultees** the following were consulted:

Consultee	Comment	Officer comment
Environmental Health - all Areas including Housing Standards	normally expect a noise and odour assessment however not aware the Council requires one for a building in this size and location, animals are not a type of noise source that is easy to assess note the nearest property is 200m away and there are other farms that are closer concerns over watercourse	

### 8.7 Local representations

Neighbour notification letters were sent in accordance with the Councils Adopted Statement of Community Involvement.

39 letters have been received making the following comments (summarised):

- Impact on amenity of neighbouring properties
- Size is disproportionate to the pasture area
- Indication from the size that the building could house 200+ calves
- Application is thin end of the wedge, a home will be required for the carer's of the calves as it will be unsustainable for this amount of calves to be left alone from a security and welfare point of view.
- Site unsuitable and unnecessary for general storage
- Stand alone position unnecessarily spoils a piece of important rolling countryside for the community and is visible from the tourist attraction of the Wivey Way.
- No indicated clear economic or environmental benefits in the building to the parish, economic downside's are evident.
- No resident accommodation on the site to manage the operation.
- Increasing traffic flow.
- Size and scale of the application
- Noise and smell of so many livestock near to Langley Marsh will be an issue given the proximity.
- Contamination of the water course would be an ecological disaster
- Well within 400m curtilage of domestic curtilage
- Size of the cattle lorries required would be hazardous on small country lanes
- According to the Town and Country Planning (General Permitted Development) (England) Order 2015 (page 62 clause B.1 d), this construction should not be permitted as within 400m
- Concerns over air pollution
- No mention in the application on how the storage of slurry or sewage sludge will be managed to avoid contamination of the nearby stream
- A building of 6.4m high will present a degradation of the landscape
- Concerns over no observations from highways there will be an increase in heavy traffic on the difficult roads
- No consideration give to safety, site is constricted due to the width of the lane
- Other farm buildings in the area which could have been adapted
- No excuse to build on green field sites when existing alternatives exist
- Fail to see clear economic imperative for building a new shed
- If it is found permanent care for the animals a future dwelling might be proposed
- No plan for disposal of waste or slurry
- Light pollution and impact upon bats
- There have been no planning applications at the end of the 'new drive' why?
- Two thirds of all properties within Langley Marsh are within 400m of the site
- Water into the existing watercourse
- Farmer lives off site and might not be available if something goes wrong.
- Nutrient neutrality must be considered and mitigated
- Visual impact
- Detrimental to general wellbeing of the people who live nearby
- Detrimental to the environment
- Animal welfare
- Other places the barn could have gone
- Site notice not displayed correctly
- Too close to residents
- Impact upon the sale price of house
- Impact on wildlife
- Not against farming but needs to be sustainable and of a type suited to a location
- Intensive farming is not sustainable, location is a DEFRA priority for reducing the

damage

- An area for Countryside Stewardship Water Quality Priority Area (red), Surface water nitrate issues priority area (red), surface water pesticide issues priority area (red), fecal indicator organisms issues priority area (red), phosphate issues priority area (Red) and former catchment sensitive farming priority areas 2011-2015 (priority catchment).
- This area cannot sustain intensive livestock farming
- Support farming enterprises in general object to this one over concerns of lack of info
- Conflict with policy DM2 unit is 4.61 hectares
- Inappropriate and premature to determine the application without regard to the need for a dwelling
- 49/21/0008/AGN shows piecemeal development of the land and is to be avoided
- No odour management plan has been submitted
- Impact on the listed building
- Layout and density of the building, site is not part of a farm, no farm buildings
- 25m manure heap
- Applicant provides a good level of welfare for his animals

Cllr Mansell

- Concerns over the need for a worker dwelling
- New building would allow more intensive use of the land
- Impact on phosphates
- Potential for noise and odours from intensive calf rearing
- Impact on narrow roads, and no information submitted on expected vehicle movements.
- No farmhouse or dwelling associated with the site, important to establish where the workers would reside.

## **9. Relevant planning policies and Guidance**

Section 70(2) of the Town and Country Planning Act 1990, as amended ("the 1990 Act), requires that in determining any planning applications regard is to be had to the provisions of the Development Plan, so far as is material to the application and to any other material planning considerations Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) ("the 2004 Act") requires that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise. The site lies in the former Taunton Deane area. The Development Plan comprises the Taunton Deane Core Strategy (2012), the Taunton Site Allocations and Development Management Plan (SADMP) (2016), the Taunton Town Centre Area Action Plan (2008), Somerset Minerals Local Plan (2015) and Somerset Waste Core Strategy (2013).

Both the Taunton Deane Core Strategy and the West Somerset Local Plan to 2032 are currently being reviewed and the Council undertook public consultation in January 2020 on the Council's issues and options report. Since then the Government has announced proposals for local government reorganisation and regulations are currently going through Parliament with a new unitary authority for Somerset to be created from 1 April 2023. The work undertaken towards a new local plan will feed into the requirement to produce a Local Plan covering the new authority.

Relevant policies of the development plan in the assessment of this application are listed below:

DM2 - Development in the countryside,  
CP8 - Environment,

#### Supplementary Planning Documents

Public Realm Design Guide for the Garden Town, December 2021

District Wide Design Guide, December 2021

#### Other relevant policy documents:

Somerset West and Taunton Council's Climate Positive Planning: Interim Guidance Statement on Planning for the Climate Emergency (February 2021)

### 9.1 National Planning Policy Framework

The proposal accords with the general principle of the NPPF.

## **10. Material Planning Considerations**

The main planning issues relevant in the assessment of this application are as follows:

10.2.1 Principle of development

10.2.2 Visual amenity

10.2.3 Highways

10.2.4 Noise and odour

10.2.5 Additional matters

10.2.6 Phosphates

### 10.2.1 The principle of development

The proposal is for a livestock barn within the open countryside, as such Policy DM2 is considered relevant. The policy states that "*new non residential agricultural and forestry buildings commensurate with the role and function of the agricultural or forestry unit.*" may be considered acceptable. Within the Nutrient Neutrality Statement it is noted that the area for the application site is 3.2ha with the total area included within the blue line is 4.6ha with the total amount of land in the It is considered that the proposed barn is of a suitable size and scale for the holding and is considered acceptable in principle.

### 10.2.2 Visual amenity

The proposal is for a 15.24m x 30.48m barn to be constructed of concrete panels with wood space boarding above, the roof is to be fibre cement, a condition has been included to ensure that the colour is anthracite grey to minimise the long range impacts of the proposal. It is considered that the scale and materials are appropriate for the use and area. The barn is to be located in the south west corner of the site

which is well screened by existing hedging and trees which are in part coniferous, which would help screen the proposal all year round. The barn is to be located in the lowest point of the field. It is therefore considered that the proposal would not have a significant impact upon the visual amenity in that it is well screened and any glimpses would be of an agricultural barn which is an expected feature with the rural landscape. The proposal is considered to be acceptable in terms of scale, siting and design and therefore complies with Policy CP8.

### 10.2.3 Highways

There are no alterations proposed to the access and the addition of a barn on the site is not considered to significantly exacerbate the existing vehicle movements to and from the site as the livestock are currently within the field. The proposal is therefore considered acceptable in terms of highway safety.

### 10.2.4 Noise and Odour

Concerns have been raised about the noise and smell of the animals. Following discussions with Environmental Health who are "unaware of any noise assessments being required for a unit of this size, or how a noise assessment would fit with the type of operation as animals are not a type of noise source that is easy to assess" The comments go on to say historically there are some complaints relating to odour from slurry spreading however none have been bad enough to cause a statutory nuisance and no records of noise complaints from animals in agricultural premises." It is noted that the site is over 200m from the nearest residential premises and there are a number of other farms in the area, some of which are much closer to other properties.

Given the comments from the Environmental Health Team it is considered that the proposal would not have a significant impact from noise and odour on the neighbouring properties. The livestock currently occupy the field in an agricultural landscape.

### 10.2.5 Additional matters

A number of comments received raised concerns over the future need for an agricultural workers dwelling to manage the herd, however the application must be determined on its own merits and speculation as to what may or may not occur in the future is not a material planning consideration.

A number of objectors raised that the development was contrary to the GPDO as the proposal was within 400m of a protected building. This is the case and due to the location of the barn it would not have been considered permitted development which is why a full application has been submitted.

Comments received from a neighbour stated that a site notice was not displayed correctly, a site notice was erected to the entrance to the site on the 10th June 2021.

In response to the comments raised the applicant has confirmed that To calculate stocking rate and N produced I have used standard tables published in the Red Tractor Farm Assurance Standards book. One calf to 6 months of age requires

0.005 hectares of land per month.

The proposed shed will have 8 pens of 30m<sup>2</sup> holding 12 calves at a stocking density of 2.4m<sup>2</sup>. Red tractor stocking density for calves to 200kg is 2.4m<sup>2</sup>. The remainder of the shed is utilised by a central feeding passage, handling area, sick/isolation pen and feed bin. Calves arrive on average 14 days of age and are sold at an average of 100 days (3 months rearing). There would be approximately one month between batches for cleaning and resting of the shed.

The proposed shed will therefore be within the legal baseline for stocking density for the size of the 4.6 hectare site.

#### 10.2.6 Phosphates

As mentioned above the proposal for the barn is not considered to exacerbate the existing situation and the barn is to house the stock currently on the field. The number of stock in the field will not increase with this proposal, which has been confirmed by correspondence with the applicant.

### **11 Local Finance Considerations**

#### 11.1 Community Infrastructure Levy

Not applicable.

### **12 Planning balance and conclusion**

12.1 The general effect of paragraph 11 of the NPPF is that, in the absence of relevant or up-to-date development plan policies, the balance is tilted in favour of the grant of permission, except where the policies within the NPPF that protect areas or assets of particular importance provides a "*clear reason for refusing the development proposed*" or where the benefits of the proposed development are "*significantly and demonstrably*" outweighed by the adverse impacts when assessed against the policies in the NPPF taken as a whole.

12.2 For the reasons set out above, it is considered that taking into consideration the number and nature of the objections raised and the policies within the Development Plan and within the NPPF that on balance the proposal is considered to be acceptable and 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 and the Equality Act 2010.



## Appendix 1 – Planning conditions and Informatives

### Conditions

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) Site Plan

(A3) DrNo PJA/SR/4161/001 North & South Elevations

(A4) Location Plan

(A3) DrNo PJASR4161002 East & West Elevations

(A3) DrNo PJA/SR/4161/003 Proposed Floor Plan

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

3. The fibre cement roof shall be anthracite grey in colour. Any changes to the colour of the roof would need to be submitted to and approved in writing by the Local Planning Authority.

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

4. A landscaping scheme shall be submitted to and approved in writing by the local Planning Authority prior to such a scheme being implemented. The scheme shall include details of the species, siting and numbers to be planted.

(ii) The scheme shall be completely carried out within the first available planting season (1 October to 31 March) from the date of commencement of the development. Written confirmation of the completion of the landscaping scheme shall be submitted to 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 or are uprooted shall be replaced by trees or shrubs of similar size and species.

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

5. Prior to the installation of any external lighting, a “lighting design for bats”,

following Guidance note 8 - bats and artificial lighting (ILP and BCT 2018), shall be submitted to and approved in writing by the local planning authority. The design shall show how and where external lighting will be installed (including through the provision of technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the design, and these shall be maintained thereafter in accordance with the design. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Reason: In the interests of the 'Favourable Conservation Status' of populations of European protected species and in accordance with Taunton Deane Core Strategy 2011-2028: Policy CP8 Environment

Notes to applicant.

- . In accordance with paragraph 38 of the National Planning Policy Framework 2019 the Council has worked in a positive and creative way and has imposed planning conditions to enable the grant of planning permission.

