

Planning Committee 24th January 2023

APPLICATION NUMBER		22/01293/FUL	
SITE ADDRESS:		Apple Tree Farm, Longford Lane, Longford, Ashbourne, Derbyshire, DE6 3DT	
DESCRIPTION OF DEVELOPMENT		Erection of cattle housing building with associated underground slurry store.	
CASE OFFICER	Mr. Ecclestone	APPLICANT	Mr. Hill
PARISH / TOWN	Longford	AGENT	Mr. Watkins
WARD MEMBER(S)	Cllr. Mrs. Morley	DETERMINATION TARGET	13 th January 2023
REASON FOR DETERMINATION BY COMMITTEE	Called in by Ward Member	REASON FOR SITE VISIT (IF APPLICABLE)	For Members to appreciate the site and context.

MATERIAL PLANNING ISSUES

- Siting and impact of the agricultural building on the surrounding area.
- Impact of the development upon the amenity of neighbouring properties.
- Impact of the development on flooding and pollution.
- Impact of the development upon highway safety.

RECOMMENDATION

Planning permission be approved.

1. THE SITE AND SURROUNDINGS

- 1.1 Apple Tree Farm, is a relatively newly established livestock farm. It is situated to the south-east of Longford, not far from the junction of Longford Lane, with Thurstaston Lane. The agricultural unit extends to 280 acres (113.3 Ha) of grass land upon which the applicant runs a mixed cattle and sheep enterprise. There are two existing portal frame buildings on site built around a yard with access from Longford Lane. The nearest neighbouring properties are to the south and west, the closest being Rose Cottage, approximately 105m to the south west of the proposed building.



2. DETAILS OF THE APPLICATION

- 2.1 The proposal is for the erection of a livestock building, with an associated underground slurry store. The building would be sited to the rear (south west) of the existing buildings and would be of similar construction measuring 30.5m long by 18.2m deep and 4.88m to eaves. The walls would be Yorkshire boarding above concrete panels and the roof would be cement fibre sheeting. The east facing elevation would be open. The slurry store would be excavated beneath the building to a depth of 2m.

3. PLANNING POLICY AND LEGISLATIVE FRAMEWORK

- 3.1 Adopted Derbyshire Dales Local Plan (2017):

S4: Development in the Countryside
PD1: Design and Place Making
PD9: Pollution Control and Unstable Land
EC10: Farm Enterprises and Diversification

- 3.2 Other:

National Planning Policy Framework (2021)
National Planning Practice Guidance

4. RELEVANT PLANNING HISTORY

20/01263/FUL	Siting of a mobile home for use as a temporary agricultural workers dwelling for a temporary period of 3 years.	Approved
20/00251/OUT	Erection of dwellinghouse.	Refused
11/00929/FUL	Erection of agricultural livestock and fodder store and hardstanding.	Approved
11/00643/FUL	Erection of agricultural livestock building.	Approved

5. CONSULTATION RESPONSES

Environment Agency:

No comment.

Local Highway Authority:

No objection, subject to footnote.

Derbyshire County Council Rights of Way Section:

No objection.

Environmental Health:

No objection. However, as there are neighbouring properties in the vicinity, it is recommend that a Condition is implemented, for a Manure and Pest Management Plan that will cover the storage of the manure, emptying of the slurry pit and spreading of the waste. In addition, if there are animals to be housed in the shed, in the summer months, details of fly control and odour management should be submitted. Dealing with complaints shall also be considered.

Footpath Organisations:

No objection, provided that the footpath is not affected.

Parish Council:

No objection.

6. REPRESENTATIONS RECEIVED

6.1 4 objections have been received to date, the material planning considerations are summarised below:

- The development would result in an adverse impact upon animal welfare
- The development will result in noise pollution that will harm the amenity of neighbouring properties.
- The development will result in additional vehicle movements which will harm the amenity of neighbouring properties.
- This parcel of land is around 12 acres and is around 5 miles from the main holding at Hatton. There is no agricultural justification for further development at this site.
- The development would result in harmful emissions of methane gas.
- The development will result in an increase of flies and corresponding risk of disease to neighbouring properties.
- The development will affect views of neighbouring properties.
The development will create light pollution.
- The development is at risk from flooding from surface water which poses an environmental threat given that there is a brook running along the southern boundary. The slurry store will be below the water table and runoff from the roof will accentuate the risk of flooding.
- The development will harm highway safety. There have been repeated near miss incidents due to vehicles entering and exiting the site. Visibility is restricted to the north. There is a 60mph speed limit on Longford Lane. Access for goods vehicles or tractors with implements is only possible from the south and there is insufficient turning space within the farmyard which results in large vehicles often having to back into our out of the site.
- The highway here is narrow and a public footpath emerges from the field onto the road here. Local school children are collected by bus / returned in this area and the lanes are popular with dog walkers.
- Further encroachment into the field is overdevelopment of this site.
- Alleged unauthorised development at this site.

7. OFFICER APPRAISAL

- 7.1 Policy S4 of the Adopted Derbyshire Dales Local Plan seeks to ensure that new development protects the landscape's intrinsic character and distinctiveness. It also requires development to be appropriate to its location and not to have an adverse impact on the character and appearance of the rural environment.
- 7.2 Policy PD1 of the Adopted Derbyshire Dales Local Plan requires development to be of a high quality design that respects the character, identity and context of townscapes and landscapes; and requires development that contributes positively to an area's character, history and identity in terms of scale, height, density, layout, appearance, materials, the relationship to adjacent buildings and incorporating well integrated car parking. Policy PD1 also requires development to achieve a satisfactory relationship to adjacent development and to not cause unacceptable effects by reason of visual intrusion, overlooking, overshadowing, overbearing effect, noise, light pollution, or other adverse impacts on local character and amenity.
- 7.3 Policy PD9 of the Adopted Derbyshire Dales Local Plan seeks to protect people and the environment from unsafe, unhealthy and polluted environments. This will be achieved if potential adverse effects are mitigated to an acceptable level.
- 7.4 Policy EC10 of the Adopted Derbyshire Dales Local Plan requires that development proposals can demonstrate the viability of farming through helping to support, rather than replace or prejudice farming activities on the rest of the farm. It also requires that development stimulates economic activity with a use that is compatible with its location, which maintains the relative sustainability of a rural area; any new buildings should be appropriate in scale, form, impact, character and siting to their rural location; wherever possible, new or replacement buildings should be located within or adjoining an existing group of buildings; the proposed development should not generate traffic that is inappropriate for rural roads; and where possible, the proposed development should make effective use of existing buildings in preference to the construction of new ones.
- 7.5 The application site forms part of the applicant's agricultural business. The application states the site is the base of the business which comprises a mixed cattle and sheep enterprise. The proposed development would enable the applicant to house all cattle on site. The applicant has 50 suckler cows, 50 bucket calves (purchased at around 4 weeks and then bucket fed until 2 weeks) and 150 store cattle which are grown until 22-24 months. The agricultural unit extends to around 280 acres of grassland which is a mixture of owned and rented land.
- 7.6 There are two existing buildings at the site used for housing cattle. The application states that the applicant cannot currently house the 250 head of cattle at the site and has around 100 there at any one time with the remaining cattle offsite in a set of rented buildings approximately 5 miles away. This results in multiple trips daily to feed and check the cattle during the winter months which the application states is financially unsustainable.
- 7.7 From the information provided it is evident that the applicant runs an established farm business from the site and that the proposed development is reasonably required for the farm enterprise. The proposed building is purpose designed for housing cattle with adequate space and ventilation to meet animal welfare regulations and sufficient underground slurry storage capacity for the number of cattle housed within the building in the winter months. The development therefore demonstrates the viability of the farm and that the development is reasonably required in accordance with policy EC10.
- 7.8 Therefore, having had regard to issues raised in representations, the key issue is the impact of the development upon the local area and neighbouring properties.

- 7.9 The proposed building would be portal frame construction of a similar scale and external appearance of the existing buildings. The building would be sited close and to the rear of the existing buildings and served by the existing access. The development would be visible from the road and nearby public vantage points but would be read as part of the group and would not be intrusive in the landscape. The proposed design and siting is therefore considered to be acceptable and in accordance with policies PD1 and EC10.
- 7.10 Concern has been raised about potential flood risk and pollution. The site is located in Flood Zone 1 which is at the lowest risk of flooding. The Environment Agency have been consulted and have not raised any objection. Photographs of standing water on the fields have been provided but there is no evidence that, subject to appropriate surface water drainage, that the development would be at any significant risk of flooding or exacerbate surface water issues. An underground slurry tank is proposed which is welcomed as appropriate storage and spraying of slurry will reduce the likelihood of pollution of the water environment. The Environment Agency advise that the slurry tank will need to comply with the Water Resources (Control of Pollution) Regulations. This is not a planning matter but the applicant will be obliged to ensure that the slurry tank is constructed in accordance with the relevant regulations.
- 7.11 The development would result in additional animals being kept on site which would give rise to the potential for additional noise and disturbance from flies and pests. Additional noise would not be significant bearing in mind that the two existing buildings are used to accommodate cattle. Similarly, additional vehicle movements would not be significant to cause harm to the amenity of neighbouring properties or road users. The Environmental Health Officer requested the production of a Manure and Pest Management Plan to mitigate against any additional impact. This has been submitted by the applicant and is considered to be acceptable and in accordance with the requirements of the Environmental Health Officer. Therefore, subject to conditions the development would not cause unacceptable pollution or harm the amenity of neighbouring properties in accordance with policy PD9.
- 7.12 The Highway Authority have been consulted and raise no objection. The site is currently used for housing cattle and in that context the development would not create any significant additional vehicle movements. Therefore the development would not harm highway safety. No objections have been received in regard to the nearby public rights of way provided a note is added to any planning permission for the applicants' information.
- 7.13 The proposed development is reasonably required for the purposes of agriculture on the unit and is sited to minimise visual and landscape impact in accordance with the requirements of policies PD1 and EC10. Subject to planning conditions, the development will not cause unacceptable pollution and will not harm the amenity of neighbouring properties or highway safety. Therefore, having taken all representations into account the development is in accordance with the development plan. In the absence of any further material considerations the application is recommended for approval.

8. RECOMMENDATION

8.1 Planning Permission be granted conditionally:

1. The development hereby permitted must be begun before the expiration of three years from the date of this permission.

Reason:

This is a statutory period which is specified in Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall not be carried out other than in accordance with the submitted planning application form and drawings, received by the Local Planning Authority on 18.11.2022, subject to the following condition.

Reason:

For the avoidance of doubt and in the interests of the proper planning of the area.

3. The development hereby permitted shall not be carried out or occupied other than in accordance with the Odour, Complaints, Manure and Pest Management Plan, received by the Local Planning Authority on 05.01.2023.

Reason:

To mitigate any potential adverse impact on the surrounding area, in accordance with the requirements of Policy PD9 of the Adopted Derbyshire Dales Local Plan (2017).

9. NOTES TO APPLICANT:

During the consideration of this application, the Local Planning Authority have engaged in a positive and proactive dialogue with the agent, which has resulted in the production of the Odour, Complaints, Manure and Pest Management Plan, which overcame initial problems with the application, relating to Environmental Health issues, reflected in the Management Plan.

The proposed development must fully comply with the terms of The Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010 and as amended 2013. The applicant should refer to the guidance on storing silage, slurry and agricultural fuel oil available on the gov.uk website:

<https://eur03.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.gov.uk%2Fguidance%2Fstoring-silage-slurry-and-agricultural-fuel-oil&data=04%7C01%7CKatie.Hancock%40environment-agency.gov.uk%7Cd46dd3d89e7147fc132308da058f6b47%7C770a245002274c6290c74e38537f1102%7C0%7C637828410772485014%7CUnknown%7CTWFpbGZsb3d8eyJWIjojMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C3000&data=Lkdih0%2FNkNU%2FqL2zqfWUqmjGr84OIYan29DFz9NBxt0%3D&reserved=0>.

This guidance includes the following with regard to slurry stores;

Slurry tanks, reception pits, pipes and channels must be impermeable and meet the anti-corrosion standards set in British Standard 5502-50:1993 A2:2010. They should last for at least 20 years with maintenance.

The base and walls of your slurry tank and any reception pit, must withstand the wall loadings set in the standard.

You are responsible for making sure your storage capacities and maintenance, comply with the Nitrate Vulnerable Zone (NVZ) rules.

Health and Safety fencing around slurry lagoons.

The applicant must inform the Environment Agency, verbally (Tel: 03708 506 506) or in writing, of new, reconstructed or enlarged slurry store, silage clamp or fuel store, at least 14 days before starting any construction work. The notification must include the type of structure, the proposed design and construction. The applicant is responsible for the certification of any new structure, either personally or through a construction consultant.

The application site is affected by a Public Right of Way (Footpath 26 Longford on the Derbyshire Definitive Map). The route must remain unobstructed on its legal alignment, at all times and the safety of the public using it must not be prejudiced either during, or after development works take place. Further advice can be obtained by calling 01629 533190.