

Erection of an agricultural store to be used for cattle and general purpose

Report Item No
A1

Rainbow Crescent, 7 The Moorlands, Coleorton, Coalville,
Leicestershire, LE67 8GG

Application Reference
22/00801/FUL

Grid Reference (E) 439878
Grid Reference (N) 315478

Date Registered:
9 June 2022

Consultation Expiry:
13 July 2022

Applicant:
Mr Jessop

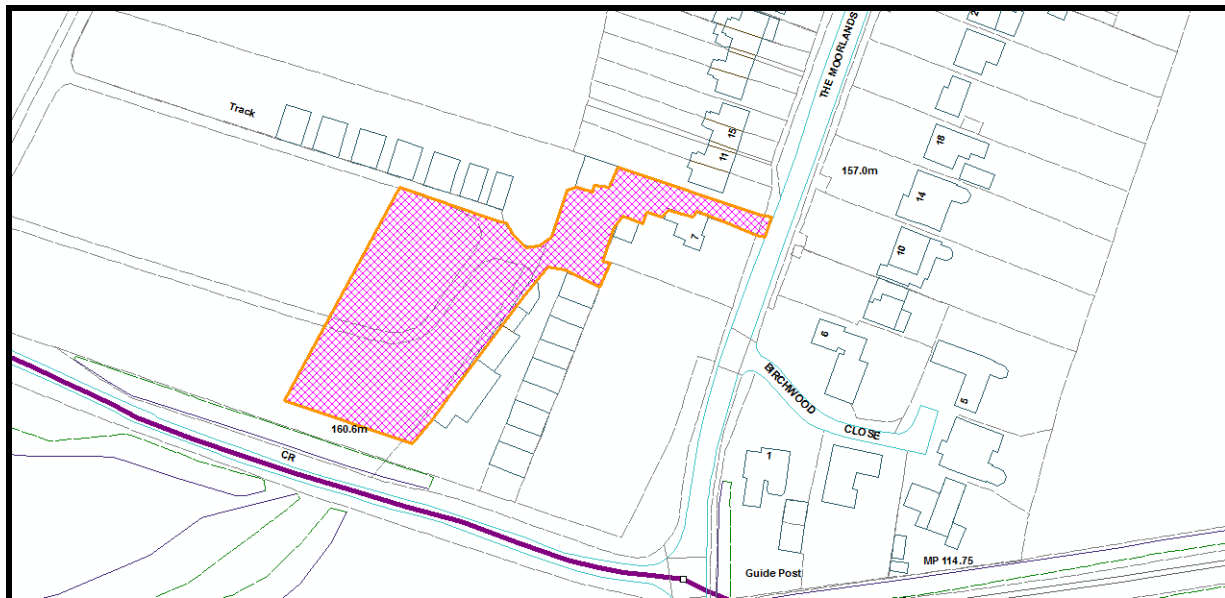
8 Week Date:
7 October 2022

Case Officer:
Hannah Exley

Extension of Time:
7 October 2022

Recommendation:
PERMIT

Site Location - Plan for indicative purposes only



Reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the controller of Her Majesty's Stationery Office
©copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence LA 100019329)

This application is brought to the Planning Committee for determination under the requirement of the constitution as the agent for this scheme is related to an Elected Member of the Council.

RECOMMENDATION - PERMIT, subject to the following condition(s):

1. Standard time limit
2. Plans
3. External Materials
4. Lighting and control of light spill

MAIN REPORT

1. Proposals and Background

Approval is sought for the erection of an agricultural store to be used for cattle and general agricultural purposes on land to the rear of 7 The Moorlands, Coleorton. The site is located to the rear of No. 7 The Moorlands and is adjoined by an un-named road (hereafter known as Farm Town Lane) to the south. Precise measurements of the proposal are available to view on the submitted plans. The proposed agricultural development would not qualify as permitted development under the Town and Country Planning (General Permitted Development) Order (as amended) due to the building being used for the keeping of animals.

The site lies outside the Limits to Development as defined on the Policy Maps to the adopted Local Plan.

The application submission was accompanied by a Design and Access Statement and provides the following information in respect of the need for the proposed agricultural building:

The farming business have been operating from the site for 3 generations and run a beef suckler cow herd, alongside commercial game rearing. With the addition of an extra 10 acres which has just been taken on by C.A.Jessop & Son, the farm now manage a total of 187 acres, all of which is down to grass.

Last year, the applicant successfully acquired consent for the erection of a machinery store which has now been erected as per the submitted plans. The following application is for the erection of a cattle and general-purpose store due to the applicant losing existing building facilities on tenanted land and the farming enterprise continuing to expand. C.A.Jessop & Son are also starting to rear their own pedigree stock bulls up to 20 months as a way of diversifying their existing farming practice and generating an additional income.

The store is predominantly for the purpose of housing all cattle throughout the winter months, including calving which takes place early spring, as well as a general store. The applicants intend to also rear their own pedigree stock bulls until 20 months old as a way of generating a different avenue of income. The proposed building will also provide them with enough space to keep these separate from the main herd.

Currently, the applicant utilises a building on tenanted land which is 60 x 60 (ft) (18.3m x 18.3m) with a 20 x 30 (ft) (6.1m x 9.1m) lean-to, for the housing of most of his cattle. Due to the expiration of a previous agreement and the sale of the smallholding on which the building is located, they will no longer be permitted to house the cattle in this location. C.A.Jessop and Son, therefore, require a building which will be able to house all of their existing and proposed cattle.

Over the winter just gone, the applicants were required to bring a number of their cattle inside the newly erected machinery store, due to the harsh conditions created by the cold and the extremely strong winds which come from a south-western direction every year. Most cattle are housed in the tenanted store, which is to be lost this year, however, before being relocated inside, some are managed in an uncovered pen just south of the machinery store. The building will also help with the storing of bales, equipment, and other materials throughout the year.'

Planning History:

21/00331/AGP- Erection of an agricultural building for machinery, implement and fodder store (Permitted and implemented)

15/00543/FUL- Removal of existing timber framed workshop/garage/store and replace with an agricultural implements store and workshop (Permitted but not implemented)

09/00175/FUL- Retention of use of land for the mixed use of land for the stationing of livestock shelters and for the breeding and rearing of livestock upon the land and within those shelters and for an agricultural use (Permitted and implemented).

2. Publicity

4 Neighbours have been notified.
Site Notice displayed 17 June 2022.

3. Summary of Consultations and Representations Received

The following summary of responses is provided.

Coloerton Parish Council has no comments.

NWLDC Environmental Protection

Has no objections to make on the granting of this planning permission. The proposed use would not negatively impact on its environment by way of noise, light, odour or other disturbance.

Leicestershire County Council - Highways

Advise that the impacts of the development on highway safety would not be unacceptable, and when considered cumulatively with other developments, the impacts on the road network would not be severe.

Leicestershire County Council - Local Lead Flood Authority

Refers the Authority to Standing Advice.

Third Party Representations

One letter of neighbour representation has been received, raising objection on the following grounds:

- the claim within the Design and Access Statement that the building would be hardly visible due to vegetation is incorrect and the building would be visible from many locations in the surrounding area;
- the proposed development would add considerably to the built form on the application site, would further erode the openness on remainder of the site and diminish the amenity of the current grassland;
- there has been a noticeable intensification of vehicular activity at the site and this has led to an increase in mud on adjoining highways;
- the Design and Access Statement does not assess the external impacts of the expansion of the enterprise as a result of the development;

- the impacts of the proposal on the access is unclear and there is another gated access to the site which is not included in the application;
- insufficient information has been provided to assess the impacts of the proposal.

All responses from statutory consultees and third parties are available to view in full on the Council's website.

4. Relevant Planning Policy

National Policies

National Planning Policy Framework (2021)

The policies of the North West Leicestershire Local Plan as listed in the relevant section below are consistent with the policies in the NPPF. The following paragraphs of the NPPF are considered relevant to the determination of this application:

Paragraphs 8 and 10 (Achieving sustainable development);
Paragraphs 11 and 12 (Presumption in favour of sustainable development);
Paragraphs 38, 45 and 47 (Decision-making);
Paragraphs 55 and 56 (Planning conditions and obligations);
Paragraphs 84 and 85 (Supporting a prosperous rural economy)
Paragraphs 104, 105, 108 and 110 (Promoting sustainable transport);
Paragraphs 126, 127, 130, and 135 (Achieving well-designed places);
Paragraphs 174, 175, 176, 180 (Conserving and enhancing the natural environment); and
Paragraph 159, 167 (Meeting the challenge of climate change, flooding and coastal change).

Adopted North West Leicestershire Local Plan 2021

The following policies of the adopted Local Plan are consistent with the policies in the NPPF and should be afforded weight in the determination of this application:

S3 - Countryside
D1 - Design of new development
D2 - Amenity
IF4 - Transport infrastructure and new development
IF7 - Parking provision and new development
En1 - Nature Conservation
CC2 - Water - Flood Risk

Other Policies and Guidance

National Planning Practice Guidance.
Good Design for North West Leicestershire Supplementary Planning Document - April 2017.
Leicestershire Highways Design Guide.
The Habitats Regulations (The Conservation of Habitats and Species Regulations 2017)
Circular 06/05 (Biodiversity and Geological Conservation - Statutory Obligations and Their Impact Within The Planning System.

5. Assessment

Principle of Development

In accordance with the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the starting point for the determination of the application is the development plan which, in this instance, includes the adopted North West Leicestershire Local Plan (2021).

The site is located within Limits to Development within the countryside as defined by the Local Plan. Policy S3 of the Local Plan states that, amongst other things, development will be permitted that is essential for the long term operation of agriculture. The NPPF is also supportive of the sustainable growth and expansion of all types of business and enterprise in rural areas.

Policy S3 which states that development in accordance with criteria a-s would be supported, subject to satisfying criteria i-vi as set out below:

(i) The appearance and character of the landscape, including its historic character and features such as biodiversity, views, settlement pattern etc. are safeguarded and enhanced.

For the reasons discussed later in this report, it is considered that the appearance and character of the landscape would be safeguarded.

(ii) It does not undermine, either individually or cumulatively with existing or proposed development, the physical and perceived separation and open undeveloped character between nearby settlements either through contiguous extensions to existing settlements or through development on isolated sites on land divorced from settlement boundaries.

(iii) it does not create or exacerbate ribbon development.

The site does not create or exacerbate ribbon development, nor undermine the physical or perceived separation between nearby settlements.

(iv) built development is well integrated with existing development and existing buildings. The proposal building would be well related to other existing buildings on the site.

and

(v) the development will not seriously undermine the vitality and viability of existing town and local centres.

Given the nature of the proposal, this criterion is not considered to be relevant.

(vi) the proposed development is accessible, or will be made accessible by a range of sustainable transport.

On the basis that the proposed works relate to proposals to a new farm building on an existing farm site and the proposal would enable the farming enterprise to operate from one rather than multiple sites, it is not considered that the development would lead to an increase in vehicular movements and does not need to be accessible by a range of sustainable transport.

Additionally, it is noted that the NPPF provides a degree of support for the proposal as it requires planning decisions to support rural business growth including through the construction of well-designed new buildings.

On the basis of the above, the principle of the proposed development would be acceptable and the application would therefore accord with Policy S3 of the adopted Local Plan and the NPPF.

Design and Visual Impact

Concern has been raised by a local resident in respect of the visual impact of the proposal and the cumulative impact of the building alongside other buildings on the site on the rural environment.

The site lies to the rear of No.7 Moorlands which is a residential property connected with the agricultural use of the application site. The proposed building would be located approximately 70m from the public highway on the Moorland beyond existing agricultural buildings of a lower height. Land levels are general flat on and around the location of the proposed building. There is a dense, mature hedgerow along The Moorlands which along with the existing buildings on the site, would provide some screening for the building but given the height of the proposed building (7.5m to the ridge), the proposed buildings would be visible in medium views from the highway above the hedgerow and the existing buildings.

The road to Farm Town lies to the south of the wider site and the boundary with this highway is occupied by a belt of mature trees. The trees provide significant screening for the development site and would provide similar screening for the proposed building. However, it is noted that in the winter months the screening would be reduced as the trees are without leaves and glimpses of the building between the trees would be visible. The building would also be visible in distant views when travelling from Farm Town in an easterly direction along the lane where a gap in tall vegetation has been created by a field access and lower hedgerow boundary.

There are no public footpaths which cross the application site and therefore, public views of the proposals would be from the public highway and the building would be viewed in the context of other agricultural buildings of varying sizes that are present at the site, the largest being a storage building with concrete and green profiled sheeting to the elevations which is located to the north of the proposed building. This existing building measures 24.5m by 12.4m in floor area with eaves and ridges heights of 4.27m and 6.12m respectively. The proposed building would measure 48.9m by 15.4m in floor area with eaves and ridge heights of 5.2m and 7.5m respectively and would represent the largest building on the site.

Whilst the building would be visible within some open and more glimpsed views from public vantage points, the proposed building would be well related to existing buildings on the site and the position of the building would serve to enclose the area where buildings are currently sited to provide a farmyard area between the buildings. This arrangement currently doesn't exist as buildings face onto an open field. The proposed arrangement would create a clearer distinction between the built up part of the farm and the more open field areas of the farm.

The lower part of the building would be constructed of concrete panels with timber cladding above and fibre cement sheeting to the roof. The building would have the appearance of a typical agricultural building and would not appear out of keeping with other buildings on the site or within an agricultural landscape generally.

Overall, the proposed agricultural building would be visible in medium to long views but would when having regard to location of the building within the context of other farm buildings, the presence of some vegetation along the highway boundaries and the agricultural appearance of the building, it is considered that the building would not appear unduly prominent from surrounding views and would not be detrimental to the present rural character of the site or the

surrounding countryside. Therefore, subject to conditions in respect of external materials, the proposal is considered to be in accordance with Policies S3 (Criterion i) and D1 of the adopted Local Plan.

Highway Safety

The current access arrangements would remain unchanged and the proposal would not remove any parking available at the site. Additional information has been sought during the course of the application about vehicular movements to and from the site as a result of the proposed development. The applicant's agent has confirmed that there would be a net reduction in vehicle movements to and from the site (even with the applicant starting to rear his own pedigree sock bulls). This is due to the fact that currently the applicant has cattle at both the application site and a tenanted 3 acre site at the applicant's grandparent's smallholding, which he will soon be losing due to the smallholding being sold. The proposal would allow all cattle to be housed at the one location, where the applicant also runs a game rearing business and which is his main place of work.

The County Highways Authority has been consulted on the application and advises that the site is located on The Moorlands which is a classified C road subject to a 30mph speed limit and the proposed development would utilise the existing site access off The Moorlands to which no alternations are proposed.

The County Highways Authority advise that visibility is restricted at the site access in both directions; to the north by virtue of the location of the splay within neighbouring land and to the south by a boundary fence on land within the applicant's control. Whilst an intensification of the use of the access would raise highway concerns, the County Highways Authority note that the building would provide undercover housing for cattle that are already on the site and would reduce two-way traffic to and from the site due to the relocation of cattle on another site to the application site. On the basis of the above submitted information, the County Highways Authority conclude that the existing access arrangements can adequately accommodate the proposed development and the impacts on the road network would not be severe in the context of Paragraph 111 of the NPPF.

Overall, the highway safety aspects of the scheme are considered acceptable and the proposal is considered acceptable in relation adopted IF4 and IF7 of the adopted Local Plan and the NPPF.

Drainage and Flood risk

The site lies within Flood Zone 1 (which has the lowest risk of flooding) as defined on the Environment Agency's Surface Water Flood Maps. Furthermore, the building would be open on one side and partially open on two sides and therefore, flood water could occupy the space within the building in the unlikely event of a flood.

With regard to surface water management, the Local Lead Flood Authority have referred the Authority to Standing Advice. The application site is identified as being at low-high risk from surface water flooding. Whilst the majority of the building would be located in an area of low risk, part of the building would be in an area at high risk of surface water flooding. The building is likely to have a base that is not permeable but is fully open to ground level on one side and two sides are partially open to ground level and therefore, water could pass through the building. The building would occupy land which is a mixture of grass, loose aggregate and mud and therefore is currently permeable. The building would be at a distance from nearby

residential properties and there is surrounding land which is not subject to surface water flooding where surface water could disperse. The nearest neighbouring properties are not currently at risk of surface water flooding; with the areas of high risk areas being in the southern part of the site and the residential properties located to the north/north-east of the site. On this basis, it is considered that the new build would not deflect floodwater onto another person's property or raise flood levels by a significant amount locally.

Overall, it is not considered that the proposal would result in any increase in flood risk to the site or would not further exacerbate any localised flooding issue and accordingly the application is considered to accord with Local Plan policy Cc2 and paragraph 163 of the NPPF.

Ecology

The site would occupy land that is currently part of an open field although parts of the application site on which the building would be located is occupied by external storage (predominantly hay bales and loose aggregate). Much of the ground is disturbed by marks made by vehicular movements.

The County Ecologist has been consulted on the application and advises that there should be a minimum 5 metre buffer provided between the proposed building and the adjacent woodland which is a Local Wildlife Site and that there should be no lighting in addition to that already on the site, and there should be no light-spill onto the adjacent woodland. The proposed building would be located more than 5m from the adjacent woodland and no lighting is shown on the submitted drawings. Furthermore, lighting could be controlled by an appropriately worded condition.

The site and adjacent land provides a suitable habitat for badgers but the County Ecologist has no records of badger activity in the vicinity of the proposed development. The County Ecologist advises that the applicant must be made aware that badgers and their setts (tunnels and chambers where they live) are protected by law and this can be achieved through a note to applicant.

Whilst the mandatory requirement for 10 percent Biodiversity Net Gain has not yet been enacted through the Environment Bill (expected 2023), paragraph 180(d) of the NPPF sets out a requirement to minimise impacts on and provide net gains for biodiversity. In this case, whilst no calculations have been provided, as set out above the building would be sited on disturbed land or areas of loose aggregate which have low biodiversity value. The proposal is for an agricultural building which due to its open sided nature would provide opportunities for nesting birds which would provide a biodiversity net gain on-site. Overall, it is considered that the proposals would comply with the provisions of paragraph 180(d) of the NPPF.

On the basis of these conclusions, it is considered that the proposal is unlikely to adversely affect protected species and, therefore, it complies within the aims of Paragraph 175 of the NPPF, Circular 06/05 and Policy En1 of the adopted Local Plan.

Conclusions

The principle of the development is acceptable. The proposal is not considered to have any significant detrimental impacts on the rural character of the locality, residential amenity, ecology, flood risk, and highway impacts. There are no other relevant material planning considerations that indicate planning permission should not be granted. The proposal is deemed to comply with the relevant policies in the adopted Local Plan and the advice in the NPPF. Accordingly

the application is recommended for planning permission, subject to the imposition of planning conditions.