

OTTERY ST MARY  
(Ottery St Mary Rural)

07/0721/FUL  
(Full)

Target Date: 03.05.2007

Applicant: Mr Hulbert

Location: Skinners Ash Farm  
Fenny Bridges

Proposal: Proposed calf rearing unit, residential mobile home and creation of new access

## **CONSULTATIONS**

### County Highway Authority

In a response received 5<sup>th</sup> April 2007 the highways authority recommended that the following conditions shall be incorporated in any grant of permission:

1. The site access road shall not be less than 5.5m wide for the first 20.0m back from its junction with the public highway and shall be provided with 10.0m kerb radii at the junction. The accessway for the first 20.0m shall be properly consolidated and surfaced (not loose stone or gravel). Any entrance gates shall be erected a minimum distance of 16m from the carriageway edge and shall be hung to open inwards.

2. Visibility splays shall be provided, laid out and maintained for that purpose at the site access where the visibility splays provide intervisibility between any points on the X and Y axes at a height of 300mm above the adjacent carriageway level and the distance back from the nearer edge of the carriageway of the public highway (identified as X) shall be 2.4m and the visibility distances along the nearer edge of the carriageway of the public highway (identified as Y) shall be 90.0m in both directions.

3. In accordance with details that shall previously have been submitted to and approved in writing by the local planning authority, provision shall have been made within the site for the disposal of surface water so that none drains on to any county highway.

Subsequently in relation to an amended plan received on the 11th April 2007 the highways authority have stated that provided that the access was set out in accordance with the details of that plan this would be satisfactory to meet the requirements of the previously suggested conditions.

### Environment Agency

The Flood Risk Assessment (FRA) is acceptable and providing development conforms to these documents, we have no objection to the proposals from a flood risk perspective. Nonetheless, our earlier advice regarding adequate foul drainage still stands, It is also important that the foul drainage from the proposed calf-rearing unit is satisfactory and so details of this should also be submitted. In this regard, the following recommendations should be considered:

- Clean surface and roof water should be kept separate from foul drainage.
- All foul drainage, including foul surface water run-off, should be disposed of so as to prevent pollution.
- Slurry should be stored in a sealed system.
- Manure/dung heaps should be resited, stored and disposed of so as not to cause pollution to water.
- The disposal of slurry must be undertaken in accordance with MAFF code of good agricultural practice for the protection of water.

### Agricultural Consultant

A detailed appraisal has been carried out by the Council's Agricultural Consultant which concludes that:

"...it is my opinion that both the proposed new calf rearing buildings at Skinners Ash Farm and the mobile home to be sited adjacent to them, can be fully justified from the agricultural point of view"

### County Archaeologist

The proposal is sited in an area of archaeological potential, where Bronze Age and Neolithic evidence has been found. Also the new access leads onto the Roman road from Honiton to Exeter. I would therefore recommend that a condition along the following lines be included in any consent that your authority may be minded to grant:

- No development shall take place until the applicant, their agent or successor in title has secured the implementation of a programme of archaeological recording in accordance with a written scheme of investigation that has been submitted to and approved in writing by the local planning authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the local planning authority.

### **TOWN/PARISH COUNCIL**

Ottery St. Mary (the relevant town council for the application) has recommended refusal:

"This is the wrong location as it is adjacent to a flood plain. Possible danger to animals, visual intrusion, unnecessary new access on to the old A30. loss of Devon hedgerow."

Feniton (The adjoining parish council) has raised no objection.

### **WARD MEMBER(S)**

No comments received.

### **REPRESENTATIONS**

4 letters of objection received.

### **Summary of objections:**

- Increase in traffic to and from the site.
- Remote location distant from existing farm.
- Need for mobile home questioned and concern that this would lead to application for a permanent dwelling.
- Application should be considered as the creation of a separate holding
- Negative impact on the residents of Fenny Bridges
- Potential pollution of a watercourse
- Potential flood risk
- Landscape impact/loss of view
- Noise from livestock and traffic over proposed cattle grid at entrance
- Impact on drain close to access
- Impact of smell on nearby residents

## **PLANNING POLICIES**

### Government Guidance

PPS 1 - Delivering Sustainable Development  
PPS 7 – Sustainable Development in Rural Areas

### Devon County Structure Plan (2001-2016)

Policy CO6 – Quality of New Development  
Policy TR2 – Co-ordinating Land Use/Travel Planning  
Policy TR10 – Strategic Road Network

### East Devon Local Plan (1995-2011)

Policy D1 – Design and Local Distinctiveness  
Policy EN25 – Private Sewage Treatment Plants  
Policy EN26 – River and Coastal Flooding  
Policy S4 – Countryside Protection  
Policy TA6 – Adequacy of Road Network and Site Access

## **SITE LOCATION AND DESCRIPTION**

The application site relates to a large open and level agricultural field located to the south side of the former A 30 and opposite the linear residential development that comprises ‘Fenny Bridges’. The field is of irregular shape and extends to approximately 25 acres in total. The boundaries of the field are formed by an existing hedgerow to the north (with the road and adjoining field) by the River Otter (to a large extent) to the south and east and by further hedgerow to the west. At present access to the field is via a field entrance accessing onto a layby and located in the north east corner of the field.

## **PROPOSED DEVELOPMENT**

The application proposes the formation of a calf rearing unit on the site (in the northwest corner of the field) and the siting of a residential mobile home to serve this. Two purpose built calf rearing barns are proposed with access to these (and the mobile home) via a newly created access drive off the south side of the former A30 to the north and east of the buildings.

## **CONSIDERATIONS AND ASSESSMENT**

### Comments

It is understood that the application has arisen due to a veterinary need to provide purpose built accommodation to house the calving enterprise which is run as part of the farm business. At present the calves are kept with the main dairy herd in calf huts and sheds on the main holding at Sherman’s Farm, Gittisham. However, the application proposes to separate this aspect of the business and to establish a calf-rearing unit at the proposal site. The reasons and justification for the proposal are discussed in further detail below. The other main issues in the determination of the application are considered to be: the justification and need for the residential presence; the impact of the proposed development on the landscape and surrounding countryside; the potential flood risk of the development; the design, scale and size of the proposed buildings in relation to any proven need; the highway safety issues resulting from the proposed new access to the site and the impact on residential amenity.

## Justification and need for proposal

The applicants run a high yielding specialist dairy herd from the site and also a small beef unit utilising home bred beef cross breeds. The herd is a closed herd meaning that the applicants breed and rear all herd replacements, most are retained whilst some are sold at an early age.

The business is run and managed from Sherman's Farm, Gittisham, which is situated approximately 2.5 kms to the southeast of the application site. The applicant is a tenant farmer at this site (which extends to 160 ha) and also rents and farms other land from a further 10 landlords (the total area of land which they farm extending to 296 ha). The only land that the applicants own is the 10 ha on the proposal site at Fenny Bridges.

The calf rearing business is currently run from Sherman's Farm, with some calves housed in movable hutches. The application has arisen due to a need to try to provide more suitable accommodation and to reduce the current high mortality rates of calves at the site (currently 30%). It is understood that the usual mortality rate expected would be between 3 – 4 %. The application is supported by a letter from the applicant's vets detailing the problems that cause this high mortality rate. The reasons being the lack of a level, well drained site at Sherman's Farm and the proximity of this to the main dairy herd which lead to cross contamination. The application also states that the landlord of the Sherman's Farm site does not support and would be unwilling to contribute financially to the erection of any specialist calf rearing buildings at the site.

The applicant's have therefore chosen the land they own at Fenny Bridges as the proposed site for the calf-rearing enterprise to be run in conjunction with the main farm business. The advantages of this being that it is level and would allow the erection of purpose-built buildings, both of which would be designed to reduce the current high mortality rate. It is also proposed to site a residential mobile home on the site for a farm worker in relation to the enterprise.

The Council's agricultural consultant has reviewed the proposals and has confirmed that in his opinion there is a genuine need for the calf rearing buildings and that there is no realistic alternative to the proposal site at Fenny Bridges.

Regarding the proposed residential mobile home government guidance in this regard is contained within Annex A of PPS 7. Any such proposals should be assessed against criteria which include the need to demonstrate both a financial and functional need for the residential presence. The application is in the first regard part of an existing business and it is considered that there is "... clear evidence of a firm intention and ability to develop the enterprise concerned." And, "...clear evidence that the proposed enterprise has been planned on a sound financial basis." It is considered that this test is clearly met and the proposal to erect the new building is further evidence of the applicants' intentions. The application is also supported by budgetary predictions for the proposed unit which suggest a year on year profit in excess of £7000 after the deduction of labour costs and including the repayment of capital costs.

In terms of the functional test it should be demonstrated that there is a requirement to provide, "...essential care at short notice; to deal quickly with emergencies that could otherwise cause serious loss of crops or products, for example, by frost damage or the failure of automatic systems." And that such a need, "...could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned." In the first regard It is accepted that there is a requirement for at least one full-time worker to be readily-available at most times day and night in relation to the proposed enterprise, as the unit would house calves throughout the year, from a day old, starting with them being reared from the bucket. In the second regard, the Council's agricultural consultant has suggested that even if Sherman's Farm itself was considered close enough to the proposal site that it could manage the site's operation (in this respect he considers the distance too far), then there is no available accommodation at the site for a dedicated worker, which is

what would be required. In the second regard as to whether there is any other suitable and available accommodation in the area that could serve the need no evidence has been submitted to this effect. However, it is considered that the need is such that it could only really be satisfied by an on-site presence, particularly when the question of site security and bio-security is taken into account.

The assessment of the need and justification for both the calf-rearing building and the residential mobile home leads to the conclusion that both are fully justified from an agricultural viewpoint.

### Impact on the countryside

The application proposes the siting of 2 no. calf sheds each measuring 32 m x 8 m and to a ridge height of 5 metres. The siting of a residential mobile home is also proposed. It is proposed to locate all of the buildings/structures in the far western corner of the field, behind an existing hedgerow that runs east-west across part of this field. There are some maturing trees within the hedgeline that would provide good screening, particularly from a northerly direction.

The application also proposes the creation of a further hedge to run parallel with this to the south of the site between an existing mature oak and the existing north-south hedgeline on the western boundary of the site. Beyond the oak this hedge would continue on a diagonal line to terminate to the immediate south of the proposed driveway at the entrance to the farm site.

It is considered that due to the existing and proposed landscaping and the relatively low ridge height of the buildings their impact on the landscape would be limited. Indeed if the case is accepted that there is a justified need for the buildings the chosen site within the field is considered to be the most appropriate. Alternative locations for the building within the field are restricted by the fact that the majority of it is within a medium or high risk flood zone. Therefore the only locations for the buildings that are likely to be acceptable to the Environment Agency from a flood risk perspective are the proposal site and an area in the northwest corner of the field adjacent to the proposed access. In some ways it could be argued that the area adjacent to the road would be preferable in that it would be more closely related to existing development and entirely outside the flood risk zones. However, this site would be considerably more prominent from public view and be to the south side of the road where the existing ribbon development is all to the north side of the road. Furthermore this location would also be in closer proximity to residential properties and would be more likely to impact adversely on amenity by reason of noise and smell. It is therefore considered that the proposed location is the most appropriate for the buildings.

The proposed access track itself is likely to have a greater visual impact due to the amount of hedgerow that would be required to be realigned. If this could be achieved by the moving of the existing hedge then the immediate impact would be lessened. However, even if the planting of a new hedgebank (to the rear of the required visibility splay) was required, provided that this was planted with native species to match the existing hedgerow in time the impact would be limited to the splayed entrance area and the track itself across the corner of the field. It is proposed to surface the track in stone, gravel or road planings. Although the track would be visible its impact would largely be limited to glimpsed views from the proposed entrance. It is considered that provided the track is surfaced in sensitive natural materials the agricultural need for the track would outweigh concerns regarding its impact on the countryside.

### The design of the buildings

The calf buildings proposed would be constructed from standard materials used for such modern agricultural buildings (i.e. steel frame with timber boarding to the elevations and metal sheeting to the roofs) and are relatively low lying in the landscape, they would also be largely screened from public view by existing field boundary treatment. If the case for the justification of the buildings is accepted it is considered that their size and design is considered appropriate.

## Highway Safety/Traffic

The proposed new access would be onto a straight section of road subject to a 30 mph speed restriction. Provided the suggested visibility splays are laid out and maintained and the access constructed and surfaced as proposed then the proposal is considered acceptable from a highway safety viewpoint.

Objection has been raised by local residents with regard to increased traffic to the site via the proposed new access. It has been suggested that the existing field access (in the northeast corner of the field) should be utilised. This existing access entrances onto the highway through a layby and is approximately a further 200 metres to the east of the proposed access. If this access were to be used it would be necessary to lay a surfaced track across the field to the proposal site some of which would be within the high risk flood zone. It is likely that visibility improvements would also be required at this entrance. It is therefore considered that the proposed access would be at less risk of flooding and would (by being shorter and closer related to existing field boundaries) have less of a visual impact.

Regarding the impact of traffic to and from the site the supporting statement suggests that total traffic movements to and from the site each day are likely to be about 10. Even if this were an underestimate it is not considered that this amount of traffic is likely to give rise to any adverse impact on residential amenity or highway safety.

## Flood risk

The siting of the proposed buildings has been amended following an initial objection from the Environment Agency. All of the buildings and access track now lie outside of the high risk flood zone and the residential mobile home (and the majority of one of the calf buildings) is also located outside of the medium risk zone. The Environment Agency has commented that they have no objections to the amended proposal from a flood risk perspective.

## Mobile Home and future permanent dwelling

A number of objectors have raised concern that the proposal will eventually result in the erection of a permanent dwelling on the site. PPS 7 advises that Local Planning Authorities should not grant permission for temporary dwellings in locations 'where they would not permit a permanent dwelling.

In this case although the calf rearing enterprise is part of a larger, long established agricultural enterprise, permission is sought initially for a temporary dwelling. It is though considered likely that in time (after the usual period of three years) the applicants may apply for a permanent dwelling on the site - The three year period allowing time for the enterprise to establish and for the financial and functional tests to be reassessed at the end of that period – in this regard the general location of the mobile home is considered to be acceptable and it is considered that the case for a temporary dwelling is clearly justified.

## Residential amenity

There has been local concern, mainly from occupiers of the properties opposite the proposed entrance to the site, regarding the potential impact of the development on residential amenity in terms of noise, smell and loss of view. The proposed calf buildings would be sited some 250 metres away from the nearest residential property and would be screened from view by existing hedge and tree planting. This is considered to be sufficient distance such that noise and smell from the site are unlikely to be an issue. Although loss of view is not a material planning consideration, it is not considered that this would be the case anyway due to the siting of the buildings behind the hedgeline.

## Other issues

Potential pollution of the watercourse has been raised as an objection. The Environment Agency however appear to be content that such issues can be covered and further details of the foul drainage would be a condition requirement if the application were approved.

## **CONCLUSIONS**

The application for the establishment of a calf rearing enterprise to be run as part of the applicant's main farm business is considered to be justified in terms of its need and the location proposed appears to be the most appropriate available. Although the unit is proposed as a subsidiary part of the main farm business it is considered that the proposal would also be viable and acceptable as an independent business. Furthermore it is also considered that there is a clear functional need for a temporary agricultural workers dwelling and that the predicted figures indicate that the business would be financially viable. Subject to the conditions set out below the application is considered acceptable.

## **RECOMMENDATIONS**

APPROVE subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission and shall be carried out as approved.  
(Reason - To comply with section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004).
2. The use of the land for the stationing of the mobile home hereby permitted shall be discontinued and the mobile home shall be permanently removed and the land reinstated to its condition before the use so permitted was commenced, on or before 3 years from the date of this permission. The mobile home shall be occupied only by a worker solely or mainly engaged in the calf rearing business.  
(Reason - The need for the siting of the caravan is for a temporary period only and in the interest of the character and appearance of the area.)
3. The mobile home shall not be brought onto the site until such time as the calf rearing buildings have been completed, and shall not be occupied until the calf rearing buildings have been stocked at the rates set out in the applicants supporting documents.  
Reason – To ensure a functional need for on site supervision is necessary.
4. No development shall take place until further details of the method of construction and surfacing material of the access track have been submitted to and approved in writing by the Local Planning Authority.  
(Reason – In the interests of the character and appearance of the area.)
5. The access hereby approved shall be constructed and laid out strictly in accordance with the details shown on drawing no. KH/07/02 unless otherwise previously agreed in writing with the Local Planning Authority. Furthermore, the visibility splays indicated shall be permanently maintained as such with all land and planting within the splay area maintained so as not to exceed 300mm above the adjacent carriageway level.  
(Reason – In the interests of highway safety)
6. No development shall take place until the applicant, their agent or successor in title has secured the implementation of a programme of archaeological recording in accordance with a written scheme of investigation that has been submitted to and approved in writing

by the local planning authority. The development shall be carried out at all times in strict accordance with the approved scheme, or such other details as may be subsequently agreed in writing by the local planning authority.

(Reason – To ensure that an appropriate record is made of archaeological evidence that may be affected by the development)

7. Prior to the commencement of development and notwithstanding the details shown on the submitted drawings, further details of the roofing material for the calf buildings including; finished colour, shall be submitted to and agreed in writing by the local planning authority.  
(Reason – In the interests of the character and appearance of the area.)
  
8. The landscaping scheme (comprising of the planting/realignment of native hedgerows as indicated on drawing no. KH/O7/02) shall be carried out in the first planting season after commencement of the development unless otherwise agreed in writing by the Local Planning Authority and shall be maintained for a period of 5 years. Any trees or other plants which die during this period shall be replaced during the next planting season with specimens of the same size and species unless otherwise agreed in writing by the Local Planning Authority.  
(Reason - In the interests of amenity and to preserve and enhance the character and appearance of the area.)
  
9. No development shall take place until further details of the method of dealing with foul drainage have been submitted to and agreed in writing with the Local Planning Authority such details shall include provisions to ensure that:
  - the site is drained on a separate system of foul and surface water drainage, with all clean roof and surface water being kept separate from foul drainage,
  - all foul drainage, including foul surface water run-off, is disposed of in such a way as to prevent any discharge to a well, borehole or spring or any watercourse, including dry ditches with a connection to a water course.
  - Slurry must be stored within a sealed system, which should be isolated from the main drainage system(Reason - To ensure adequate drainage provision is made and to prevent the pollution of the water environment.)
  
10. Any manure/dung heaps shall be sited, stored and disposed of so as not to cause pollution to water and the disposal of slurry must be undertaken in accordance with the MAFF “Code of Good Agricultural Practice for the Protection of Water.”  
(Reason – To prevent pollution of the water environment.)

### Reasons for Approval

The proposal complies with the Devon Structure Plan 2001-2016 policies: C06, TR2 and TR10

The proposal complies with the East Devon Local Plan 1995-2011 policies: D1, EN25, EN26, S4, TA6

The proposal does not adversely affect the privacy and/or amenity of neighbouring occupiers

The design and external appearance of the proposal does not harm the visual amenity of the site and surrounding area.

The access to serve the proposal does not prejudice highway safety

### Approved plans

CN04: KH/07/02 and calf building detail drawing

### Note to Applicant

The Council will expect to see fully detailed and audited accounts and details of stocking levels together with any further application for a permanent dwelling. The Council is unlikely to permit an extension of the temporary permission for the mobile home. The Council will need to carefully assess the functional need for a permanent dwelling, and the financial viability of the calf rearing enterprise as an independent unit.

### List of Background Papers

The file containing all letters, consultations, and documents referred to in the report.