

WHIMPLE
(Talatón)

07/0993/FUL

Target Date: 29.05.2007

Applicant: Mr Kirby

Location: Land south east of Bittery Cross, Talewater, Talatón

Proposal: Proposed Livestock Building

CONSULTATIONS

County Highway Authority

Had no objection to previous application. Any views upon this new application will be reported orally.

Environmental Health Officer

No comments.

Agricultural Adviser

Was consulted upon previous application for the erection of this building and confirmed that it was intended to house the applicant's entire flock of sheep during winter months, when they would be fed on hay and bought-in bagged feed, and bedded on straw. This is an increasingly used practice, especially under an organic system.

The Agricultural Adviser appreciated the applicant's desire to house all of the 50 ewes and their requirements for hay and straw. He analysed the size of the building against the intended livestock within it and concluded that the proposed building would be reasonably required for the purpose for which it was intended.

In the light of the fact that this latest application proposes the same building in the same location, further advice upon the agricultural justification for it has not been sought on this occasion.

TOWN/PARISH COUNCIL

"As a Quality Parish and in accordance with our Village Plan the Parish Council supports this application but has concerns regarding the viability of the project and any resultant change of use, given recent changes from agricultural to light industrial use in the Parish. Accordingly the Parish Council suggests the attachment of a condition to maintain it as an agricultural building."

WARD MEMBER(S)

No comments received at the time of preparing this report.

REPRESENTATIONS

Support

2 letters have been received raising the following point:

- This seems to be a most sensible use of agricultural land.

One of the supporters of the site chosen for the building has indicated that that they would object to any of the other 4 locations that have been identified as alternative locations for the new building.

RELEVANT PLANNING HISTORY

App.No:	Proposal	Decision	Date
06/1327/FUL	Proposed Livestock Building	Refused	18.10.06

The above mentioned application was refused by the Planning Inspection Committee in October of last year for the following reason:

“The proposed livestock building, by reason of its location, size and means of access, would constitute an intrusive element within the open countryside, damaging its distinctive landscape, amenity and environmental qualities, and in the absence of any overriding justification for the building its erection and associated access to it would be contrary to the specific provisions of Policies S4 (Countryside Protection) and D1 (Design and Local Distinctiveness) of the adopted East Devon Local Plan 1995-2011.”

The decision was taken against officer recommendation.

An appeal has been lodged against this decision and the Planning Inspectorate has agreed that it will be dealt with by way of a Hearing, the date for which has yet to be arranged.

PLANNING POLICIES

Devon Country Structure Plan (2001-2016)

- Policy CO6 - Quality of new development

East Devon Local Plan (1995-2011)

- Policy D1 - Design and Local Distinctiveness
- Policy S4 - Countryside Protection
- Policy D4 - Landscaping Requirements

SITE LOCATION AND DESCRIPTION

This is an application to erect a livestock building within an agricultural holding of some 8.4 hectares located in the open countryside to the east of Talaton village. The site is presently open and laid to arable, falling from north to south. The higher part of the field is prominent in views from the south and there are some good hedgerow trees around it.

PROPOSED DEVELOPMENT

This is a second attempt to secure permission for a livestock building on land at Bittery Cross, the first having been rejected by the Committee. The application is identical to that submitted last year, but this time includes more information about the options open to the applicant for locating the building within his land holding.

The proposal involves the erection of a livestock building on land close to Bittery Cross. The new building would be positioned in a dip in the field and served by long driveway, formed off a new access onto the road to the north of the holding, opposite an existing field access, where there is a strong hedgerow but no trees.

The application drawings indicate that the new gated access would involve creating a gap in the hedgerow some 6m wide, but that new hedging would be planted around its edges. There are no highway objections to this access. The location plan also indicates that two existing gateways along the northern and south-western corner of the field would be closed with matching hedgerows.

The building itself would be 18.45m x 14.2m with a smaller secure store on its north-eastern side. It would contain two sheep pens and areas for lambing and hay and straw. It would have a height of 2.4m to eaves and a ridge height of 5.8m. Materials are stated to be natural block and timber walls beneath a "battleship Grey" profiled sheet roof.

The new building would be sited in a natural hollow in the field, which would help to conceal it from public view, beneath the level of the rising ground to the north. Contours are indicated on the plans. The application is accompanied by a planting scheme, involving a dense copse to the north and west of the new building, alleged by the applicant's agent to produce a long-term "parkland setting".

CONSIDERATIONS AND ASSESSMENT

Background

In addition to submitting this second application for the livestock building, the applicant has appealed against the Committee's decision to refuse his first application. The applicant is a livestock farm worker employed on a farm in Plymtree and living in a tied cottage in Payhembury, belonging to his employer. He owns a house in Feniton, which is let on a short-term tenancy basis but one day he will occupy it, when he moves from his tied cottage.

The applicant wishes to use his skills to develop a smallholding of his own to provide a supplementary income. The application site lies within 2 miles of his Feniton house and close to where he currently works. He proposes to convert the land to organic and develop a small flock of pedigree sheep to provide "high quality organic lamb".

The applicant and his agent acknowledge that a unit of this size would not become fully commercially viable, but it would provide the applicant with an additional income and future occupation.

Whilst this continues to appear to be a somewhat speculative venture on the part of the applicant, when the initial application was submitted the applicant's agent responded to the points raised with more details of what the proposal actually entailed. The agricultural adviser accepted that a building of this size would seem reasonable to meet the applicant's anticipated throughput of livestock. Positioned in the dip and with landscaping on its northern and western sides, there should be minimal damage caused to the countryside in this part of the District, and not harm its distinctiveness in terms of policy S4 of the Local Plan.

Highway Issues

The position of the new access has been dictated in part by landscape constraints, farm management objectives and road safety considerations. The proposed access has been acknowledged by the County Highway Authority to be the most satisfactory entry into the site due to the width of the lane at that point, coupled with creating adequate visibility without serious disruption to the existing hedgerow.

The County Highway Authority have no objection to the new access, although it was a concern of the Committee when refusing the previous application.

Impact on Landscape

This is the issue that gave Members the most concern in respect of the previous application. Prior to reporting that application to the Committee discussions had taken place with the applicant's agent and the following is an extract from the previous report that dealt with the visual impact considerations, at that time.

"Given the concerns expressed last year about the likely prominence of the building, the applicant's agent was asked to justify the chosen location. He did so by reference to the local topography of the area, coupled with existing and proposed screening, arguing that the site chosen represents the least intrusive in the wider landscape, and is least likely to give rise to problems of amenity to local residents.

The access track would be low key, formed with crush gravel or similar tracks either side of a grassed central strip. The central position for the building facilitates the efficient management of the land stock.

The agent also pointed out that whilst the site lies in attractive countryside, it is not formally recognised for its landscape significance. He also indicated that the proposed access has been agreed with the Highway Authority, and if the building was to be placed at any other point adjacent to the new track, it would appear unconnected with the rural landscape."

The application plan shows new landscaping in the form of dense planting around the north and western sides of the new building. This diagrammatic suggestion of trees planted at regular intervals in a very formal arrangement is not likely to be the most appropriate method of integrating the development into the landscape of the area. This being so an appropriately worded condition is again included within the recommendation requiring full details of the landscaping scheme to be submitted for later approval.

Despite the information provided about the 'need' for this livestock building and the location that was chosen for it, the Committee felt that not only was there a question mark over the viability of the enterprise, but that the site chosen was unacceptable. It was also suggested that other, less intrusive locations within the applicant's land holding should be investigated, in the event of the erection of the building being accepted, in principle.

Alternative locations

In view of the concerns about the visual impact of the building expressed at the time that the last application was considered the applicant's agent has, this time, supplied more information upon the options available to his client. An extract from the statement that accompanied this new application is appended to this report in which the 5 options for the siting of the building are considered in more detail, together with a plan identifying each location.

Members will note that the agent concludes that option 4 is the preferred position and is again the subject of this new application. Following the decision to refuse permission for the previous application a site meeting took place with the applicant, his agent and his agricultural adviser, when all of the various options were again considered. Of the five, 1, 2 and 3 were considered to be unacceptable in terms of visual impact (2 & 3) and proximity to adjoining properties (1). Options 4 & 5 were felt to be the most appropriate with option 4 being the most practical for the purposes of the proposed development.

The applicant's agents detailed assessment of the various options is considered to accurately evaluate each of the locations and there is no reason to question the conclusions drawn from that evaluation.

Impact on Residential Amenity

In the chosen location the new building would be unlikely to have any impact upon the amenities of occupiers of any properties in the vicinity of the site. The occupiers of Hill Mount have written supporting the site chosen and expressing concern that if some of the others that have been shown as options were chosen, and sites 1, 2 and 3 in particular, then they would object in terms of their impact upon the amenities that they presently enjoy.

CONCLUSIONS

The continued concerns about the future of the building that have been raised by the Parish Council are again noted. However, once again taken on face value there is no reason to suppose that this is anything other than a genuine attempt to provide an agricultural development within the countryside, from an existing farm worker. When reporting the application to the Committee last year it was suggested that the Council's position over the future of the building, in the event of the applicant failing to make a success of his agricultural venture, could be safeguarded by the imposition of a condition requiring its removal upon the cessation of the agricultural use. It is debatable whether or not such a condition would pass the tests required under Circular 11/95 relating to the use of planning conditions. It is generally not appropriate to require the removal of a building designed to be permanent by a planning condition. Therefore, an earlier suggested condition has not been repeated below.

Only time will tell if the venture proves to be successful, but there is no reason to suggest that this building, or the use to which it is to be put is for anything other than agricultural purposes. Notwithstanding the Committee's concerns and its final decision upon the previous proposal, the view is still taken that the degree of harm caused by the appearance and positioning of the new building within the landscape are insufficient to justify recommending that permission be refused. Once again the recommendation includes the need for strong landscaping measures to be undertaken on the north and west sides of the building, by way of a detailed planting scheme, building upon the indicative planting shown on the submitted layout plan.

RECOMMENDATION

APPROVE subject to the following conditions:

1. No development shall take place until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority; such a scheme to include the planting of trees and hedges. The scheme shall also give details of any boundary treatment. The landscaping scheme 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.)
2. Paragraphs (a) and (b) below shall have effect until the expiration of 5 years from the date of completion of construction works.

- a) No trees or hedges which are shown as being retained on the approved plans shall be removed or pruned other than in accordance with the said plans without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with British Standard 3998: 1989 (Recommendations for Tree Work).
- b) If any trees or hedges shown as being retained are removed, replacements of a similar size and species shall be planted at the same locations. The replacements shall be planted at such a time as may be specified in writing by the Local Planning Authority.
(Reason – To ensure the retention of trees on the site in the interests of amenity and to reserve and enhance the character and appearance of the area.)
3. Prior to the commencement of development, details of the construction and surfacing of the track shall be submitted to and approved in writing by the Local Planning Authority. Once agreed, the track shall be implemented in accordance with agreed details prior to the first occupation of the livestock building.
(Reason – In the interest of visual amenity.)
4. In addition to the requirements of condition 3 above, prior to the commencement of the development, details of the hardsurfacing around the proposed building, including changes to the existing levels, any new retaining walls, earth mounding and general remodelling of the application site identifies by reference to cross sections shall be submitted to and approved in writing by the Local Planning Authority. Once agreed the works to which this condition relate shall be implemented prior to the first occupation of the livestock building.
(Reason – In the interest of visual amenity.)

List of Background Papers

Application file, consultations and policy documents referred to in the report.