

Officer Report On Planning Application: 16/02679/FUL

Proposal :	Change of use of field no. 5176 from agriculture to mixed use of land for agriculture and keeping and rearing of game birds and construction of access track.
Site Address:	Swanton Farm Street Lane Brewham
Parish:	Brewham
TOWER Ward (SSDC Member)	Cllr Mike Beech
Recommending Case Officer:	Lee Walton Tel: (01935) 462324 Email: lee.walton@southsomerset.gov.uk
Target date :	21st September 2016
Applicant :	Mr Jack Clayton
Agent: (no agent if blank)	Nigel Salmon 2 Priory Road Wells BA5 1SY
Application Type :	Major Other f/space 1,000 sq.m or 1 ha+

REASON FOR REFERRAL TO COMMITTEE

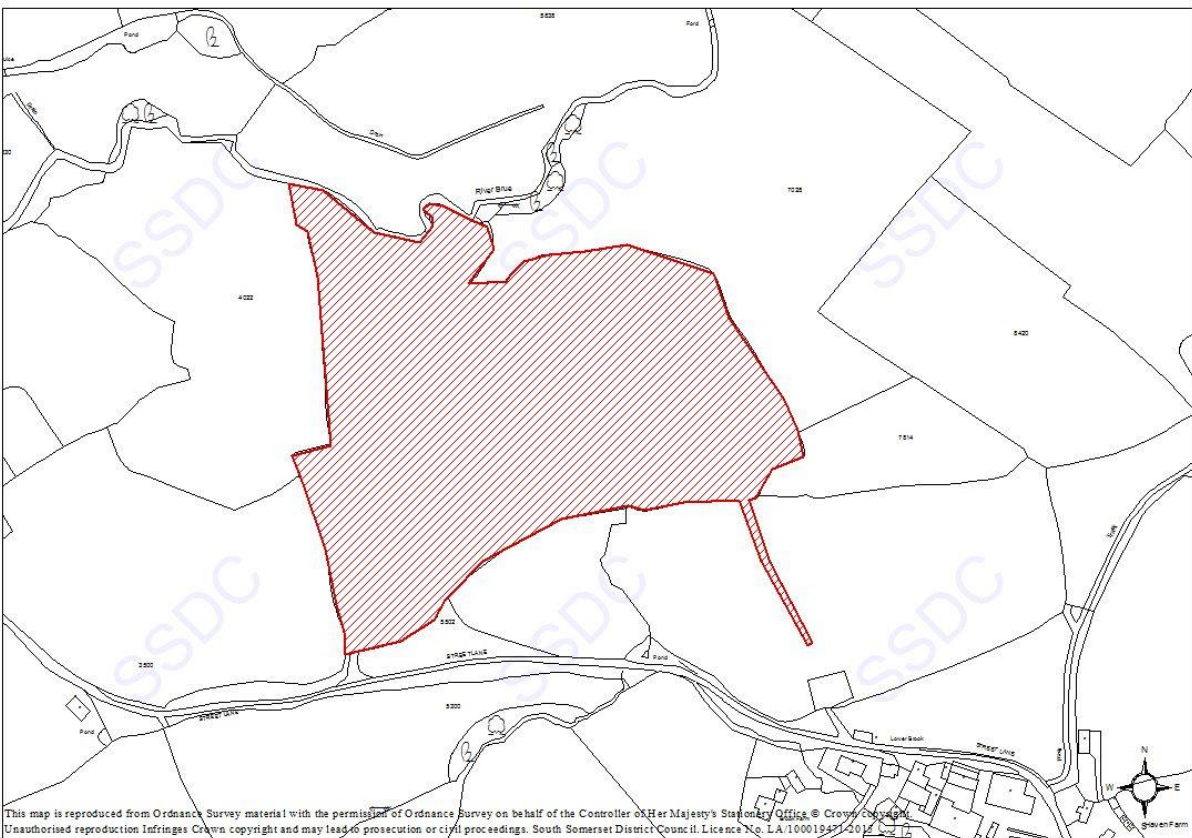
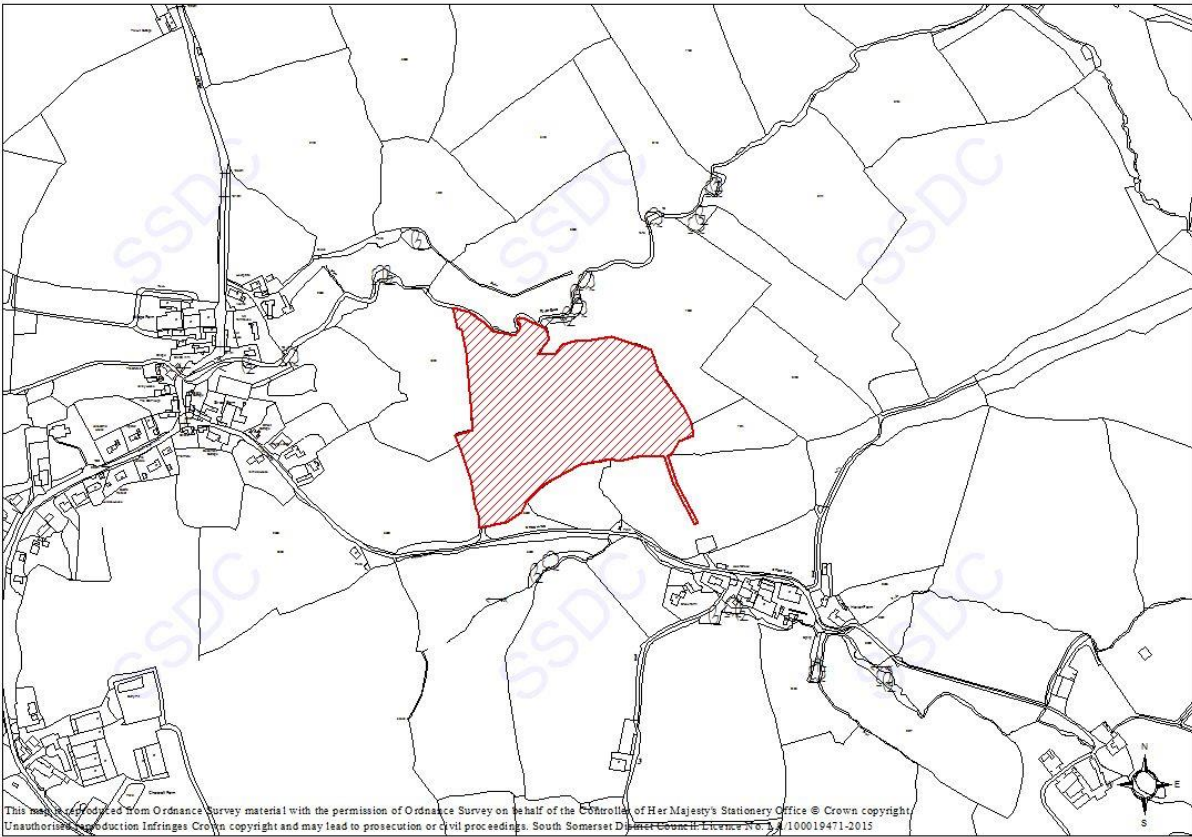
As a 'major major' application when recommended for approval the council's scheme of delegation requires the application is referred to committee.

BACKGROUND

The application was submitted at the request of the planning officer because the use involved a change of use and followed the receipt of other applications on the adjacent site that sought a mixed agricultural and game bird enterprise. These have recently been approved in accordance with the council's scheme of delegation. They involved:

- Erection of a hatching shed
- Erection of livestock shed/ farm office/ staff amenities building and later existing cattle shed to provide machinery store. Erection of silos and formation of hard surfaced yard area, and
- Temporary retention of agricultural workers mobile home

SITE DESCRIPTION AND PROPOSAL



The site is located in the countryside on the north side of Street Lane, a no through road, to the east of and accessed through the village of South Brewham. The land is set back one field to

the north of the applicant's 'homestead' through which the application site is accessed, with a second access directly off Street Lane, between the homestead and village.

The proposal seeks change of use from agriculture to a mixed use for agriculture and the keeping and rearing of game birds, and includes the construction of an access track between the Swanton farm 'homestead' and land whereon would be located temporary bird rearing pens.

OFFICER Note: The presence of game birds require a change of use where birds are predominantly reared for 'the shoot' rather than direct to 'the plate'. It is noted that many agricultural operations include the rearing of game birds albeit an ancillary element to their overall farming operation. The applicant's farming of game birds is on a substantially different scale and is the dominant use undertaken on site.

The application is supported by a:

- Planning Access and Design Statement
- Ammonia and Odour Screening Assessment
- Transport Statement
- Flood Risk Assessment
- Water Environment Risk Assessment

HISTORY

16/04282/EIASS - Erection of a Hatching Shed, EIASS not required.

16/04281/EIASS - Change of use of field no.5176 from agriculture to mixed use of land for agriculture and keeping and rearing of game birds and construction of access track, EIASS not required.

16/00663/FUL - Temporary retention of agricultural workers dwelling, pending

16/01211/AGN - Application for Prior Notification for proposed agricultural track, Withdrawn.

16/00662/FUL - Erection of a hatching shed, pending.

16/00657/FUL - Erection of livestock shed/ farm office/ staff amenities building and later existing cattle shed to provide machinery store. Erection of silos and formation of hard surfaced yard area, pending.

13/04309/FUL - Retention of ancillary domestic outbuildings and LPG tank, and the extension of the lambing shed for purposes of an implement store, and feed bin - Approved.

12/04187/FUL - Positioning of an agricultural workers mobile home - Approved.

12/01721/FUL - Erection of agricultural livestock building and yard area - Approved.

11/04872/FUL - Erection of an agricultural building to be used for the housing of sheep and rearing of calves - Approved.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act (2004), and Paragraphs 2, 11, 12, and 14 of the NPPF state that applications are to be determined in accordance with the

development plan unless material considerations indicate otherwise.

For the purposes of determining current applications the local planning authority considers that the adopted development plan comprises the policies of the South Somerset Local Plan 2006 2028 (adopted March 2015).

Policies of the South Somerset Local Plan (2006-2028)

SD1 - Sustainable Development

HG9 - Housing for Agricultural and Related Workers

TA5 - Transport Impact of New Development

TA6 - Parking Standards

EP4 - Expansion of Existing Businesses in the Countryside

EQ2 - General Development

EQ3 - Historic Environment

EQ4 - Biodiversity

EQ7 - Pollution Control

Regard shall also be had to:

National Planning Policy Framework (March 2012):

Chapter 3 Supporting a Prosperous Rural Economy

Chapter 7 - Requiring Good Design

Chapter 11 - Conserving and Enhancing the Natural Environment

Chapter 12 - Conserving and Enhancing the Historic Environment

National Planning Policy Guidance

Other Relevant Documents

Somerset County Council Parking Strategy, adopted March 2012 and re-adopted September 2012 following corrections made.

Somerset Highways Standing Advice - June 2015.

Our Brewham - the future of our Parish (2011)

CONSULTATIONS

Brewham Parish Council - object. Concern is raised that the pens were erected on the land this spring before any application for change of use was made and it was noted that the land in the area is very wet and thus unsuitable for such an activity. Pens need also to be rotated on a three year rotation, and thus a relatively intensive game rearing operation would have implications for a much larger area of open ground as well as site and access activity. There appears to be no provision for this in the application.

Environment Agency - no objection.

Natural England - No objection

SSDC Ecologist - I've considered this application, including the ammonia screening assessment, and I don't have any objections, nor recommendations to make.

SSDC Landscape Architect - I recollect the earlier applications for additional buildings at the farm. Whilst in a separate field (to the north) this application relates to those earlier proposals, and the landscape context is the same. As stated previously, the site lays separate from the existing village core, in a deeply rural landscape, and is two field's distance from the existing

farm groups to the southeast that are served by a narrow lane. Generally this is an attractive, little-populated part of the district, with the area once part of the royal forest of Selwood, whose irregularly-shaped fields were developed from being taken directly into cultivation from woodland clearance in the early medieval age. The vestiges of this clearance are apparent today in the field shape; the species-rich hedgerows which clearly define the pasture field-pattern; the woodland blocks and woody corridors, and fine specimen oaks (for which Selwood was once renowned, and which still endow the locality with such character). This is the landscape context of the proposal; whose historic origin is clearly apparent, and richly expressed, and from a landscape perspective, not a location that can comfortably accommodate change without adverse impact.

Whilst the rearing of game birds is clearly a rural occupation, the scale of this proposal is intensive. Traditionally, pens were staked out within woodland, or in clearances at the woodland edge. This proposal intends 115 no. rearing pens, each comprising a 9 square metre housing, with wire mesh pens, each covering 167 sq. metres, in an ordered arrangement. The regularity and standardisation of appearance is clearly a geometric expression that will be at variance with the nuanced, deeply rural character of this historic landscape. As such, I do not consider the proposal to enhance local character and distinctiveness as is required by LP policy EQ2.

Should you be minded to support the proposal, mindful of how traditional pheasant rearing is expressed, it might be worthwhile pursuing the idea of planting up the field outside the penning areas with a second generation of native trees and shrubs, to effectively provide a wooded context for rearing, which could be considered an appropriate approach to mitigation of the development effect.

Cranborne Chase and West Wiltshire AONB - This is related to other applications in relation to farm buildings and a hatching shed, as well as the temporary retention of an agricultural workers mobile home. Those latter items were covered in my letter of 22nd March 2016 (attached) and it appears that the current proposal is closely linked to those. Subject to the caveats in that letter the AONB does not object to the current application for the retention of mixed use of the land for agriculture and keeping and rearing of game birds and construction of the access track. I would, however, bring to your attention, and that of the applicant, the AONB's suite of Good Practice Notes and Position Statements. Particular relevance to this proposal are the Good Practice Note on Colour in the Countryside and New Agricultural Buildings.

SSDC Environmental Protection - No comments

County Highway Authority - The proposal will mean that there will be an increase of vehicle movement. Street Lane is a no through road that leads to farms, with the exception of the residential dwellings at the start of Street Lane. There are various vehicle movements that will need to take place including delivery of chicks, feed and LPG bottles for heating. The use of HGV traffic is likely to be minimal and will occur over the late spring and summer months. This combined with the other vehicle movements that are likely to take place means that there although there is an increase of vehicle movements to the proposal, it is the opinion of the Highway Authority that this would not be a significant increase and would not be detrimental to the existing highway network. The Highway Authority does not therefore raise an objection to this proposal.

County Rights of Way - no objections.

REPRESENTATIONS

There have been received 22 householder responses although the reasons given also reflect the other applications that have recently been permitted. 16 households have objected to the proposal, while 6 support the application.

The objections include:

- Detrimental to the rural character of Brewham, both in terms of size and scale of the business activity
- Far too big and intensive for the site
- Inappropriate and over-development of the site
- Site unsuitable for rearing pheasants as farm land at Brewham is far too wet
- Significant increase in traffic
- An increase of just under 23% - commercial journeys a week
- An increase in traffic could be hazardous to dog walkers and horse riders and is close to a local footpath
- Very narrow lane
- Amenities- devastating impact on the well-being of existing residents close to the proposed development
- Very disappointed that the applicant has not listened to the objectors and down-sized the overall commercial development
- Water pollution
- Trojan horse that could lead to even more development on the site
- The applicant has gone ahead and completed his first year's game rearing programme without first obtaining the required permission.

The letters of support include:

- Providing employment opportunities and outsourced work to contractors
- The size of the smallholding and change of use under dual ownership is not a consideration

CONSIDERATIONS

Principal of Development:

While not an agricultural use because the birds are reared for 'the shoot', the implication for the applicant in managing the game bird farm is that the use does not benefit from agricultural Permitted Development Rights. This was why an accompanying application was withdrawn for agricultural Prior Approval for the track access ref: 16/01211/AGN that now forms part of the current application. It should be noted that many agricultural businesses include the presence of game bird rearing for shoots as an ancillary element of their agricultural use. It should be noted also that where birds are reared for 'the plate' the use would be agricultural. The land-based rural use can be undertaken only in the countryside. The proposal is considered to have 'in principle' support. Accordingly the main considerations include character and appearance, highway safety and neighbour amenity.

Character and Appearance:

The council's Landscape Architect, whose comments are given in full above, has raised concern relative to the physical impact the presence of pens and associated structures would have on local character due to the scale of the proposal. His comments reflect the other applications involving the adjacent homestead site, since determined. In considering the other applications the establishment of an existing barn (11/04872/FUL) and temporary dwelling (12/04187/FUL) would have anticipated an element of further expansion had the original agricultural business remained. The proposed built form arguably reflects a 'rounding off' of

anticipated built form that is inferred by the original permissions for the adjacent site.

Returning to the fields that are the subject of the current application; these tend to be well screened. The pens are erected on a temporary seasonal basis. The Planning Officer attended the site towards the end of the winter at which time there was no established greenery and the adjacent landscape could be viewed. It was noted that there were one or two houses with views of the site with an awareness of the main road that runs east to west, further north of the applicant's site. The advent of seasonal greenery was seen would further reduce visibility of the site. At the time other possible fields were viewed. Objectors refer to the need for rotation and that other land may be required. It is envisaged that this may well be the case but that this would reflect an equivalent number of pens at any one time. In conversation the applicant drew attention to wet patches on adjacent land and that these could not be used, although the wet areas tended to coincide with locations of highest visibility and so in any case would not be favoured.

Subsequently the applicant, at their own risk, went ahead and erected pens on the land and has since removed them having completed a whole bird rearing season on the land. It is important to note that in doing this the applicant did not break any planning law, although the physical presence of the pens allowed objectors to prove their point with evidence of the actual harm arising as the consequences of having put pens on site. Conversely the applicant had the opportunity to prove objectors wrong. The pens were viewed during their use and the land was viewed once more by the planning officer as the pens were being removed from site. During the site visits the greenery that screens the site tended to support the presence of the pens. The pens were inevitably seen through gated entrances but otherwise largely screened by the adjacent hedgerows. Having had the opportunity of viewing the pens in situ their effect is considered to be generally localised. The opportunity created by the presence of the pens has not been used by objectors to demonstrate their point. The proposal is not considered to have the significant visual impact that objectors feared.

There remains a character issue with pens viewed from the air and seen in wider context, although the temporary nature of the land use suggests a little flexibility is required. It is noted that the AONB has not objected to the proposal. The Landscape Architect favours additional planting of the land that seeks to enhance and replicate game bird habitat and has worked with the agent to secure this. Conditions seek removal and re-erection of the pens each season. A drawing that shows a typical pen and what this comprises and therefore is expected to be seasonally removed from site will be shown at committee, while the number of pens are controlled and limited. A condition seeks landscape planting around the edges of the fields that is to be undertaken during the coming planting season. On this basis it is considered that the proposal would not have a detrimental impact in terms of character and appearance.

Highway Safety:

The Highway Authority have reviewed the current application in context with the three earlier permissions for the adjacent site. The Highway Authority have not raised objection to either the current application or the three that precede the change of use application. As noted above the pens were erected on site and have enjoyed an entire season on site before being removed. The associated traffic has therefore been forthcoming during this time. Despite this the associated traffic movements have not resulted in identified incidents, albeit that this is one part of the overall use that is proposed.

The scale of development remains a local concern that results from the narrowness of the lane and access taken through the nearby village centre. The conflict between traffic and pedestrians, dog walkers, horse riders and cyclists is noted. Local objectors are concerned that the level of traffic involving a narrow lane will lead to conflict, to the detriment of user amenity and of the lane's quiet character. The loss of amenity and character is considered in

context with all four applications. Undoubtedly there would be an increased level of traffic accessing the lane, although one must also consider the farm sites that currently, arguably, are underused that may generate additional traffic in turn, although their impact is considered more appropriately considered in response to successive applications. The application before us when seen in context with the three other applications since permitted is not considered would result in an adverse harm to user amenity or the character of the rural lane.

Residential amenity

The fields that are the subject of the current application, are removed from the nearest neighbours so that the proposal is not considered would have any detrimental effect on adjacent neighbouring occupants in terms of their amenity and general disturbance.

Parish Council and Neighbour Comments

The comments that have been received are considered, as appropriate, within the body of the officer's report.

Reference is made to a 'Trojan Horse' and that the establishment of the game bird farm could see further development of the applicant's site. Elsewhere in the Officer Report comment is made that the 2011/ 2012 permissions inferred further development and that the recent permissions should be seen in 'rounding off' development, albeit the siting of the applicant's anticipated permanent dwelling is yet to be identified. Any significant enlargement over and above what is now permitted or proposed through the current application is likely to be problematic. The applicant is aware of this view, although additional growth must be a matter for a future application to deal with.

A late objection has drawn attention to the fact that in considering landscape character the council did not seek a Landscape and Visual Impact Assessment (LVIA) , although because of the seasonal and temporary nature of the proposal it was considered the approach was not necessary. The Landscape Architect who otherwise raised concerns did not seek an LVIA and has since confirmed an LVIA was not necessary.

Other Matters

Water and air quality are central concerns of the Change of Use application. Similar concerns were raised by the hatchery application that has since been permitted, but it took the change of use to fully engage with local concerns and prior to the responses received from the technical consultees the applicant's three other applications were put on-hold. Both Natural England and the Environment Agency have responded positively to the proposals. And having received the responses the long overdue decisions were determined in accordance with the council's scheme of delegation. The current application that involves a large area of land is required to be referred to committee.

The current application includes the setting out of the field track that links the Swanton farmstead with the adjacent change of use field. This is not considered to have raised any particular issue with its presence in serving the unit.

RECOMMENDATION

Approve.

01. The access track in combination with the temporary and seasonal change of use made of the land; the resulting scale and location of pens would not demonstrably harm visual amenity, character and appearance, nor have a detrimental effect on water and air quality, highway safety or residential amenity. Accordingly the proposal complies with policy EQ2, EQ3, EQ7 and TA5 of the South Somerset Local Plan 2006- 2028.

SUBJECT TO THE FOLLOWING:

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

Reason: To accord with the provisions of section 91(1) of the Town and Country Planning Act 1990.

02. The development hereby permitted shall be carried out generally in accordance with the following approved plan: PL3636/1A received 2 September 2016.

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

03. No more than 115 rearing pens shall be set out on the land at any one time. Each pen shall comprise a hut, abutting wire run and associated equipment in accordance with drawing X

Reason: To enable the Local Planning Authority to retain adequate control over numbers in the interests of landscape character and highway safety further to Policy EQ2 and TA5 of the South Somerset Local Plan 2006- 2028.

04. The rearing pens as detailed in condition 3 (above) shall not be sited on the land between 30 September and 1 March.

Reason: To enable the Local Planning Authority to retain adequate control over the appearance of the site in the interests of landscape character, further to Policy EQ2 of the South Somerset Local Plan 2006- 2028.

05. No external lighting shall at any time be installed and/ or operated on any part of the site without the prior written agreement of the Local Planning Authority.

Reason: To enable the Local Planning Authority to retain adequate control over lighting in the interests of landscape character further to Policy EQ2 of the South Somerset Local Plan 2006- 2028.

06. The landscaping scheme X shall be undertaken during the coming planting season. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of landscape character and appearance, further to Policy EQ2 of the South Somerset Local Plan 2006- 2028.