

Area West Committee – 20th November 2013

Officer Report on Planning Application: 13/03145/FUL

Proposal :	The erection of an agricultural building (Revised Application of 12/01733/FUL). (GR 327552/112007)
Site Address:	Land At Beetham Higher Beetham Whitestaunton
Parish:	Whitestaunton
BLACKDOWN Ward (SSDC Member)	Cllr R Roderigo
Recommending Case Officer:	John Millar Tel: (01935) 462465 Email: john.millar@southsomerset.gov.uk
Target date :	3rd October 2013
Applicant :	Mr K Parris
Agent: (no agent if blank)	Sheamus Machin St Ivel House Station Road Hemyock, Cullompton Devon, EX15 3SE
Application Type :	Minor Other less than 1,000 sq.m or 1ha

REASON(S) FOR REFERRAL TO COMMITTEE

The application is to be considered by Area West Committee at the request of the Ward Member, with the agreement of the Area Chair. This application follows a previous submission, 12/01733/FUL, which Members resolved to refuse planning permission at Area West Committee of 19th September 2012. As a result, it is felt that the resubmission should be given further consideration by members, to assess the potential impact.





SITE DESCRIPTION AND PROPOSAL

This application relates to a proposed new agricultural barn, for the winter accommodation of livestock on land adjacent to Higher Beetham Farm, near Whitestaunton. The site is located in open countryside and is within the Blackdown Hills AONB. It is located just to the west of Higher Beetham Farm, an agricultural holding itself, and several dwellings within the original farm complex. There is another residential dwelling and a holiday caravan park located further up the road, to the west.

The applicant's holding in this locality comprises approximately 114 acres of mainly grassland. The applicant also has other land and the main farm unit, Birch Oak Farm, which is located just outside of the District, to the west near Yarcombe. It is advised that the current facilities at the other unit are now filled to capacity and additional accommodation is now required for additional livestock, which is grazed on land around the application site, land that is also mowed for grass to provide winter feed for cattle.

The proposed agricultural building is to have an approximate footprint of 12m by 32m and a height of 4.5m. It is to be clad with concrete panels and Yorkshire boarding and will have profiled roof sheeting. The building is also proposed to be open fronted with gates at either end and the cattle are proposed to be 'loose housed' on bedded straw.

This application follows a previous scheme, 12/01733/FUL, that was refused at Area West Committee on 19th September 2012, as it was considered that it has not been satisfactorily demonstrated that the building was required in this location and that it would not adversely impact on local groundwater. An earlier scheme, 09/04232/FUL, for the provision of a similar building approximately 350m to the north west, further up the lane, was also refused. This re-submission hopes to deal with previous concerns relating to justification for the location proposed and potential impact on groundwater.

HISTORY

12/01733/FUL: Erection of an agricultural building - Refused.

09/04232/FUL: The erection of an agricultural building (Revised Application) - Refused.

08/01978/FUL: The erection of an agricultural building - Application withdrawn.
01/00388/OUT: Erection of an agricultural building and a slurry store - Application withdrawn.

POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 repeats the duty imposed under S54A of the Town and Country Planning Act 1990 and requires that decision must be made in accordance with relevant Development Plan Documents unless material considerations indicate otherwise,

Relevant Development Plan Documents

South Somerset Local Plan 2006:
ST5 - General Principles of Development
ST6 - The Quality of Development
EC2 - Area of Outstanding Natural Beauty
EC3 - Landscape Character
EP7 - Potential Odour Generating Developments
EP9 - Control of Other Potentially Polluting Uses

Policy-related Material Considerations

National Planning Policy Framework:
Core Planning Principles - Paragraph 17
Chapter 3 - Supporting a Prosperous Rural Economy
Chapter 4 - Promoting Sustainable Transport
Chapter 7 - Requiring Good Design
Chapter 10 - Climate Change and Flooding
Chapter 11 - Conserving and Enhancing the Natural Environment

South Somerset Sustainable Community Strategy (2008-2026):
Goal 5 - High Performance Local Economy: A competitive, high performing economy that is diverse, adaptable and resource efficient.
Goal 8 - Quality Development: Sustainably sited and constructed high quality homes, buildings and public spaces where people can live and work in an environmentally friendly and healthy way.
Goal 11 - Environment: Protection and enhancement of our material environment and biodiversity.

CONSULTATIONS

Parish Council: No comments received.

SSDC Technical Services: 5th September 2013 Picking up on the various messages relating to the above and a couple of phone calls from one of the residents I would comment as follows.

The first thing I would say is that my expertise is in flooding which normally comes about due to watercourses overflowing or from surface water flows. I have no concerns relating to the development proposals in this respect.

Sub-surface flows are often unpredictable and I am by no means an expert in this respect but would offer the following observations.

One of the concerns expressed by nearby residents relates to possible contamination of their spring-fed water supplies. Such concerns are understood but we have to consider whether or not they would actually be realised as a result of the proposed development. There are 2 principal issues here

- a) Would the development generate a degree of pollution that might affect the groundwater.
- b) If so, what direction of flow would this pollution take.

a) The proposals, as I understand it, are for over-wintering of stock on a 'loose-housed' basis whereby contaminated straw bedding in the form of manure is spread on agricultural land in accordance with normal agricultural practice. If effluent generation, collection and disposal are an issue the 'Informatives' suggested by the EA in relation to the previous application seem reasonable although I'm not sure how these would be enforced.

b) I note the content of the 'Drainage Path Study' submitted by the applicant and I am generally in agreement with the conclusions of this. The study refers to a number of boreholes in the Beetham area but there is some doubt as to the relationship of these boreholes with the spring fed water source at Higher Beetham. I would however agree with the conclusion that the direction of surface water flows from the site are in a south-easterly direction as indicated in the report and this is supported by the contoured OS plan attached. This direction of flow passes to the south of properties at Higher Beetham. In the absence of any other information it is reasonable to assume that subsurface flows would go in a similar direction.

The unknown element is where the water supply to the existing properties actually comes from. I've attached extracts from the 1888 and 1903 OS maps which indicated some drainage features (ditches) running southwards to meet the road adjacent to Higher Beetham Farm. There is also a 'P' (pump) marked in front of Higher Beetham Farmhouse south of the road. My conclusion from this would be that the spring-fed water supply comes from the area to the northeast of Beetham Farm possibly from OS 549 (see 1888 map) which is shown as 'marshland'.

There are some drainage features shown on the OS maps to the south of Higher Beetham Farm but these are possibly to do with drainage of the land to the northwest (development site) and may not be related to the source of spring water.

I can't say that any of this is particularly conclusive evidence and perhaps the only way to determine source of the spring water to the properties in question is through a series of trial holes and/or dye testing.

An alternative location for the barn would seem to be the sensible option but this seems to have already been explored.

11th September 2011 The location of the source of the water supply is certainly relevant in that it now seems to be in the area that could well be affected by any effluent from the site. In my previous email I had assumed that the water supply was from the land to the north by gravity but it would appear that it is actually pumped (via hydraulic ram) from the area to the south east.

I still express my lack of expertise regarding sub-surface flows but the surface flows from the site are certainly in the direction of the water supply source. It's difficult to estimate how much effluent, if any, might be discharged from the site of the proposed barn on the basis of 'loose-housing' activity but the findings of the 'water supply risk assessment' carried out last year are difficult to ignore.

I'm not sure what Paul's view is but, on the basis of the latest information, I would certainly express reservations about this development proposal.

County Highway Authority: Previous comments apply (12/01733/FUL), see below:

The proposal relates to the erection of an agricultural building. The Highway Authority provided pre-application advice to the Local Planning Authority in which we raised concerns over the lack of visibility splays. In response to this the applicant provided details on the level of vehicle movements which would be associated with the above proposal.

According to the information provided the applicant envisages that there would be one movement per day over the winter months while the rest of the year, vehicle movements would remain unchanged from what he is able to do without planning permission. Therefore taking into account the minimal increase in vehicle movements that this proposal would generate, I raise no objection to this proposal.

County Rights of Way: There is a public right of way (PROW) recorded on the Definitive Map that runs nearby to the access of the site at the present time (footpath CH 7/48). I have enclosed a plan for your information.

We have no objections to the proposal, but the following should be noted:

The health and safety of public using the footpath must be taken into consideration during works to carry out the proposed development. Somerset County Council (SSC) has maintenance responsibilities for the surface of the footpath, but only to a standard suitable for pedestrians. SCC will not be responsible for putting right any damage to the surface of the footpath resulting from vehicular use during or after works to carry out the proposal. It should be noted that it is an offence to drive a vehicle along a public footpath unless the driver has lawful authority (private rights) to do so.

If it is considered that the development would result in any of the following outcomes listed below, then authorisation for these works must be sought from SCC Rights Of Way Group.

- A PROW being made less convenient for continued public use.
- New furniture being needed along a PROW.
- Changes to the surface of a PROW being needed.
- Changes to the existing drainage arrangements associated with the PROW.

If the work involved in carrying out this proposed development would

- Make a PROW less convenient for continued public use (or)
- Create a hazard to users of a PROW

Then a temporary closure order will be necessary and a suitable alternative route must be provided. A temporary closure can be obtained from Sarah Hooper on (01823) 483069.

SSDC Rights of Way: No objections.

Health and Safety Executive: HSE does not advise, on safety grounds, against the granting of planning permission in this case.

As the proposed development is within the Consultation Distance of a major hazard pipeline you should consider contacting the pipeline operator before deciding the case. There are two particular reasons for this:

- The operator may have a legal interest (easement, wayleave, etc.) in the vicinity of the pipeline. This may restrict certain developments within a certain proximity of the pipeline.

- The standards to which the pipeline is designed and operated may restrict occupied buildings or major traffic routes within a certain proximity of the pipeline. Consequently there may be a need for the operator to modify the pipeline, or its operation, if the development proceeds.

HSE's advice is based on the situation as currently exists, our advice in this case will not be altered by the outcome of any consultation you may have with the pipeline operator.

National Grid: National Grid has No Objection to the above proposal which is in close proximity to a high-pressure gas pipeline - Feeder 14 Barrington to Aylesbeare.

Environment Agency: Please note that whilst it is outside of the Environment Agency's consultation checklist and therefore we should not be commenting. However, we have **no objection** to the proposed development, but we have the **following advice** to ensure that they comply with environmental legislation.

Impact on Water Supply

We note that some issues have been raised about the potential to impact on water supply for human consumption. Your Authority's Environmental Health Officers should lead on this matter.

Drainage

The site must be drained on a separate system with all clean roof and surface water being kept separate from foul drainage. There must be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.

Pollution Prevention during Construction

Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- the use of plant and machinery
- oils/chemicals and materials
- the use and routing of plant and vehicles
- the location and form of work and storage areas and compounds
- the control and removal of spoil and wastes.

The applicant should refer to the Environment Agency's Pollution Prevention Guidelines at:

<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>

Nitrate Vulnerable Zones

If the site is located within a Nitrate Vulnerable Zone (NVZ) then the Nitrate Pollution Prevention Regulations 2008 may apply. The applicant should refer to DEFRA at the following link:

<http://www.defra.gov.uk/food-farm/land-manage/nitrates-watercourses/nitrates/>

Manure

Manure/dung heaps must be sited in an area where it/they will not cause pollution of any watercourse or water source by the release of contaminated run-off. The subsequent disposal of collected wastes must be undertaken in accordance with the "Protecting our Water, Soil and Air: A Code of Good Agricultural Practice for farmers, growers and land

managers" which can be found at:

<https://www.gov.uk/government/publications/protecting-our-water-soil-and-air>

Oil and Chemical Storage

If any oil or chemical storage facilities are required as part of the operations on the site then they should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.

Any oil storage facility of 200 litres or more must include a bund, and comply with the Oil Storage Regulations ("The Control of Pollution (Oil Storage) (England) Regulations 2001"), a copy of which can be found at: <http://www.environment-agency.gov.uk/business/topics/oil/>

Please contact our local Environment Management team via 03708 506 506 if you have any queries.

SSDC Environmental Protection: I would recommend that the Environment Agency be consulted with regard to this application. That aside I have no other recommendations.

SSDC Environmental Monitoring Officer: A private water supply serving a single domestic property at Pitstones, Higher Beetham, TA20 3PX is located approximately 400m west, southwest of the planned development, I do not think it will affect this supply.

A private water supply serving two domestic properties at Higher Beetham Farmhouse is from a spring source. The source is located approximately 500m to the southwest of the planned development, however the Drainage Path Study does appear to show that surface run-off may pass over this area, this may be an issue depending on how well the source is protected from surface run-off.

Blackdown Hills AONB Partnership: The primary purpose of the AONB designation is to conserve and enhance natural beauty, but in pursuing this main purpose account needs taken of the needs of agriculture, and the economic and social need of local communities.

The AONB Partnership accepts that the applicant has demonstrated a need for the agricultural building, but any large modern structure will have an impact on this attractive, unspoilt, rural landscape. However by siting the building as low as possible down the slope and where it is visually associated with the buildings at Higher Beetham diminishes its prominence.

The site falls in the 'Upper Farmed and Wooded Slopes' landscape character type where one of the management guidelines in the Blackdown Hills AONB Landscape Character Assessment is to encourage the conservation of hedgerow trees to maintain and enhance the well-treed character of this type. To achieve this objective a landscape condition is recommended that requires the hedges to the north and east of the proposed building to be allowed to grow up, the existing hedgerow trees to be retained, and others encouraged by planting or protecting selected saplings; this condition will also help to further screen the proposed building in the wider landscape.

One of the special qualities of the AONB is its tranquillity. To maintain this characteristic there should be no external lighting and light escaping from the building itself should be kept to a minimum.

In addition there is a derelict Dutch barn to the north-west and above the proposed site - it is suggested that this should be removed as a further planning condition to enhance the landscape of the AONB.

The application makes no reference to the access to this new building, and it is assumed that there will be a track from the road north of the site. There should be a condition governing the design and materials of this track (hardcore with a grassed centre, for example) in order to minimise visual impact. The access onto the lane should be kept to a minimum size with no additional visibility splay to avoid damage to the existing hedgerow and lessen the impact on the landscape of the AONB.

The AONB Partnership welcomes the detailed conditions proposed in the planning report for the previous application 12/01733/FUL and assumes that these will remain. We particularly commend the condition regarding foul and surface water drainage details, which is in line with the AONB's management plan Policy EQC 1/A: Encourage, support and promote initiatives that safeguard ... water resources, as we understand there are a number of private water supplies in the valley below which must be protected.

The AONB Partnership is extremely concerned that should this application be granted, this building should remain an ancillary outpost of the main farm at Yarcombe and there should be no assumption for further development at this site.

SSDC Landscape Architect: I note the application, which appears to be a repeat of the earlier proposal for this site. My comments from that time follow. I would add, noting the concern of local people, that a block of tree and shrub planting between the site and adjacent properties, should be added to the landscape detail, which should be submitted per-commencement if you are minded to approve this application.

I have reviewed the above application seeking the construction of an agricultural building at the above site. I also recollect previous discussions relating to this holding, where consent had been sought for a similar building in an alternative location.

The site lies within the Blackdown Hills AONB, where policy emphasis is upon the conservation of the natural beauty of the landscape. Such emphasis does not preclude the construction of new agricultural buildings, but the expectation is that any new build should be appropriately sited; suitably designed; and there should be clear justification. On this latter point, as I understand it, the case for the building is accepted in this instance.

With this application, a location has been selected that lays in close proximity to the settlement of Higher Beetham. Whilst the site does not provide a close correspondence with the current settlement footprint, it is sufficiently related to be viewed as part of the hamlet, rather than standing in isolation. It is also noted that from the majority of local vantage points, the site is seen to correspond with the adjacent built form, and it is not prominent to wider perception. From previous reviews of the farm holding, I am aware that there are few other options for a landscape-sympathetic site location. Hence on balance, I do not consider there to be over-riding landscape grounds on which to base a refusal to this application. However, on the detail of the building materials, and landscape impact, I would advise the following conditions;

1) Roofing materials should be agreed before site commencement, as most views of the building will primarily see the roof, which is below the skyline. Hence the roof should avoid a bright finish, and be of muted tones. I would advise a product/finish similar to the 'farmscape' range, in 'anthracite' as suitable;

2) Landscape treatment is necessary, given the context. I recollect during the pre-application discussions that it was agreed the application field's north boundary hedge could be allowed to draw-up year on year, to a minimum of 3.0 metre height. A landscape proposal detailing this form of management should be sought.

I believe we agreed the access track was going to be consolidated hardcore, thus not too obtrusive. Is that confirmed by the app? If not, can we agree it, or something similarly visually discreet.

REPRESENTATIONS

The application has been advertised by press and site notice for the requisite period. Letters of objection have been received from six local residents. The main points raise concerns that the proposed development is unchanged from the previously refused scheme and that the same objections remain in respect to potential impact on residential amenity due to noise and smells, potential contamination of local water supplies as a result of contamination of springs by groundwater runoff, slurry on local roads, highway safety issues related to increased large vehicle movements, impact on the character of the AONB and the concern that approval will set a precedent for further development of this site. It is again repeated that there may be a S106 agreement in place from the time the neighbouring barn conversions were approved, stating that no buildings could be placed on any of the land at Higher Beetham and that it could be used for grazing only.

In response to the drainage path study supplied in support of the application, it has been pointed out that the local water supply is drawn from springs and not boreholes in the positions suggested. A copy of a report, commissioned by a neighbouring resident, has been supplied indicating that existing agricultural use of surrounding land is already having a negative effect on the water supply and additional information from another contributor suggests that the catchment area supplying the springs includes land to the south of the proposed development, which is approximately 150m away.

CONSIDERATIONS

Principle of Development

The proposed development relates to the provision of a new agricultural building for the winter accommodation for cattle that graze in the fields in the local vicinity, over the summer months. The applicant currently runs their business from the main unit at Birch Oak Farm, approximately 2.5 miles to the southwest. It is advised that not only have the facilities at this site reached full capacity, it is the applicant's desire to make use of the land around Higher Beetham to accommodate the surplus stock that cannot be housed or based at Birch Oak Farm. It is therefore intended to winter house the animals that graze the area around Higher Beetham during the summer months. The proposal will also reduce the number of vehicle movements associated with moving stock from the application site and the land around the main farm, as well as improving animal welfare and bio-security arrangements. The application is supported by an agricultural appraisal that further discusses the justification for the proposed development and as was the case in the previous applications, it is considered that there is adequate justification for the provision of a new building to service the block of land in the area.

Since the refusal of the last application, rather than appealing the decision, the applicant decided to explore further alternatives in the immediate area. Officers have discussed these alternatives at the pre-application stage, however the available sites were all ruled out for various reasons. Some of the sites were considered too prominent and likely to

result in unacceptable harm to the AONB, while other site more acceptable in landscape grounds were ruled out due to practical reasons such as limited access or constraints such as the presence of overhead power lines. Ultimately, the application site has again been identified as the most suitable location for the proposed development. As the applicant still contends that the proposal will not result in contamination of local water supplies and that other alternative site have been explored but legitimately discounted, the application is resubmitted at this location.

Having considered that there is adequate justification for the proposed development, particular consideration needs to be given to the impact of the proposed development on the amenities of the locality, local landscape character and highway safety.

Landscape Character

While new development in the open countryside is generally resisted, it is noted that where there is an accepted proven need for a building to support agricultural enterprise, these may be acceptable in principle. One of the main considerations at this site, is the fact that it is within an AONB and as such Local Plan policy EC2 advises that "development proposals which would cause harm to the natural beauty of AONBs will not be permitted". The applicant has undertaken extensive pre-application negotiations with the Council Officers, prior to and following the previous refusals and has again returned to this site.

The Council's Landscape Architect raised no objections in principle previously and again maintains the same position, considering that there are no over-riding landscape grounds on which to base a refusal of the proposed development. The site is deemed to be the most favourable location in respect to local landscape character and impact on the AONB, as it is fairly well related to the existing built form to the east, even though it does not have a particularly close correspondence to it. However, in terms of wider views, the site is relatively low lying, with the proposed development being seen in the context of other development. In terms of location, only one building is proposed and it is sited within the field to be against an existing field boundary on a lower lying position, where views will be reduced. Subject to consideration of roofing material details, surface finish of the access track and an adequate landscaping scheme to increase the height of adjacent hedgerows and planting of a block of tree and shrub planting, it is considered that the proposal will have an acceptable impact on local landscape character and will not harm the natural beauty of the AONB.

The Blackdown Hills AONB Partnership have also commented on the application this time and have raised no objections. They do accept the need for the proposed building and have considered its limited prominence. The AONB Partnership would wish to see an appropriate landscaping scheme, confirmation of the track details, restrictions on external lighting and agreement of appropriate drainage arrangements, details of which they indicate can be addressed by the repeating of previously proposed conditions in relation to application 12/01733/FUL. The Partnership have expressed their concern that the agricultural building, if approved, should remain an ancillary outpost to the main farm unit and that no assumption of further development should be given. This is also a concern raised by local residents and as before, it is advised that approval would set no precedent to the acceptability of future development. Information in support of the application confirms that the applicant has no intention of providing any more buildings on this site, nonetheless any future proposal would be considered on their own merits with all relevant considerations taken into account.

In their comments, the AONB Partnership also suggest that the removal of a redundant Dutch barn to the north west of the application site would further enhance the local

landscape and have asked if this can be conditioned. It is noted that the barn in question is outside of the application and set a fair distance from the proposed building so requiring its removal by condition is considered to be unreasonable as well as it being questionable whether such a condition would valid when considered against the 'six tests for conditions' identified within Planning Circular 11/95. Despite this, the applicant has expressed a willingness to demolish the structure so it may be appropriate to add an informative in respect to this issue.

Local Amenity

Other than considering the principle of the development and impact on landscape character, the main concerns raised in relation to this application are regarding the impact on the residential amenity of local residents, the nearest of which are occupiers of Higher Beetham Farm and a number of converted buildings within part of the original farm site. These range from just over 120m to 160m away from the proposed building. In addition to concerns that regarding the potential odours from the occupation of livestock, as the major objection is that pollution from the site could contaminate local groundwater, which feeds springs that provide the private water supply for a number of the local properties and the adjoining farm. The previous application, 12/01733/FUL, was refused partly due to a failure to satisfactorily demonstrate that the proposal would not have an adverse impact on ground water.

Following this previous refusal, nothing has been changed in respect to the proposed building and its drainage arrangements, although additional information has been provided in regard to the potential impact contamination of local groundwater and subsequent contamination of the private water supply to local residential properties. The main case put forward to support the application is still that the provision of loose housed accommodation will mean that no slurry will be produced and being covered, there will be no dirty water run-off. This is a common agricultural practice where the building is then cleaned, usually once or twice a year, and the resultant farm yard manure is spread on the land in accordance with normal agricultural practice. This practice is currently exercised on the land in the vicinity, although the farm yard manure is brought onto the land from other buildings on the applicant's holding. All clean water from the roof is proposed to be harvested in water troughs or go to a soakaway.

The supporting information, in the form of a 'Drainage Path Study' seeks to show that surface water from the application site and surrounding land will avoid the source of the local water supply. Unfortunately, this report indicates that the source of the water supplies is likely to be from local boreholes, which has been shown to be incorrect by local residents who have confirmed that the source of the water is actually from springs at Bettermoor Copse, approximately 400m to the south east of the site, and for which the catchment area spreads to the south of the site, just over 150m from the proposed building. In some respect, the drainage path study goes some way to confirm that surface water runoff may reach the source of the springs supplying local water. Various consultees have made observations on this proposal, including the Environment Agency and the Environmental Protection Officer, however the most relevant comments are those made by the Council's Drainage Engineer and Environmental Monitoring Officer. Both of these consultees have indicated that ground water emanating from the site would be likely to pass into the source area for the springs, however it is important to recognise that this is only a matter of concern if contaminated water was to be released into the local groundwater and that the manner in which dirty water is controlled at its source is the key to assessing the acceptability of this proposal. In this case, it is considered that the applicant has clearly demonstrated that the proposed accommodation and waste management arrangements will prevent runoff of contaminated water into the local groundwater network.

Notwithstanding this, the control of waste and the appropriate provision of drainage, in regard to agricultural developments, are controlled by separate legislation, which is enforced by the Environment Agency and needs to be provided in accordance with guidance such as DEFRA publication *'Protecting our water, Soil and Air: A Code of Good Practice for Farmers, Growers and Land Managers.'* This code of practice clarifies that it is an *"offence to cause or knowingly permit a discharge of poisonous, noxious or polluting matter or any waste matter into controlled waters (this includes groundwater...rivers, streams...and field ditches)"*. An adverse impact on local water supply will only be caused where the applicant fails to adhere to the relevant regulations and codes of practice. In this respect, the Local Planning Authority have no control over how the site will be managed but are entitled to assume that it will be well managed and maintained in accordance with this relevant legislation. For this reason, it is not considered reasonable to refuse planning permission on these grounds. It is still however considered appropriate to impose a condition for the provision of details of foul and surface water drainage details to be provided and agreed, prior to commencement. While clear indication has been given as to the manner of dirty waste management, this will allow some Local Planning Authority control in respect to drainage provision were the proposed management arrangements to change in the future.

A report has been provided by a local resident, which indicates that current levels of agricultural activity in the locality are already having a negative impact on water supply, however it is noted that there are no controls over the numbers of livestock that could potentially graze the applicant's land or any adjoining agricultural land in other ownership. As indicated above, the application is solely for the provision of this agricultural building and any contamination from animals housed in it will be contained within the building and not further contribute to existing problems. Despite the assertions that the proposal will not lead to pollution of local groundwater, the applicant has still taken time to investigate alternative sites to alleviate local concern, however as discussed earlier in this report, no other suitable sites were identified.

In considering the impact of noise and odour on local residents, it is not considered that such a harmful impact would be expected from the proposed development due to the relative distance from the nearest residential properties and the fact that this is not an intensive operation. It is also noted that there is also a working farm with agricultural buildings in use, situated immediately adjacent to the neighbouring residential units. This existing agricultural holding is located directly between the application site and the neighbouring properties.

Consideration has been given to the need for conditions to control the use of the building and the numbers of livestock that can use it. It is noted that while about 60 head of cattle are proposed, the previous application suggested between 95-100 cattle. The building is slightly smaller than previously proposed but in this case, based on guidance within "The Agricultural Budgeting and Costing Book", the building capacity is between about 75 and 95 head of cattle. This assumes a requirement to provide between 4-5 square metres floor area per animal, depending on type. Assuming that no more than approximately 95 head of cattle could be accommodated within the building, and considering that this is at a level likely to avoid unacceptable harm to residential amenity, taking into account site circumstances, it is not deemed necessary to restrict the numbers of cattle by condition. In order to reduce the likelihood of odours affecting neighbouring properties, it is considered reasonable to impose a condition restricting the buildings use only for cattle and not for other intensive agriculture, such as poultry or pigs. Any future application for consent to relax such a condition could then be assessed on its own merits.

Further to the impact of agricultural buildings on residential amenity, it is noted that there is a Section 52 Agreement attached to the approval of the barn conversion on the neighbouring 'Higher Beetham Farm', which is also referred to by an objector. The objector states that this legal agreement restricts further buildings from being provided on any of the Higher Beetham Farm land, part of which extends to the applicant's holding in the vicinity. In considering this point, it should be noted that this legal agreement does not actually prohibit the erection of new buildings but imposes the requirement to apply for planning permission to erect any new buildings. This does not mean that the owner of the land is not entitled to apply for new buildings and the impact of any proposed buildings can be properly considered.

Highway Safety

Objections have also been received, raising concern about increased vehicle movements and larger vehicles accessing the site and using what is a relatively narrow lane, which already caters for several residential properties, existing agricultural operations, walkers and users of the neighbouring caravan site.

The proposed building is to be located in a field that already benefits from an existing access and is already used in relation to the agriculture taking place on the land. The County Highway Authority did originally have concerns about the level of visibility out of the existing access but having considered that there is only envisaged to be one additional movement per day over winter months and any other movements are associated with existing activities, which don't require the benefit of planning permission. Therefore, taking into account the minimal increase in vehicle movements, no objection is raised.

Conclusion

Overall, there is considered to be adequate justification for the proposed building and it is also deemed that with an appropriate landscaping scheme, the proposal will not have a detrimental impact on local landscape character and the natural beauty of the AONB. It is also considered that there will be no adverse impact on highway safety or on residential amenity of local residents. As such, it is considered appropriate to recommend approval of the proposed scheme.

RECOMMENDATION

Approval with conditions

01. The proposed development, by reason of siting, size, scale and materials, is considered to have no adverse impact on local landscape character or on the natural beauty of the AONB. Furthermore, it is not considered that there will be any unacceptable harm to residential amenity, highway safety or the local water environment, in accordance with the aims and objectives of saved policies ST5, ST6, EC2, EC3, EP7 and EP9 of the South Somerset Local Plan 2006 and the core planning principles and provisions of chapters 3, 4, 7, 10 and 11 of the National Planning Policy Framework.

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 in accordance with the following approved plans: 'Location Plan SM2', '1208/101', '1208/102', '1208/103', '1208/104' and '1208/105', received 8th August 2013.

Reason: For the avoidance of doubt as to the development authorised and in the interests of proper planning.

03. No development shall be carried out on site unless particulars of the materials (including colour and finish) to be used for the roof of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the area, in accordance with saved policies ST5, ST6, EC2 and EC3 of the South Somerset Local Plan 2006 and the provisions of chapters 7 and 11 of the National Planning Policy Framework.

04. No development shall be carried out on site unless particulars of the materials and finish for the surfacing of the access track to the development hereby approved have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the area, in accordance with saved policies ST5, ST6, EC2 and EC3 of the South Somerset Local Plan 2006 and the provisions of chapters 7 and 11 of the National Planning Policy Framework.

05. No development shall be carried out on site unless foul and surface water drainage details to serve the development hereby approved have been submitted to and approved in writing by the Local Planning Authority and such approved drainage details shall be completed and become fully operational before the development hereby permitted is first brought into use. Following its installation or implementation such approved scheme shall be permanently retained and maintained thereafter.

Reason: To safeguard the amenities of the area and to protect the local water environment, in accordance with saved policies ST5, ST6, EP7 and EP9 of the South Somerset Local Plan 2006 and the provision of the core planning principles and chapter 10 of the National Planning Policy Framework.

06. No work shall be carried in relation to the development hereby approved unless there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development, as well as details of any changes proposed in existing ground levels; all planting, seeding, turfing or earth moulding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building or the completion of the development, whichever is the sooner; and 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. The landscaping scheme shall include a management scheme for the maintenance and improvement of existing field boundaries and the addition of tree and shrub planting, as referred in

the Council Landscape Architect's comments dated 30th August 2013 and as agreed in written correspondence dated 9th September 2013.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the area, in accordance with saved policies ST5, ST6, EC2 and EC3 of the South Somerset Local Plan 2006 and the provisions of chapters 7 and 11 of the National Planning Policy Framework.

07. No means of external lighting or other illumination shall be installed on or within the building hereby approved or operated on any part of the subject land unless details of all new lighting have been submitted to and approved in writing by the Local Planning Authority. Such approved details, once carried out shall not be altered without the prior written agreement of the Local Planning Authority.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the area, in accordance with saved policies ST5, ST6, EC2 and EC3 of the South Somerset Local Plan 2006 and the provisions of chapters 7 and 11 of the National Planning Policy Framework.

08. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the agricultural building hereby approved shall not be used for the purposes of intensive livestock rearing (i.e. pigs and poultry) or the accommodation of any livestock other than cattle, without the prior express grant of planning permission.

Reason: In the interests of residential amenity to accord with saved policies ST6, EP7 and EP9 of the South Somerset Local Plan 2006 and the provision of the core planning principles of the National Planning Policy Framework.

Informatives:

01. The applicant is reminded of the comments of the Blackdown Hills AONB Partnership, in respect to the redundant Dutch barn on land adjoining the application site and would request that consideration is given to its removal, as agreed in principle in correspondence dated 9th September 2013.
02. The applicant's attention is directed to the consultation response from National Grid, dated 3rd September 2013, and any requirements that need to be satisfied prior to the development hereby approved taking place.
03. Drainage
The site must be drained on a separate system with all clean roof and surface water being kept separate from foul drainage. There must be no discharge of foul or contaminated drainage from the site into either groundwater or any surface waters, whether direct to watercourses, ponds or lakes, or via soakaways/ditches.

Pollution Prevention during Construction

Safeguards should be implemented during the construction phase to minimise the risks of pollution from the development. Such safeguards should cover:

- The use of plant and machinery
- Oils/chemicals and materials
- The use and routing of plant and vehicles
- The location and form of work and storage areas and compounds

- The control and removal of spoil and wastes.

The applicant should refer to the Environment Agency's Pollution Prevention Guidelines at:

<http://www.environment-agency.gov.uk/business/topics/pollution/39083.aspx>

Nitrate Vulnerable Zones

If the site is located within a Nitrate Vulnerable Zone (NVZ) then the Nitrate Pollution Prevention Regulations 2008 may apply. The applicant should refer to DEFRA at the following link:

<http://www.defra.gov.uk/food-farm/land-manage/nitrates-watercourses/nitrates/>

Manure

Manure/dung heaps must be sited in an area where it/they will not cause pollution of any watercourse or water source by the release of contaminated run-off. The subsequent disposal of collected wastes must be undertaken in accordance with the "Protecting our Water, Soil and Air: A Code of Good Agricultural Practice for farmers, growers and land managers" which can be found at:

<https://www.gov.uk/government/publications/protecting-our-water-soil-and-air>

Oil and Chemical Storage

If any oil or chemical storage facilities are required as part of the operations on the site then they should be sited in bunded areas. The capacity of the bund should be at least 10% greater than the capacity of the storage tank or, if more than one tank is involved, the capacity of the largest tank within the bunded area. Hydraulically inter-linked tanks should be regarded as a single tank. There should be no working connections outside the bunded area.

Any oil storage facility of 200 litres or more must include a bund, and comply with the Oil Storage Regulations ("The Control of Pollution (Oil Storage) (England) Regulations 2001"), a copy of which can be found at: <http://www.environment-agency.gov.uk/business/topics/oil/>

Please contact the Environment Agency's local Environment Management team via 03708 506 506 if you have any queries.
