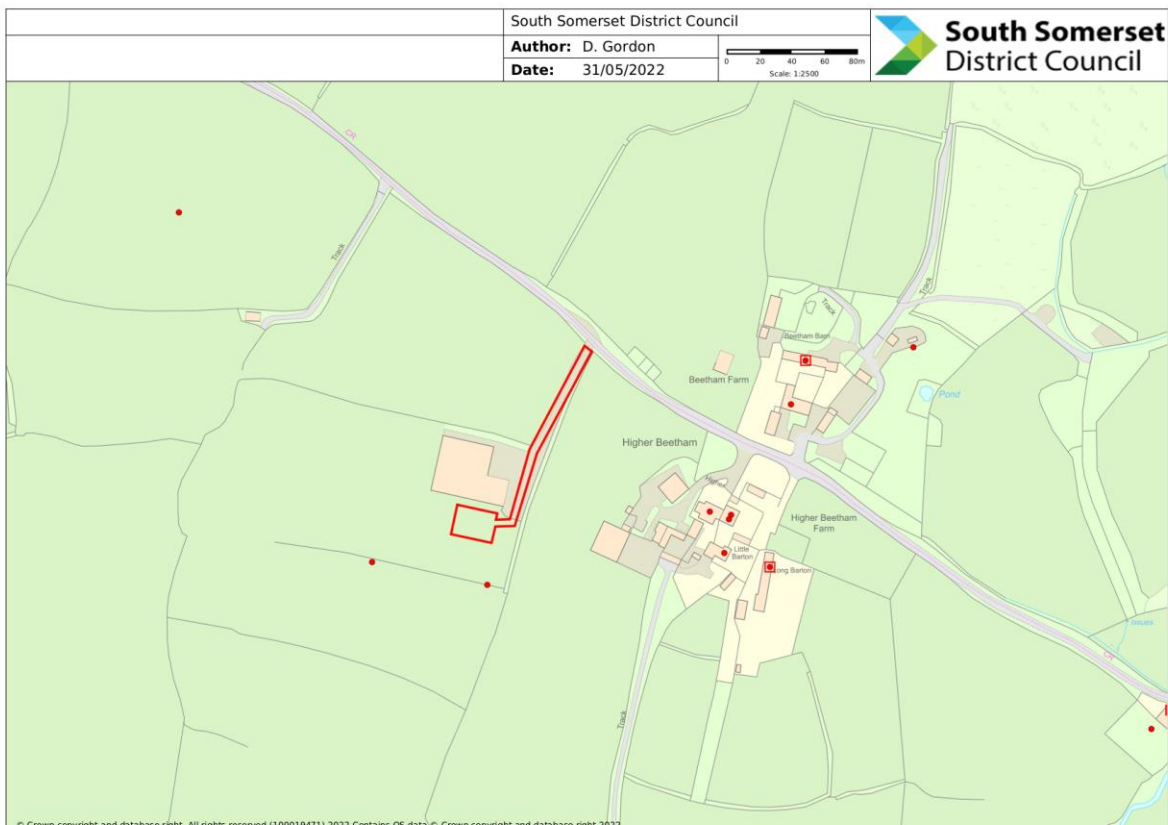


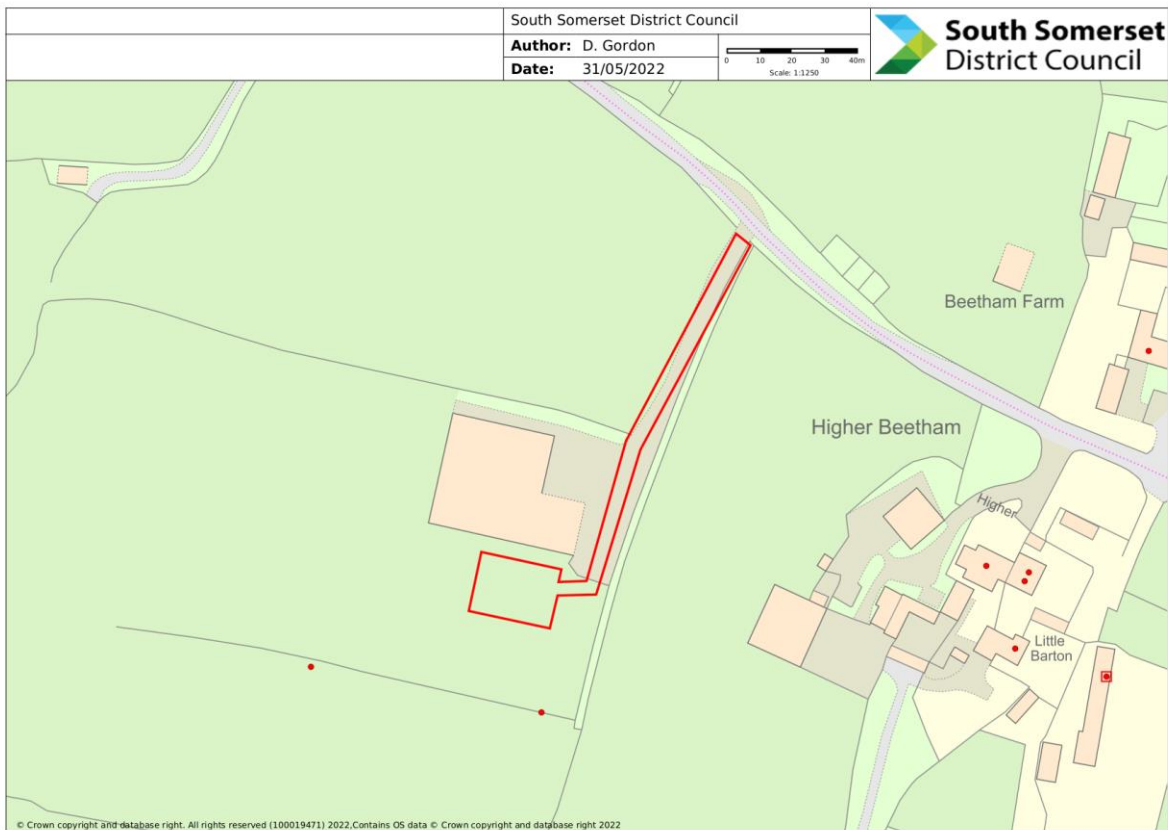
## Officer Report On Planning Application: 21/02333/FUL

<b>Proposal :</b>	Agricultural livestock building
<b>Site Address:</b>	Land At Beetham, Higher Beetham, Whitestaunton, Chard, Somerset, TA20 3PY
<b>Parish:</b>	Whitestaunton
<b>BLACKDOWN, TATWORTH &amp; FORTON Ward (SSDC Member)</b>	Cllr M Wale Cllr J Kenton
<b>Recommending Case Officer:</b>	David Alabi (Specialist), Tel: 01935 462279 Email:david.alabi@southsomerset.gov.uk
<b>Target date :</b>	20th September 2021
<b>Applicant :</b>	Mr K Parris
<b>Agent: (no agent if blank)</b>	Mr Sheamus Machin Windover Farm Barn Madford, Hemyock, Cullompton, EX15 3QX
<b>Application Type :</b>	Minor Other less than 1,000 sq.m or 1ha

### REASON FOR REFERRAL TO COMMITTEE

This application has been referred to Committee because the Ward Councillors consider the increase in size of this development within the ANOB to not be acceptable, with reference made to the to AONB Officer's comments and a past Planning Inspectors decision that suggested further development should be restricted, as well as the fact that planning permission has repeatedly been refused due to the impact on the AONB and the site's isolated position. The Chairman has confirmed his agreement with the Ward Members decision to call the application in.





## SITE DESCRIPTION AND PROPOSAL

This is an application seeking planning consent for an extension to an existing livestock building at land at Higher Beetham Farm, Higher Beetham. The site is located in open countryside and is within the Blackdown Hills Area of Outstanding Natural Beauty (AONB). It is located in the open countryside to the west of Higher Beetham Farm. There are several dwellings approximately 120 metres to the east of the site.

The agent has confirmed that the development is proposed to enable the existing livestock to be more extensively accommodated in the buildings i.e. the numbers will remain constant.

## HISTORY

18/02808/FUL: erection of general purpose agricultural building - refused and dismissed at appeal

17/02164/FUL: the erection of an extension to existing building to house livestock - refused

17/02165/FUL: The erection of an extension to existing building to house livestock - refused

17/01722/FUL: The erection of an agricultural building to be used for livestock accommodation and straw storage. Approved subject to conditions.

13/03145/FUL: The erection of an agricultural building (Revised Application of 12/01733/FUL). (GR /FUL: 327552/112007)- Allowed on appeal (Reference 2216466).

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), and Paragraphs 2, 11 and 12 of the NPPF indicate it is a matter of law that applications are determined in accordance with the development plan unless material considerations indicate otherwise.

The South Somerset Local Plan (2006 - 2028) was adopted on the 5th March 2015. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) and Section 70(2) of the Town and Country Planning Act 1990 (as amended), the adopted local plan now forms part of the development plan. As such, decisions on the award of planning permission should be made in accordance with this development plan, unless material considerations indicate otherwise. Legislation and national policy are clear that the starting point for decision-making is the development plan, where development that accords with an up-to-date local plan should be approved, and proposed development that conflicts should be refused, unless other material considerations indicate otherwise.

South Somerset Local Plan (2006-2028)

Policy SD1 - Sustainable Development

Policy SS1 - Settlement Strategy

Policy EP4 - Expansion of an existing business in the countryside

Policy EQ2 - General Development

Policy EQ3 - historic environment

Policy EQ4 - Biodiversity

Policy EQ7 - Pollution control

Policy TA5 - Transport impact of new development

Policy TA6 - Parking Standards

National Planning Policy Framework

Chapter 2: Achieving sustainable development

Chapter 6: Building a strong, competitive economy

Chapter 12: Achieving well designed places

Chapter 15: Conserving and enhancing the natural environment

National Planning Practice Guidance

Design

Policy-related Material Considerations

Somerset County Council Parking Strategy (September 2013)

Somerset County Council Highways Development Control - Standing Advice (June 2017)

National Design Guide - September 2019

## **ENVIRONMENTAL IMPACT ASSESSMENT**

None required

## **CONSULTATIONS**

Whitestaunton Parish Council:

No comments received, no formal parish council

Blackdown Hill AONB:

The AONB Partnership recognises the requirements of farm businesses operating in the

Blackdown Hills, however there is a need to balance these requirements with the need to conserve and enhance the natural beauty of the AONB - the primary objective of AONB designation. Reasons for the designation of the Blackdown Hills AONB include that the area has retained a sense of remoteness with long ranging views, is sparsely settled and is largely unspoilt by modern development. As such the AONB Partnership believes that any development proposal in an isolated location requires very careful consideration of landscape and visual impact, and have regard to demonstration of need and necessity, siting, scale, design and environmental considerations in order to conserve and enhance the natural beauty of the area.

It is fair to say that since the first application for a building here in 2013 we have noted our concern that there should be no assumption of further development at this site as any large modern structure will have an impact on this attractive, unspoilt, rural landscape. The continued incremental growth of this site has therefore been of concern, and the cumulative effect of this further application relative to the holding, the local landscape and the nearby hamlet requires careful consideration, including whether the smaller size of the building proposed overcomes the reasons for the appeal being dismissed in 2019.

SSCC Highways:  
Standing Advice

SSDC Highway Consultant:  
No significant highway issues

Environmental Health:  
No objections  
National Grid:  
No objection

Rights of Way:  
No objection

Natural England:  
Somerset Levels & Moors Ramsar Site

Our current evidence indicates that the proposed development site is outside the catchment of the Somerset Levels & Moors Ramsar Site. However, some schemes outside the catchment could still be enabling damaging activities within it. It is for your authority determine whether this application could enable damaging activities within the catchment, carrying out a Habitats Regulations Assessment if necessary.

Freshmoor Site of Special Scientific Interest (SSSI)

The proposed extension to the livestock building is in close proximity to Freshmoor SSSI, which is sensitive to impacts from aerial pollutants. The consultation documents provided do not give any indication as to whether the extension will house existing livestock or whether it will enable an increase in livestock numbers.

Manure stores, slurry lagoons and livestock sheds are a major source of emissions of ammonia

which is directly toxic to vegetation and especially to lower plants (mosses, liverworts and lichens). Ammonia is also a major contributor to the deposition of nitrogen, which reduces habitat biodiversity by promoting the growth of a relatively small number of the more vigorous plant species which then out-compete the other species present.

If the proposal does not increase the number of livestock to be housed in the building, then no assessment will be required. Likewise, if it enables an increase in livestock numbers, an assessment of air quality impacts should be completed (e.g. Simple Calculation of Atmospheric Impact Limits (SCAIL) model: <http://www.scail.ceh.ac.uk/>).

Should the proposal require screening for air quality impacts, please consult Natural England when that screening has been completed."

#### Ecology:

"From inspecting the site photos the barn to be extended and the surrounding grassland and yard look to contain negligible potential to support protected species.

However, due to the opportunistic behaviour of some bats species, including pipistrelles, and passerine nesting birds, along with the site's location set within habitats that will support bats and birds, please attach the following informatives to any planning permission granted:

- The developers and their contractors are reminded of the legal protection afforded to bats and bat roosts under legislation including the Conservation of Habitats and Species Regulations 2017. In the unlikely event that bats are encountered during implementation of this permission it is recommended that works stop and advice is sought from a suitably qualified, licensed and experienced ecologist at the earliest possible opportunity.
- The developers are reminded of the legal protection afforded to nesting birds under the Wildlife and Countryside Act 1981 (as amended). In the unlikely event that nesting birds are encountered during implementation of this permission it is recommended that works stop until the young have fledged or then advice is sought from a suitably qualified and experienced ecologist at the earliest possible opportunity.

#### Biodiversity Enhancement (Net Gain)

As enhancement and compensation measures, and in accordance with National Planning Policy Framework (NPPF), please apply the following conditions to any planning permission granted.

- The following will be integrated into the design of the buildings and site plans:
  - Installation of 1 X Kent bat box, purchased or built, on to the existing barn, facing south or west, at a height above 3m.
  - Installation of 1 X standard bird boxes, purchased or built, on to the existing barn, facing east or north, at a height above 3m.

Photographs of the installed features will be submitted to and agreed in writing by the Local Planning Authority prior to occupation.

Reason: In accordance with Government policy for the enhancement of biodiversity within development as set out in paragraph 170(d) of the National Planning Policy Framework

Provided the above condition and informatives are applied as worded, I have no objection to this application."

## **REPRESENTATIONS**

The application has been advertised by press and site notice for the requisite period. Letters of objection have been received from six residents. The following points are made:

- Impact on living conditions by reason of odours and noise
- Concerns over contamination of drinking water
- Encroachment of development within the AONB where it should be controlled, no evidence of other sites being explored.
- Damage to lanes and mud on the road from farm traffic
- 15% is still a significant increase in development that is already oversized
- No business justification for the development

## **CONSIDERATIONS**

The main issues to assess is the principle of development and its impact on visual amenity, the AONB, residential amenity, ecology and highway safety.

### **Principle of Development:**

The proposal is for agricultural development and as such is considered to be acceptable in principle as the justification for the use is made in connection with a current farming business and for the land on which it is situated on. The agent has stated that the extension is "to enable the existing number of livestock to be more extensively accommodated in the buildings i.e the numbers will remain constant. Plus some of the existing space will be used for extra storage of fodder/bedding/machinery." The proposal is considered in accordance with Policy EP4 of the adopted Local Plan.

In this instance the site is deemed to be more sensitive than the average location due to the concerns over the impact on water supply and the location within the Blackdown Hills AONB. The acceptability of the proposal depends on the assessment against the relevant development plan policies.

### **Visual Amenity, Landscape character and AONB:**

The proposed extension will be on the northern barn and located on the west elevation. The scale proposed is a significant reduction in what has previously been applied for and refused at committee and dismissed at appeal.

The height, width and materials for the proposed extension will match that of host building. The AONB have raised concerns regarding the cumulative impact of the proposals, however it's overall mass and form is not considered to be harmful in terms of overall landscape impact on the AONB, and it is considered that a refusal on these grounds could not be justified.

Given the existing built form it is considered that the proposed extension will not cause significant harm to the AONB or character of the area and as such is in accordance with the aims and objectives of policy EQ2 of the South Somerset Local Plan and NPPF.

### **Residential Amenity:**

Objections have been received in regard to noise and odour from the site and the impact on a private water supply.

It is accepted that there would be a degree of noise and odour as a result of development, however it is noted that odours from cattle buildings are not generally of the same intensity as those from other livestock operations such as intensive pig and poultry farming and these impacts are expected to a point within the countryside. In addition the agent has confirmed that the proposed extension is not proposed in order to increase livestock numbers, therefore the impact is unlikely to be above and beyond the current situation for which planning consent already exists. It is considered that the relatively significant distance to the nearby dwellings of approximately 160 metres is sufficient to limit the impact to an acceptable degree.

Under previous applications there has been substantial discussion of the impact on the water supplies of nearby properties. There are two spring fed water supplies approximately 400 metres to the south east of the site which supply water to 5 nearby dwellings. This is of particular relevance as the bedrock of the hills is an extensive outcrop of Upper Greensand which has a sandy, porous structure. Water percolates through the Greensand and emerges along the spring line at the above location. There are many properties on the Blackdown Hills with spring fed water supplies.

The concerns relate to the potential impact of a pollution incident on the water supply of these nearby dwellings, however it has not been proven either way whether a pollution incident in this location would result in contamination. This could only be ascertained with a reasonable degree of certainty by carrying out a full drainage path investigation which would involve techniques such as dye tracing.

The issue was considered by the planning inspector at appeal (2013) that pollution can be controlled at source and that this is central to ensuring that these water supplies are not adversely affected. The following paragraphs (18 and 19) of the Inspectors decision are relevant:

"Whilst noting the concerns of local residents, no conclusive evidence was submitted to demonstrate that the new building and its use would adversely impact on private water supplies."

Notwithstanding comments received it is considered that the proposed development will not adversely affect residential amenity, by reason of odour, noise or impact on water supply in accordance with policies EQ2 and EQ7 of the South Somerset Local Plan (2006-2028)

### **Ecology:**

Natural England has requested an air quality assessment, but only where there is to be an increase in livestock numbers. The planning Agent has confirmed that there will be no increase in livestock numbers and as such an assessment is therefore not required.

Ecology have raised no objection subject to a condition in relation to biodiversity gain and informatives regarding bat and bird protection.

Notwithstanding comments received it is considered that there will be no adverse impact on ecology, subject to conditions for biodiversity gain, in accordance with policy EQ4 of the South Somerset Local plan (2006-2028)

**Highway Safety:**

County highway have referred to Standing Advice and the SSDC Highways Consultant has raised no objection. Objections have been raised to farm traffic damaging the lanes and leaving mid on the roads.

The proposed extension 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 proposal will not result in a significant enough increase in vehicular movements to and from the site to warrant refusal on these grounds.

Notwithstanding comments received it is considered that the proposal will have no adverse impact on highways safety in accordance with policy TA5 of the south Somerset Local Plan.

**CONCLUSION**

Overall, there is considered to be adequate justification for the proposed extension and it is also deemed that due to its location in relation to the existing built form, 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**

Approve with conditions

01. The proposal, by reason of its size, siting, materials and design, would not adversely affect the character of the area and would not result in demonstrable harm to visual and residential amenity or highway safety in accordance with Policies SD1, EQ2, TA5 & TA6 of the South Somerset Local Plan (2006-28) and the provisions of the National Planning Policy Framework 2021.

**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:

Existing site plan 3513/01  
Location plan SM1  
Proposed site plan 3513/02  
Elevations 3513/03  
Floor roof plan 3513/04  
Site survey 3513/05  
Elevations 3513/06



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

03. The external surfaces of the development hereby permitted shall be of materials as indicated on the approved plans and no other materials shall be used without the written consent of the Local Planning Authority.

Reason: In the interests of visual amenity to accord with Policy EQ2 of the South Somerset Local Plan (2006-2028).

04. The building hereby permitted shall only be used to accommodate existing livestock or for agricultural storage and shall not be used to accommodate any significant increase in livestock numbers or for any other purpose.

Reason: In order to minimise the impact of the development on the surrounding area and to ensure that the development accords with the Habitats Regulations 2017, paragraph 175 (a) of the National Planning Policy Framework and Policies EQ2 and EQ4 of the Somerset Local Plan 2006-2028.

05. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), there shall be no external means of illumination installed on the application site without the prior express grant of planning permission.

Reason: In the interests of visual amenity and to safeguard the character and appearance of the area, in accordance with saved policies EQ2 of the South Somerset Local Plan (2006-2028).