CASE OFFICER'S REPORT

Application Reference:	PL/2023/05847
Application Type:	Removal/variation of conditions
Consultation ends:	16th August 2023
Case officer:	Hilary Baldwin

Site Address:	Land near Hollow Street, Great Somerford, Chippenham, approx. postcode SN15 5JH
Proposal:	Variation of condition 2 (approved plans) and condition 5 on PL/2022/07293
Recommendation:	Approve with Conditions

Proposal

The application seeks a variation of Conditions 2 and 5 of the extant planning permission ref: PL/2022/07293 which was granted permission 19 April 2023.

The application seeks to vary the approved plans to allow for an additional area of concreted surface around the building and in particular from the access gateway to the building and projecting to the north of the building to allow for tracking and machinery turning without compacting the soil in this location. . The increased area of concrete would also allow for year-round access from the farm track for farm vehicles and tractors. It is also proposed to vary Condition 5 to be in accordance with drainage details submitted within this proposal and in accordance with the Manure Management Statement which it is stated would be maintained in perpetuity.

For the avoidance of doubt, the conditions subject of this application as written on the Decision Notice are as follows:

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

OS Location Plan – Rec: 20th September 2022
Site Location Plan – Rec: 20th September 2022
Proposed Block Plan – Rec: 20th September 2022
Existing Block Plan – Rec: 20th September 2022
220913EFA Proposed Elevations – Rec: 29th September 2022
Land Owned by Palmer Farming Ltd at Great Somerford – Rec: 1st November 2022

REASON: For the avoidance of doubt and in the interests of proper planning

5. Prior to the proposed building first being brought into use, details of the method of managing the:
1. drainage of liquid sewage from the building, via submission of suitably detailed plans and description illustrating means of drainage;
2. the method of storage and storage capacity, via submission of appropriate details illustrating the means of storage; and
3. the method of collection, via a written statement

shall be provided as referred to within the applicant's letter dated 9th November 2022. The method of drainage and storage shall be implemented in accordance with the details provided and maintained in perpetuity.

REASON: The application contained insufficient information to enable this matter to be considered prior to the granting of planning permission and the matter is required to be agreed with the Local Planning Authority in the interests of preventing effluent discharge and associated pollution from the building whilst occupied by livestock before the use of the proposed building commences.

Site Description

The site is located outside any defined settlement boundary. Accordingly, for planning purposes, the site is considered to be within the open countryside. The site constitutes an open agricultural field currently used for the grazing of livestock. The site sits at a relatively exposed position of the field when viewed from the east and south, raised above the lower areas of the site surrounding the watercourse Gabriel's Well to the northeast which is affected by a number of associated flood risk constraints. When viewed from the north or west, the site is relatively well screened by existing vegetation. With regard to the site surroundings, the land generally slopes down towards the northeast towards Gabriel's well and beyond into a lowland area. The use of the surrounding landscape is predominately made up of a mixture of worked agricultural fields and pastures. The site is remote from any surrounding development and distant from the settlement of Great Somerford.

In terms of physical constraints, it is noted that the site is visible from multiple public vantage points, including, but not necessarily limited to, Bridleways GSOM19 and GSOM24 and Public Footpaths GSOM25 and GSOM26. The site is not subject to any further physical constraints which would inhibit development of the proposed nature.

The site is not within any other designated area.

Planning History

The site is subject to one extant application, which this current submission proposes to vary.

PL/2022/07293 – Erection of cattle housing building
Approved with Conditions

Policy Considerations

National Planning Policy Framework (NPPF) 2023
Paragraph 11 – Presumption in favour of sustainable development
Paragraph 84a - Supporting a Prosperous Rural Community
Paragraph 130 - Function and form of Development
Paragraph 174 – Conserving and Enhancing the Natural Environment

Wiltshire Core Strategy adopted 2015 (WCS)
Core Policy 1- Settlement Strategy
Core Policy 2- Delivery Strategy
Core Policy 13 - Spatial Strategy: Malmesbury Community Area
Core Policy 48 - Supporting Rural Life
Core Policy 50 - Biodiversity and Geodiversity
Core Policy 51 - Landscape
Core Policy 57- Ensuring High Quality Design and Place Shaping
Core Policy 60 - Sustainable Transport

North Wiltshire Local Plan 2011 (Adopted June 2006)
Saved Policy NE18 – Noise and Pollution

Great Somerford (incorporating Startley) Neighbourhood Plan 2016-2026. Made 2017

Whilst there are no policies within the Neighbourhood Plan which are of direct relevance to the current proposal, the overarching aims and objectives of the Plan are noted.

Consultations
Great Somerford Parish Council – No Objection or Comment to make.
PROW Officer - No Objection or Comment to make.

Public Protection - Further information regarding manure store locations is requested.

Letters of Representation
One Letter of Representation was received in relation to the proposed development.
Main Reasons for Comment, briefly summarised,

- Essential to understand how the application will ensure concrete is kept clean and what will be done with any material contaminated with manure.
- What contingency will be put in place to ensure that the farmyard manure is stored safely until it can be put on the fields.
- If heaps are stored by gateways to the lane, then run-off will drain directly onto the road then ditches, then Gabriels Well and then the River Avon.
- The applicant states that “best practice” will be used but will this be done and what provision is made for this.
- Does applicant understand Farming Rules for Water and similar legislation and will best practise be undertaken and in perpetuity as per statement?
- It is for the Council to consider these further questions and contingencies that should be in place for pollution.

Key Issues
Principle of Development
Impact on the character and appearance of the area
Public Protection

Assessment
Principle of Development
Under the provisions of section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004, and the provisions of the NPPF i.e.para 2, applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. At the current time the statutory development plan in respect of this application consists of the Wiltshire Core Strategy (WCS) (Adopted January 2015);the ‘saved’ policies of the North Wiltshire Local Plan (NWLP) 2011 (Adopted June 2006) and the Great Somerford (incorporating Startley) Neighbourhood Plan 2016-2026 (Made 2017)

Core Policies 1 and 2 of the WCS advise that outside the defined limits of development that development will not be permitted other than in circumstances as permitted by other policies in the plan. Core Policy 13 of the WCS states that development in the Malmesbury Community Area should be in accordance with the Settlement Strategy set out in Core Policy 1.

The principle of the development of the site for a cattle shed and adjoining concrete apron was considered acceptable and that application approved early in 2023 and the application is extant. Whilst the provisions of the above Policies are noted, the principle of agricultural buildings within the open countryside is broadly acceptable subject to a range of site-specific considerations, compliance with relevant policies, neighbourhood plans and particularly where linked to an established agricultural operation.

In accordance with the Council’s previous assessment of PL/2022/07293 the proposal is considered to be acceptable in principle and not in conflict with the development strategy of the plan.

However, whilst the principle of the original proposal was viewed as acceptable, it is now necessary to undertake a site-specific assessment and related compliance in relation to the variation and with other policies of the plan and the provisions of the NPPF.

Impact on the Character and Appearance of the Area

The planning system promotes high quality development through good inclusive design and layout and the creation of safe, sustainable mixed communities. Good design should be indivisible from good planning and recognised principles of good design seek to create a high-quality built environment for all types of development.

In this case, the proposed development for the built form above ground level would not change and can be implemented in line with the plans approved on the original permission. The enlarged concrete apron would only be visible from close quarters and not from the wider rural area or be highly visible from public vantage points. The justification within the submitted statement is considered satisfactory and its enlargement is considered acceptable as it would be seen against the backdrop of the building and its use for cattle and animal housing.

It in this respect it is considered that the revised condition for enlarged concrete apron is acceptable.

Public Protection

The current submission also includes a change to Condition 5 of PL/2022/07293 which required details of drainage of liquid sewage, method of storage and capacity, and method of collection. Particularly, it is requested to change Condition 5 to read,

The drainage details provided within the plan PAL/PLN/0001 dated 28/05/23 (issued for
planning purposes on 08/06/23) shall be implemented in accordance with the details provided within plan PAL/PLN/0001 and the Manure Management Statement for Proposed Livestock Accommodation Building dated 8th June 2023, and will be maintained in perpetuity. The drainage works shall be implemented and operational prior to the first use of the building.

The current submission has been supported by a detailed layout plan for surface water from the building and its storage and disposal, drainage channels across the apron and a Manure Management Statement. The statement also proposes that the revised plans and documents can be included in the revision to Condition 5.

Notwithstanding the submitted information, the Council's Public Protection Team have requested further information only with regard to manure store locations. It is also noted that a letter of representation has also been submitted which raises numerous queries with regard to manure storage, disposal and run-off and obligations and responsibilities of the farmer/landowner.

The preceding application, within its assessment did not consider that the site was in an ecologically sensitive location and that it accorded with national and local plan policies. It further stated that the site is on land which is already in use for the keeping of cattle and that the scale of the building and site-specific circumstances could not be reasonably refused or was in conflict with the provisions of Core Policy 50 and the relevant paragraphs of the Framework.

The Council Public Protection team, as previously stated, have only requested further information with regard to manure store locations across the land. However, there is published public guidance on GOV.uk websites and clear requirements for farmers and land managers as to their responsibilities and obligations when dealing with the keeping of animals, animal waste and manure. This covers inter alia, assessing pollution risk, use of manure, storing manure and risk factors. There is clear guidance which states that it must not be stored within 10m of inland freshwater or coastal waters or within 50m of a spring, well or

borehole. In this instance, it is therefore considered that such requirements are covered by separate legislation beyond the remit of planning legislation. However, it is considered appropriate that if permission is granted, then an Informative is appended to any Decision Notice to alert the applicant as to their pastoral obligations.

Other Considerations

As the proposed development has not commenced on site, it is considered appropriate and necessary to bring forward the standard time limited condition to ensure the development is commenced within a timely manner and that other conditions relating to elevational materials of the cattle building and lighting.

Conclusion

As such, the proposals would not conflict with the statutory requirements, as well as the national and local planning policies and the Great Somerford Neighbourhood Plan and can be supported. The proposal would not result in harmful impacts to the residential character of the locality or to rural residential amenity.

It is therefore recommended that the application should be permitted subject to relevant conditions.

Conditions: (5)

1 The development hereby permitted shall be begun before 18th April 2026.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

OS Location Plan – Received 20th September 2022
PAL/PLN Site Location Plan – Received 14th July 2023
Proposed Block Plan – Received 14th July 2023
Existing Block Plan – Rec: 20th September 2022
220913EFA Proposed Elevations – Rec: 29th September 2022
Land Owned by Palmer Farming Ltd at Great Somerford – Rec: 1st November 2022
Manure Management Plan/Statement - Rec. 14th July 2023

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

3 The materials to be used in the construction of the external surfaces of the development hereby permitted shall match in material, colour and texture those detailed on the application form and approved plans.

REASON: In the interests of visual amenity and the character and appearance of the area.

4 No external lighting shall be installed on-site until plans showing the type of light appliance, the height

and position of fitting, illumination levels and light spillage in accordance with the appropriate Environmental Zone standards set out by the Institution of Lighting Professionals in their publication "The Reduction of Obtrusive Light" Guidance Note 01/21 (reference GN01/21), have been submitted to and approved in writing by the Local Planning Authority. The approved lighting shall be installed and shall be maintained in accordance with the approved details and no additional external lighting shall be installed.

REASON: In the interests of the amenities of the area and to minimise unnecessary light spillage above and outside the development site.

5 The drainage details provided within the plan PAL/PLN/0001 dated 28/05/23 (issued for planning purposes on 08/06/23) shall be implemented in accordance with the details provided within plan PAL/PLN/0001 and the Manure Management Statement for Proposed Livestock Accommodation Building dated 8th June 2023, and will be maintained in perpetuity. The drainage works shall be implemented and operational prior to the first use of the building.

REASON: In the interests of preventing effluent discharge and associated pollution from the building whilst occupied by livestock before the use of the proposed building commences.

Informatives: (4)

6 The applicant is strongly advised to familiarise themselves with their obligations and responsibilities for farming, land management and the keeping of livestock on their land.
Rules for farmers and land managers - GOV.UK (www.gov.uk)

7 The applicant should note that the grant of planning permission does not include any separate permission which may be needed to erect a structure in the vicinity of a public sewer. Such permission should be sought direct from Thames Water Utilities Ltd / Wessex Water Services Ltd. Buildings are not normally allowed within 3.0 metres of a Public Sewer although this may vary depending on the size, depth, strategic importance, available access and the ground conditions appertaining to the sewer in question.

8 Any alterations to the approved plans, brought about by compliance with Building Regulations or any other reason must first be agreed in writing with the Local Planning Authority before commencement of work.

9 The applicant is requested to note that this permission does not affect any private property rights and therefore does not authorise the carrying out of any work on land outside their control. If such works are required it will be necessary for the applicant to obtain the landowners consent before such works commence.

If you intend carrying out works in the vicinity of the site boundary, you are also advised that it may be expedient to seek your own advice with regard to the requirements of the Party Wall Act 1996.