CASE OFFICER'S REPORT

Application Reference:	PL/2023/06398
Application Type:	Full planning permission
Site Inspection:	
Consultation ends:	31 August 2023
Case officer:	Callan Powers

Site Address:	UNION FARM, CHURCH LANE, DAUNTSEY, CHIPPENHAM, SN15 4HW
Proposal:	Erection of agricultural building over existing cow loafing yard
Recommendation:	Approve with Conditions

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POLICIES
National Planning Policy Framework December 2023 Paras 2, 11, 38, 47, 128, 131. 165 & 167
Wiltshire Core Strategy Jan 2015 CP51 CP57 CP67
ISSUES
Principle of development
Impact on the character and appearance of the area
Impact on residential amenity
Flood risk
REPRESENTATIONS
Neighbour Representations – None received.
Parish Council – No objection.
Natural England – None received.
Environment Agency – Standing advice.

SITE DESCRIPTION
The application site comprises part of a dairy farm within the dispersed settlement of Dauntsey, west of the village core. Situated within low lying land in the open countryside and close to the M4 motorway, the site is distant from any designated heritage assets and is not subject to any ecological designations. The site is affected by flood zone 2, being subject to a degree of risk of flooding from rivers and the sea. South and east of the site lie public rights of way, footpaths DAUN10 and DAUN11, however these do not approach closer than around 250 metres.

Relevant planning history
Planning history associated with dairy farming at Union Farm includes:

N/95/02387/FUL: Erection of 3 No. Loose Boxes for Cattle. Approved 15 January 1996
14/03691/FUL: Erection of roof over existing silage clamp. Approved 24 July 2014
14/03678/FUL: Erection of roof over existing silage clamp. Approved 21 July 2014
16/09587/FUL: Extension to steel framed agricultural buildings. Approved 19 January 2017
20/00062/FUL: Proposed new slurry store. Approved 05 April 2021
Also of relevance, and considered later in this report, is the following history pertaining to barns located nearby.

PL/2021/06111: Notification for Prior Approval under Class Q for a change of use of Agricultural Buildings to four dwelling houses and associated operational development. Prior Approval required and refused 12 August 2021
PL/2022/09634: Notification for Prior Approval under Class Q for a change of use of agricultural building to C3 2 dwelling houses (1 large and 1 small) and associated operational development. Prior Approval required and granted 08 February 2023
PL/2022/09635: Notification for Prior Approval under Class Q for a change of use of agricultural building to C3 dwelling house. Prior Approval required and granted 07 February 2023
PL/2022/09636: Notification for Prior Approval under Class Q for a change of use of agricultural building to C3 dwelling house. Prior Approval required and granted 08 February 2023
PL/2023/09594: Change of use and alterations to 3 no. agricultural buildings to form 4 no. dwellings and associated works. Pending decision
THE PROPOSAL
This application seeks full planning permission for the erection of a covered loafing yard for the dairy cows, in the place of the existing open loafing yard that lies adjacent to the milking complex. The proposed building would reach more than 9 metres in height and form a horseshoe-shape plan form, wrapping around an existing protruding part of the building, with concrete panelled walls and Yorkshire boarding in the gables of the dual pitched, fibre cement sheeting roof.
ASSESSMENT:
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 Wiltshire Housing Site Allocations Plan (WHSAP) (adopted February 2020).

Principle of development
The site lies within an existing dairy farm with a substantial inventory of existing development used in association with the established dairy herd numbering 240 head. Whilst there are not traditionally seen to be significant benefits to covering a loafing area, it is accepted that this will aid in controlling The proposed roofing for the loafing yard would be helpful in managing nutrients associated with rainfall on excreta and silage. Whilst Dauntsey Vale is largely unaffected by nitrate vulnerable zones, there are clear benefits associated with appropriate management of contaminants, and the development would assist the applicants with their environmental obligations.

The proposal, while reasonably necessary for the purposes of agriculture, is not development benefitting from general permission by dint of the General Permitted Development Order, for a number of reasons. These include that the footprint of the proposal goes beyond the form of development that would be permitted under Schedule 2, Part 6, Class A of that Order (which limits development to below 1000 square metres of ground coverage), and the proposal lies within a short distance of dwellings that may be 'protected buildings' for the purposes of that Class. Furthermore, development has recently been granted prior approval under Schedule 2, Part 3, Class Q of the same Order, agreeing that three existing barns elsewhere on the unit may be

converted to residential use; development under the two respective Classes of the Order is mutually disqualifying.

That the proposal would not meet permitted development requirements is not prejudicial to the outcome of this application, which is to be determined in accordance with the development plan unless material considerations indicate otherwise.

It is not known whether development granted prior approval under Class Q has yet been carried out on the three barns that lie west of the site. In any event, these barns are not suitable for loafing, all of which realistically being both too small for the purpose and physically and functionally separated from the dairy enterprise, albeit by only a relatively short distance – it is the immediate attachment of the site to the existing milking building that makes it an appropriate location for the development.

The development would provide a clear benefit to the operation of the farming enterprise. Whilst the development would entail the creation of a building supporting livestock within relatively close proximity to dwellings, this is a decidedly rural location and is not considered inappropriate. Nor is it considered to be a substantial expansion of livestock processes from the existing situation. As a result, the development is supported in principle, subject to site specific considerations.

Impact on the landscape
The proposed development involves a substantial building to be added to the existing dairy complex. At more than 9 metres in height this will be visible from some distance, including from the nearby public rights of way. The building is nevertheless entirely consistent with the agricultural enterprise being carried on at this location, and with the generally agricultural nature of the landscape within the Dauntsey Vale. The building is also to be well integrated with the existing development at the site and will wrap around an existing section of building, limiting the individual impact of the proposal and the overall visual spread of development at the wider site. The proposal is therefore not considered to harm the landscape qualities of the area and is not in conflict with Core Policy 51 of the WCS.

Impact on residential amenity
The proposed development is within a relatively short distance of the farm house at Union Farm and of barns intended for conversion at Chestnut Farm. There are odours and noise impacts associated with dairy farming, that would not make it appropriate for a more urban environment. The site is, however, decidedly rural, and the dairy farm is a long established use which would not in itself require planning permission in any event. Based on the existing use, the proposal is not considered to give rise to significant risks in terms of residential amenity or otherwise in terms of the compatibility with adjoining uses. No conflict is therefore found to arise in respect of Core Policy 57 of the WCS.

Flood risk
The site is within Flood Zone 2, wherein there is a heightened risk of flooding from fluvial sources. There is therefore a technical requirement for flood risk assessment set out in national policy for development in such locations. Nevertheless, the proposed development would be sited on existing surfaced area and would not increase the risk of flooding elsewhere. Indeed, in providing for a more managed approach to collecting and storing nutrients, it is considered that the proposal

represents an opportunity to, in a small way, mitigate the impact of flooding events, were they to occur, by to some extent restricting the spread of potentially contaminant nutrients.

The Environment Agency have provided their standing advice in respect of this application and have not objected. The standing advice indicates that the relevant items to consider in relation to flood risk would include details of finished floor levels, the resilience of the building to flooding, and the depositing of any excavated materials. This is to ensure that the building can withstand a flooding event and that there is no loss of floodplain storage capacity. Due to the nature of the development, which is an open sided roof and frame above an existing surfaced area, no concerns arise in any of these respects.

The proposed use, which is consistent with the existing agricultural use as part of a dairy farm, is not one of high vulnerability to flooding events. Taking the above into account, it is therefore not considered that refusal on the basis of a lack of site-specific flood risk assessment would be appropriate in this case.

Conclusions
The proposed development is considered reasonably necessary for the purposes of agriculture and would fit appropriately within an agricultural landscape. There are no site specific reasons that this development should be refused and therefore it is recommended that this application be granted, and planning permission granted subject to conditions.

RECOMMENDATION:
Permission subject to conditions

Conditions: (2)

1 The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
Drawing No. C-01: Location Plan + Site Plan, dated 31.05.2023 and received 28 July 2023;
Drawing No. C-02: Proposed Plan + Elevations, dated 31.05.2023 and received 28 July 2023;
Planning Statement, received 28 July 2023; and
Application Form, dated 27/07/2023 and received 28 July 2023.

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

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

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.

Informatives: (4)

3 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.

4 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.

5 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.

6 The applicant is advised that the development hereby approved may represent chargeable development under the Community Infrastructure Levy Regulations 2010 (as amended) and Wiltshire Council's CIL Charging Schedule. If the development is determined to be liable for CIL, a Liability Notice will be issued notifying you of the amount of CIL payment due. If an Additional Information Form has not already been submitted, please submit it now so that we can determine the CIL liability. In addition, you may be able to claim exemption or relief, in which case, please submit the relevant form so that we can determine your eligibility. The CIL Commencement Notice and Assumption of Liability must be submitted to Wiltshire Council prior to commencement of development. Should development commence prior to the CIL Liability Notice being issued by the local planning authority, any CIL exemption or relief will not apply and full payment will be required in full and with immediate effect. Should you require further information or to download the CIL forms please refer to the Council's Website https://www.wiltshire.gov.uk/dmcommunityinfrastructurelevy.