

**Application No. 15/01994/FULL**

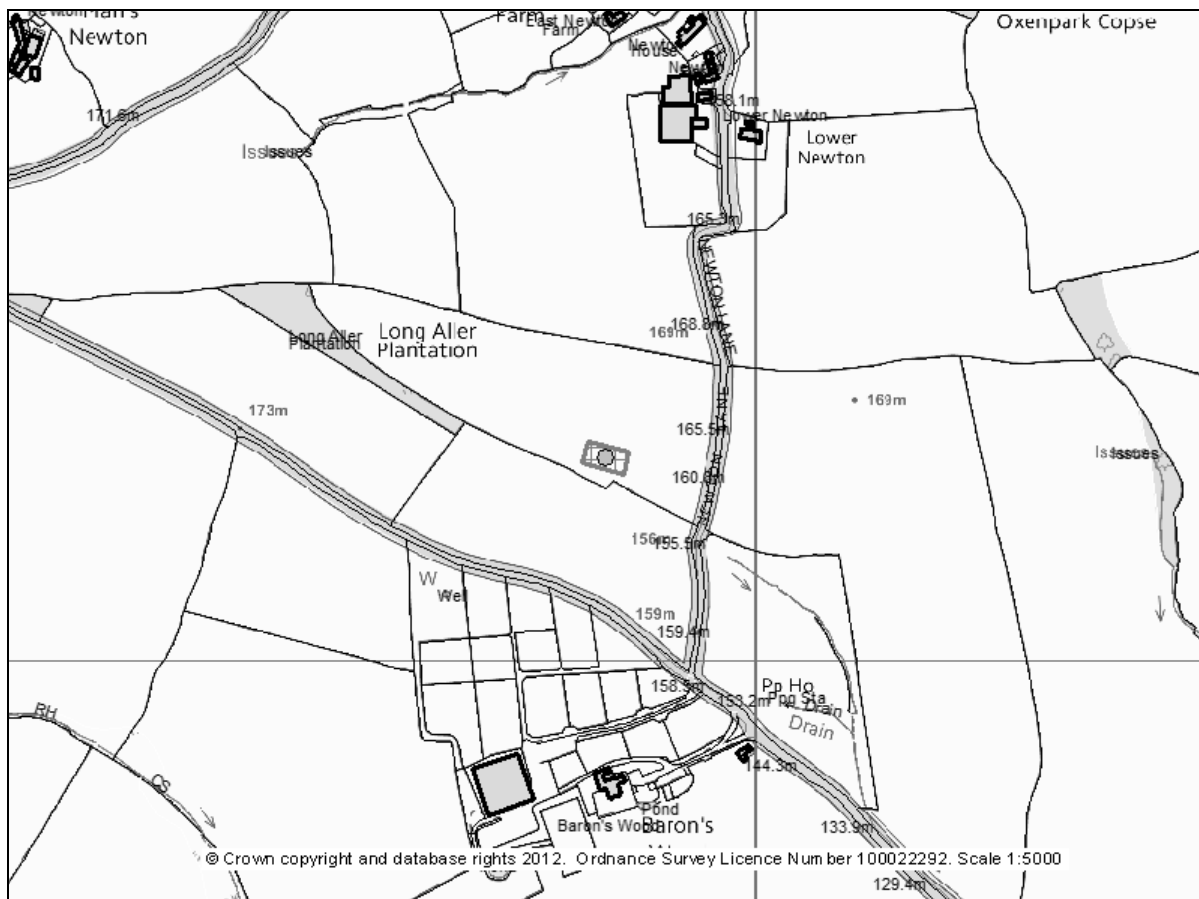
**Grid Ref:** 104236 : 269824

**Applicant:** Mr A Lawson

**Location:** Land at NGR 269824  
104236 Lower Newton Farm  
Zeal Monachorum Devon

**Proposal:** Erection of a covered slurry store (760 sq. m)

**Date Valid:** 22nd December 2015



**REPORT OF THE HEAD OF PLANNING AND REGENERATION – MRS JENNY  
CLIFFORD**

**15/01994/FULL - ERECTION OF A COVERED SLURRY STORE (760  
SQ. M) - LAND AT NGR 269824 104236 LOWER NEWTON FARM  
ZEAL MONACHORUM DEVON**

**Reason for Report:**

To consider the above planning application.

**RECOMMENDATION(S)**

**Grant Planning permission subject to conditions.**

**Relationship to Corporate Plan:**

The emerging corporate plan recognises the priorities of economy and the environment. Farming forms part of Mid Devon's economy and that there are a higher proportion of people working in agriculture in Mid Devon than other Devon districts. One of the recognised long term visions of the corporate plan is: to create a prosperous economy, secure and well-paid jobs and a sustainable environment; this will make Mid Devon the destination of choice for successful businesses. This includes support for relocation and expansion opportunities for businesses.

The corporate plan recognises the need to maintain the high quality of the natural and built environments whilst meeting the economic and social needs of the residents, and sets out a long term vision to promote and protect our outstanding environment and beautiful countryside.

**Financial Implications:**

**None**

**Legal Implications:**

**None**

**Risk Assessment:**

**None**

### **Consultation carried out with:**

1. Coldridge Parish Council
2. Highway Authority
3. Environment Agency
4. Zeal Monachorum Parish Council
3. Environmental Health

### **1.0 PROPOSED DEVELOPMENT**

Proposed is the erection of a pitch- roofed slurry store at Lower Newton Farm, Zeal Monachorum.

The application scheme has been submitted in conjunction with an application for the erection of a dairy parlour, cubicle and covered feed building under application 15/01996/MFUL. It is therefore functionally linked to that development: the slurry store will be located to the immediate south of a proposed new dairy unit building and will be positioned on the same general site located within an open gently sloping field some 200m+ to the south of the existing main farm buildings at Lower Newton Farm, some 2kms to the west of the village of Zeal Monachorum. The site is surrounded by fields being within open, rolling countryside and is bounded on its east by Newton Lane, an unclassified road.

The proposed slurry store building will have a length of 38 metres, a width of 20 metres, and a height above ground level of 4 metres to the eaves of the building and 6.178 metres to the ridge. The building will have profile 6 fibre cement roofing sheets in natural grey with roof lights and with natural grey fibre cement roll top barge boards. The building will be open sided save for tanalised timber space boarding on the west elevation. The slurry store will be constructed from reinforced mass poured concrete, and will go to a depth of 3 metres below ground level. Internally the store will have a ramp that is 4 metres wide and 20 metres in length.

The slurry store building has been designed to meet the Nitrate Vulnerable Zone (NVZ) requirements for storage and will, as noted, directly support the milking parlour, cubicle and covered feed building as proposed under application 15/01996/MFUL.

The site itself is not located within a NVZ the design proposed accommodates all of the regulations, taking into account that 68% of agricultural land in England is in an NVZ. The NVZ regulations require storage capacity of slurry for at least 5 months to accommodate for the restrictions on close spreading periods. The size of the slurry store building has been designed with some extra storage capacity to allow room for possible future expansion and will allow for any alterations or extensions of the Nitrate Vulnerable Zone restrictions. The building has been designed to provide below ground waste transfer channels. The submitted Farm Waste Management Plan sets out that the proposal will be in accordance with all of the relevant legislations.

The existing buildings at Lower Newton Farm are not considered suitable for milking of cows, but are suitable for and will be reused for machinery and fodder storage, and to rear followers bedded on straw.

This current submission in conjunction with 15/01996/MFUL follows on from earlier applications which had proposed locating a similar sized new dairy unit and related slurry store building immediately adjacent to the existing buildings at Lower Newton Farm. However, due to concerns by your planning officers at the proximity of the new farm buildings to other neighbouring residential dwellings (including heritage assets), the application was withdrawn and a fresh application has now been submitted for the new proposed location.

The revised field site location is intended to provide an improved access to the proposed buildings and also to allow for more suitable arrangements for the transporting of slurry from the site to the surrounding land, via umbilical pumping.

Separate hardstanding area surrounding the proposed dairy unit site (to be considered under 15/01996/MFUL) will provide a parking and turning area for all vehicles visiting the site.

## **2.0 APPLICANTS SUPPORTING INFORMATION**

Design and Access Statement  
Supporting Statement  
Farm Waste Management Plan  
Drainage Management Plan  
Wildlife and Geology Trigger Table  
Plans

## **3.0 PLANNING HISTORY**

15/01334/MFUL Erection of milking parlour, cubicle and covered feed building: This application was withdrawn before it was formally determined.

15/01333/FULL Erection of a covered slurry store: This application was withdrawn before it was formally determined.

15/01996/MFUL Erection of parlour, cubicle and covered feed building (1876sqm) - The development proposed by this application is also recommended for approval

## **4.0 DEVELOPMENT PLAN POLICIES**

Mid Devon Core Strategy (Local Plan Part 1): COR1, COR2, COR9, COR18  
Local Plan Part 3 (Development Management Policies): DM2, DM4, DM6, DM7, DM8, DM22, DM27, DM29  
National Planning Policy Framework

## **5.0 CONSULTATIONS**

Although submitted as a separate 'stand-alone' application, the application for the slurry store effectively forms part of a combined application dealing with the creation of a single planning unit, namely a new dairy unit for 132 cows on land at Lower Newton Farm. The slurry storage building, as noted above, is seen as integral to the operation of the proposed new dairy unit. Consultations have therefore tended to deal with both schemes concurrently, and restate many of the comments as submitted under 15/01996/MFUL. They are:

**Coldridge Parish Council - 25th January 2016**

On Thursday January 21st Coldridge Parish Council held an Open Meeting prior to the scheduled Parish Council Meeting. This attracted 10 parishioners, all of whom are opposed to both the above developments. The Parish Council listened to their concerns, then discussed the issues as a Council and agreed to strongly oppose the two planning applications on the following grounds.

#### Lack of consultation

The Parish Council was informed that the developers had resisted any meaningful consultation with local residents, which is a requirement of the planning process. This is a major concern; as such behaviour does not bode well for future relationships or with the developer's adherence to other planning requirements.

#### Access issues

This is currently an undeveloped agricultural field, and is located a significant way from any main roads.

This means that the 6 or 8-wheel or articulated vehicles required to build both these developments will need to use very narrow roads, which according the Ordnance Survey maps are all less than 4m wide, the equivalent of 13 feet. The road from Zeal Monachorum to Lower Newton Farm via Baron's Wood would be unsuitable as it has a bridge with 7.5 tonne weight limit on it, prohibiting such vehicles. The turn off the road from Farley's Grave would require a very tight turn into the road leading to this proposed development, and is therefore unsuitable. This means that all traffic will approach and leave this site from the north via Leigh Cross. This in itself is a very tight turn and is totally unsuitable for access. It is likely that these large vehicles will cause damage to verges when turning. The road from Blackditch Cross on the B3220 to Leigh Cross is about 2 km with one passing space. When two vehicles meet on this road one of them needs to reverse a significant distance, and possibly cause damage to verges, ditches and hedges. This road also has a steep hill [1 in 7 to 1 in 5] which is likely to cause problems for lorries ascending or descending.

The alternative route through East Leigh is equally unsuitable, and the turn at East Leigh towards Leigh Cross is narrow and blind.

In either case the road south of the existing farm buildings leading to the proposed site there is a very sharp double bend which would be impossible for long and articulated vehicles to negotiate without causing damage to verges and hedgerows.

If these developments do go ahead there would then be the ongoing problems of access for feed vehicles, which tend to be 8-wheelers, and the collection of milk from the parlour, again with large 8-wheel or articulated tankers.

Whilst the roads are not a responsibility of MDDC but of DCC the general state of these highways is poor, with DCC having insufficient funds to maintain the existing network in its current state. This information came from a senior member of DCC Highways. A significant increase in HGV traffic will clearly cause further damage to the road surface and highway edges.

#### Dangers other highway users

Apart from the added risk to local light traffic this development is also very close to the Devonshire Heartland Way, used by walkers and riders of all ages, it being a Public Bridleway.

In summary this development clearly goes against MDDC Local Plan Part 3, DM22 point d.

Moving onto to the application form submitted for the parlour, cubicle and covered feeding yard there are a number of points the Parish Council wish to raise.

Box 6 states there will not be a new or altered vehicle access to or from a public highway This is not the case, as at present it is just a gate into a field, and clearly this development will need a much more substantial entrance, with a fully surfaced road into the site from the public highway. This will cause disruption and damage to existing hedges and verges.

Box 7 can be seen as disingenuous as waste will be stored on this development in the form of slurry, although this slurry pit is the subject of a separate planning application.

Box 10 states there will be no onsite parking. It is hard to understand how this is the case as anyone looking after and checking on these animals will need to travel to the site, as there is no apparent linked accommodation. It is reasonable to assume this will be done using a light goods vehicle at least.

Box 14 states the site is not currently vacant. Whilst the definition of vacant may vary, this is currently an open field, with no development.

Box 24 states the site cannot be seen from a public road, which is not the case. This development will be clearly visible from surrounding roads and footpaths.

At present there is no apparent accommodation linked to this development. If this goes ahead it is reasonable to envisage a planning application being submitted for a dwelling on the site, which should be borne in mind.

The above points indicate this development can be seen to go against MDDC Local Plan Part 3, DM22 points b and c. Point a is open to discussion and without detailed financial information is hard to comment upon.

Coldridge Parish Council suggest very strongly that before any decisions are made on the application the planning committee carry out a site visit and meet with local residents and representatives of Coldridge Parish Council. This will enable them to see first-hand the local environment and access roads.

### **Highway Authority - 8th February 2016**

#### **Observations:**

The Highway Authority has visited the site and met with the applicant's agent Mr Rice. The Highway Authority sought confirmation on a number of points and identified some of the concerns. The existing farm is 180 acres and the applicant is purchasing 120 and will be renting the remainder with a view to purchase at a later date.

Concerns were raised at an earlier date that there would be as a result the opportunity for two farms to operate.

This potential remains, and any tenancy agreement should be submitted to support the applicant's application and control over the traffic generations. The existing farm has the ability to run as a dairy farm without the need for planning consent and the traffic generated by the original farm would be equivalent to that of the new holding and subsequently as a single unit would not result in any increase in traffic over that of the original farms potential. As a standalone farm the new holding is 2/3 of the original farm and can be expected to generate a similar movement to that of the whole farm and the remaining portion similar with a potential for doubling the traffic on the network. However with the remaining part of the farm in their control through tenancy, then the likelihood of this is reduced until such time as

the tenancy may be given up. Notwithstanding the above the existing buildings and access would have a traffic generation and this can be reasonably expected to be the same as the applications use for the storage and delivery of Feed , bedding, veterinary visits and other miscellaneous visits similar to that of a farm of beef cattle. This would result in the additional traffic being that of milk tankers and Slurry.

The location of the new unit would allow the slurry to be spread on the holding via umbilical pipe network and the storage facility allows it to be spread at the appropriate time and conditions. I am informed by the agent that the heard is 120 strong and all the slurry will be spread on the holding with no off site movements. This will result in an operational increase in traffic of only the Milk tanker. The applicant has indicated room for an expansion and the Local Planning Authority should seek assurances and or impose conditions that would necessitate further mitigation should the use of Umbilical pipe not be used, and off site spreading take place. The Highway Authority viewed the new location and the point of access from Newton Lane and is happy with the layout plan for the new access and the effective improvements to the existing gateway and road widths.

The roads in the area remain substandard in terms of width and alignment and while construction traffic is temporary it should be controlled by a construction management plan which should details routes, road condition surveys, and will take into account delivery times, vehicle sizes etc. The Highway Authority is equally of concern to some of the bends and their swept paths as is the Parish Council but these will be dependent upon the routing of vehicles. There is the potential of construction vehicles avoiding Newton Lane altogether and access to the site being taken from Essington road between Newton Cross and Leigh cross with a temporary haul road to the site across the applicants land. Such an access will deliver a better farm access to the fields and additional passing opportunities as a result, and will reduce the impact on the residents in Lower Newton.

A concern has been raised over a pedestrian gate on the inside of the bend and an existing safety concern expressed by the residents over the lack of visibility. The speed of traffic along Newton Lane was observed to be 10-20mph and the sight stopping distance to the gate is available. Notwithstanding this application, the necessary improvements to alleviate the existing concern is in the gift of the residents themselves as the garden wall is in excess of a meter in height and a reduction in wall height would afford the appropriate visibilities for pedestrians.

Alternatively the Local Planning Authority may consider the widening of the road at this location to improve the amenity of the resident, but this will necessitate hedge and bank removal.

Concern has been raised over the abuse of the weight restricted bridge that has previously occurred and potential for it to be exacerbated. The Existing bridge has an axle weight limit of 7.5 tonnes, and at present anomalies to the signing mean it is unenforceable. However desk to studies have indicated that the bridge can take anything from 13 tonnes to 40 tonnes, and is planned to be reassessed and the orders formalised so Enforcement can take place. More over the haylage observed traversing the bridge in the past will be used by the applicant and therefore be likely to alleviate the potential abuse.

Therefore given the potential use of the existing farm and the waste management, the potential increase in traffic along this narrow lane would be the introduction of the milk tanker, should this be seen as a standalone without the tenancy. With the tenancy then the traffic is not likely to increase over the potential traffic that can be generated by the existing holding. I would advise that the Local Planning Authority seek confirmation from the applicant in writing of the information I have received, and it will be a matter for the Local

Planning Authority to consider whether or not the tenancy can be considered as part of this application.

The Highway Authority would strongly advise that the applicant consider improvements along the highway of Newton Lane, such improvements would include additional passing opportunity at the double bends, at the pedestrian gate, and on the verge to the north of the residential properties. Also the Highway Authority would seek improvement to the junction visibility at Leigh Cross on land in the control of the applicant and an improvement to visibility from the existing access to the established barns south towards the new unit.

Therefore consent be granted the following conditions should be imposed.

Recommendation:

1. Prior to commencement of any part of the site the Planning Authority shall have received and approved a Traffic Management Plan (TMP) including:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;
- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes, unless prior written agreement has been given by the Local Planning Authority;
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;
- (o) Waste management including Slurry spreading
- (p) details of the access and temporary hall roads have been submitted and approved.

2. A) No other part of the development hereby approved shall be commenced until the

B) access

C) parking facilities

D) commercial vehicle loading/unloading area

E) visibility splays

F) turning area

G) access drive

H) and access drainage

have been provided and maintained in accordance with details that shall have been submitted to, and approved in writing by, the Local Planning Authority and retained for that purpose at all times

REASON: To ensure that adequate facilities are available for the traffic attracted to the site



3. Off-Site Highway Works No use of the development shall take place on site until the off-site highway works for the provision of improved junction and access visibilities, improved passing opportunities, have been designed submitted to and approved in writing by the Local Planning Authority and have been constructed and made available for use.

REASON: To minimise the impact of the development on the highway network in accordance with Paragraph 32 of the National planning policy Framework

### **Environment Agency –**

Operational development less than 1ha within Flood Zone 1 - No consultation required - see surface water management good practice advice - see standard comment.

### **Zeal Monachorum Parish Council - 21st January 2016**

Zeal Monachorum Parish Council met on the 14th January 2016 and discussed the above planning applications.

Eleven residents of properties nearby the applicant address were in attendance and were very concerned regarding the scale and impact of the development, particularly in regard to the road infrastructure.

The Parish Council noted that there is limited detail within the design and access statement with regard to impact on road structure and traffic movement considering the scale of development.

In view of the lack of that information The Parish Council was unable to form a resolution either in support or opposition to the applications.

### **Environmental Health - 12<sup>th</sup> January 2016**

Contaminated Land - N/A

Air Quality - N/A

Environmental Permitting - N/A

Drainage - no objections to these proposals

Noise & other nuisances - no objections to these proposals

Housing Standards - Not applicable

Licensing - No comments

Food Hygiene - N/A

Private Water Supplies - Not applicable

Health and Safety - no objection to this proposal. It appears there is a foreseeable risk of asbestos being present in the existing roofing materials. A Refurbishment and Demolition Survey following HSG264 available at <http://www.hse.gov.uk/pUbns/priced/hsg264.pdf> should be carried out before work commences to identify precautions and legal requirements enforced by Health and Safety Executive.

## **6.0 REPRESENTATIONS**

One representation and fourteen letters of objection have been received in relation to the application, they are summarised as follows:

- Concern over the traffic impacts and generation of the proposed development and the considerable pressure imposed by the development on the surrounding unclassified road network.
- The access is via narrow, undulating, steep and twisting lanes, they are substandard in terms of width and visibility at junctions, and are unsuitable to serve the development.
- The Black Ditch junction and at Leigh Cross have poor visibility, the increase in the frequency of vehicles will increase the potential for traffic accidents
- Roads are unsuitable for use which is likely to be frequent, by large and multi axel vehicles, access for large vehicles would be essential to serve an intensive indoor dairy herd in the highly competitive industry which relies on large scale machinery, safety concerns over the use of such vehicles. There are generally no passing places and there is a weak bridge nearby that is unsuitable for heavy vehicles. There is only one formal passing place in 1.6 miles, vehicles are forced to reverse up to a mile to give way. There have been a number of previous incidents and a major accident.
- No reference in the application to highways infrastructure, proposed traffic volumes, or parking and turning areas.
- Concern over the disruption caused during the development and inability of vehicles delivering the materials to access the site. No information has been provided as to the types, weights and sizes of the vehicles required, or how the highway will be managed. There is a need for a Traffic Management Statement.
- Lack of detail provided on the plans and anomalies, including about the access arrangements, the use of existing and new entrances is unclear. The entrance is already not fit for purpose and would be subject to intense activity. The route from the existing entrance to the proposed site involves a 180 degree turn on to Newton Lane and two 90 degree bends. Concern it is not possible to police that only more appropriate routes are used by drivers.
- Incorrect labelling of the proposed route, and this is stated in relation to construction phase, clarification needed of the designated route for future traffic.
- Concern over the loss of ancient hedgerow to create a new access and visibility splay.
- Concern for safety of other road users, including pedestrians, cyclers, walkers and horse riders.
- Impact on neighbours, particularly Newton Barn
- This revised application does not address the major concerns of the local community that were expressed regarding the previous applications (15/01333/FULL and 15/01334/MFUL)
- Road conditions have further deteriorated due to recent adverse weather, the surface and bank edges are breaking down, neither is suitable. The Devon lanes are already being heavily eroded by the current level of traffic the development will further exacerbate this.
- This is not an expansion/extension to an existing farming enterprise; the applicants are not currently farming in the local area.
- The application form states the development will not be seen from public roads or footpaths, this is incorrect. The site is beside a public land and adjacent to the Devonshire Heartland Way, it will be seen from several angles and from a considerable distance. The Devonshire Heartland Way route is used by most locals and many visitors to the area, the route has fantastic views to Exmoor and Dartmoor, and this would be interrupted.
- Wildlife and geology trigger table states the site is less than 0.1 hectares, this is incorrect, and a wildlife report should have been submitted.
- The applicants have not engaged with neighbours.
- The new plans remain unchanged, the industrial scale of the unit is unsuited to this environment.

- Environment impacts, including the impact on the nature reserve immediately down the valley, which will have ponds fed by a rising spring, concern over runoff of the proposed development.
- The proposal is not compatible with Mid Devon's planning aims which include: to protect landscapes strong rural character and dark night skies, and the strong sense of tranquillity within the valleys, retaining their general absence of built development, protecting views from rising valley slopes maintaining the valleys roles as a visual link to other landscape types. The illumination of the buildings throughout the night will impact upon the dark night skies.
- The development will have an unacceptable visual impact within the surrounding landscape due to its location on a skyline, and will not be adjoining to existing farm buildings.
- Concern additional development will likely be required to support the enterprise, including residential accommodation. Additions would substantially enlarge the development footprint that is already considered an industrial scale.
- Concern over expansion of the venture from the currently proposed minimum of 132 dairy cows.
- The development will result in noise, light and odour pollution in this quiet area, from machinery, traffic movements at antisocial hours, slurry spreading, and lighting of buildings.
- Use of other alternative sites, a number of existing dairy units have been sold, including those with good highway access. The current plight of the dairy industry is stated to be due to oversupply; the development will further pressure existing units. A national announcement on the 29/01/16 stated dairy farming had reached a crisis, it was impossible to make a living from it and farms are going out of business at an alarming rate. Concern over the viability of the proposed unit, objectors do not wish the site to become a blot on the landscape if unsuccessful.
- The development will result in the loss of an extensive area of productive pasture land, this land could be better utilised.
- Applicant has not yet purchased the farm
- Despite understanding the need for farming and agriculture to grow, this is inappropriate development for this location and is contrary to planning policy.
- The development will be disastrous for ecology, will pollute the surrounding areas, affecting the quality of life of nearby residents.
- The farm waste management plan has not prepared a risk map of areas where ground conditions are not suitable for the spreading of slurry. This map is also required to indicate a reasonable buffer zone around neighbouring residential properties. This should be agreed and be enforceable to minimise the loss of amenity for neighbours.

## **7.0 MATERIAL CONSIDERATIONS**

The main issues in the determination of this application are:

1. Policy
2. Background and principle of development
3. Visual impact/design/Impact on the street scene
4. Impact on neighbouring properties and uses
5. Access and highways issues
6. Other matters

### **1. Policy**

The site is located in the open countryside where Policy COR18 of the Mid Devon Core Strategy 2026 seeks to control development but permits appropriately scaled employment and farm diversification schemes and agricultural buildings. Policy COR4 seeks to encourage measures to diversify the agricultural and rural economy whilst protecting the character of the countryside. Policy DM22 of the Local Plan Part 3 (Development Management Policies) permits agricultural development where it is reasonably necessary to support the farming activities of the immediate agricultural community provided that it does not affect the living conditions of any nearby residents and does not have an unacceptable adverse impact on the highways network, the wider environment, character and appearance of the area. Other relevant policies include DM2 (dealing with design), DM4 (waste management), DM6 (transport and air quality), DM7 (pollution), DM27 (development affecting heritage assets), and DM29 (protected landscapes).

## **2. Background and Principle of development**

As noted earlier above, and by way of further explanatory background, the current proposal is to serve an intended new dairy unit to be located on land at Lower Newton Farm. Active commercial farming activities are understood to have been considerably reduced over the past 8 or 9 years, although the land has continued to be still used/rented out for agricultural purposes (including for grazing and other arable farming). The main farm bungalow and associated buildings were established some 40+ years ago at their present site, which is located some 200+ metres to the north of the proposed new dairy unit and silage building, to be located on the other side of the hillside. The existing farm buildings consist mainly of two large agricultural storage/former livestock buildings and some smaller outbuildings. Although it is understood that these buildings have not been much used by the present owner in recent years, one main building is nevertheless already currently being more actively used by the present applicant for the keeping of some calves and followers, as part of his existing farm operation (based at Ivybridge), and under a separate arrangement with the current owner. A former small dairy milking parlour is also sited within the main farm group of buildings although it is understood this will not form part of any sale of the main farm site itself. The Lower Newton Farm is understood to have last been operated as a dairy farm at least some 15 or more years ago. One former corner farm/rural building was sold off in recent years and has been converted to a dwelling (Lower Newton Barn), now in separate private ownership.

The existing farm buildings on the site are no longer fit for purpose in terms of meeting with modern dairy unit welfare requirements although clearly still have a useful functional agricultural use.

The main farm is closely situated to several other properties in this area, including 2 no. Grade 2 listed dwellings (Newton House and East Newton Farm).

The application is unusual in that it will involve, effectively, the relocation of an existing farming enterprise from South Devon to a new site at Lower Newton Farm. It will also lead to the renewed active commercial use of the farm, once again, for dairy farming. The current application is intended to provide a suitable facility for dealing with the silage waste that will be produced as a result of the re-commencing of such dairying activities.

The applicant's existing dairy herd comprises of 114 cows; all followers are homebred and reared. The applicant states that the family's own existing farm buildings at Earlscombe farm are themselves also outdated and not fit for purpose. There is no ability to improve and expand buildings on the existing Earlscombe Farm site in order to continue their business long term, due to the topography of their existing farmstead and the immediate surrounding area. In addition, much of the land currently farmed by the applicant in South Devon under

tenancy agreements is no longer available; agreements have been terminated and the loss of approximately 114 acres now leaves the South Devon farm land base at only 60 acres. The applicant further states that there is no opportunity to rent or buy further land in his own area, rendering it impossible to continue the dairy farm at Earlscombe Farm. Relocation is therefore considered necessary and the only option in order to maintain the family business for future generations (the farmer's son is actively engaged in the business and would wish to carry it forward).

The general principle of the development has previously been considered at pre-application advice stage by planning officers, and considered as being generally consistent with planning policy, subject to consideration of all the material circumstances.

The current application is for a new roofed slurry store building in a revised location, following the withdrawal of an earlier similar scheme which was to have been located immediately adjacent to the existing farm buildings. The site location as now proposed was first suggested by local residents (as set out in a report commissioned by them and prepared Savills). The objectors have since made clear that the independent views put forward by Savills at that stage, in respect of suggesting possible alternative sites, did not necessarily meet with their own and by no means indicate endorsement by the local community.

National policy as set out in the NPPF also establishes a presumption in favour of sustainable development and supports farm development and diversification and the erection of new agricultural buildings in the open countryside that contribute to the sustainable growth of the rural economy (para. 28), provided that it does not cause unacceptable harm. Such policies are further taken forward in the Development Plan, as noted above. The proposal would be on a working farm and for the storage of slurry. This development is considered to be for the essential requirements of agriculture. The proposal would therefore be acceptable in principle.

It remains to consider the application scheme for a new roofed slurry store building set against all other relevant material planning considerations.

### **3. Visual impact/design/Impact on the street scene**

Policies DM2 and DM22 of the Local Plan Part 3 (Development Management Policies) seek to ensure that the development is of sufficiently high quality and is one that it is well integrated with, and respectful of, the character and appearance of its surrounding area. Policy DM29 relates to developments affecting protected landscapes and requires the special qualities of the landscape to be conserved or where possible enhanced, and also seeks improvements to biodiversity through appropriate landscaping and habitat creation: the proposed development is within the designated North Devon Biosphere Reserve.

The proposal would be sited close (within approx. 16m) to a proposed relocated modern dairy unit (if approved under 15/01996/MFUL) but positioned at a slightly lower level within the topography (to allow for gravity feed from the main dairy building), in an open field setting on Grade 3 Agricultural Land.

It would therefore be viewed in conjunction with this larger agricultural building and would not be viewed as isolated. The proposal would not result in significant encroachment out into the wider countryside: it would also still be functionally linked to the main farm some 270m to the north. The proposal is designed with a pitched roof and of a typical modern agricultural design, which is considered to be appropriate in this setting. The materials would be cement fibre sheets for the roof, and there would be no cladding to the walls other than tanalised timber boarding to the eastern gable elevation. These materials would be visually appropriate. The proposal would be glimpsed from the surrounding road network and seen

more directly from other more distant views. Note has been taken of the fact that the Devonshire Heartland (long distance footpath) passes along the unclassified lane to the south and runs up Newton Lane to cross into the field directly opposite the access into the proposed site: there will inevitably be broken glimpses and some more direct views of the building, therefore, by walkers along this section of the route and from other more distant views from the surrounding countryside. However, the overall scale, massing and design of the building will read as another modern agricultural building within the landscape. The building has a clearly functional modern agricultural appearance, being open sided and under a grey roof.

The landscape is described in the Mid Devon Landscape Character Assessment (October 2011) as forming landscape type LCT 5A, 'inland elevated undulating land'. This landscape type extends across most of the south-western part of the district, and it forms what is described as a 'strong cultural association with the adjacent landscape of Dartmoor that forms part of the setting of the moor and is very important to its value and appreciation'. Key characteristics include a medium to large scale, gently rolling, to steeply rolling, landform with high points over 220m above the valley bottoms. Permanent grassland is the dominant land use pattern. The traditional and inherent patterns of this landscape type are strongly evident and are considered to have been altered far less over the last century than other landscape types. There is generally a lack of visually prominent buildings, with isolated houses and cottages being generally sited sympathetically into the landscape.

As noted above, another consideration in the assessment of this application relates to its protected landscape status, falling as it does within the transition area for the North Devon Biosphere Reserve. The area is a UNESCO designated reserve covering some 55 square miles of mainly North Devon. Such areas are recognised for their high biodiversity value combined with sustainable use of natural resources for the benefit of local communities. The purpose of the biosphere reserve is stated as being to reconcile the conservation of biodiversity with human development needs. As indicated, the part of the reserve within this part of Mid Devon does not benefit from the very high levels of environmental protection found in the 'core area' at Braunton Burrows on the North Devon coast, but nevertheless contains agricultural activities that are recognised for their progress towards achieving an environmental and economic balance.

In this instance, given the nature and type of development, the applicants have not submitted – nor been asked to submit – a full Landscape and Visual Impact Assessment and detailed ecological report. The requirements of this policy are considered to have been satisfactorily met by the submissions contained within the Applicants Supporting Information, as outlined above, including the Design and Access Statement. Note has been taken of the statement made by the applicants to support biodiversity through installing bat and owl boxes within the new building. Consideration has also been given by your officers to SSSI Impact Risk Zone mapping analysis ( as provided by Defra/'MAGIC' 'mapping), and which has confirmed that there is not an SSI or European Protected Site within the development site area, or known records of any other protected birds or species.. The nearest designated SSSI is shown as Staddon Moor, located some 2.4kms to the south west of the site. The proposal would not therefore encroach on a protected site and there is no requirement to consult Natural England on the proposal. As there are no specific ecological features within proximity of the site (ponds, trees etc.) there are no concerns of harm to specific species. An informative note could be added to any planning permission granted, so that the applicant would be aware of the need to preserve any protected species. A further condition has been made under 15/01996/MFUL relating to required measures to improve the general biodiversity and ecological value of the site: it is not felt reasonable or necessary to further duplicate such a condition in relation to this particular scheme: unless the dairy unit is itself separately approved and is implemented, there would be no requirement for the erection of the proposed slurry building.

The vision for farming in the Biosphere Reserve area is stated as being farming that produces the agricultural products the community needs but in a way that supports the 3 key aims of conservation, sustainability and learning: it also requires farmers to create strong businesses producing good quality produce in way that fully recognises the environmental impacts on the farm and in the wider environment. The applicant has provided evidence in the form of farm waste management plans and other information which supports his intentions to farm responsibly, and for the benefit of the wider environment.

Trees: no trees would be impacted on by the proposal.

One of the key considerations in selecting the revised location for the proposed new building (along with the proposed dairy unit building) has been to minimise its overall impact on the landscape: it will be located on the lower southward side of the gentle hill slope, below the ridgeline, which will help to reduce the overall visual impact. Additional landscaping can also help further mitigate (though not completely hide) such visual impacts.

This building will be hidden from those residents living near Lower Newton Farm approx. 300m, to the north, being screened by the larger dairy unit building and also by the topography; it will also be hidden from view, given the local topography, by the other nearest property, at Baron's Wood, some 280m+ to the south.

Note has been taken of the fact that the Devonshire Heartland (long distance footpath) passes along the unclassified lane to the south and runs up Newton Lane to cross into the field directly opposite the access into the proposed site: there will inevitably be broken glimpses and some more direct views of the building, therefore, by walkers along this section of the route and from other more distant views from the surrounding countryside. However, the overall scale, massing and design of the building will read as another modern agricultural building within the landscape. The building has a clearly functional modern agricultural appearance, being open sided and clad in profiled metal and timber boarding under a grey roof.

Whilst the proposed building is undoubtedly reasonably significant in terms of its bulk and massing within this area of open countryside, it does not have a significant detrimental impact on the character and appearance of the area sufficient to warrant a refusal.

#### **4. Impact on neighbouring properties and uses**

Policies DM2 and DM22 also draw attention to the need for the development to limit any adverse effects on the living conditions of local residents. This is further supported by Policy DM7 ,relating to pollution, which states that development will be permitted where the direct, indirect and cumulative effects of pollution will not have an unacceptable negative impact on health , the natural environment and general amenity.

With regard to possible smell and any other pollution effects, the closest residential properties are at least some 280m away and there have been no objections raised by Environmental Health Officers (EHOs) following consultations. The proposed re-siting of the silage storage building from the previous proposed site near Lower Newton's Farm site to the present site has been supported by EHOs in terms of dealing with their own previous environmental concerns. The current site is now sufficiently geographically removed from other residential properties such that any previous considered possible problems relating to noxious smells and other nuisances will be much more greatly reduced and will be no more than would be expected of any such similar agricultural enterprise in the countryside.

With regard to related waste management and drainage, the application has been supported by appropriate waste management plan and drainage information. In terms of waste management, although the land is not within a NVZ, a full NVZ compliant waste management plan has been submitted which satisfactorily addresses the issue of storage and disposal of slurry and dirty water generated by the proposed new dairy unit. The Environment Agency has raised no objection. The proposed arrangements would appear to be adequate, although further note has been taken of the comments made by the DCC Highways Officer relating to possible further mitigation requirements should the use of an umbilical pipe to spread waste onto the land not subsequently be used, e.g. in the event of further farm expansion, and resulting possibly in some other form of off-site spreading taking place. This has already been made the subject of a separate condition under 15/01996/MFUL.

There are otherwise considered to be no reasonable grounds for refusing the application on wider environmental/waste management/drainage grounds.

Overall, it is not considered that the development will cause harm to the privacy or amenity of any neighbouring properties and meets with the required policy commitments in terms of planning policy: should any future issues arise in terms of noise or smells etc., then these can be addressed by Environmental Health under separate Environmental Protection legislation. A further Informative note is added about contamination so that the applicant is fully aware of the need to protect the environment and human health

## **5. Access and Highways issues**

Policy COR9 of the Mid Devon Core Strategy (Local Plan Part 1) relates to access proposals and seeks a coordinated approach with a need to assess transport impacts of significant developments and to provide necessary infrastructure where necessary.

From the various letters of objection that have been received , including from Parish councils, it is evident that particular concerns relate to the potential impacts of the development in terms of highways safety given the narrow lanes serving the area, and the development site, along Newton Lane.

The application – along with the related dairy unit application - has been the subject of detailed consideration by the Highway Authority (HA). As set out in his response above, the roads in the area are presently substandard in terms of their width and alignment. However, subject to the applicant undertaking various improvements along the approaching road along Newton Lane, to include passing opportunities at the double bends, at the pedestrian gate (Newton Barn) and on the verge to the north of the existing residential properties near Lower Newton Farm, the HA would have no objections. The HA would also require other improvements to junction visibility at Leigh Cross on land in the control of the applicant, and on further improvement to visibility from the existing access to the established barns, south towards the new unit. However such road improvements relate more specifically to the dairy unit operation itself, and the additional farm traffic that would be generated, rather than specifically with just the slurry storage building. As these matters are already addressed – by condition – under 15/01996/MFUL it is not considered necessary to repeat them again here. It is not felt necessary to duplicate all such conditions in relation to these particular joint schemes: unless the dairy unit is itself separately approved and then implemented, there would be no subsequent requirement for the erection of the proposed slurry building. Those conditions already attached to the recommendation relating to 15/01996/MFUL are therefore considered to also adequately deal with any related highways access/safety issues concerning this particular application.



Other HA concerns relevant to this application have related to temporary construction traffic and the Highways Officer has suggested a temporary haul road be created across the fields to the site, via the nearby Essington Road to the north, and which will reduce the impact on residents in Lower Newton.

Subject to such conditions as outlined, the HA would offer no further objections to the development proposal.

It is concluded that there is no evidence to demonstrate that the development would lead to demonstrable harm to highway safety as a result of any associated traffic increases.

## **6. Other matters**

Potential impacts on heritage assets/listed buildings: having regard to Policy DM27, the previous application was withdrawn, in part due to concerns expressed by the Conservation Officer that the proposed new buildings would cause harm to the setting of the heritage assets located nearby to Lower Newton Farm. The revised siting of the slurry store building (along with the proposed dairy unit) has now clearly significantly distanced the development from these buildings and such that no further such negative impacts arise.

Other objector concerns: note has been made of the concerns that the development may lead to other additional development (in addition to the separate slurry storage building, considered under 15/01994/FULL) as the farm expands, and which might include possible residential accommodation. The LPA understands such concerns, and the applicant has himself declared that in the short term – given the separation of the new dairy unit from the other main farm buildings and existing accommodation, that an application – initially for a temporary mobile home within more immediate sight and sound of the new unit – together with possibly a separate application in the longer term for the replacement of the existing farm bungalow with a more modern building. However, any such applications will be required to be treated on their individual planning merits, or otherwise, at that stage and do not provide an adequate basis for refusal of the current application as it stands.

Viability/agricultural need: other concerns have related to the considered lack of viability of dairy farms, generally, and objectors have questioned the need for a new dairy unit at this location at this time and therefore also the related need for such a silage storage building. Such issues have been dealt with in the consideration of 15/01996/MFUL and are not further re-examined here other than to re-state that national planning guidance does not require the Local Planning Authority to make such judgements: the Local Planning Authority is merely required to assess the application in terms of all material planning considerations. It is considered that the proposal would meet with a required agricultural need in relation to the proposed new farming dairy unit to be established.

Reference has also been made to possible light pollution. The uncluttered and undeveloped character of the area should, it is recognised, be protected and in particular, light pollution and light spillage from the new development should be prevented or minimised. This is therefore made the subject of a condition.

Note has been taken of the concerns expressed by Zeal Monachorum and Coldridge Parish Councils to the considered lack of information provided by the applicant and on which to base a recommendation: the applicant has since provided additional supporting information, as outlined in this report, including providing further clarification of his current and proposed future farming operations.

## **Conclusion/Reason for decision**

The application scheme is for the erection of a covered slurry storage building and has been submitted in conjunction with an application for the erection of a dairy parlour, cubicle and covered feed building under Local Planning Authority ref: 15/01996/MFUL. This location of the development complex (as now revised) will result in a modest new dairy farm enterprise that will be capable of being accommodated within a complex of purpose built buildings (modern in appearance yet traditional in style), will be of benefit to the local rural economy without resulting in any demonstrable harm to landscape character and visual amenity, highway safety or the environment. The development is considered reasonably necessary to support farming activity on the farm. Furthermore, the proposed building, in conjunction with the proposed dairy parlour, cubicle and feed building, by virtue of its scale, massing, design and location are not considered to harm the privacy or amenity of local residents. As such the proposal, subject to conditions, is considered acceptable and to comply with Policies COR2 and COR18 of the Mid Devon Core Strategy (Local Plan Part 1), Policies DM2, DM4, DM6, DM7, DM22, DM27 and DM29 of the Local Plan Part 3 (Development Management Policies) and guidance in the National Planning Policy Framework.

## **CONDITIONS**

### **1. CD1 Time limit - full**

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

REASON: In accordance with the provisions of Section 51 of the Planning and Compulsory Purchase Act 2004.

### **2. CD7 Approved Plans**

The development hereby permitted shall be carried out in accordance with the approved plans listed in the schedule on the decision notice.

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

### **3. External Lighting**

No external lighting shall be provided within the site without details of the lighting having first been submitted to and agreed in writing by the Local Planning Authority. Thereafter there shall be no other external illumination/lighting other than that set out within the approved external lighting scheme.

REASON: To safeguard the rural character of the area and to prevent light pollution having regard to Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM2, DM22 and DM29 of the Local Plan Part 3 (Development Management Policies).

### **4. Traffic Management Plan**

Prior to commencement of any part of the site shall have been submitted to and approved in writing a Traffic Management Plan (TMP) and shall include:

- (a) the timetable of the works;
- (b) daily hours of construction;
- (c) any road closure;
- (d) hours during which delivery and construction traffic will travel to and from the site;
- (e) the number and sizes of vehicles visiting the site in connection with the development and the frequency of their visits;

- (f) the compound/location where all building materials, finished or unfinished products, parts, crates, packing materials and waste will be stored during the demolition and construction phases;
- (g) areas on-site where delivery vehicles and construction traffic will load or unload building materials, finished or unfinished products, parts, crates, packing materials and waste with confirmation that no construction traffic or delivery vehicles will park on the County highway for loading or unloading purposes.
- (h) hours during which no construction traffic will be present at the site;
- (i) the means of enclosure of the site during construction works; and
- (j) details of proposals to promote car sharing amongst construction staff in order to limit construction staff vehicles parking off-site
- (k) details of wheel washing facilities and obligations
- (l) The proposed route of all construction traffic exceeding 7.5 tonnes.
- (m) Details of the amount and location of construction worker parking.
- (n) Photographic evidence of the condition of adjacent public highway prior to commencement of any work;
- (o) Waste management including Slurry spreading
- (p) details of the access and temporary hall roads have been submitted and approved

Works shall take place in accordance with the approved details.

REASON: In the interests of highway safety and to ensure that adequate facilities are available for the traffic attracted to the site during construction works having regard to Policy DM2 of the Local Plan Part 3 (Development Management Policies) and guidance in National Planning Policy Framework.

## **5. Environmental enhancement/biodiversity**

Prior to first operational use of the building hereby approved, the applicants shall submit details to the Local Planning Authority of proposed environmental enhancement/biodiversity measures to be carried out within the site, and to include provision of bird and owl boxes, for its agreement in writing. Thereafter such measures shall be implemented within an agreed timescale and so retained.

REASON: In the interests of conserving and enhancing the biodiversity of the site through appropriate habitat creation having regard to Policy DM29 of the Local Plan Part 3 (Development Management Policies) and guidance in the National Planning Policy Framework.

## **6. Landscaping Scheme (specific details)**

No development shall begin until there has been submitted to, and approved in writing by, the Local Planning Authority, a landscaping scheme, including details of any changes proposed in existing ground levels. All planting, seeding, turfing or earth reprofiling comprised shall in accordance with the approved details of landscaping and shall be carried out within 9 months of the substantial completion of the development, (or phase thereof), and so retained. 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.

REASON: To ensure that the development makes a positive contribution to the character and amenity of the area in accordance with Policy COR2 of the Mid Devon Core Strategy (Local Plan Part 1) and Policies DM2, DM22 and DM29 of the Local Plan Part 3 (Development Management Policies).

## **INFORMATIVE NOTES**

1. You are advised that if any protected species are discovered during the works, the works should cease and Natural England be contacted for further advice.
2. You are advised that the proposed development must fully comply with the terms of the Water Resources (Control of Pollution) (Silage, Slurry and Agricultural Fuel Oil) (England) (SSAFO) Regulations 2010 and as amended 2013, and the Code of Good Agricultural Practice (COGAP) for the protection of water, soil and air (produced by Defra).

<b>Contact for any more information</b>	Delwyn Matthews Principal Planning Officer 01884 234934
<b>Background Papers</b>	None
<b>File Reference</b>	15/01994/FULL
<b>Circulation of the Report</b>	Cllrs Richard Chesterton Members of the Planning Committee