

**8 DCSE2007/1548/F - FREE RANGE EGG UNIT AND ANCILLARY WORKS AT HALL COURT FARM, KYNASTON, LEDBURY, HEREFORDSHIRE, HR8 2PD.****For: Mr. W. May per Brian Griffin P&CC Ltd, The Cottage, Green Bottom, Littledean, Glos. GL14 3LH.****Date Received: 18th May, 2007      Ward: Old Gore      Grid Ref: 64585, 35105****Expiry Date: 17th August, 2007**

Local Member: Councillor T.M.R. McLean

**1. Site Description and Proposal**

- 1.1 Hall Court, Kynaston is a 72-hectare holding located within the open countryside. The holding consists of a grade II listed farmhouse and a number of modern and traditional agricultural buildings including a single storey free-range egg unit. The application site is located some 220 metres to the south-east of Hall Court. There are no existing buildings on the site. Access is gained through an existing agricultural access from the C1294. Public footpath MM16 passes across the access to the application site. The garden of a property called 'The Walkers' and a triangular shaped piece of woodland abut the field on its eastern edge. There are hedgerows and some trees to the perimeter of the site. This area is described as Principal Timbered Farmlands in Herefordshire Council's Landscape Character Assessment.
- 1.2 The application is for the erection of a free-range egg unit measuring 100.5m long, 19.7m wide and 6.8m to the ridge. The roof pitch is 20 degrees. The building will be timber boarded under a dark green profile-sheeting roof. An access track will be formed from the existing access track and will run parallel in front of the unit to a hardstanding area. Twin feed bins will be situated to the south side of the gable end of the building.
- 1.3 The building will house 16,000 free-range laying hens. The building will be sited centrally within the field to allow birds to roam from a series of pop holes on each side of the building. The environment of the internal space is controlled by natural ventilation and sliding panes. The building is divided into four sections. The total floor area (except under the nesting boxes) is an area of wood shavings for the birds to scratch and dust bathe. The western end serves as a service area where the eggs are collected, packed and dispatched.

**2. Policies****2.1 Herefordshire Unitary Development Plan 2007**

Policy S.1	-	Sustainable Development
Policy S.7	-	Natural and Historic Heritage
Policy DR.1	-	Design
Policy HBA.1	-	Alterations and Extensions to Listed Buildings
Policy HBA.4	-	Setting of Listed Buildings
Policy HBA.10	-	Shopfronts
Policy HBA.11	-	Advertising

### 3. Planning History

- |     |                 |  |                        |
|-----|-----------------|--|------------------------|
| 3.1 | DCSE2006/1410/F | Change of use from domestic flat to complementary health centre  | Approved<br>16.06.2006 |
|     | DCSE2007/0043/L | Internal alterations to facilitate provision of accessible wc, erection of partitioning to form office, provision of additional treatment room | Approved<br>16.02.2007 |

### 4. Consultation Summary

#### Statutory Consultations

- 4.1 English Heritage has no objections to the proposal.
- 4.2 The Ramblers' Association notes that the applicant is aware that footpath MM16 crosses the entrance to the proposed unit where it meets the road. The path should be kept clear for walkers during and after the new construction.

#### Internal Council Advice

- 4.3 The Traffic Manager has no objection subject to conditions regarding visibility at the access.
- 4.4 Public Rights of Way Manager:

"The proposed free range egg unit and ancillary works will affect public footpath MM16, which passes across the proposed access road at the point it leaves the public road.

It is noted that the proposal suggests that new gates across the track will be erected, set back 15 m from the public road. At present public access to the footpath from the road is either over a handmade stile to one side of the existing field gates, or through the gates themselves, which were unlocked at the time of my site visit.

If it is proposed that the new gates will be locked, and some new fencing erected to prevent unauthorised access to the site, then this application provides an opportunity to assist in our long term programme to increase access to the countryside, and ensure that a suitable pedestrian gate is erected through any new fence to allow the public to continue to use the legal line of the footpath with ease.

It was also noted on the site visit that where the footpath heads south away from the access track, access through the hedge is currently by means of a stile. Whilst works are carried out on site, this would also provide an opportunity to replace this stile with a pedestrian gate, again helping to achieve the long term objective of improved access for all.

I suggest that if permission is granted to this application, then a condition be added so that a scale plan showing the layout of the junction of the access road with the public road, and indicating new pedestrian gates for the footpath, be approved before work commences on site."

## 4.5 The Environmental Health &amp; Trading Standards Manager:

"I have examined the application, with particular reference to the proximity of the nearest occupied dwelling and the likelihood of nuisance from flies or odour. I consider that Ian Barrie's report is a reasonable assessment of the potential impact of the unit and I agree that it is unlikely to cause nuisance. Free-range egg units create substantially less odour than traditional broiler units. I have recently visited a free range unit in order to assist me in respect of a similar application and the results of the visit suggest my opinion and that of Ian Barrie."

## 4.5 The Conservation Manager:

"From a landscape perspective, siting a new farm building within, or adjacent to existing farm buildings, is normally preferable to siting it in a position that is isolated from the farm. However, if it is accepted that the applicant has demonstrated that there are no sites available, adjacent to Hall Court, then my comments on this site are as follows.

I note that the proposed free-range unit is a very large-scale building, although it is a relatively low building - 6.8 metres to the ridge. The application site is, however, relatively well screened from views in from the wider landscape due to the fairly flat topography and succession of field hedgerows and trees in the area. The triangular shaped piece of woodland would screen views of the free-range egg unit from the property called Walkers although the screening effect may be reduced in winter, when the trees and hedgerows are not in leaf.

It does not appear that the proposed poultry unit would be visible from the minor road. The proposed building might be partially visible from some sections of the public right of way that runs from Kynaston in a south-easterly direction, to Ryemeadows and Much Marcle. However, the proposed cider orchard planting to the east of the application site would screen views of the building, in time.

With regard to the orientation of the unit on the site, I advocated siting it as close as possible to the existing field boundaries, rather than siting it in an isolated position in the centre of the field. It appears that the unit has been sited as close as possible to the western field hedgerow and I accept that siting the unit gable end on to the area of woodland helps to reduce the adverse visual impact of the unit, in terms of the property called Walkers. It appears that the position of the unit is the best that can be achieved, given the constraints - the requirements for ranging ground and the need for poultry to be able to exit both sides of the building.

With regard to the proposed access arrangements, it is advantageous that the removal of hedgerow is not required on the Kynaston road, because the existing visibility is acceptable and also that there is an existing track that can be upgraded - there is not a need for a completely new track.

Proposed landscape plan

The proposed planting is appropriate and it will strengthen the character of Principal Timbered Farmlands and increase wildlife habitat. The species of the proposed hedgerow trees (C - D) should be specified - I would recommend Oak/*Quercus robur*. With regard to the proposed planting of clumps of native hardwoods, I recommend that these should be in the form of field corner copses, or copses adjoining the boundary hedgerows, if possible, so that they tie into the existing landscape framework, as they may look rather artificial if they are in the middle of the field.

Ecological issues

I note that the triangular area of woodland will be fenced/hedged to ensure that poultry could not access it. This will ensure that the woodland under storey and ground cover plant species are conserved.

Having considered the visual impact, landscape and ecology issues, I conclude, that on balance, that the proposed development would be acceptable, because the free range unit would only have a limited adverse visual impact on the wider landscape setting and the proposed planting would have landscape and ecological benefits.”

**5. Representations**

- 5.1 A Design and Access Statement has been submitted by the applicant in support of the application. The statement addresses landscape, environmental and highway issues:

Siting

Although located within an open field, it has been carefully sited to reduce its landscape impact in order to provide the birds with a grass ranging area. EU regulations require that 1 hectare of grass ranging is required per 1,000 hens. Therefore, the building needs to be surrounded by 16 hectares of grassland within 350 metres of the building on to which the birds have access from either side.

The chosen site was arrived at for the following reasons:

An existing farm access, which serves the lower ground at Hall Court, will be used. This track will be upgraded using local stone to provide a serviceable roadway for the collection lorry.

The building and ancillary works will have a floor area set at 60.5m above ordnance datum (AOD) and is outside the floodplain as assessed by the Environment Agency.

The hamlet of Rushall is approximately 400m to the west and sits at or above 75m AOD. At approximately 150m to the west there is a marked drop in the land level from circa 70m to 60m AOD along the line of a stream, which is bordered by a tall and mature willow hedgerow. Consequently there are no views of the application site from Rushall and only glimpses of the site from the public footpath that follows along the west side of the tree lined stream.

It is relatively near the existing farmstead, in terms of providing security.

There is no better site on the holding.

It is at least 150m from the nearest property, known as 'Walkers' and the site has been specifically chosen to minimise the impact on that property, by placing it behind an established area of woodland.

Sufficient ranging land is available on either side of the building for the birds.

Landscaping

The principal objective will be to 'lose' the building in the countryside. While in practical terms, this is not possible, the measures proposed are designed to make it difficult to be seen from the public roadway, as well as from the only house nearby, 'Walkers'.

A comprehensive landscaping scheme has been submitted that includes additional planting to the existing hedgerows and a new cider orchard to the whole field.

#### Flood Risk

The Environment Agency advises that the application site, access and environs is not within a flood risk zone.

Rain water will be piped to existing field ditches.

#### Highways

<b>Number of Movements</b>	<b>Existing free range unit (6,800 birds)</b>	<b>Existing and proposed new unit combined (22,800 birds)</b>
Egg collection	3 lorry collections per week	2 lorry collections per week
Feed	1 lorry delivery every 10 days	1 lorry every month delivering wheat, 1 lorry every two months for soya and 1 lorry every quarter for feed supplements. All deliveries only to the Hall Court farmyard. The new free range unit will receive its feed from the farmyard, by tractor drawn trailer on a weekly basis.
Rodent control	1 visit per quarter	1 visit per quarter
Veterinary	Sick birds are taken to the vet. He does not visit.	Sick birds are taken to the vet. He does not visit.
Tradesmen	Electrician visits in emergencies and conducts annual safety check. 2 light vehicles/year	Electrician visits in emergencies and conducts annual safety check. 2 light vehicles/year
<b>TOTAL VEHICLE MOVEMENTS</b>	<b>198</b>	<b>132</b>

#### Odour & Noise

Discussions have been held with the Council's Environmental Health Officer who asked that we address the odour risk to local residents. We consulted ADAS Consulting Limited (Ian Barrie) who has undertaken many odour assessments of free range laying units. (The statement on odours is appended to this report.) He subsequently advised that unless there was protected property within 75m, an odour problem would not be expected to arise. The proposed building is the same distance from 'Walkers', as the existing unit is from other residential property, from which we understand there has never been any complaint from the occupiers regarding odour or noise. 'Walkers' is also upwind from the poultry unit and any odours released from the building should be carried away from the property and across open farmland by the prevailing westerly wind.

Odour release from the building is slight as the birds are ranging outside during the day, and particularly during the hotter summer days.

At turn-round, the building is washed out with brown water collected in tanks (15,000 litres), which are emptied using a vacuum tanker and spread onto the land. Manure will

be removed from the building annually with its spreading and incorporation covered by the Code of Good Agricultural Practice.

The building will be naturally ventilated using existing and new techniques to avoid the use of fans.

5.2 Much Marcle Parish Council has no objection to the proposal.

5.3 1 letter of representation has been received from Julian and Alison Baldwin, The Walkers, Rushall, Ledbury, HR8 2PE, in which the following main points are raised:

- The site for 16,000 chickens and a 100m long building is less than 150m from 'The Walkers'. This means that the resulting noise, smell, vermin and visual impact could adversely affect our family
- What evidence exists showing that other sites on the farm have been fully evaluated and on what grounds were they dismissed? All possible sites that are further from any residential dwelling should be seriously considered before the site is chosen
- The proposed site is divorced from the existing farm buildings
- A possible better site for the building would be adjacent to the farm in the field to the north of the one being currently proposed. The alternative site is away from the remains of the moat shown on the maps. This would place it much nearer to the existing farm buildings with benefits in terms of increased security and lower costs of laying roadways and services. Mr May had indicated it is to be part of the hens roaming area in any case. This field is screened from view by large trees and is no lower than the one proposed so would not be more susceptible to flooding.
- We request all other possible locations on the farm are examined in detail and a site chosen that does not have such an adverse impact on our quality of life.
- We suggest the following should approval be granted for the proposal:
- Due to noise pollution a condition should be imposed to prevent cooling fans.
- Due to the intrusive, alien nature of their appearance the 2 feed hoppers should be moved to the southwestern corner of the site.
- To reduce the visual impact could the building be moved 10-20m towards the south boundary hedge?
- Can a condition be imposed to ensure the copse cannot be felled at some future date?
- -The cider orchard should be planted prior to the construction of the building.
- We have not taken down the section A-B of hedge on our land. We have removed small dying wych elm trees and trimmed existing hawthorn that had become thin underneath. This is now sprouting new growth that will be laid. Other small hawthorns have also been laid. We intend to support these existing trees by new planting of native hawthorn. Whatever the decision on this application we request that a condition should be that this section of hedge should remain under our control so that we can screen any buildings without restricting the amenity of our distant views.
- If the site is approved the copse will not provide screening following leaf fall. - We request that a condition should be placed requiring under planting on the eastern edge of the copse (section A-H) using native evergreens prior to commencement of construction.
- The hens roaming area has not been specified nor shown on the plans.
- This states our building is the same distance from the proposed site as others are from the existing unit. From the plan this is clearly not the case in that we are significantly nearer, what will be done to prevent the odour and noise from 16,000 hens within 150m of our home becoming a nuisance?

- Will conditions be placed to ensure it is constructed in a way that blends into the landscape?
  - If this application is passed we request that conditions be placed that ensure no artificial lights inside or outside the building can be seen from our property.
- 5.4 The applicants have provided a detailed response to these representations that reiterate the details included in the Design and Access statement and provides confirmation that other sites have been considered but that by undertaking a number of measures, the proposed site is the most suitable.

The full text of these letters can be inspected at Southern Planning Services, Garrick House, Widemarsh Street, Hereford and prior to the Sub-Committee meeting.

## 6. Officer's Appraisal

- 6.1 The proposal is for the construction of a building to be used for the housing of free range laying hens together with associated egg collection and packing facilities and feed bins for the accommodation of a total of 16,000 birds. Free-range egg production is a welfare friendly form of egg production with the feeding systems all automatically operated with water supplied by nipple/bell drinkers and the building is naturally ventilated. Pop holes are situated on each side of the building which allow the birds direct access to the range area which must equate to 1 hectare per 1000 birds and cannot be more than 350 metres from the building.
- 6.2 There are a large number of policies in the Unitary Development Plan that are relevant to the application. These are listed in section 2 above. However, I consider that the principle policies for consideration are Policy E13 – Agricultural and Forestry Development, Policy E16 – Intensive Livestock Units and Policy LA2 – Landscape Character and Areas Least Resilient to Change. The main issues for consideration of the application are, the principle of development, landscape impact, effect of proposal in terms of noise, smell and waste and the effect on the highway and a public right of way.
- 6.3 Policy E13 encourages new agricultural buildings to be sited within or adjoining existing groups of buildings or farmstead. This is difficult in this instance due to the range requirements associated with free-range egg production. There is already an existing free-range unit within the farm complex at Hall Court that utilises the land adjacent to the farm for the birds to roam. Furthermore, the farmstead is on higher land and therefore further buildings are likely to be more elevated and consequently more prominent than the proposed site.
- 6.4 Although the building is large in area it is relatively low in height and is proposed to be sited within a relatively low lying area and would largely be screened by the succession of existing field hedgerows and trees in the area. The existing copse to the west of the proposed building will provide further screening of the building. The copse would be fenced to ensure that poultry could not access it. In addition, the proposed cider orchard and additional planting to the field boundaries would further screen the building. A condition can be attached to ensure that a comprehensive landscape and management plan be submitted for approval prior to commencement of the development and carried out in accordance with the approved details.
- 6.5 Policy E16 encourages intensive livestock units to be sited at least 400 metres from non-agricultural buildings or dwellings. Planning applications for units within 400 metres of a protected building have to be carefully assessed. The nearest residential

property to the proposed site for the building is located approximately 150 metres from the western gable of the building. The applicants have provided detailed environmental information to demonstrate that the proposal will have negligible environmental consequences arising from odours and rodents as well as details of the proposed waste management plan. This is confirmed by the Environmental Health Manager who raises no objection to the environmental impact of the development or the surrounding area or the amenity of properties in the locality.

- 6.6 The proposed site will be accessed via an existing agricultural access and track with an extension to the track to reach the building. The existing visibility at the access is acceptable and it is advantageous that the removal of the hedgerow is not required. The applicant has submitted an analysis of potential traffic movements that demonstrates the actual number of vehicle movements currently in operation at the farm will decrease. The Traffic Manager raises no objection to the scheme.
- 6.7 Public footpath MM16 passes across the proposed access road at the point it leaves the public road. At present public access to the footpath from the road is either over a handmade stile to one side of the existing field gates, or through the gates themselves. In order to ensure that the public continue to use the legal line of the footpath with ease, a condition can be attached which shows the layout of the access with public road and indicates the public footpath.
- 6.8 Representation has been received in respect of alternative sitings for the buildings. Whilst consideration can only be given to the proposed site, the applicant has confirmed that alternative sites have been considered, that would in fact be cheaper to implement, but they would be visible from houses in Kynaston village, the adjacent road and the wider countryside from Marcle Ridge.

## **RECOMMENDATION**

**That planning permission be granted subject to the following conditions:**

**1 A01 (Time limit for commencement (full permission))**

**Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990.**

**2 B01 (Samples of external materials)**

**Reason: To ensure that the materials harmonise with the surroundings.**

**3 Notwithstanding the submitted plans, details of the design, materials and siting of the feed bins shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

**Reason: To minimise the visual impact of the development.**

**4 The building hereby approved shall be used for agricultural purposes only as defined within section 336(1) of the Town and Country Planning Act 1990 (as amended).**

**Reason: To prevent the establishment of an unacceptable use in the countryside.**



**5 F32 (Details of floodlighting/external lighting)**

**Reason: To safeguard local amenities.**

**6 F38 (Details of fans or extractors)**

**Reason: In the interests of the amenity of the area.**

**7 G04 (Landscaping scheme (general))**

**Reason: In order to protect the visual amenities of the area.**

**8 G05 (Implementation of landscaping scheme (general))**

**Reason: In order to protect the visual amenities of the area.**

**9 G09 (Retention of trees/hedgerows)**

**Reason: To safeguard the amenity of the area.**

**10 G27 (Landscape maintenance arrangements)**

**Reason: In the interests of visual and residential amenity.**

**11 G34 (Provision of screen fences to the copse)**

**Reason: In the interests of residential and visual amenity.**

**12 H03 (Visibility splays)**

**Reason: In the interests of highway safety.**

**13 H05 (Access gates)**

**Reason: In the interests of highway safety.**

**14 H13 (Access, turning area and parking)**

**Reason: In the interests of highway safety and to ensure the free flow of traffic using the adjoining highway.**

**15 Notwithstanding the submitted plans, details of the layout of the access with public road and indication of the route of the public right of way together with measures to ensure its continued use shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.**

**Reason: To ensure that the public continue to use the legal line of the footpath with ease.**

**INFORMATIVES:**

**1 N19 - Avoidance of doubt**

**2 N15 - Reason(s) for the Grant of Planning Permission.**

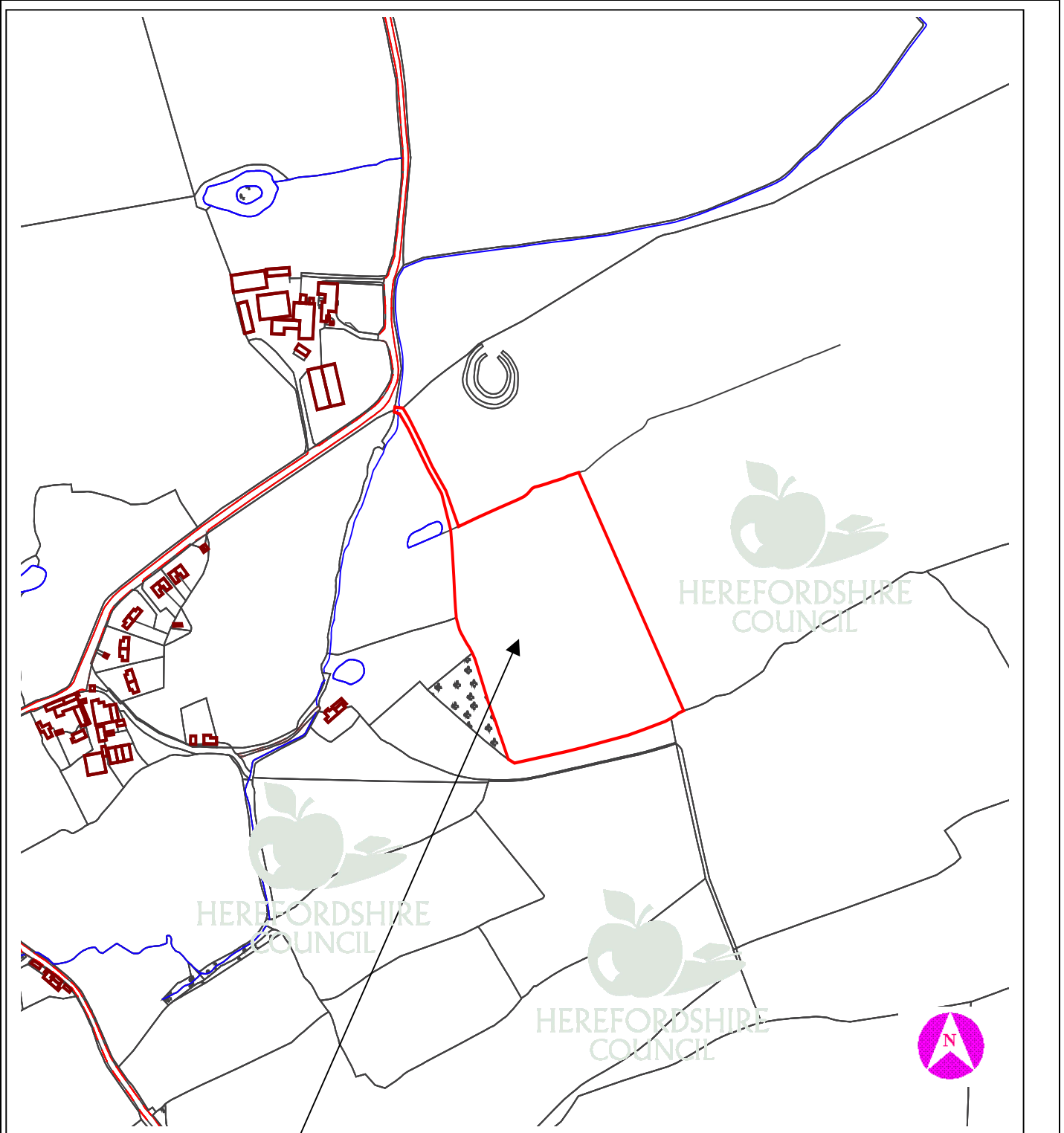
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**Background Papers**

Internal departmental consultation replies.



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**APPLICATION NO:** DCSE2007/1548/F

**SCALE :** 1 : 5000

**SITE ADDRESS :** Hall Court Farm, -, Kynaston, Ledbury, Herefordshire, HR8 2PD

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