

7 DCCW2009/0575/F - PROVISION OF ONE DUNG MIDDEN AS A REPLACEMENT FOR THOSE PREVIOUSLY APPROVED UNDER APPLICATION DCCW2008/0335/F AT WARHAM COURT FARM, BREINTON, HEREFORD, HEREFORDSHIRE, HR4 7PF

For: Mr. K. Hammett per ATSS Ltd., Bourne Works, The High Street, Collingbourne, Ducis, Wiltshire, SN8 3EQ

Date Received: 23 March 2009 Ward: Credenhill Grid Ref: 48541, 39252

Expiry Date: 18 May 2009

Local Member: Councillor RI Matthews

1. Site Description and Proposal

- 1.1 Warham Court Farm, Breinton is located on the northern side of the unclassified 73023 road approximately 1 kilometre west of the edge of Hereford City.
- 1.2 Nos. 1 and 2 Warham Court Cottages are located to the north together with Warham Farmhouse. Warham Cottage and Old House are located to the west with open fields to the south and Warham Court Farmhouse to the east.
- 1.3 This retrospective planning application is to retain one dung midden to store cattle waste from the recently built development. It is located between existing buildings to the east and the new clean water pond recently approved (DCCW2008/2647/F). The dimensions are 54 metres long x 18 metres wide. Pre-cast concrete walls are proposed on three sides and are approximately 2.4 metres high. The design of the dung midden ensures that waste water follows back towards the building and collected in a tank for dispersal under Defra Regulations.

2. Policies

2.1 National:

PPS7 - Sustainable Development in Rural Areas

2.2 Herefordshire Unitary Development Plan 2007:

Policy DR1 - Design
 Policy DR2 - Land Use and Activity
 Policy DR4 - Environment
 Policy DR6 - Water Retention
 Policy DR7 - Flood Risk
 Policy E13 - Agricultural and Forestry Development
 Policy E16 - Intensive Livestock Units
 Policy LA2 - Landscape Character and Areas Least Resilient to Change
 Policy LA6 - Landscaping Schemes
 Policy HBA4 - Setting of Listed Buildings

3. Planning History

- 3.1 CW1999/0361/F Steel framed portal building to cover existing building. Approved 10 June 1999.
- 3.2 CW2001/2260/F Change of use to site for a horse walker. Approved 18 October 2001.
- 3.3 DCCW2008/0335/F Two new sheep/feed barns for beef cattle, new straw barn and new silage barn. Approved 14 May 2008.
- 3.4 DCCW2008/2647/F The construction of a clean water attenuation pond for the recycling of storm water. Approved 4 March 2009.

4. Consultation Summary

Statutory Consultations

- 4.1 Environment Agency: Comments awaited.
- 4.2 Natural England: No objection – “It is our view that, either alone or in combination with other plans or projects, it would not be likely to have a significant effect on the important interest features of the River Wye SAC, or any of the special scientific interest features of the River Wye Site of Special Scientific Interest (SSSI).”

Internal Council Advice

- 4.3 Traffic Manager: No objections.
- 4.4 Conservation Manager (Historic Buildings): The proposed dung midden is located well away from the listed building and screened by agricultural buildings, therefore there will be no detrimental impact on the setting of the listed building. No objection.
- 4.5 Conservation Manager (Landscape): I can confirm that I am satisfied that the existing approved scheme of landscaping at Warham Court Farm will be sufficient to mitigate the impact of the proposed dung midden. Particularly as enhanced landscaping was submitted and agreed (see my e-mail of 23/3/09) I feel that adequate future provision of soft landscaping is established.
- 4.6 Head of Environmental Health and Trading Standards: After viewing the application and taking into account distance to the nearest property, I am satisfied that the proposed development is unlikely to cause any Environmental Health issues to people living in the vicinity as long as the applicant abides by the correct codes of practice pertinent to this development.

5. Representations

- 5.1 Breinton Parish Council: We the undersigned represent Breinton Parish Council as the only councillors who have no declared interest in the above planning application. We have initiated this letter ourselves due to the absence of our clerk, who is away on holiday.

We object to the new dung midden at Warham Court Farm for which retrospective planning permission is being sought. The amended site plan shows a single large dung midden, which has already been constructed without planning permission.

For this reason we do not feel that this application in its correct form would comply with the Council's UDP Policies E13 and E16.

Please note that no drainage plans are provided with this application.

There has been a limited amount of landscaping, however the amended plans shows that all the landscaping that was hitherto agreed has now been removed. Perhaps your own Senior Landscape Officer will recall his comments dated 8th February 2009:

"I would also draw your attention to my comments concerning the visibility of the site from the west ... the western boundary is ill-defined and particularly visible from a number of vantage points ... we should seek to ensure that planting extended into land in the applicant's ownership to bring about an extensive improvement in the general character and condition of the landscape; I believe this approach to be in line with both policies in the Herefordshire UDP and the recent 'Development Contributions' SPD."

Our concern is that if matters continue in this way it will set a precedent for any retrospective planning applications in the future, which other developers may then see as an opportunity to exploit.

All this is very confusing for our constituents. As public servants, I'm sure you will share our concern over this matter. Their perception of how we conduct ourselves is key; it is vital that both councils are seen to behave correctly and with consistency.

5.2 One letter of objection has been received from Mr. & Mrs. Morawiecki, Warham Farmhouse, Breinton, Hereford, HR4 7PE. The main points raised are:

1. The boundary of the development is now sprawling out of line with the original building line into open countryside and clearly visible from neighbouring households, roads and public footpaths. The proposal is therefore contrary to Policies E13 and E16 of the Herefordshire Unitary Development Plan.
2. It would be difficult to landscape due to the position of the adjoining pond.
3. Removal of the dung to field to the north means that farm vehicles have to go past three farm buildings, therefore it would be better located elsewhere.
4. No drainage plans are provided and therefore it could lead to the contamination of the adjacent storm water pond.
5. Plans do not show any landscaping which has been previously agreed.

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

6. Officer's Appraisal

6.1 Extensive new agricultural developments at Warham Court Farm were approved in May 2008 and included the provision of two dung middens alongside two of the cattle

buildings. These dung middens each measured 26 metres x 13 metres. During the construction of the buildings the applicant decided that it would be more efficient to have one dung midden hence this new planning application. The new dung midden is located further away from the nearest dwellings and Members will note that the Environmental Health Officer does not consider that there will be an impact on nearby property.

- 6.2 Concern has been expressed regarding potential pollution of the adjacent clean water pond. However the development is constructed to ensure that all liquid run-off falls back towards the buildings and is collected in a holding tank before dispersal in accordance with the Defra Code of Practice.
- 6.3 The landscaping of the clean water pond has not been removed with this planning application. However to ensure that it is planted in the event that the clean water pond is not constructed a suitable condition will be recommended. Having regard to the advice of the Conservation Manager, there should not be an unacceptable impact on the landscape.
- 6.4 Finally, the dung midden is located within the complex at Warham Court Farm and therefore fully complies with Policy E13 'Agriculture and Forestry Development'.

RECOMMENDATION

That planning permission be granted subject to the following condition:

- 1. **The landscaping scheme approved under reference DCCW2008/2647/F shall be implemented in the next planting season following the date of this planning permission.**

Reason: In order to safeguard the amenity of the area and to ensure that the development conforms to Policies DR1 and LA5 of the Herefordshire Unitary Development Plan.

Informatives:

- 1. **N19 - Avoidance of doubt - Approved Plans.**
- 2. **N15 - Reason(s) for the Grant of PP/LBC/CAC.**

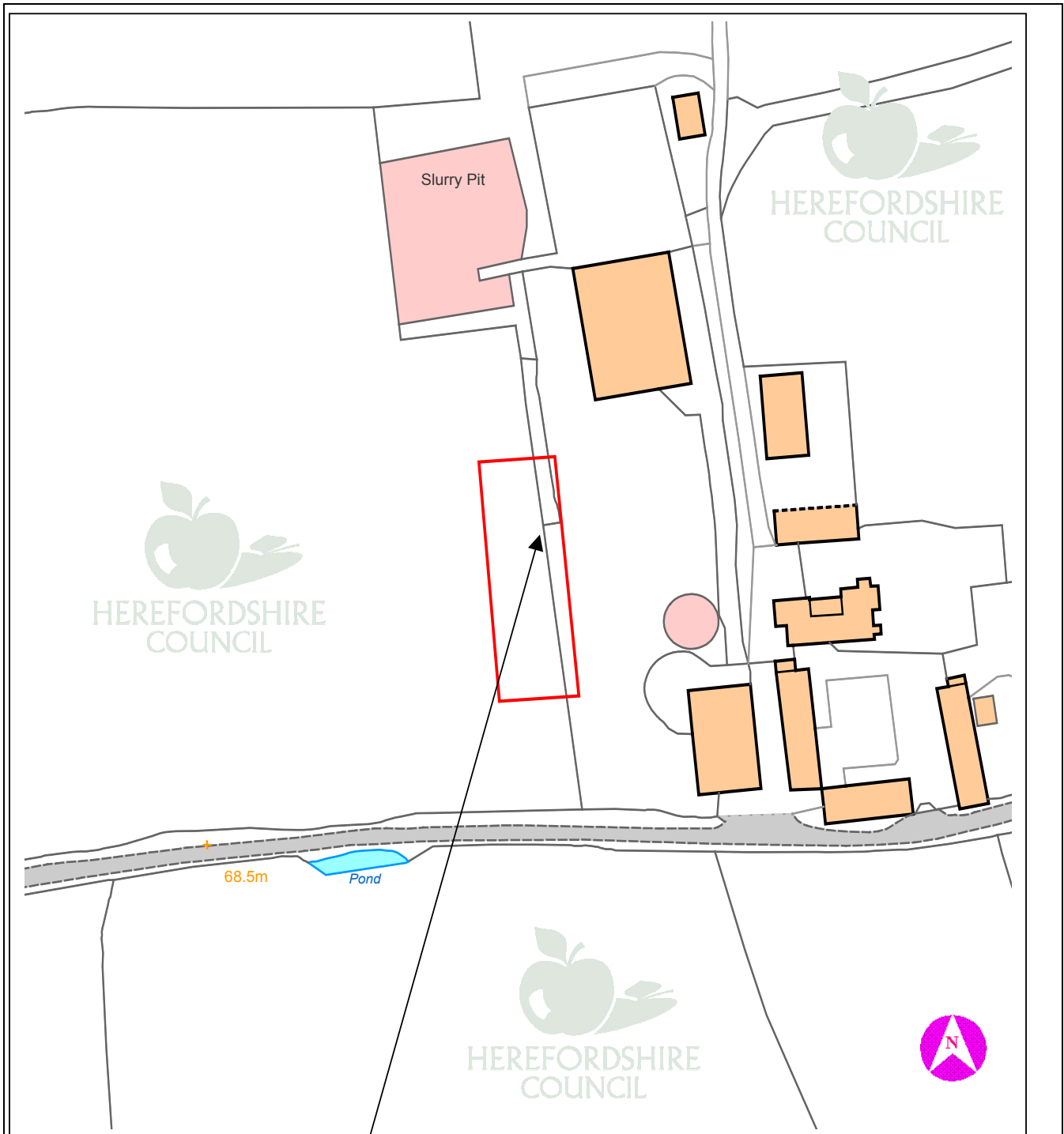
Decision:

Notes:

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Background Papers

Internal departmental consultation replies.



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APPLICATION NO: DCCW2009/0575/F

SCALE : 1 : 1250

SITE ADDRESS : Warham Court Farm, Breinton, Hereford, Herefordshire, HR4 7PF

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