

MEETING:	PLANNING COMMITTEE
DATE:	17 JULY 2013
TITLE OF REPORT:	<p>131071/F - PART RETROSPECTIVE CHANGE OF USE OF REARING OF GAME BIRDS, COLD STORAGE OF ASSOCIATED EQUIPMENT, STORAGE OF ANIMAL FEEDS AND AGRICULTURAL CHEMICALS, SEED AND FERTILISER, INCLUDING THE ERECTION OF 2 FEED SILOS AT LAND AT LEYS FARM, TARRINGTON, HEREFORD, HR1 4EX</p> <p>For: Mr Coleman per Mr Alexander Clive, 8A High Street, Ledbury, Herefordshire, HR8 1DS</p>
WEBSITE LINK:	http://news.herefordshire.gov.uk/housing/planning/58286.aspx?ID=131071&NoSearch=True

Date Received: 18 April 2013

Ward: Backbury

Grid Ref: 361280,240589

Expiry Date: 13 June 2013

Local Member: Councillor J Hardwick

1. Site Description and Proposal

- 1.1 The application site lies just off the unclassified 66209 road adjacent to a range of converted traditional farm buildings, at Leys Farm. The building is approximately 30m x 30m and within the yard area two feed silos have been erected. The building is used in connection with pheasant rearing, and includes a chick nursery unit and chiller store. The change use and associated development applied for has now been undertaken and as such the application is retrospective
- 1.2 The southern and eastern range of buildings, to the east of the site are listed buildings.

2. Policies

- 2.1 National Planning Policy Framework NPPF

Chapter 3 Supporting a prosperous rural economy
 Chapter 11 Conserving and enhancing the natural environment
 Chapter 12 Conserving and enhancing the historic environment
 Paragraphs 121-123

- 2.2 Herefordshire Unitary Development Plan

S1 - Sustainable development
 S2 - Development requirements
 DR1 - Design

Further information on the subject of this report is available from Mr M Tansley on 01432 261815

DR2	-	Land use and activity
DR3	-	Movement
DR4	-	Environment
DR13	-	Noise
LA2	-	Landscape character
HBA4	-	Setting of listed buildings
HBA12	-	Re-use of rural buildings
E13	-	Agricultural and forestry development

2.3 The Unitary Development Plan policies together with any relevant supplementary planning documentation can be viewed on the Council's website by using the following link:

<http://www.herefordshire.gov.uk/housing/planning/29815.aspp>

3. Planning History

3.1 DCCE2007/3205/F Use of two mobile homes within the building as staff rest rooms Approved

4. Consultation Summary

4.1 Transportation Manager - no objection.

This is for an alternative use of existing farm buildings with a use which is unlikely to be more intensive than an agricultural usage and is also effective over only part of the year. It will be accessed by similar size vehicles to those that would be likely to access a farm.

4.2 Environmental Health and Trading Standards- no objection.

5. Representations

5.1 Tarrington Parish Council - supports the comments of local residents in objecting to this application on the grounds of the scale of the proposals and the impact on the local community. There are serious concerns about environmental health issues and the proximity to residential properties. The Parish Council feels that it should be possible to locate this activity on a site which does not impact on residential properties.

5.2 Objections from 8 local residents has been received.

These set out the following concerns, although 2 express no objection in principle subject to concerns being addressed.

1. Vermin and use of poison to control it;
2. Chemicals stored in the building;
3. Noise from the chiller unit and power washer;
4. Dust including faecal matter;
5. Smell;
6. Condition of road due to large farm vehicles;
7. Run off from cleaning;
8. Escapees;
9. No permission for units in fields.

5.3 In support of the application and in answer to the concerns expressed the applicant has provided details of how the site is used during the year:

January:

The game larder chiller, sitting within the building, is used for the storage of game which is collected on a twice weekly basis. It has a very quiet electric motor, inaudible to anyone outside of the building. It has been working in its current position for the past 7 years without issue. The yard at the front of the building will be used twice daily to access the grain silos for feeding purposes by ATV machines.

February:

During this month the building is used for general storage of game rearing and agricultural equipment. The chiller is not used in this month and neither are the grain silos.

March:

During this month the building is used for general storage of game rearing and agricultural equipment. The chiller is not used in this month and neither are the grain silos.

April:

During this month the game rearing equipment is progressively removed from the building to be assembled in the rearing field. The chiller is not used in this month and neither are the grain silos. There will be an element of cleaning and preparation work, which will be carried out predominantly in the yard area.

May:

The chick nursery unit is in operation from the end of this month onwards. The nursery unit comprises temporary rearing structures within the building, which house game chicks for a period of two to three weeks before they are moved to the brooder sheds on the rearing fields. The sheds provide a sheltered, controlled environment for the initial start period of the birds' life. The buildings are then sterilised and another crop of birds are put through the system. The feed for these birds is stored in the grain silos to prevent any infestation by rodents etc. The chiller is not used in this month.

June:

During this month the chick nursery unit continues to be in operation inside the building. The buildings are sterilised after each crop of birds. The feed for these birds continues to be stored within the grain silos so as to prevent any infestation by rodents etc. The chiller is not used in this month. The building would also be used this month for the storage of agricultural products for the purpose of planting game crops ie. seed, agri-chemicals etc.

July:

During this month the chick nursery unit continues to operate within the building. The units continue to be sterilised between batches. The feed for these birds continues to be stored in the grain silos so as to prevent any infestation by rodents etc. The chiller is not used in this month.

August:

During this month the building is not used intensively at all after the first week. All areas are cleared, tidied and cleaned in preparation for the storage of the game rearing equipment the following month. The chiller unit is not used during this month. The feed silos are used for the purpose of feeding the birds on the rearing fields.

September:

During this month the equipment in the rearing fields is returned to the building for storage. The chiller unit is not used. The feed silos are used for the purpose of feeding the birds that have been released on the estate.

October:

During this month the building is used for general storage of game rearing and agricultural equipment. The chiller is only used in for the last few days of the month.

November:

During this month the building is used for general storage of game rearing and agricultural equipment. The chiller is used this month as per January and the grain silos are used for the purpose of feeding the birds that have been released on the estate.

December:

During this month the building is used for general storage of game rearing and agricultural equipment. The chiller is used this month as per January and the grain silos are used for the purpose of feeding the birds that have been released on the estate.

In addition to the above I feel it is important that I clarify the following:

Vehicular Access – We would not be significantly increasing the amount of traffic to the site. During the period of May – July we would expect a feed delivery every 2 / 3 weeks and during the rest of the year a fuel delivery every 6 / 8 weeks. We do have the occasional sundry item delivered via courier but certainly no more frequent than domestic use.

Vermin – When we first took on the Leys Farm tenancy, there were a significant number of rats due to the poor previous housekeeping to the building and the surrounding area. We have significantly reduced the rodent numbers and monitor this on a daily basis. The majority of all food is to be kept in feed silos thus preventing attack by rodents. The presence of rodents would seriously compromise our work here, so control of rodents will be strictly maintained at all times.

Aromas – There will be no increase in smell above normal agricultural practice. In fact smell will be significantly less than previously due to the reduced use of the building.

Drainage – There appear to be concerns over additional loading to the drainage which is not the case. Surface run off issues are completely separate to the building which has its own drainage system piped away from the area. Since taking on the tenancy we have cleaned all of the drainage system and will continue to maintain it fully.”

- 5.4 The consultation responses can be viewed on the Council's website by using the following link:-

<http://news.herefordshire.gov.uk/housing/planning/searchplanningapplications.aspx>

Internet access is available at the Council's Customer Service Centres:-

www.herefordshire.gov.uk/government-citizens-and-rights/complaints-and-compliments/contact-details/?q=contact%20centre&type=suggestedpage

6. Officer's Appraisal

- 6.1 Given that the proposal relates to the use of an existing modern farm building and that the feed silos are to the west of it, it is not considered that the proposal has any adverse impact upon the setting of the listed buildings or on the character and appearance of the wider landscape. Consequently it is considered that the requirements of policies LA2 and HBA4 of the Herefordshire Unitary Development Plan and the guidance provided by the NPPF.
- 6.2 It is clear from the responses received from local residents that the main concerns relate not just to the activity in the building, but also the use of brooder pens in the fields adjacent to the site. These buildings are temporary structures and since there is no material change of use associated with their use, these structures do not require planning permission. Additionally the

use of land for the raising of livestock is not development. Therefore it is necessary to restrict consideration of this proposal to concerns relating to the activities within the site/building.

- 6.3 During my most recent site visit, when chicks were present within the building, there was no noise discernible to the rear of the building where the neighbouring dwellings lie. Neither was there any smell detectable. It is also the case that the Head of Environmental Health and Trading Standards has confirmed that there is no objection to the proposal. Having regard to this issue, it is not considered that there are reasonable grounds for refusal on the effect of the use upon the residential amenity of neighbouring occupiers. Accordingly, it is considered that the requirements of Policies DR2, DR13, HBA12 and E13 of the Herefordshire Unitary Development Plan are satisfied and that the proposal is in accordance with guidance provided by the NPPF.
- 6.4 The Transportation Manager has no objection to the proposal. It is considered that the proposal is compliant with Policy DR3 of the Herefordshire Unitary Development Plan.
- 6.5 It is therefore considered that, subject to appropriate conditions, the application complies with the aforementioned policies of the Herefordshire Unitary Development Plan and the National Planning Policy Framework.

RECOMMENDATION

That planning permission be granted subject to the following condition:

- 1. **No cleaning of equipment or housing involving the use of a pressure washer(s) shall take place outside of the hours of 0800 hours to 1800 hours, Monday - Saturday and not at all on Sundays or Bank Holidays.**

Reason: In order to protect the amenity of nearby residents to ensure continued compliance with policies DR2, DR13, HBA12 and E13 of the Herefordshire Unitary Development Plan.

INFORMATIVE:

- 1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations, including any representations that have been received. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.**

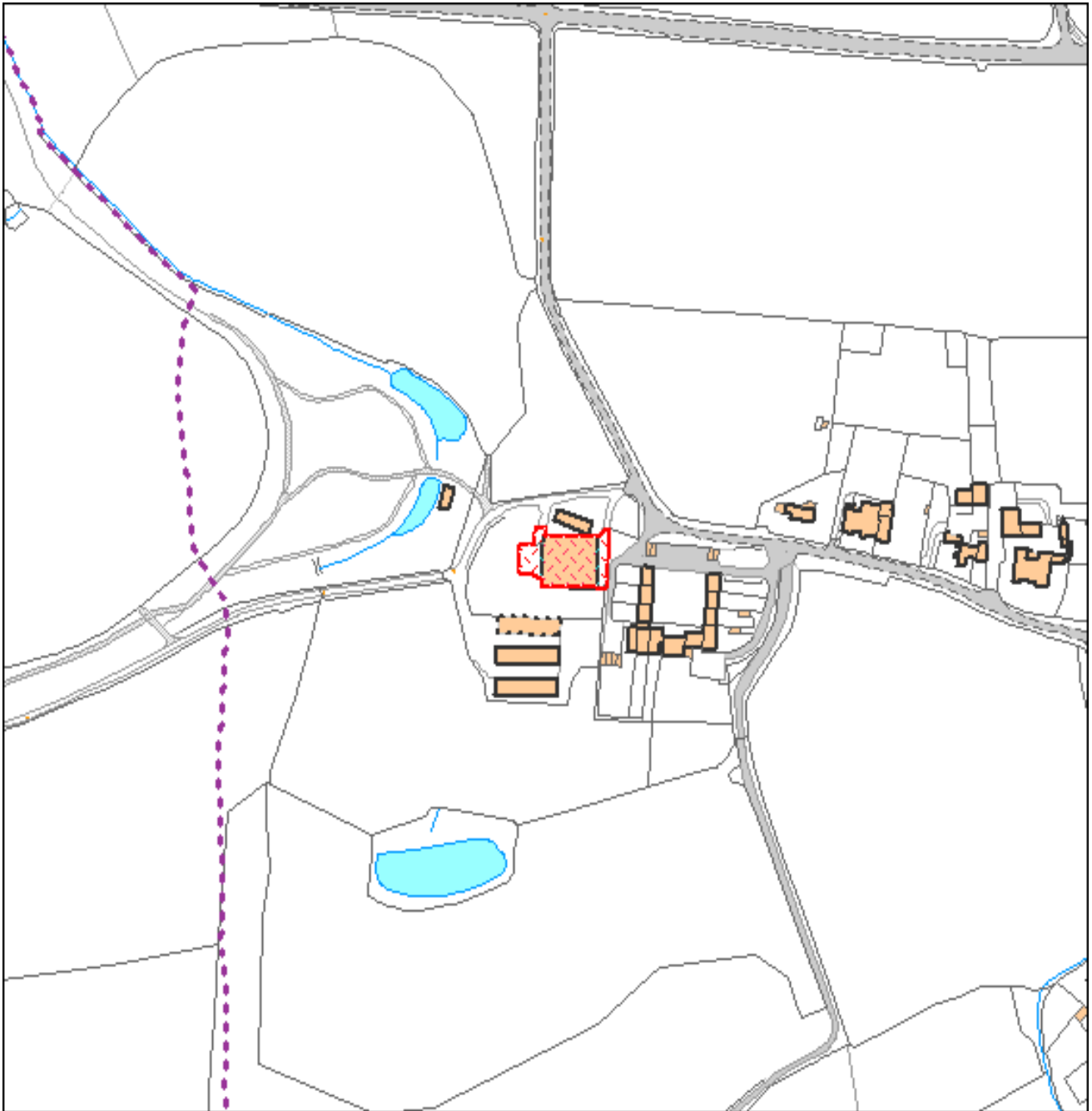
Decision:

Notes:

.....

Background Papers

Internal departmental consultation replies.



This copy has been produced specifically for Planning purposes. No further copies may be made.

APPLICATION NO: /131071/F

SITE ADDRESS : LAND AT LEYS FARM, TARRINGTON, HEREFORD, HEREFORDSHIRE, HR1 4EX

Based upon the Ordnance Survey mapping with the permission of the controller of Her Majesty's Stationery Office, © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Herefordshire Council. Licence No: 100024168/2005

Further information on the subject of this report is available from Mr M Tansley on 01432 261815