

**DARLINGTON BOROUGH COUNCIL**

**PLANNING APPLICATIONS COMMITTEE**

**COMMITTEE DATE: 30 April 2008**

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<b>APPLICATION REF. NO:</b>	<b>08/00179/FUL</b>
<b>STATUTORY DECISION DATE:</b>	<b>29 May 2008</b>
<b>WARD/PARISH:</b>	<b>SADBERGE AND WHESSOE</b>
<b>LOCATION:</b>	<b>Cherry Tree Farm, Beacon Hill, Sadberge, DL1 3BQ</b>
<b>DESCRIPTION:</b>	<b>Erection of buildings for agricultural purposes and siting of temporary dwelling together with landscaping and planting</b>
<b>APPLICANT:</b>	<b>T M DARLING AND SON</b>

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**APPLICATION AND SITE DESCRIPTION**

The application site is situated within open countryside approximately 360m to the east of Sadberge Village and adjoins Beacon Hill to the southeast. The site extends to some 18.2 hectares in area and slopes from south to north.

The site is currently used for agricultural purposes. It is accessed from Norton Back Lane (C51) to the South via a partially completed access track, which extends along the eastern boundary towards the centre of the site. An agricultural storage building is located at the end of the track and several temporary structures, including a static caravan, two timber stables on runners, a field shelter, a timber shed and metal container.

The application comprises the following elements:-

- Three mobile poultry houses each measuring 60.9m in length, 7.65m in width and 3.5m in height which would take the form of a tunnel construction
- A timber workshop, measuring 5.6m in length, 3.6m in width and 3.4m in height.
- The retention of the static caravan on the site as a stockman's dwelling.

The buildings would be grouped together some 380m from Norton Back Lane and approximately 359m to the north of the nearest dwellings (Beacon Hill).

A business plan accompanies the application which indicates that the agricultural unit is to be operated along organic lines and includes the sub division of the farmland into small fields using traditional hedgerow boundary treatment. Substantial tree planting is also incorporated within the scheme.

The initial animal stocking numbers would comprise:-

- 10 outdoor farrowing sows
- 7 calving suckler cows
- 12,000 free range hens.

## **PLANNING HISTORY**

05/1202 - An application for the prior approval for the erection of an agricultural building was granted in January 2006.

06/109 - In February 2006 planning permission was granted for the construction of an agricultural access track.

07/23 - Planning permission was refused in June 2007 for the establishment of an agricultural training facility, comprising the erection of livestock and agricultural buildings. A stock person's dwelling. The construction of a two storey building for educational purposes and the provision of a stable building with outdoor riding school, welfare facilities and creation of a duck pond.

07/1047 – A similar application to current one was submitted in November 2007 but was subsequently withdrawn in January 2008.

## **PLANNING POLICY BACKGROUND**

The following policies within the Borough of Darlington Local Plan are relevant:-

- E2 - Development Limits
- E4 - New Buildings in the Countryside
- E7 - Landscape Conservation
- E11 - Conservation of Trees, Woodlands and Hedgerow
- E23 - Nature and Development
- H7 - Areas of Housing Development Restraint
- H8 - Agricultural Occupancy
- T8 - Access to Main Roads
- T24 - Parking and Servicing Requirements for New Development

National Government Guidance PPS7 Sustainable Development in Rural Areas is also relevant.

## **RESULTS OF CONSULTATION AND PUBLICITY**

Three letters have been received from local residents objecting to the proposed development on the following grounds:-

- *Residency in a mobile home for three years, then a permanent residence one must assume. Objection to both on the grounds of a dwelling being occupied in the open countryside. The land is also outside the village building boundary.*
- *No occupancy has previously existed on the site. Surely the Stockman/Manager could reside in Sadberge village (approx. 1/4 mile away), or in rented accommodation, for example the landowner previously arranged accommodation in Great Burdon (only 1 mile from the site).*

*We are unable to accept that that there is an absolute necessity for anyone to live on the site permanently.*

- *It is our opinion that this is a ruse to establish other permanent dwellings on the site in the long term.*
- *The viability of the business plan is to justify the Stockman/manager living on site on a permanent basis. We are highly suspicious of the facts and figures provided.*
- *The site is only 42 acres, of which 30 acres will be used for the 12,000 hens laying free range eggs. 30 acres is the requirement to enable the eggs to be termed woodland free range.*
- *Extensive tree planting is shown on the plans, 7 cows also 10 sows are included in the business plan. In the longer terms organic eggs also organic meat and vegetables are envisaged. One asks the question whether can 42 acres support current and future plans? Some local farmers have expressed that the site is not large enough to support a viable farmstead.*
- *The plans include extensive tree planting (small copses) using variety of native species to offer a natural appeal to the development. Why therefore have Leylandii (not native to this country) been planted close to our lounge window?*
- *The plans show mobile poultry houses, which could eventually be placed close to the bungalows in Beacon Hill.*
- *It is considered that the 12,000 hens will be too close to the village, and nearby Beacon Hill residents. Apart from the noise and smell, hens are known as being notorious for attracting vermin.*
- *No drainage is shown for surface water run-off, or contaminated water. What about effluent from cleaning, and disinfecting the mobile poultry units?*
- *The land towards the bottom of the site is prone to flooding. What precautions will be taken to prevent any contaminated water from entering the Catcut Beck which runs into the River Skerne? It is our understanding that only clean water can be discharged into water courses and soakaways (according to the Environment Agency).*
- *The access to the land is very close to the exit from the A66 and wagons turning in could be a serious accident risk as well as adding to the amount of traffic passing through Sadberge.*
- *No indication of existing wooden stables are shown on the plans. If horses are kept is this a change of use.*

Sadberge Parish Council has objected to the proposed development and make the following comments:-

- *It is not believed that the business plan is viable. In particular there is not enough land to support a viable farmstead. It was also noted that the land is of poor quality.*
- *The noise generated by the proposed operation would cause a nuisance to nearby residents, particularly at Beacon Hill.*
- *The smells generated by the proposed operation-particularly the smell of chicken faeces-would cause a nuisance to nearby residents. Would there be anything to prevent the mobile poultry sheds from being moved closer to the Beacon Hill Residencies? Would there be anything to prevent the pigs from being housed close to the Beacon Hill residencies?*
- *The proposed operation would encourage vermin, which would cause an environmental hazard and a nuisance to nearby residents.*
- *Deliveries to the proposed operation and shipment of eggs from the operation would cause a significant increase in traffic through Sadberge village along the minor road between the village and Beacon Hill.*

- *The applicant has a history of flouting planning regulations and agreements made with the Local Planning Authority; for example, with regard to people living in the “site cabin”. The Council notes that a number of buildings have not been removed from the site.*
- *The Council believes that the applicant’s ultimate objective is to obtain planning permission by the “back door” for a permanent dwelling on the site, and that the business plans have been framed with that in mind.*
- *The Council would also like an assurance that native trees will be planted on the site rather than foreign species such as Leylandii.*

A ward councillor has also made representation on the application and has expressed the following concerns:-

- *I fully endorse and support the comments and the objection to this application from Sadberge Parish Council. I have been fully involved in this application with the parish council and many residents since the plan first appeared. I would refer specifically to the need for a permanent dwelling on site which I consider to be a 'red herring'. If there is a need for a 'stockman' or similar. then a local residence would suffice without building on a 'greenfield' site.*
- *The applicant has consistently flouted planning regulations on this land since acquiring it, requiring regular visits from enforcement officers. I have absolutely no confidence that the same thing will not happen again and ask that the application be rejected.*

Campaign to Protect Rural England (CPRE) has commented as follows:-

- *We are concerned at whether the proposal for agricultural use is financially viable as the profit margin is not large. We would request any permission be temporary whilst viability is proven; and*
- *There are concerns the residential amenities of existing residents in the area could be compromised by smells emanating from the stock.*

## **PLANNING ISSUES**

The main issues to be considered are:-

- Planning policy background
- Visual Amenity
- Residential amenity
- Highway Matters.
- Flooding

### **Planning Policy**

In principle the proposed agricultural buildings are acceptable under policy E2 of the Local Plan subject to there being no unacceptable harm being caused to the character and appearance of the rural area which is covered in the following section of this report on Visual Amenity.

Regarding the proposed temporary agricultural workers dwelling PPS7 Paragraph 12 provides that:-

*If a new dwelling is essential to support a new farming activity, whether on a newly- created agricultural unit or an established one, it should normally for the first three years, be provided*

*by a caravan, a wooden structure which can easily be dismantled, or other temporary accommodation. It should satisfy the following criteria:*

- (i) clear evidence of a firm intention and ability to develop the enterprise concerned (significant investment in new farm buildings is often a good indication of intentions);*
- (ii) functional need;*
- (iii) clear evidence that the proposed enterprise has been planned on a sound financial basis;*
- (iv) the functional need could not be fulfilled by another existing dwelling on the unit, or any other existing accommodation in the area which is suitable and available for occupation by the workers concerned; and*
- (v) other normal planning requirements, e.g. on siting and access are satisfied.*

It is accepted that the proposed dwelling is of a temporary form of accommodation and the applicant has acknowledged that more permanent residential accommodation could not be expected until the agricultural unit had proved itself to be financially sound. An independent assessment of the submitted business plan has been carried out on behalf of the Council by Acorus Rural Property Services Ltd, which indicates that there is a 'functional need' for a stockpersons dwelling on the site to provide essential care for livestock at short notice. In addition the assessment also states that based on the submitted details it is considered that the proposed enterprise has been planned on a sound financial basis and therefore satisfies the requirements of PPS7 in this respect.

In view of the findings of this assessment the grant of a temporary planning permission would be appropriate.

### **Visual Amenity**

The proposed buildings will be visible from a number of aspects, nevertheless it is unlikely that there will be any adverse effects to the character and appearance of the surrounding countryside. The structures are fairly small scale and well related to the existing much taller agricultural building. It is considered therefore that the development complies with Policy E4 (New Buildings in the Countryside) of the Local Plan. Details of a landscaping scheme for the site would be made subject to a planning condition.

### **Residential Amenity**

The proposed buildings would be located towards the centre of the site with the access road running along the eastern boundary. Both are some distance from the residential properties of Beacon Hill to not cause any adverse impact on residential amenity. The Council's Principal Environmental Health Officer (Pollution) has made the following comments:-

*The proposed "Farmyard" development could result in odours from the Livestock building however I am satisfied that this will not be a problem due to the distance from the 'farm yard' to nearby properties. Odours associated with other activities such as spreading of poultry manure, noise/vermin can be controlled by following the advice contained on good practice contained in "The Air Code" issued by MAFF. I therefore have no objection to the proposed development.*

Nevertheless to address odour concerns raised by objectors the applicant has agreed to the imposition of a condition preventing the resiting of the mobile poultry units nearer to residential properties at Beacon Hill without the prior consent of the Local Planning Authority.

**Highway Matters**

The Council's highways manager has raised no objections to the proposal on highway or other traffic grounds but has commented that works will need to be undertaken to improve the visibility splay at the junction of the existing access track with Norton Back Lane to incorporate an acceptable vehicular access at the point it meets the public highway. For an acceptable visibility splay to be provided the highways manager states that this would entail the clearance of undergrowth to the east of the site.

No precise details of these requirements have been submitted with the application, consequently if members are minded to grant planning permission it would be prudent to make these conditional to any approval.

**Flooding and Drainage**

The Environment Agency has raised no objections to the proposed development subject to the imposition of conditions covering surface water drainage and run-off and finished floor levels.

**Other Matters**

Concerns over whether the applicant would flout any conditions imposed are not a material planning consideration as any breach of planning control would potentially be subject to enforcement action.

**SECTION 17 OF THE CRIME AND DISORDER ACT 1998**

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

**CONCLUSION**

The proposed use is considered acceptable in this countryside location and will not give rise to conditions prejudicial to amenity or highway safety or cause any issues regarding crime prevention.

**RECOMMENDATION**

THAT PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS:-

- 1) A3 Implementation Limit (Three Years)
- 2) B5 Detailed Drawings (Accordance with Plan)
- 3) E2 Landscaping (Submission)
- 4) The siting of the temporary agricultural worker's dwelling on the site shall be for a limited period only expiring on 30 April 2011 when it shall be removed.

REASON – The Local Planning Authority would wish to review the permission at the end of the period in the light of the operation of the use.

- 5) Unless with the prior approval of the Local Planning Authority none of the poultry units hereby approved shall be sited in the three fields identified with areas of 2.3ha, 2.62ha and 1.83ha as shown on the approved drawing 1540-01D.

REASON – In the interest of residential amenity.

- 6) Notwithstanding anything shown in the application a drawing showing the details of the visibility splay at the vehicular access of the site onto the public highway (Norton Back Lane) shall be submitted, to the Local Planning Authority within 28 days of the date of this permission. Thereafter the approved visibility splay shall be provided prior to the poultry houses being sited on the land. There shall not be erected, planted, or placed on the land affected by the sightlines anything which will obstruct visibility at any height greater than 0.6 metres above the surface of the land within the approved visibility splay.

REASON - In the interests of highway safety.

- 7) Notwithstanding anything indicated on the approved drawings a properly constructed metalled access shall be provided within the public highway at the junction with the carriageway of Norton Back Lane, details of which shall be submitted to the Local Planning Authority within 28 days of the date of this permission. The approved metalled access shall be provided prior to the poultry houses being sited on the land.

REASON – In the interests of highway safety.

- 8) No development approved by this permission shall be commenced until a scheme for the provision of surface water drainage works has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the details and timetable agreed.

REASON – To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.

- 9) No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to, and approved by, the Local Planning Authority. The scheme shall be implemented in accordance with the approved programme and details.

REASON – To prevent the increased risk of flooding.

- 10) Floor levels should be set at least 600mm above the existing ground level for the Proposed dwelling, and 300mm above the existing ground level for the proposed poultry units.

REASON – To protect the development from flooding.

**SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION**

The proposed use is considered acceptable in this countryside location and will not give rise to conditions prejudicial to amenity or highway safety or cause any issues regarding crime prevention. The proposal accords with the relevant policies in the development plan set out below:

**Borough of Darlington Local Plan 1997**

E2 - Development Limits

E4 - New Buildings in the Countryside

E7 - Landscape Conservation

E11 - Conservation of Trees, Woodlands and Hedgerow

E23 - Nature and Development

H7 - Areas of Housing Development Restraint

H8 - Agricultural Occupancy

T8 - Access to Main Roads

T24 - Parking and Servicing Requirements for New Development

**National Policy Guidance**

PPS7 - Sustainable Development in Rural Areas is also relevant.

**INFORMATIVE**

The applicant is advised that works will be required in the public highway and contact must be made with the Highways Manager (contact Mr A Ward 01325 388743) to arrange for the works to be carried out or to obtain authority under Sec. 184 of the Highways Act 1980 to execute the works.