

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 8 June 2011

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APPLICATION REF. NO:	11/00191/FUL
STATUTORY DECISION DATE:	24 May 2011
WARD/PARISH:	HEIGHINGTON AND CONISCLIFFE
LOCATION:	Killerby Farm, Killerby
DESCRIPTION:	Erection of livestock shed (as amended by plans and Design and Access Statement received 18 April 2011)
APPLICANT:	David Forster

APPLICATION AND SITE DESCRIPTION

Killerby Farm is a 260 acre dairy farm divided with two steadings, one on the north western edge and one on the south eastern edge of the village. The north western yard is used as grazing land and for the storage of corn, farming implements and straw. The southern eastern yard contains the milking parlour, sheds and slurry holding tank. The herd size is governed by the Milk Quota and the amount of grazing available; consequently the size of the herd has remained static for years at about 320 animals in total with about 150 milking cows. It is necessary for the milking herd to cross the road from the north site to the south site on four occasions a day.

There are two farm buildings and a Dovecote within the application site, which are Grade II listed buildings. There are residential dwellings to directly the north and east of the site and open fields and a beck form the south and west boundaries.

The proposal involves the erection of a livestock building within the curtilage of the farm at the south eastern end of the village. The proposed building would be located to the south of the existing range of buildings on the site and it would measure 36.6 metres long; 15.24 metres wide with an overall height of 6.34metres.

Slurry is collected twice a day and stored in a slurry tank located to the south of the farm buildings. There are legal restrictions on the spreading of effluent on land in order to prevent nitrate penetration. No spreading can take place on land between 15 October and 15 January – the Closed Period.

In order to comply with the Nitrate Vulnerable Zones legislation, in addition to the ‘closed period’ there must be storage for five months of slurry production on the farm to allow for severe weather conditions. The existing slurry tank does not have sufficient capacity for this

amount of waste. By providing a new agricultural shed it is possible to reduce the overall volume of slurry by adopting a system of dry bedding. Also this will improve animal welfare by providing cover for animals during the winter months. The size of the new shed is designed to accommodate 56 cows, each animal requiring a minimum of 10 square meters of floor area

PLANNING HISTORY

91/00289/FUL In July 1991 planning permission was GRANTED for the erection of an above ground slurry store

08/00647/LBC In October 2008 listed building consent was GRANTED for the demolition of a single storey stone barn

08/00630/FUL In August 2008 a planning application was WITHDRAWN

PLANNING POLICY BACKGROUND

The following policies within the Borough of Darlington Local Plan 1997 are relevant along with central government guidance contained within Planning Policy Statement 15 – Planning for the Historic Environment

E2 – Development Limits

E4 – New Buildings in the Open Countryside

E8 – The Area of High Landscape Value

E27 – Flooding and Development

E28 – Surface Water and Development

E29 – The Setting of New Development

E48 – Noise Generating/Polluting Development

E49 – Noise Sensitive Development

H15 – The Amenity of Residential Areas

T24 – Parking and Servicing Requirements for New Development

The following policy of the recently adopted Core Strategy has been taken into account

CS16 (Human Health)

RESULTS OF CONSULTATION AND PUBLICITY

Five letters of objection have been received and the concerns can be summarised as follows:

- *The farm has outgrown the village and there is nothing stopping the applicant from putting buildings on their other farm, which is approximately 5 miles away and this, would not affect anyone as it is out of way in the countryside*
- *The road becomes dangerous as a result of the farm*
- *The houses in the village are not selling due to the farm*
- *A condition must be in place that all yards and entrances which lead into the village be concreted to stop the tread of mud and cow muck*
- *The proposal is contrary to planning policies within the Borough of Darlington Local Plan*
- *A long concrete shed on the approach top the village would undoubtedly be harmful to both the character and appearance of the traditional village*

- *All buildings visible from the roadside in this part of the village are of traditional construction and the proposed shed would be significantly different*
- *The building is contrary to the Area of High Landscape Value*
- *The proposed shed would affect the setting of the listed buildings*
- *Whilst the level of smell, noise and dust from the farm has become accepted norm, the proposal will significantly enhance livestock accommodation and it will increase these nuisances*
- *Slurry and mud on the public highway is not as well controlled as it might be and this causes unpleasantness and potential danger to vehicles, cyclists and pedestrians. The amount of slurry and mud will increase*
- *The size, design and materials and the prominent position of the shed will have a detrimental impact on the character of the village*
- *It would appear that the north gable end of the shed will be approximately 4.5metres in front of the building line of the existing farm buildings.*
- *The beck which runs through the village has repeatedly flooded both entrances to the village. There are no indications on the plan for the additional provision of drainage yet an additional 550 sq m of concrete is being proposed with the resultant impact on the surface drainage*
- *The site of the proposed shed expands the extent of the farm buildings in such a way that the view from the properties is unnecessarily compromised and reduced*
- *The shed could be located further to the west, contained within the scope of existing buildings and so not altering the outlook of properties opposite*
- *We already live with the ever present slurry from this farm spread over the junction of the main village and North Lane which coats the undersides and wheel arches of domestic vehicles and is dragged by them into private property and garages. It is an unsightly, dangerous nuisance to all vehicles and pedestrians approaching the said junction. Any development which would increase this nuisance is not welcome*
- *The visual impact of the building on the village will be very significant as it will be first building on the left when entering the village. The majority of the buildings are built in stone and are indeed listed buildings. A modern building would be contrary to the existing properties and the overall landscape of the village will be harmed significantly*
- *The village does not have footpaths and it is often impossible to walk along the village without wearing wellingtons. The road is an accident waiting to happen and the village has gained a reputation as “the dirty village” and this is having an impact on selling houses and house prices in the village*
- *We are concerned that this will not be the last request for an increase in buildings and our once pretty village will be converted into an oversized farm yard.*

Killerby Parish Meeting has recommended that the application be approved but subject to planning conditions relating to:

- *The landscaping and screening be introduced to the north east; south east and part of the north elevations. However, it may be necessary to adjust the layout to accommodate this proposal as the adjacent land is in a separate tenancy*
- *Proper concrete roads and hard standings around the building are built together with drainage to deal with all the extra mud and effluent*

Consultee Responses

Northumbrian Water has raised no objection to the proposed development

Environment Agency have withdrawn their original objection to the scheme following confirmation from the applicant that the slurry collection and storage will remain as existing and that the size of the herd is unaltered

The **Council's Highways Engineer** has raised no objections to the proposed development
The **Council's Environmental Health Officer** has no objections to the principle of the development but he has requested the imposition of a planning conditions relating to a Waste Management Plan.

PLANNING ISSUES

The main issues to be considered here are whether or not the development is acceptable in the following terms:

- Planning Policy
- Visual Appearance and Impact Upon the Setting of the Listed Buildings
- Environmental Issues
- Residential Amenity
- Highway Safety

Planning Policy

Policy E2 (Development Limits) of the Plan states that most new development will be located inside the defined development limits. The site lies outside of the development limits for Killerby but Policy E2 continues to state that development for agricultural purposes will be permitted outside the limits provided that unacceptable harm to the character and appearance of the rural area is avoided.

Policy E4 (New Buildings in the Countryside) seeks to ensure that, wherever possible, new buildings in the countryside must be located with and be visually related to existing buildings.

Killerby is within the Area of High Landscape Value. Policy E8 of the Plan states that development within the Area and on the edge of built up areas will be permitted if it is of a high standard of design reflecting the scale and traditional character of the buildings and does not detract from the high landscape quality.

Policy H15 (The Amenity of Residential Area) states that planning permission will not be granted for the enlargement or material intensification of non residential uses which would unacceptably conflict with the amenities of the surrounding area.

Visual Appearance and Impact upon the Setting of the Listed Buildings

The shed would be located on the south east boundary of the application site. The west and south elevations of the proposed building would be constructed from pre- stressed concrete panels at the base (a height of 2 metres); topped with Yorkshire Boarding whilst the materials for the base on the east elevation, which faces the road, would be natural reclaimed stone. The north elevation facing into the site would contain the openings into the shed. The roof would be Dark Blue fibre cement sheets.

The shed would be highly visible when entering the village from the south and it would project beyond the frontages of the adjacent farm buildings, some of which are Grade II listed buildings. There are also other listed buildings in the vicinity and officers have considered the impact of

the shed in both general terms and in terms of impact upon the setting of the listed buildings within and adjacent to the application site.

A working farm may well change and expand over time and therefore the principle of an agricultural building in this location is accepted. Modern agricultural buildings differ in visual terms to traditional buildings and therefore the use of natural stone on the elevation facing the road is welcomed, which together with the planting of additional hedges, which has been agreed with the applicant, and the screening offered by the existing boundary treatments will minimise the visual impact upon the surrounding area. As the building is on the edge of the village, the fact it would project beyond the immediate existing buildings is not considered unacceptable. A planning condition can be imposed to secure a suitable colour scheme for the building.

Planning Policy Statement 5: Planning for the Historic Environment (PPS5) says: *When considering applications for development that affect the setting of a heritage asset, local planning authorities should treat favourably applications that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset. When considering applications that do not do this, local planning authorities should weigh any such harm against the wider benefits of the application. The greater the negative impact on the significance of the heritage asset, the greater the benefits that will be needed to justify approval.*

Officers have accepted the reasons for having to erect a shed of the proposed size and in this location and consider that the proposal is acceptable and complies with Policies E2, E4 and E8 of the Plan and also PPS 5.

Environmental Issues

The applicant has confirmed that the size of the herd would not be increased and controls over odours, noise, mud on the road and waste management for this working farm will be expected to improve by the implementation of the proposal and the associated works. The Council's Environmental Officer has no objections to the principle of the livestock shed but he has requested the imposition of a planning condition to secure the submission of a Waste Management Plan.

The Environment Agency have withdrawn their original holding objection to the proposal based on the fact that the slurry collection and storage will remain as existing and that the size of the herd is unaltered

Residential Amenity

There are four dwellings on the opposite side of the road facing the farm. The nearest of these dwellings (The Mill) is approximately 70 metres away with the remaining three dwellings a further 13 metres away. The frontage of these dwellings consists of a stone wall and rows of mature trees and bushes, which quite substantially screen the dwellings from the highway and consequently the dwellings from the application site. As a result, the proposed building would not be directly viewed from these properties and when it is visible the separation distance is quite considerable and adequate to prevent the building from being classed as overbearing or imposing.

The general amenities of the nearest dwelling on the west side of the road (Killerby Grange) would not be adversely affected by the development.

Highway Safety

The existing vehicular access onto the site would be continued to be used. As the size of the herd is static and will not increase there will be no additional vehicle movements.

In times of wet weather the movement of the animals from one part of the farm to the other, leaves mud on the public highway and whilst the applicant has tried to keep the road clean it has not always been effective. The applicant has recently purchased an industrial tracker mounted sweeping brush, which will be used every time deposits are left on the carriageway.

The existing access onto the main road is not a metalled crossing but the applicant has agreed to the construction of such a crossing from the farmyard across the highway verge to the carriageway. Whilst details of the crossing have already been agreed with the local authority, the works must be secured by the imposition of a planning condition. The farmyard is already concreted to aid cleaning but the introduction of a metalled crossing would also reduce the amount of mud on the road.

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 applicant has provided a reasoned justification to support the erection of a livestock shed of the proposed dimensions and officers accept that there is a need for such a building on the application site. The impact of the shed has been assessed in terms of its impact upon the local residents, the character and appearance of the locality, the setting of the listed buildings in the locality and highway safety. It is considered that the proposal will not have an adverse impact upon the amenities of the local residents and the works to the existing farmyard access onto the public highway will improve highway conditions. Any potential harm on the visual appearance of the village and the listed buildings has been weighed against the wider benefits of the proposal and, on balance it is considered that subject to the imposition of planning conditions to secure an appropriate colour scheme for the building and the planting of a hedge, the proposal is acceptable. The following policies within the Borough of Darlington Local Plan 1997 were taken into consideration along with central government guidance contained within Planning Policy Statement 15 – Planning for the Historic Environment

E2 – Development Limits

E4 – New Buildings in the Open Countryside

E8 – The Area of High Landscape Value

E27 – Flooding and Development

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RECOMMENDATION

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITIONS;

1. A3 – Implementation Limit (Three Years)
2. Notwithstanding the details shown on the approved plans, a colour scheme for the building hereby approved shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and the development shall not be carried out otherwise than in complete accordance with the approved details
REASON: In the interests of the visual amenity of the surrounding area
3. Prior to the commencement of the development a scheme for the planting of a hedge shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include the location and species of the hedge and a timescale for its implementation. The hedge shall be permanently maintained to the satisfaction of the Local Planning Authority unless otherwise agreed in writing.
REASON: To ensure a satisfactory appearance of the site and in the interests of the visual amenities of the area.
4. Prior to the commencement of use of the building, a Water Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The contents of the Plan shall be agreed with the Local Planning Authority prior to its submission and the development shall not be carried out otherwise than in complete accordance with the approved Plan
REASON: In the interests of the residential amenity
5. Prior to the commencement of the development a scheme for improvement works to the existing vehicular access shall be submitted to and approved in writing by the Local Planning Authority. The details shall include an agreed timescale for implementation and completion of the works and the development shall not be carried out otherwise than in complete accordance with the approved details.
REASON: In the interests of highway safety
6. B5 – Detailed Drawings (Accordance with Plan)

SUGGESTED SUMMARY OF REASONS FOR GRANTING PLANNING PERMISSION

The applicant has provided a reasoned justification to support the erection of a livestock shed of the proposed dimensions and officers accept that there is a need for such a building on the application site. The impact of the shed has been assessed in terms of its impact upon the local residents, the character and appearance of the locality, the setting of the listed buildings in the locality and highway safety. It is considered that the proposal will not have an adverse impact upon the amenities of the local residents and the works to the existing farmyard access onto the public highway will improve highway conditions. Any potential harm on the visual appearance of the village and the listed buildings has been weighed against the wider benefits of the proposal and, on balance it is considered that subject to the imposition of planning conditions to secure an appropriate colour scheme for the building and the planting of a hedge, the proposal is acceptable. The following policies within the Borough of Darlington Local Plan 1997 were taken into consideration along with central government guidance contained within Planning Policy Statement 15 – Planning for the Historic Environment

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INFORMATIVE TO BE INCLUDED SHOULD PLANNING PERMISSION BE GRANTED

The applicant is advised that works are required within the public highway, to carry out improvement works to the access and contact must be made with the Assistant Director-Highways, Design and Projects (contact Mr A Ward 01325 388743) to arrange for the works to be carried out or to obtain authority under Section 184 of the Highways Act to execute the works.