

Application No: 12/1836N

Location: HIGHER ELMS FARM, CROSS LANE, MINSHULL VERNON, CW1 4RG

Proposal: Proposed Farm Complex Consisting of Steel Portal Framed Buildings for Housing and Milking of Livestock, Earth Banked Slurry Store and Earth Banned Silage Clamp

Applicant: Mr Charlesworth

Expiry Date: 10-Aug-2012

**SUMMARY RECOMMENDATION:** Approve subject to conditions

**MAIN ISSUES:**

- Principle of Development;
- Need for the Buildings/Structures;
- Impact upon the Greenbelt;
- Impact upon the ASCV;
- Need for the Lagoon;
- Design;
- Residential Amenity;
- Drainage;
- Flood Prevention;
- Highways;
- Ecology; and
- Landscape

**REFERRAL**

This application is included on the agenda of the Southern Committee as the proposed floor area of the buildings/structures exceeds 1000m<sup>2</sup> and therefore constitutes a major proposal

**DESCRIPTION OF SITE AND CONTEXT**

Lower Elms Farm is an operational dairy farm and is set back from the main road by a distance of approximately 500m. The farmhouse is a traditional 2 storey property constructed out of facing brick under a slate roof, which is located to the south of an existing farm complex which contains a number of structures. Additionally, located to the south of Lower Elms Farm by a distance of approximately 280m is Higher Elms Farm, which is also owned and operated by the applicant.

The application site is located on the edge of the farm complex in a corner of the field, which is enclosed by mature native hedgerows to the south and west and the river Weaver to the north. There are a few residential properties located at sporadic points along the local highway network. The application site is located wholly within the Green Belt and in the ASCV.

## **DETAILS OF PROPOSAL**

This is a full application for a proposed farm complex consisting of steel portal framed buildings for housing and milking livestock, earth bank slurry store and earth banked silage clamp at land adjacent to Lower Elms Farm, Cross Lane, Minshull Vernon.

## **RELEVANT HISTORY**

10/3395N – Milking Parlour (GPD0) – Refused – 28<sup>th</sup> September 2010  
P95/0470 - Agricultural Workers Dwelling – Approved – 28<sup>th</sup> July 1995  
P94/0052 – Agricultural Building (GPD0 Determination) – Refused – 10<sup>th</sup> February 1994  
7/03014 – 600mm Diameter Water Main Spanning Between Bridge Abutments – Approved – 3<sup>rd</sup> August 1977

## **POLICIES**

### **National Policy**

The application should be determined in accordance with national guidance set out in:

National Planning Policy Framework

### **Local Policy**

The principle issue surrounding the determination of this application is whether the development is in accordance with the following policies within the Borough of Crewe and Nantwich Replacement Local Plan 2011:

BE.1	(Amenity)
BE.2	(Design Standards)
BE.3	(Access and Parking)
BE.4	(Drainage, Utilities and Resources)
NE.1	(Development in the Green Belt)
NE.3	(Areas of Special County Value)
NE.5	(Nature Conservation and Habitats)
NE.9	(Protected Species)
NE.14	(Agricultural Buildings Requiring Planning Permission)
NE.20	(Flood Prevention)
TRAN.9	(Car Parking Standards)

## **CONSIDERATIONS (External to Planning)**

**Environmental Health:** No objection subject to the following Informative

The applicant is advised that they have a duty to adhere to the regulations of Part IIA of the Environmental Protection Act 1990, the Town and Country Planning Act 1990 and the current Building Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

**Ecology:** I do not anticipate there being any significant ecological issues associated with the proposed development.

**British Waterways:** No objections

## **VIEWS OF THE PARISH / TOWN COUNCIL**

No comments received at the time of writing this report

## **OTHER REPRESENTATIONS**

No representations received

## **APPLICANT'S SUPPORTING INFORMATION**

Design and Access Statement

## **OFFICER APPRAISAL**

### **Principle of Development**

The site is an operational farm, characterised by traditional farm buildings within the open countryside. The principle of agricultural buildings that are essential to the agricultural practice is acceptable in the Green Belt and accords with Policy NE.1 (Development within the Green Belt). There is general policy support for agricultural development within the open countryside and paragraph 28 of the National Planning Policy Framework states that local planning authorities should:

*'promote the development and diversification of agricultural and other land-based rural businesses'.*

The Local Plan outlines the need to strike a balance between development which will sustain the rural economy and the need to protect the countryside for its own sake. It is also necessary to recognise the changing needs of agriculture.

These policies aim to protect the openness of the Green Belt and safeguard it from inappropriate forms of development and ensure that the design of the new buildings is sympathetic to the existing agricultural character of the site, surrounding landscape and the

wider area by virtue of being appropriate in form and scale and utilising sympathetic building materials. They also seek to ensure that neighbouring amenity nor highway safety is adversely affected.

### **Need for the Buildings/Structures**

Higher Elms Farm is located to the north east of the village of Church Minshull, and is accessed via a tarmac/stoned farm track off Cross Lane. The applicant claims in their Design and Access Statement that 'the existing farm site has been investigated to accommodate the proposed expansion, but due to the difficult topography, it has been deemed unfeasible'. If the development was to occur at Higher Elms Farm, it would necessitate considerable earth movements.

The proposed expansion site has therefore been relocated approximately 350m to the north west (as the crow flies) to Lower Elms Farm, which is currently considered (by the applicant) to be ancillary to the main farming operations, which currently take place at Higher Elms Farm. The current application site has been chosen as the existing topography is less undulating and will not require as much earth movements. Furthermore, the proposed buildings/structures will not appear detached or isolated as they will be seen against the backdrop of the existing farm complex.

### **Impact upon the Greenbelt**

The application site is located wholly within the Green Belt and according to Policy NE.1 (Development in the Green Belt) states approval will not be given for inappropriate development, except in very special circumstances. The construction of new buildings in the Green Belt is inappropriate unless it is for the following purposes:

- Agriculture and forestry;
- Essential facilities for outdoor sport and outdoor recreation, for cemeteries, and other uses of land which preserve the openness of the Greenbelt;
- Limited extension, alteration or replacement of existing dwellings.

It is considered that the proposed buildings/structures are essential for the continued operational requirements of the farming business. The buildings/structures would be of a typical vernacular for a farm building and would be of a similar height and design as other buildings within the locality and across the Borough. Whilst relatively prominent in the Green Belt on the edge of the farm holding, nevertheless the buildings would be 'read' in the context of the other surrounding buildings, many of which are of a similar height. Overall the size, siting and design of the buildings would be acceptable in Green Belt terms and in terms of the criteria laid out in policy NE.1 (Development in the Greenbelt).

### **ASCV**

Policy NE.3 stipulates additional protection is required in Areas of Special County Value and any development will therefore need to be of a high standard consistent with the quality of the area, and wherever possible enhance this further. It is considered that whilst the buildings/structures will appear quite prominent, they are of a traditional agricultural vernacular and as such will blend into the background and will not appear as alien or

incongruous features having a detrimental impact on the ASCV. It is considered that the proposal complies with policy NE.3 (Areas of Special County Value).

## **Lagoon**

### *Need for the Proposal*

According to the applicants Design and Access Statement recent NVZ (Nitrate Vulnerable Zone) regulations come into force on the 1st January 2012 requiring livestock farms to ensure they have five months storage capacity for slurry and dirty water produced on the holding. Currently, Higher Elms Farm has insufficient storage to meet these regulations and as a result the business needs to construct the new lagoon in order to meet the legislation.

## **Design**

Policy NE.17 (Pollution Control) states that all development proposals should ensure that appropriate measures are taken to prevent, reduce or minimise pollution. Policy NE.2 (Open Countryside) states that within the open countryside only development which is essential for the purposes of agriculture is permitted. There is also a need to ensure that development in the open countryside does not detract from the amenity of the surroundings.

The proposed location of the slurry lagoon is situated to the west of the existing Farmstead. The proposed lagoon is rectangular in form and measures approximately 70m wide by 75m long (which equates to an area of 5250msq) and will be 4.35m deep (as measured from the base of lagoon to the top of the earth bund excluding the 1.8m high perimeter fence). The slurry lagoon will be excavated in the field. The agent has confirmed that the soil in the locality contains a high clay content, which will be used to line the base and banks of the lagoon, in order to prevent any leakage. The banks of the lagoon will be at a 1 in 2 gradient and on top of the bank will be a 1.8m high fence. The site is located within an undeveloped field in close proximity to the existing Lower Elms Farm which comprises 2 storey detached farmhouse and other modern portal frame and traditional buildings, which are in a relatively dilapidated condition. The application site is bounded on the north elevation by mature native hedgerows, the proposed livestock shed to the east and open fields to the west and south of the application site.

According to the Design and Access Statement this location for the slurry lagoon has been chosen for a number of reasons. The position of the new lagoon has been sited adjacent to the existing cow sheds and farm buildings. The lagoon will be located immediately to the west of the proposed livestock building, which will help to consolidate the built form. Furthermore, the soil at this location has a high clay content, which will help to prevent leakage. Finally, the application site is well screened by mature native hedgerows located to the north and existing built development to the east. Whilst the lagoon may be visible from farmyard, this type of structure is expected within a farm complex. In order to assimilate the proposal into the local environment conditions relating to boundary treatment, surfacing materials and landscaping will be attached to the decision notice.

### *Cattle Building*

The proposed agricultural building will be located adjacent to existing farm buildings. The proposed cow shed is rectangular in footprint terms and will measure approximately 76.5m long by 27m wide which equates to a floor area of approximately 2065.5msq. The building and the periphery of it will be located on hardstanding. The cattle shed will measure approximately 4m high to the eaves and 8m high to the ridge. The building will be erected wholly on grassland.

It is considered that the proposed building is appropriately scaled and designed for its purpose, and would be in keeping with the adjacent agricultural buildings and the rural setting. The building is of typical construction and comprises a steel portal frame clad on the roof with fibre cement roofing sheets. The gable and side elevations will be constructed out of concrete panels to a height of 1.5m and the rest will be open faced, apart from a small section which will be clad PVC coated steel sheets. In addition, there will be four gates (on either end of the building) in order to give access to feed and muck passages. According to the submitted plans the building will incorporate 100 no. cubicles open yards and there will be 52 roof lights in each roof plane (104 in total).

Given the location, use of the building, and the surrounding nature and use of the land the proposal will not appear would it appear as an alien feature. There is sufficient space within the site to accommodate this development. The case officer considers that the proposed building relates well to its surroundings. There are therefore no objections to the proposal on design grounds.

#### *Milking Parlour*

The proposed milking parlour is located immediately to the south of the cattle building and is linked to the adjoining cattle shed by a passageway. The proposed milking parlour has a rectangular footprint and measures approximately 35m deep (at the widest point) by 84m long, which equates to a floor area of approximately 2940msq. The milking parlour will measure approximately 5m high to the eaves and 8m high to the ridge. It is noted that the ridge height is similar to the height of the cattle shed and it is considered the variations in scale and mass of the buildings, will help to break them up and appear less uniform. The building will be erected wholly on grassland.

The building is of typical construction comprising a steel portal frame structure under a fibre cement roof. The south west and south east elevation will be constructed out of concrete panels to a height of 1.8m and PVC coated box profile sheeting located above the concrete panels. Located on the south east elevation are two personnel doors and 3 no. windows (1no. at first floor level). The remaining elevations are open faced. Internally the building will comprise a collecting yard, straw bedded area, loafing area, milking parlour, cubicles, holding pens, tank room, toilet, chemical store, office, general store, plant room, plant wash room and medical storage room.

The proposed siting and design of the building is considered appropriate and in accordance with guidance advocated within the National Planning Policy Framework. The development will be assessed against Policy BE.2 (Design Standards) which states that proposals should achieve a high standard of design and respect the pattern, character and form of the surroundings. The building relates well to the existing cluster of buildings within the landscape and would therefore not appear as an alien or divorced feature within the open countryside.

The milking parlour would be viewed against the backdrop of the existing agricultural complex on one side and existing hedgerow, which is punctuated at sporadic intervals with mature trees/shrubs and these, will help to screen the proposal. The surrounding buildings will satisfactorily mitigate against visual intrusion into the open countryside. The scale and design of the building is acceptable and characteristic of agricultural buildings in the vicinity and as such would not be harmful to the quality and character of the setting. The proposal therefore, with regard to siting, scale and design would have no further significant impact on the character and appearance of the surrounding Green Belt.

### *Silage Clamp*

The proposed 1no. triple bay silage clamp will be located to the north of the proposed cow shed and will measure approximately 36m wide by 36m long which equates to an area of approximately 1296msq. The silage clamp will be un-roofed and will be excavated in a field. The agent confirmed that the soil in the area has a high clay content and the base of the clamp will be lined in concrete, which will help to prevent any spillage or leakage. The banks of the silage clamp will be at a 45 degree gradient. The silage clamp is flanked on both sides by existing hedgerow.

Policy NE.14 (Agricultural Buildings Requiring Planning Permission) requires that development should be required for/or ancillary to agricultural development and also essential for the operation to comply with current environmental and welfare legislation. The proposed open silage clamp is development which is required for the agricultural development.

### **Residential Amenity**

Policy BE.1 (Amenity) states that development will be permitted provided that the development is compatible with surrounding land uses, does not prejudice the amenity of future or neighbouring occupiers, does not prejudice the safe movement of traffic and does not cause an increase in air, noise, water pollution which might have an adverse impact on the use of land for other purposes.

The impact of the development upon the amenity of nearby residential properties is a key consideration with this application and the nearest residential property which may be affected by the proposal is in excess of 500m away. Therefore, it is considered given the separation distance, undulating nature of the land and intervening hedgerows and trees will help to mitigate any negative externalities caused by the proposals.

Whilst there is also a farmhouse associated with the farm complex in close proximity to the cow sheds and other structures, as this is occupied in connection with the existing farm complex any impact on the amenities of this property is within the occupant's control. Furthermore, the Councils Environmental Health Department has been consulted and they have raised no objection to the proposal. It is considered that the proposal will have a negligible impact on other properties in the area and the proposal complies with policy BE.1 (Amenity).

### **Drainage**

Development on sites such as this generally reduces the permeability of at least part of the site and changes the site's response to rainfall. The National Planning Policy Framework states that in order to satisfactorily manage flood risk in new development, appropriate surface water drainage arrangements are required. The guidance also states that surface water arising from a developed site should, as far as possible, be managed in a sustainable manner to mimic the surface water flows arising from the site prior to the proposed development. It is possible to condition the submission of a drainage scheme in order to ensure that any surface water runoff generated by the development is appropriately discharged.

## **Flood Prevention**

According to the submitted plans the river Weaver is located to the north of the application site. Therefore, any development will need to be assessed against Policy NE.20 (Flood Prevention) which states that proposals for new development including the raising of land, in the indicative flood plain as shown on the proposals map, will only be permitted where:

- The proposal is supported by a flood risk assessment with appropriate flood prevention and mitigation measures;
- The proposal would not result in extensive and unacceptable culverting;
- The proposal would not create or exacerbate flooding elsewhere; and
- It does not adversely affect the integrity of, or prevent access for maintenance purposes to, a water course or underground services.

The Environment Agency's Flood Risk Map identifies that the site lies wholly outside the floodplain. Therefore, it is considered that the proposal is in accordance with policy NE.20 (Flood Prevention).

## **Highways**

According to the submitted plans the applicant is proposing on constructing a new access road, which will branch off the existing road. The applicant claims that the existing road only serves Lower Elm Farm and there is insufficient space for vehicles to manoeuvre. The new access road is relatively short measuring approximately 160m long. It will be prudent to attach a condition relating to surfacing materials. According to the applicants application forms there will be 4 no. additional vehicles accessing the site. Overall, it is considered that the proposal will generate negligible amounts of additional traffic and the proposal is in accordance with policy BE.3 (Access and Parking) and TRAN.9 (Car Parking Standards).

## **Ecology**

There are numerous ponds and other water bodies within the locality of the application site and it is possible that Great Crested Newts and Lesser Silver Water Beetles which are both protected species under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) may be affected by the proposal. However, the Cheshire East Ecologist has viewed the submitted plans and accompanying supporting information and concludes that he does not anticipate the proposal having any adverse ecological impacts associated with the proposed development. Consequently, the proposed development accords with policy NE.9 (Protected Species).

## **Landscape**

Policy NE.5 (Nature Conservation and Habitats) states that the LPA will protect, conserve and enhance the natural conservation resource. The policy goes on to stipulate in the justification 'Landscape features can be important individually, as well as helping to enrich the character of the landscape. These features should be conserved wherever possible'. The application site is bounded on various elevations by mature native hedgerows, which are punctuated at sporadic intervals with mature trees/shrubs. According to the submitted plans the applicant is proposing on removing approximately 50m of hedgerow to serve the silage clamp and a further 6m of hedgerow to serve the new access road. It is considered prudent to attach conditions relating to landscaping to help stock up the existing hedgerows. Overall, it is considered that the proposal is in accordance with policy NE.5 (Nature Conservation and Habitats).

## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The siting of the cow shed, milking parlour and other structures will not have a detrimental impact upon the character, appearance and openness of the Green belt or the surrounding open countryside as the buildings/structures relates to the existing farm complex and it does not appear as alien or divorced features. Furthermore, the proposed development will not have any adverse impact upon the amenities of existing and future residential occupiers in the nearby vicinity, highway safety or any protected species. The development is considered to comply with policies NE.1 (Development in the Greenbelt), NE.3 (Areas of Special County Value), NE.9 (Protected Species) and NE.14 (Agricultural Buildings Requiring Planning Permission) and Policies BE.1-3 (Amenity, Design Standards and Access and Parking) of the Borough of Crewe and Nantwich Replacement Local Plan 2011

### **Approve subject to conditions:**

- 1. Standard Time Limit**
- 2. Plans**
- 3. Materials**
- 4. Drainage**
- 5. No Additional External Lighting**
- 6. Landscaping Submitted**
- 7. Landscaping Implemented**
- 8. Boundary Treatment**
- 9. Surfacing Materials**

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