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| Planning Reference No: | 10/0712N |
| Application Address: | Land at: Moss Lane, Warmingham, Crewe |
| Proposal: | Use of Existing Agricultural Building to House Livestock |
| Applicant: | Mrs L Mountford |
| Application Type: | Change of Use |
| Grid Reference: | 370152 358998 |
| Ward: | Cholmondeley |
| Earliest Determination Date: | 7 th April 2010 |
| Expiry Dated: | 26 th April 2010 |
| Date Report Prepared: | 9 th April 2010 |
| Constraints: | Open Countryside |

SUMMARY RECOMMENDATION: Approval

MAIN ISSUES

- Impact on neighbouring amenity
- Pollution Control

1. REASON FOR REFERRAL

The application was subject to Councillor call-in by the ward member

2. DESCRIPTION OF SITE AND CONTEXT

This application site comprises a 2.1ha field within an area of open countryside as identified by the Borough of Crewe and Nantwich Replacement Local Plan 2011. The field is one of four inter-connecting fields which form a 15ha holding used for agricultural purposes. The applicant's also own other holdings at Manor Farm, Walgherton, (26ha) and Tixall near Stafford (33ha).

A Public footpath, Warmingham No16 runs adjacent to but outside the site.

3. DETAILS OF PROPOSAL

The proposal involves the use of an agricultural storage building for the accommodation of livestock. The building in question was constructed under the provisions of Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 1995. The provisions prevent the use of a building approved under Part 6 from being subsequently used for the accommodation of livestock where the building is situated within 400m of a residential property which is not connected with the operation of the farm.

The proposals do not involve any external alterations to the external appearance of the building.

4. RELEVANT HISTORY

New Cattle Shed (GPDO Prior Determination) ref 09/2610N.
Decision: Full planning permission required

Agricultural Building (GPDO Prior Determination) ref 09/2970N.
Decision: Details not required.

5. POLICIES

Local Plan Policy

NE.2 Open Countryside
NE.14 Agricultural Buildings Requiring Planning Permission
NE.17 Pollution Control
BE.1 Amenity
BE.2 Design Standards

Other Material Considerations

PPS 7 : Sustainable Development in Rural Areas

6. CONSULTATIONS (External to Planning)

Environmental Health: No Objection

Cheshire Footpath Society: No representations

Public Rights of Way Unit: The development is unlikely to affect the existing public footpath

7. VIEWS OF THE PARISH / TOWN COUNCIL

Concerned that the Prior Notification procedure has been mis-used as the building was designed for the accommodation of livestock. Furthermore, access to the site is limited and the building is close to a dwelling and an open ditch. Therefore, there are concerns over of nuisance to the occupiers and contamination of the water course.

8. OTHER REPRESENTATIONS

Occupier of Moss Farm is concerned that the use of the building for livestock will have an adverse impact on amenity due to smells and pollution as the building is only 80 metres from their house. There are also concerns that the use of the building will cause obstructions to the public footpath and lead to pollution of an open watercourse and destroy wildlife habitat.

9. APPLICANT'S SUPPORTING INFORMATION

Agricultural Appraisal submitted by the Applicant's agent.

The main points of the appraisal are:-

- Currently, the Warmingham holding has no ability to house, safely isolate or treat for disease any cattle on the land nor to provide shelter in adverse conditions;

- The use of the existing building will allow the cattle to be handled safely, to provide shelter in inclement Spring/Summer weather and as a housing/feeding shelter in Autumn/Winter;
- The use would improve health, safety and welfare of both cattle and people;
- The building is of traditional design and has the capacity to accommodate up to 40 suckler beef cows at 8m² per animal.
- The use of the building will allow animals can be managed in the event of wet periods to prevent soil erosion by treading thereby meeting the requirements of air soil and water codes;
- The use will reduce the number of journeys to Walgherton moving cattle back and forth for routine husbandry, inspection and treatment including worming, blue tongue vaccination and TB testing;
- The building is located in an established agricultural and livestock area meaning its amended use for cattle is in keeping with character of the district

10. OFFICER APPRAISAL

Principle of Development

A number of comments have been received about how the existing building was originally approved.

In August 2009, the applicant submitted an application under the prior notification procedure for a cattle shed (application 09/2610N refers). The application was refused, not because it was considered to be unacceptable in principle, but because it was not allowed to be considered via the procedure as it was for the accommodation of livestock, and was located within 400m of a dwelling, which was not part of the farm holding.

The building which now stands on site was subsequently approved in October 2009 (09/2970N refers) under the prior notification procedure, as it was specified within the application that it would not be used for livestock purposes. The applicant now wishes to use the building for livestock, which has generated the requirement for this full planning application.

The use of a building for the accommodation of animals associated with the production of food is appropriate to the rural area and the principle of the development accords with the requirements of Policy NE.2. However, the proposal must be measured against other relevant policies, in particular Policy NE.14, to fully assess the impact.

Design

The building is a traditional steel portal frame unit with Yorkshire boarding to the sides on a pre-cast concrete skirt. The front (southern) elevation is open from floor to eaves. Therefore, the building is considered to be an appropriate design for the accommodation of livestock without the need for major alteration.

Amenity

The requirement for full planning approval where livestock buildings are within 400m of a residential property allows the Authority to consider the impact of the use on neighbouring amenity. In visual terms the building in question is well screened by existing hedgerows which mitigate the intrusion.

The main issue raised by livestock buildings close to residential property is nuisance caused by noise and odour generated by the animals. In this particular case the scale and capacity of the building is relatively modest in modern agricultural terms. The building has a maximum capacity of around 40 cattle which will be housed approximately 80m from the nearest residential property, Moss Farm and 110m from Moss Cottage. Given the scale and capacity of the building, it is considered that the use will not give rise to an unacceptable impact on neighbouring amenity within the context of the rural environment. It should be noted that Environmental Health has not raised an objection to the proposal.

Ecology

The use proposed is not considered likely to have an adverse impact on the ecological resource of the surrounding area as long as appropriate controls over the design and method of effluent and slurry run-off are imposed by condition to prevent contamination of the land and or water courses.

11. CONCLUSIONS

The proposed use of the building is considered essential to the agricultural use of the land within the open countryside location. The modest scale and capacity of the building and its relationship to nearby dwellings will not result in an adverse impact on amenity over and above that which is normally experienced within rural areas.

12. RECOMMENDATIONS

APPROVE subject to the following conditions

- 1. Standard**
- 2. Method of slurry removal containment to be submitted for approval.**
- 3. Approved plans**

