

Planning and EP Committee 13 March 2018

Agenda No. 5.1

Application Ref:	17/01087/FUL
Proposal:	Erection of a temporary timber dwelling and agricultural building
Site:	Land to the West of, Uffington Road, Barnack, Stamford
Applicant:	Mr Kerry
Agent:	Mr Sam Croft Willis & Co. (Town Planning) Ltd
Site visit:	06.07.2017
Referred by:	Cllr David Over and Barnack Parish Council
Reasons:	Landscape implications, environmental impact, amenity, principle of the development and hazardous access
Case officer:	Mrs J MacLennan
Telephone No.	01733 454438
E-Mail:	janet.maclennan@peterborough.gov.uk
Recommendation:	APPROVE

1 **Description of the site and surroundings and Summary of the proposal**

Site and Surroundings

The site is located on the western side of Uffington Road and approximately 275m north of the village settlement boundary of Barnack and on land designated as open countryside. The field is about 2.4 hectares in size and laid to grass, with areas planted with several dozen apple/pear trees, willows, conifers and other trees. There is an access through the hedged boundary off Uffington Road. The current use of the site appears to be low key with little evidence of regular activity, notably as the access to the site is grassed over.

Proposal

The application seeks approval for a rural worker's (temporary) dwelling and agricultural building to enable the establishment of a free-range rabbit breeding and rearing enterprise.

Temporary dwelling – The dwelling would be two bed of dimensions 12.2m x 6m and would have a dual pitched roof to a height of x 3.6m (ridge) 2.8m (eave). The dwelling would be timber clad and located close to the entrance of Uffington Road.

Agricultural Building – The dimensions of the building would be 12m x 6.2m x 5m (ridge) 3.6m (eave) constructed in profiled steel sheeting.

The buildings would be in association with the development of a 300-doe, free-range rabbit production unit over the next three years with 100 does in Year 1; 200 does in Year 2; and 300 does in Year 3. The rabbit farm will occupy the east of the site with the remaining land used as a tree nursery.

It is proposed to use curved aluminium sheets for runs and metal ammunition boxes for hutches for the breeding stock. The runs and hutches would be enclosed within a heras fence.

The farm would be enclosed by weldmesh fencing buried 0.5m into the ground with electric fencing running around it at 0.5m and along the top.

The application has been revised since the initial submission. The red edge of the application site

has been amended to include a stretch of hedgerow on the adjacent site to the north. Reconsultation has been undertaken and an amended site plan erected.

The Local Planning Authority are also considering an application for a 20ft storage container on the adjacent site to the north (ref.17/02124/FUL). The storage container is to be used for agricultural purposes including, use a potting shed, for any first aid and shelter needs and for the storage of agricultural items and equipment.

2 Planning History

Reference	Proposal	Decision	Date
07/00649/FUL	Erection of boundary fencing, stables, hardstandings and use of land for grazing horses	Permitted	19/07/2007
10/01594/FUL	Construction of a barn for rabbit breeding and construction of 1 X Poly tunnel for trees, shrubs and plants	Refused	16/02/2011
11/00910/FUL	Construction of 2.4m high post and wire stock enclosure fencing for livestock	Refused	07/09/2011
14/01557/CLP	Two static caravan or log cabin ancillary to use on agricultural land	Withdrawn by Applicant	11/12/2014
16/01085/CLP	Installation of a caravan ancillary to the agricultural use of the land	Refused	16/12/2016
17/00431/CLP	Installation of a caravan ancillary to the agricultural use of the land	Refused	12/05/2017

3 Planning Policy

Decisions must be taken in accordance with the development plan policies below, unless material considerations indicate otherwise.

National Planning Policy Framework (2012)

Section 3 - Rural Economic Growth

Should be encouraged through sustainable growth and the expansion of business/ enterprise including sustainable rural tourism/leisure developments which respect the character of the countryside, via the conversion of existing buildings and well-designed new buildings. The retention and development of local services and community facilities should be promoted.

Section 6- Delivering a Wide Choice of High Quality Homes

Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.

Section 11 - Contamination

The site should be suitable for its intended use taking account of ground conditions, land stability and pollution arising from previous uses and any proposals for mitigation. After remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990.

Section 11 - Development on Agricultural Land

Where deemed necessary areas of poorer quality land should be used in preference to that of a higher quality.

Peterborough Core Strategy DPD (2011)

CS01 - Settlement Hierarchy and the Countryside

The location/ scale of new development should accord with the settlement hierarchy. Development in the countryside will be permitted only where key criteria are met.

CS14 - Transport

Promotes a reduction in the need to travel, sustainable transport, the Council's UK Environment Capital aspirations and development which would improve the quality of environments for residents.

CS16 - Urban Design and the Public Realm

Design should be of high quality, appropriate to the site and area, improve the public realm, address vulnerability to crime, be accessible to all users and not result in any unacceptable impact upon the amenities of neighbouring residents.

CS20 - Landscape Character

New development should be sensitive to the open countryside. Within the Landscape Character Areas development will only be permitted where specified criteria are met.

Peterborough Site Allocations DPD (2012)

SA04 - Village Envelopes

These are identified on the proposals map. Land outside of the village envelop is defined as open countryside.

Cambridgeshire & Peterborough Mineral and Waste Core Strategy DPD (2011)

CS26 - Mineral Safeguarding Areas

Development will only be permitted where it can be demonstrated that the mineral concerned is no longer of economic value, the mineral can be extracted prior to development taking place, the development will not inhibit extraction in the future, there is an overriding need for the development and prior extraction cannot be reasonably undertaken or the development is not incompatible.

Peterborough Planning Policies DPD (2012)

PP02 - Design Quality

Permission will only be granted for development which makes a positive contribution to the built and natural environment; does not have a detrimental effect on the character of the area; is sufficiently robust to withstand/adapt to climate change; and is designed for longevity.

PP03 - Impacts of New Development

Permission will not be granted for development which would result in an unacceptable loss of privacy, public and/or private green space or natural daylight; be overbearing or cause noise or other disturbance, odour or other pollution; fail to minimise opportunities for crime and disorder.

PP04 - Amenity Provision in New Residential Development

Proposals for new residential development should be designed and located to ensure that they provide for the needs of the future residents.

PP07 - Occupational Dwellings in the Countryside

Permission for a permanent dwelling will only be granted to enable an agricultural/forestry worker to live at or in the immediate vicinity of their place of work. Permission will not be granted for a new permanent dwelling in association with a proposed or newly established enterprise in the countryside.

PP12 - The Transport Implications of Development

Permission will only be granted if appropriate provision has been made for safe access by all user

groups and there would not be any unacceptable impact on the transportation network including highway safety.

PP13 - Parking Standards

Permission will only be granted if appropriate parking provision for all modes of transport is made in accordance with standards.

PP16 - The Landscaping and Biodiversity Implications of Development

Permission will only be granted for development which makes provision for the retention of trees and natural features which contribute significantly to the local landscape or biodiversity.

Peterborough Local Plan 2016 to 2036 (Proposed Submission Draft)

This document sets out the planning policies against which development will be assessed. It will bring together all the current Development Plan Documents into a single document. Consultation on this Proposed Submission version of the Local Plan will take place during January and February 2018 after which the responses will be reviewed ahead of submission to the Secretary of State.

This plan was approved Cabinet for consultation on 13 December 2017. It is, therefore, classified as an 'emerging plan'. Paragraph 216 of the National Planning states that decision makers may give weight to relevant policies in an emerging plan according to:-

- the stage of the Plan (the more advanced the plan, the more weight which can be given)
- the extent to which there are unresolved objections to the policies
- the degree of consistency between emerging policies and the framework.

The policies can be used alongside adopted policies in the decision making process, especially where the plan contains new policies. The amount of weight to be given to the emerging plan policies is a matter for the decision maker. At the final stage the weight to be given to the emerging plan is more substantial than at the earlier stages although the 'starting point' for decision making remains the adopted Local Plan.

Peterborough Design and Development in Selected Villages – SPD – Adopted 13 June 2011

SPD Policy – Barnack & Pilsgate

4 Consultations/Representations

PCC Minerals And Waste Officer (Policy) – Objection - The eastern part of the proposal site falls within a Minerals Safeguarding Area (MWS) (MW Policy CS26). Development within a MSA will only be permitted where it has been demonstrated to the Mineral Planning Authority that: the mineral concerned is no longer of any economic value or potential value, or the mineral can be extracted prior to the development taking place, or the development will not inhibit extraction if required in the future, or there is overriding need for the development and prior extraction cannot be reasonably undertaken, or the development is not incompatible. No information supports the application which suggests that the development should be permitted in accordance with MW policy CS26.

Archaeological Officer – No objection – The proposed development site is located in an area of archaeological importance, with particular reference to the presence of remains dating to the Roman period (a scheduled settlement is located to the north-east). On the basis of the available evidence the officer recommends a watching brief of all deep groundwork operations, depending on the method of construction and type of foundations. If no deep groundwork is proposed, there is no need to secure a programme of archaeological work

Lead Local Drainage Authority – No concerns

PCC Peterborough Highways Services – Objection – The vehicular visibility splays of 2.4m x 215m cannot be achieved because of the bends in the road. This is an issue because the proposed development constitutes an intensification of use in comparison to that which currently exists. The

Officer considers that the existing activity on the site is sporadic and looking at the vegetation growth in the access, very few vehicles appear to have used it in recent months. Compare this to a dwelling and building and it is clear that the access would be used more frequently.

There are concerns that refuse vehicles and so on would have to park on the carriageway near these blind bends on what is a fast rural road. The local highway authority therefore objects to the planning application as it poses a potential risk to highway safety contrary to policy PP12(b) of the Planning Policies DPD, adopted 2012.

No deliverable planning conditions can be suggested because unless the field boundary hedges are removed on both sides of the access and the road straightened out, the visibility simply cannot be achieved.

PCC Peterborough Highways Services Revised comments: - No objection - Further information has been supplied by the applicant to deal with the visibility issues with the access. Speed surveys have been carried out and the weekday 85th percentile speed for vehicles calculated at 47.8mph northbound and 46.1mph southbound. Using the calculations contained in the Design Manual for Roads and Bridges (DMRB) these speeds would result in the need for visibility splays along the road to be in the order of 130m in each direction.

To the north only 75m or so is available within the highway, in front of the hedge but to the south around 145m appears to be achievable. Based on the above figures the LHA accepts the availability of the southern visibility splay in the highway but the one to the north cannot be achieved unless the hedge in the field is cut back. If the applicant was to include this in the red line boundary then it would be possible to include a planning condition to require this hedgerow to be kept no higher than 600mm above the carriageway level.

Further to the submission of the amended plan including the hedgerow to the north the LHA raises no objections subject to conditions.

PCC Pollution Team - No objection – Further information was sought on details of waste disposal for the site, odour management and insect control. Following receipt of information based on the Granby site the EHO Officer considers that given the scale and the nature of the proposal the potential for issues are likely to be low and therefore the Officer would have no objection.

PCC Wildlife Officer – No objection – the proposed development would be unlikely to result in any adverse impacts to protected species or habitats.

Peterborough Cycling Forum – No comments to make

Environment Agency – The application falls outside of the scope of matters which the Environment Agency is a statutory consulted. Therefore the EA has no comments to make.

Natural England – Consultation Service – No comments to make on the application.

PCC Rights of Way Officer – No public rights of way concerns with this application.

Ramblers (Central Office) – No comments

Health & Safety Executive – Do not advise against development on safety grounds.

Cadent Gas – There is apparatus in the vicinity of the site which may be affected by the activities specified.

National Grid – No objection to the above proposal which is in close proximity to a High-Pressure Gas Pipeline.

Barnack Parish Council – Objection for the following reasons:

Consistency in decision making: This is the most recent of a series of applications made for this site. Barnack Parish Council views the present application as the last in a series of similar attempts and expects Peterborough City Council to apply the same standards as before when assessing the case. Previous permissions have been refused on grounds of its negative effect on the landscape and the unproven need for on-site accommodation for the effective operation of an agricultural enterprise. The Parish Council asserts that these two reasons still hold good.

Environmental (landscape and archaeological) considerations

One of the Core Principles of the National Planning Policy Framework is that planning should “take account of the different roles and character of different areas, recognising the intrinsic character and beauty of the countryside.” This is supported by the Barnack and Pilsgate Village Design Statement.

The hundreds of runs, spread over two acres, together with the two buildings, would form a large and obtrusive development. This would be visible from Uffington Road and also from the public footpath that runs on the high ground along the western boundary of the field. The applicant acknowledges that the site is visible from a public road or other public land (see answer to question 24 on the application form).

The location is totally inappropriate for such a development and therefore contrary to Peterborough City Council’s policy of protecting sensitive landscapes.

Archaeological implications and a watching brief is recommended.

The presence of hundreds of rabbits in outdoor runs will create smell and contamination

There is no need for on-site accommodation

There is doubt over the future of the proposed agricultural enterprise

Concern with access and creation of a traffic hazard

Barnack Parish Council on revised scheme - Objection for the following reasons:

Barnack Parish Council would like to draw your attention to information regarding the applicant’s existing business in Granby, which would appear to highlight the intention of obtaining permission for a residence rather than an essential building to support a legitimate business, or indeed whether there is a need for another site.

The Parish Council’s original comments still stand.

It is also not known whether the rabbits be slaughtered on the premises at Barnack, and what implications there may be to hygiene and human health risks?

The latest traffic survey took place during school holidays whilst the roads were icy, and as such is not a true reflection of traffic volume and speed. Within the next year work will commence on building 80 new properties two fields down from the site, so traffic volume will increase substantially on an already poorly maintained road. The landowner has recently cut down the hedgerows in line with Highways recommendations to 0.6m above road height which will have a detrimental impact on the views across the open countryside and will not screen unsightly containers and buildings. They are unlikely to be maintained at that low height.

Cllr Over – objection to proposal. Refer to committee if recommendation is for approval

Local Residents/Interested Parties

Initial consultations: 0

Total number of responses: 39

Total number of objections: 39

Total number in support: 0

20 letters of objection have been received since receipt of the revised information. Most have reiterated previous comments.

- As you will be aware this is the second application that the owner has made for a rabbit farm on this piece of land
- The site gets no attention until a planning application is submitted, then the whole site is tidied to make it look as if it is being farmed
- The site is not suitable for the construction of any buildings either agricultural or temporary wooden structures for housing
- No mention in the plans is made of waste disposal and concern regarding waste contamination of water supply and land
- The buildings and fencing would be visible not only from the road but also from the houses on Bainton Road, Uffington Road, Paynes Field etc
- The owner of this field is a developer, who purchased the land with the intention of using it for building. To allow a temporary dwelling to be built would automatically lead to a permanent house.
- Barnack is a part conservation village and the approaches to the village are most important.
- To create a septic tank for the house waste would certainly not be a temporary structure.
- The site is used as a vineyard so why is the rabbit farm being applied for?
- The rabbit farm is unethical with environmental and animal welfare implications
- The village road cannot take any more traffic
- Nothing seems to be happening with the land
- There was a sign up selling Christmas trees for a day or too, this caused traffic problems
- What is proposed for the agricultural building and why is it temporary?
- The site is on a curve in the road and is completely out of sight for motorists travelling in both directions
- Any vehicles entering and leaving the site would be out of sight to on coming vehicles
- Some years ago two vehicles did collide as a vehicle exiting the site drove into oncoming traffic
- The site is outside the village envelope and on prime agricultural land
- There are dwellings to rent in the village
- There is no drainage or electricity on this field
- A 20ft container, agricultural building and timber dwelling would be unsightly to the proposed housing estate making it difficult to sell homes
- The proposal would impact on the visual amenity of the area
- We chose to live here to be surrounded by fields
- The smell from the farm will be disturbing throughout the year
- There will be noise and disturbance
- Intense farming goes against our values and we would not have lived here had we of known this sort of application would be considered
- We should be protecting our greenfields and not allow money making developers to move in and take advantage
- The lane is a short cut between two b class roads not designed to deal with the level of traffic
- This will create a road safety hazard
- Health hazard and pollution concerns
- It will affect water supply
- There would be rats and mice, flies, smell
- Where will the dirty bedding be stored and how often will it be removed?
- How many rabbits are legally allowed in a pen?
- What provision has been made for dead rabbits?
- Rabbits being bred for food will cause many children distress
- When and where are the rabbits going to be slaughtered?
- Is the proposed temporary dwelling going to be a slaughterhouse?
- Rabbits should be allowed to wonder free
- The speed restrictions of 30 mph is ignored

- The proposal will result in more lorries through Barnack, the narrow bridge near Copshill school will eventually collapse.
- The development will ruin the intrinsic character and beauty of the area
- Poses risk of small contamination and disease
- This is another attempt to find a way of developing land for housing outside village
- Not compatible with local farming and business activities
- The idea of changing the character of greenfield land in this manner is hideous
- I agree with the objections raised by the Parish Council
- This will end up like the stables at Helpston
- If animal rights groups find it they may let rabbits out and we will be overrun by them
- You do not take any notice of what local people say
- Despite the recent Gladman application this is a rural village and should be protected
- The applicant has made at least 7 applications for supporting a business, there has never been any credible attempt to operate a viable agricultural business.
- The applicant owns several similar sites across the country – one is in the village of Granby where they obtained planning permission and are now marketing it as a business opportunity.
- The site at Barnack is purely to uplift the value of land to sell it on
- There is no mention of waste disposal
- The proposed number of rabbits will create an unmanageable number of rabbits in a short space of time
- We request proof of the ownership of additional land on the revised plan
- There has been little activity on this land – where is the nursery?
- New houses are being built 270m from the site
- The Agricultural Consultant did not visit the site, had he done so he would have seen the unsuitable nature of the site
- The cutting back of the hedgerow to 600mm would have considerable impact on the landscape and the development would be obvious.
- The highway information is at odds with the former highway advice which stated that visibility could not be achieved.

18 letters of objection were received following the initial consultation raising the following issues:

- Supports the Parish Council's response.
- The proposal would bring additional traffic to the area
- Narrow road with blind bends already very busy
- This is a busy road used as a short cut.
- There would be a dangerous and significant road safety hazard by vehicles accessing and egressing the site
- The road is not fit for purpose for additional agricultural vehicles
- There will be impact on pedestrians and traffic particularly with the new residential development
- Is there a need for a building?
- It is a totally inappropriate development on what is considered to be prime arable land
- It would have a detrimental impact on the environment of a Conservation village
- There is potential for disruption to nearby dwellings (from smell and potential contamination)
- Concern that the Rabbit Farm will attract vermin
- Object to the breeding of animals on such a large scale.
- I have strong ethical and moral objections to having a factory farm on my doorstep – What are the rabbits going to be used for?
- There are no EU standards for the protection of rabbits, many of whom are kept in battery cages, which limits their freedom to roam.' ‘
- As of 2017, there are no 'approved' rabbit breeding farms or slaughter facilities for human consumption registered with the Food Standards Agency and only one approved facility for pet food use.'

- There is certainly no need for this here with many villages and towns in close proximity.
- The caravan is also unsuitable to house farm equipment or needed for any other intended purpose.
- Residential dwellings or rabbit farms are likely to be the intended final outcome both of which are totally unsuitable.
- Residential dwellings would further spoil the beautiful countryside here and set a precedent for other local land owners.
- This countryside between Peterborough and Stamford needs saving
- The applicant appears to have a history of speculative applications across the UK
- There would be no benefit to the local area
- There is no evidence that the type of rabbit farming the applicant is experimenting with at Granby is successful, and is not a model pursued across Europe.
- It seems that an underlying agenda may be the extremely profitable sale of the land for building.
- In the nearby village of Helpston, an agricultural building and caravan associated with horse paddocks has become a house. The building is described as 'temporary'
- It is not clear that the business is a viable one.
- Evidence from this site and other sites owned by the applicant have shown a succession of ideas and businesses, many of which have not been pursued properly, leaving a mess in the countryside.
- The range of documents submitted are designed to bamboozle. It is an approach which was taken by Gladman Ltd and which Peterborough City Council proved unprepared for during the appeal. I am sure the Council will be better ready for any appeal made by the applicant given this experience
- This is in an overlooked area of open countryside, and the various models of rabbit pen used by the applicant at Granby are all highly visible, particularly the most recent, the small aluminium sheeting
- Barnack is becoming bombarded with excessive planning permission requests that are eroding the unique village environment and benefiting just one person, the land owner.
- The fertile farm land is being treated as a commodity and investment for land owners rather than seen as an important part of the cultural set up of an historical village.
- The Gladmans proposal should never have been granted and without protection the village is threatened. Please protect the village
- I did not receive any notification of your extraordinary meeting concerning the proposed rabbit farm 300 metres along the road from the last house which is very near me.
- a large number of breeding does and their offspring in captivity will be offensive to adults and most distressing to all the local children
- Problems will arise from the septic tank leading to the contamination of the existing natural drainage of the area.
- The opposition to such a situation would have been apparent at the meeting had all those in the locality been properly notified of the extraordinary meeting.
- This is farm land and when we are out of the common market there will be a need for farm land
- Mr Kerry is currently in breach of an order to remove a derelict trailer from the site. An indication of Mr Kerry's disregard for orders and regulations.
- Will the proposed Animal Welfare and Environmental controls be observed – Doubtful.
- The planning officer will confirm the site does not have the benefit of an existing access. There is not visible sign of use.
- What are the proposed use of the buildings indicated in the application?
- Will any meat processing take place on the site?.
- Are satisfactory proposals declared in the application to ensure Animal Welfare and continued Husbandry of the Animals. If not Animal Rights Activists may well show an interest and presents on site.
- The proposed application must adequately address important Environmental matters i.e. smells, nuisance, pollution, insect infestation, animal waste storage and disposal of dead Rabbits.
- A site notice is not sufficient to advertise the proposal. Most residents were unaware of the

application

- Any buildings on the site, and the proposed fence (or wall) would be an eyesore,
- We understand that there was a similar application in 2010/11, which was rejected.
- The land was purchased with the intention of using it for a building. This will inevitably change the greenfield site to a brownfield site
- We believe that the proposer wishes to put 2,000 rabbits on the site this will create an unmanageable number of rabbits in a very short time.
- There are no services on the land and a septic tank would need to be emptied by another large vehicle.
- If this application were to be approved it would make a mockery of our planning system which is intended to protect the open countryside from this type of development.
- The proposal would set an unwelcome precedent which could open the floodgates for any person that happens to own a field to do exactly the same.
- As a former property developer myself I am obviously not opposed to change and property development. I would just like to see it carried out within the village settlement area and be sympathetic to the local architecture
- This application is a blatant and cynical attempt to flout planning laws. The long-term objective is to convert the use of this field to residential development – and the Gladmans application has simply given this applicant ammunition to pursue yet again.
- It has been partially planted with trees and these together with the rough grass receive no attention, until a planning application is submitted, then the whole site is tidied to make it look as if it is being farmed
- Waste running from the field would run on to the verge where the ditch was filled in when a second entrance was constructed without planning permission
- To have livestock on this site would involve feed being delivered and goods being taken from the site. The Uffington Road is a narrow country lane. It is unsuitable for lorry traffic or large delivery vans
- To allow a temporary dwelling to be built would automatically lead to a permanent house or houses to be built as a replacement in the future.
- This same scenario took place in Helpston some years ago, where stables were built outside the building envelope. I, personally, do not want this mistake to be repeated in Barnack

5 Assessment of the planning issues

Background

The site has been the subject of a number of former planning applications as follows:

07/00649/FUL - 'Erection of boundary fencing, stables, hardstandings and use of land for grazing horses' – Approved on 19th July 2007

10/01594/FUL - 'Construction of a barn for rabbit breeding and construction of a poly tunnel for trees, shrubs and plants' which was refused by Members of the Planning and Environmental Protection Committee in 2010 (ref. 10/01594/FUL). The application was refused for the following reasons:

1. The applicant has provided insufficient information to demonstrate that the proposal is essential to the effective operation of local agriculture and therefore the proposal is contrary to Policy LNE1 of the Peterborough Local Plan (First Replacement) – Adopted 2005.
2. The proposal would result in the loss of Grade 2 and 3 agricultural land and therefore the proposal is contrary to the provisions of Policy LNE3 of the Peterborough Local Plan (First Replacement) – Adopted 2005, which seeks to protect such categories of agricultural land from development.

3. The proposal (located in the Area of Best Landscape defined in Peterborough Local Plan (First Replacement) – Adopted 2005), involves the construction of buildings in an open landscape setting, characterised by long and wide views, isolated from any other buildings that would normally be associated with an agricultural / livestock / horticultural operation. In the case of the rabbit breeding barn, the structure is of substantial dimensions. The proposal is therefore contrary to Policy LNE5 as it fails to:

- a) respect local building forms
- b) reflect the distinctive landscape features
- c) safeguard important views
- d) be sympathetic to the local topography

11/00910/FUL - 'Construction of 2.4m high post and wire stock enclosure fencing for livestock' – Refused 9th September 2011 for the following reason:

The proposed enclosures will have the appearance of solid structures and by virtue of mass, density and appearance the enclosures will be at odds with the attractive character of the landscape. A proposed landscaping scheme would fail to mitigate the visual harm on the landscape, and as such the proposal is contrary to Policies CS16 and CS20 of the Peterborough Core Strategy DPD (2011), PPS1 (2005) and PPS7 (2004).

Two further applications for a Certificate of Lawful Use were considered for the 'Installation of a caravan ancillary to the agricultural use of the land' ref. 16/01085/CLP and 17/00431/CLP; both applications were refused for the following reason:

The scale of the proposed caravan would not be proportionate to the level of agricultural use which is currently taking place on site. Notwithstanding the details within the application the site does not contain a Vineyard, fruit trees or Willow trees that would justify the need for the scale of storage provision or shelter for staff as proposed. For these reasons the siting of a caravan would not be lawful development in accordance with Section 55 (2) (e) of the Town and Country Planning Act 1990 (as amended) and the Certificate of Lawfulness is deemed to fail.

Current Proposal

The application is supported by an Appraisal undertaken by 'Reading Agricultural Consultants (RAC)' which provides background information.

The application site was purchased in 2007 by BCH UK Ltd, a company owned by Phil Kerry 'the applicant' who has business interests in quarrying, vineyards and tree & shrub nurseries. The applicant has a similar enterprise at Granby, Nottinghamshire which has been operating for the past few years. This site was granted planning permission at appeal.

This is an outdoor system of keeping rabbits for meat production and with other outlets such as pelt production and pet sales, and utilising techniques used on the continent. The appraisal states that outdoor rabbit production is less developed in this country where rabbits for meat production have traditionally been kept intensively and where breeding does are housed in a system of indoor cages. Rabbit meat has fluctuated in popularity over the years. The proposed business model for the application is based on that used at Granby.

The RAC Appraisal states that many such businesses fail due to underestimating the husbandry requirements and the need for good stockmanship. This is highlighted in the welfare code for Rabbits which states that "...rabbits are animals which need individual and frequent attention" and that "...it is essential that the stockman should watch for signs of distress or disease and take prompt remedial action." The code advises, inter alia, that at least one responsible member of staff should always be available to take the necessary (emergency) action.

It is proposed that whilst each doe can produce up to 10 litters over a 12-month period, at Barnack

this would be managed much more conservatively, with only 6 litters per annum which will be considerably less demanding on the doe, and with an expectation of 9 kits born per litter. There will, however, be almost constant process of mating, gestation, parturition and recovery (dry period) for each female animal, and a 16-week rearing phase for the progeny.

It is stated that crucial elements of the productive cycle always occur at night or at anti-social hours, particularly kitting (the name given to the birthing process). One of the key requirements is to ensure the doe and the kits are “in the right place” immediately after kitting. In commercial set-ups it is often the case that the doe will give birth outside the nest area and to optimise performance (and minimise mortality) there is a need to place the young with the doe inside the nest area. This ensures that the doe is secure; will minimise her stress and thence auto-consumption of kittens; and should improve uptake of colostrum and milk. Living off-site renders this simple activity almost impossible, especially on a commercial unit with 300 does likely to give birth throughout the year, every day.

The need, or otherwise, for temporary accommodation was assessed at the appeal for the enterprise at Granby. The Inspector reported: *“Turning to the proposed rabbit breeding enterprise, the RAC statement refers to the Welfare Code for Rabbits in support of the need for a relevant stockman who is readily available at most times. The statement indicates that the proposed 300 doe unit would require labour in excess of one fulltime worker, based on the standard data for conventional caged systems, with the free range enterprise being likely to have a greater requirement. It suggests that it would be essential that someone would be readily available at most times to manage the enterprise, specifically with regard to the birthing process, the health and well-being of the stock, security, the management of predators and contact with customers.*

*The appellant has referred to the other free range rabbit rearing business in support of the need, which he has indicated is a similar scale to the proposed enterprise and has been granted planning permission for a log cabin on site. The appellant has claimed that this business has reduced the losses from 25% to 10% following the on-site occupation, which has enabled kittens that have been born outside during the night to be taken into the hutches. At the hearing, the Council’s independent expert queried whether this would be acceptable, but no substantive evidence has been provided to show that this has not been the case. The Council’s independent expert’s desktop agricultural appraisal accepts that, if the enterprise is developed as proposed, it may be able to pass the functional test, subject to that need being fulfilled by another existing accommodation in the area. Whilst this is based on the progeny being finished intensively in the permitted agricultural building, which the appellant has claimed would not be the case, the appraisal gives limited evidence to show that such a functional need would not exist. **Therefore, based on the above, I find that there would be a functional need for a rural worker to live permanently at or near the business”***

The breeding rabbits are shut-up during the period immediately prior to giving birth but are otherwise able to access outdoor grazing pens, which are utilised in rotation. This is a modern variant of a husbandry system used in parts of Europe whereby the rearing phase is undertaken in ‘plein-air’ conditions, and has been successfully trialled and developed at Granby (Nottinghamshire).

The proposal states that the enterprise will require and sustain a full-time worker employed by BCH UK Ltd and there is an essential need for staff to live on site to provide for the welfare and security of the rabbits.

The principle of development

Policy CS1 of the Adopted Peterborough Core Strategy restricts development in the open countryside to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation and so on. Rabbit farming is an agricultural practise and therefore the principle of the rabbit farm per se would accord with policy CS1 and in itself would not require the benefit of planning permission.

The proposal seeks permission for the erection of a temporary dwelling, agricultural building and associated structures, including fencing. The main consideration with the proposal is the siting of

the temporary dwelling.

Policy PP7 of the Peterborough Planning Policies Development Plan Document (DPD) 2012 permits agricultural dwellings, permanent or temporary, in the countryside subject to meeting certain requirements. The final part of Policy PP7 states that 'Planning permission will not be granted for a new permanent dwelling in association with a proposed or newly established enterprise in the countryside. In such cases, if a functional need is demonstrated, there is clear evidence of a firm intention and ability to develop the enterprise and there is clear evidence that the enterprise has been planned on a sound financial basis, permission may be granted on a temporary basis for no more than three years for a caravan, mobile home or wooden structure which can easily be dismantled.'

In addition, the National Planning Policy Framework (NPPF) at paragraph 55 states that local planning authorities should avoid isolated new homes in the countryside, unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside. Paragraph 28 of the Framework states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development, and supporting the sustainable growth and expansion of all types of business and enterprise.

The NPPF contains no guidance on how to determine essential need for a rural worker to live at or near a site. However, Annex A to Planning Policy Statement 7: Sustainable Development in Rural Areas (PPS7) (although cancelled by the NPPF) sets out a useful, tried and tested methodology for assessing whether there is an essential need for a rural worker's dwelling on a holding and is considered to be a useful tool in seeking to establish whether a temporary dwelling is justified.

Peterborough City Council sought the services of an Agricultural Consultant to advise on this proposal as it is a specialist area.

Functional need

The applicant operates a free range rabbit breeding enterprise at Barnstone Lane, Granby, Nottinghamshire. Planning permissions for both a temporary dwelling and later permanent dwelling were allowed at appeal. In determining the appeal the Inspector concluded that there would be a functional need for a rural worker to live permanently at or near the business specifically with regard to the birthing process, the health and well-being of the stock, security and the management of predators. During the appeal the appellant referred to other free-range rabbit rearing businesses in support of the need. The appellant set out that similar businesses reduced losses from 25% to 10% following the on-site occupation, which enabled kittens born outside during the night to be taken into the hutches.

It is noted that in a number of cases that it has been argued that this could be addressed through the use of the CCTV rather than on site occupation. However, the Inspector at the Barnstone Lane appeal concluded that whilst it was accepted that security could be improved by the use of CCTV, alarms and more substantial boundary treatment, even with these improvements, the proven need to attend to the rabbits on a regular basis at unsocial hours would require a presence nearer the site.

The application states that an online search was carried out on 26th May 2017 to identify whether there was any available housing near to the site. This revealed there were no existing dwellings within the immediate vicinity of the site which are presently suitable and available for occupation by the applicant. The nearest property was located over 0.5km from the site and was valued at £495,000. The closest rental property identified was over 5km from the site and would cost £525 per calendar month (equivalent to £6,300 per annum). A search of the Council website was also carried out, on the 26th May 2017, to identify if there were any rural workers dwelling in the immediate vicinity. One such dwelling was identified but is not available.

The Council's Consultant advises that two aspects of the functional test need to be considered; the husbandry aspects; that is a regime that provides for the efficient welfare of the livestock so that they thrive and produce a profit; and the legal requirements of an animal keeper to comply with the animal welfare codes and thus the law. Where codes are not followed, that can be evidence in a case for neglect or cruelty.

It could be argued that an outdoor system is more likely to satisfy animal welfare requirements than a more intensive cage-based indoor system, as being nearer the rabbits' natural environment. Likewise, allowing rabbits to graze as part of their diet in line with their natural digestive system. However, more labour and management is involved. Each doe must be constantly monitored, to note physical changes as it approaches parturition and any signs of disease or other problems. If conditions are not appropriate, rabbit mothers can eat their offspring. Strict monitoring of progeny as they grow is similarly essential and this could not be done satisfactorily during only normal working hours.

The Consultant agrees with section 4 of the RAC's statement dealing with animal husbandry and welfare factors. There are also bio-security factors to consider. The Consultants view is that without a person available on site at most times it would not be possible to keep out determined unwelcome visitors; this included visitors who might bring in or spread disease, i.e. proper bio-security. A human presence on site out of working hours is the best deterrent.

The Consultant considered that the animal husbandry requirements, compliance with the animal welfare codes and security can only be satisfied adequately by the presence of someone on site, or living close by the entrance. Surveillance by camera would not meet these requirements.

The Consultant goes on to state that the 2 Inspectors agreed that there was a functional need at the similar enterprise at Granby.

It is the Consultant's view that the functional need could only be fulfilled by a dwelling on site or close to the premises and therefore houses in the village are too far away.

Financial

The business plan for Barnack is based on a model that has been developed at Granby. The Council's Consultant considers the plan to be comprehensive. The main consideration when evaluating the business plans is whether the projected net profit at the end of year 3 will show the business can fund the new permanent dwelling after all costs, including labour if the person being housed is an employee. In this case, net profit is indicated at over £56,000. If one amortises the erection cost of the permeant dwelling over 25 years and at 5%, assuming a fairly modest dwelling of, say 150 m², an annual sum of around £12,000 would be needed; easily found from the profit indicated.

Business plans can only be a theoretical exercise; circumstances such as the markets can change over the course of a plan; and factors such as disease can throw a plan off course. The submitted business plan for this application is based on a similar enterprise which has proved successful. The Council's Consultant therefore agrees that the proposal is planned on a sound financial basis.

Therefore the proposal for a temporary agricultural worker's dwelling would accord with policy PP7 of the Adopted Peterborough Planning Policies DPD and section 6 of the NPPF because both tests are met.

It is acknowledged that the Parish Council has provided information regarding the enterprise at Granby being marketed and concerns that this proposal is purely an exercise to ultimately enable development in the open countryside. The case officer has raised this issue with the agent however, at the time of writing the report no response has been received. This information can be provided as an update to Members.

It should be noted that the site at Granby is being advertised as a '*Rabbit Farm with Planning for Detached House £300,000*' and as '*going concern Rabbit Farm with consent for a detached brick build farmhouse and connecting barn. The land could continue to operate as a Rabbit Farm or there is potential for any agricultural based business to operate from the location*' therefore the use of the land is in accordance with the planning permission and conditions attached thereto.

If Members are minded to approve the application it would be a temporary permission for three years. At that time, in accordance with policy PP7 of the Adopted Peterborough Planning Policies DPD, the applicant will need to demonstrate that the unit has been established for at least three years, been profitable for at least one of them, is financially sound and where there is a clear prospect of it remaining so in order to get a permanent dwelling.

Highway Implications

The application site would be accessed from an existing access point off Uffington Road. The Local Highways Officer has visited the site and advised that the required vehicular visibility splays of 2.4m x 215m cannot be achieved because of the bends in the road. Whilst this is an existing access it is considered that the proposal would constitute an intensification of use in comparison to that which currently exists. The activity on site is sporadic and looking at the vegetation growth in the access, very few vehicles appear to have used it in recent months. In comparison with the proposed use of the site comprising an agricultural building and dwelling the access would be used more frequently.

In addition, the use would generate more visitors to the site for example refuse collection vehicles, whereby the crew would be put at risk by being on the carriageway near these blind bends on what appears to be a fast rural road.

The LHA's recommendation was to refuse the application due to lack of visibility and subsequent highway implications. The applicant questioned the reason for refusal on highway grounds as the proposal would be an agricultural use. The applicant had also suggested that there would be sufficient land to provide a layby or pull off point for refuse vehicles and so on.

Further information has been submitted by the applicant to demonstrate the available visibility splays at the point of access. Speed surveys have been undertaken and the weekday 85th percentile speed for vehicles calculated at 47.8mph northbound and 46.1mph southbound. Based on the calculations contained in the Design Manual for Roads and Bridges (DMRB) these speeds would result in the need for visibility splays along the road to be in the order of 130m in each direction.

To the north only 75m or so is available within the highway, in front of the hedge but to the south around 145m appears to be achievable. Based on the above figures the LHA accepts the availability of the southern visibility splay in the highway, however the visibility to the north could not be achieved without cutting back the hedgerow to an adjacent land to the north.

A revised red line boundary plan has been submitted and notice has been served. This will enable a condition to be appended on any grant of planning permission to ensure the hedgerow to the north is kept no higher than 600mm above the carriageway level.

Based on this revised plan it is considered that the proposal would not unduly impact upon the safety of the users of the adjacent highway and the proposal would accord with policy PP12(b) of the Adopted Peterborough Planning Policies DPD. The LHA has removed its objection.

Minerals and Waste

The eastern part of the proposal site falls within a Minerals Safeguarding Area (MW Policy CS26). Development within a MSA will only be permitted where it has been demonstrated to the Mineral Planning Authority that the mineral concerned is no longer of any economic value, or the mineral can be extracted prior to the development, or the development will not inhibit extraction if required in the

future, or 4. There is overriding need for the development and prior extraction cannot be reasonably undertaken, or the development is not incompatible.

No information supports the application to suggest the development would be compliant with policy CS26.

A key consideration when dwellings are proposed within a MSA is the sterilisation of surrounding minerals due to the need for appropriate stand-offs, not just the resource within the footprint of the proposed building. It is accepted that the proposal is for a temporary dwelling and therefore this would not form a reason for refusal of the application currently under consideration. However the applicant has been advised that in the event that an application is submitted for a permanent dwelling, the objection would need to be addressed.

Odour

The Environmental Health (Pollution) Officer requested information regarding waste disposal at the site, odour management and insect control to demonstrate that the proposal would not adversely affect amenity.

The applicant has advised that the unit at Barnack is intended to be similar to the unit at Granby. All rabbits are kept outdoors. The faeces and urine produced is deposited on to the grass in the same manner as other types of farm animal. Rabbit waste is odourless unlike other farm animals. It is also known as cold waste as opposed to hot waste associated with cows, pigs, sheep etc. The Granby unit has been established since 2011 and at no time have complaints been received in connection with odour, insects or vermin.

Unlike other farm animal waste, rabbit droppings have no need to compost and will fertilise immediately. The waste is therefore an excellent organic fertilizer.

The process does not attract insects or vermin. Waste and carcasses are kept in sealed bins and disposed of regularly by a licenced commercial operator.

In response to the information provided by the applicant, given the scale and nature of the proposal the EHO Officer raises no objection and the potential for issues regulated by this Section is very low.

Archaeology

The proposed development site is located in an area of archaeological importance, with particular reference to the presence of remains dating to the Roman period (a scheduled settlement is located to the north-east). On the basis of the available evidence the Archaeologist recommends a watching brief of all deep groundwork operations, depending on the method of construction and type of foundations. These details would be secured by condition.

Ecology

The Wildlife Officer considers that the proposed development would be unlikely to result in any adverse impacts to protected species or habitats and raises no objection.

Natural England do not wish to comment on the application.

Design and Visual Amenity

It is considered that the scale of the buildings are commensurate to the proposed use and the materials would be appropriate for the open countryside setting. The proposal would not unduly impact on the character and appearance of the area and would accord with policy CS16 of the PCS and PP2 of the Adopted Peterborough Planning Policies DPD.

Neighbouring Amenity

The site is located some 270m to the north of the nearest residential dwellings in Uffington Road. Therefore it is not considered that the proposal would impact on the amenity of the occupiers of these dwellings and would accord with policy PP3 of the Adopted Peterborough Planning Policies DPD and policy CS16 of the Adopted Peterborough Core Strategy DPD.

Landscape Character

The site falls within a landscape character area. The proposal buildings would be located close to the Uffington Road and views into the site are precluded by dense hedgerow and vegetation. The proposal is for an agricultural building of modest height and a timber dwelling. Whilst it is accepted that there will be views of the buildings particularly during the winter months the buildings are not untypical of agricultural buildings found in the open countryside. The proposed weldmesh fencing around the perimeter, subject to colour, would assimilate with the rural setting and would not have a hard boundary finish. It is therefore not considered that the proposal would result in an adverse impact on the landscape character surrounding the site and would comply with policies CS16 and CS20 of the Adopted Peterborough Core Strategy DPD.

6 Conclusions

Subject to the imposition of the attached conditions, the proposal is acceptable having been assessed in the light of all material considerations, including weighing against relevant policies of the development plan and specifically:

- the proposal has been assessed against the criteria under Annex A to the former PPS7.
- the functional need for a temporary agricultural dwelling is accepted and the business has been planned on a sound financial basis.
- the scale and design of the proposed agricultural building and the temporary dwelling would be in keeping with the proposal agricultural use of the site.
- the proposal has demonstrated a safe and convenient access can be provided

The proposal therefore accords with policies, PP2, PP7, PP12 and PP13 of the Adopted Peterborough Planning Policies DPD, policy CS16, CS17 and CS20 of the Adopted Peterborough Core Strategy and section 6 of the National Planning Policy Framework.

7 Recommendation

The Director of Growth and Regeneration recommends that Planning Permission is **GRANTED** subject to the following conditions:

- C 1 The mobile/temporary dwelling hereby approved shall be removed and the land restored to its former condition (grassland) on or before 31st March 2021 in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to safeguard the character and appearance of the open countryside and in accordance with policy PP7 of the Adopted Peterborough Planning Policies DPD.

- C 2 The occupation of the dwelling shall be limited to a person solely employed in the Rabbit Farm as situated on the land edged red on the location plan drg. ref. SC/BCH/01 Rev A, or a widow or widower of such a person and any resident dependants.

Reason: In order to safeguard the character and appearance of the open countryside and in accordance with policy PP7 of the Adopted Peterborough Planning Policies DPD.

- C 3 No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to, and approved by, the local planning authority in writing. The scheme shall a watching brief of all deep groundwork operations. No demolition/development shall take place unless in complete accordance with the approved scheme. The approved scheme shall be implemented in full including any post development requirements e.g. archiving and submission of final reports.

Reason: To secure the obligation on the planning applicant or developer to mitigate the impact of their scheme on the historic environment when preservation in situ is not possible, in accordance with paragraphs 128 and 141 of the National Planning Policy Framework (2012), Policy CS17 of the Peterborough Core Strategy DPD (2011) and Policy PP17 of the Peterborough Planning Policies DPD (2012). This is a pre-commencement condition because archaeological investigations will be required to be carried out before development begins.

- C 4 Prior to commencement of development details of the proposed access off Uffington Road as shown on the approved drawing ref SC/BCH/03 shall be submitted to and approved in writing by the Local Planning Authority. No part of the development shall be brought into use until the access has been implemented in accordance with the approved details. The access shall be retained as such thereafter.

Reason: In the interest of highway safety in accordance with policy PP12 of the adopted Planning Policies DPD (2012).

- C 5 The visibility splays to the north and south of the site access where it meets the public highway shall be provided across the land edged in red in accordance with drawing number SC/BCH/01 Rev A prior to the first occupation of the development.

For the avoidance of doubt these splay lines shall measure 2.4 metres along the centre line of the proposed access from its junction with the channel line of the public highway and 215m metres to the north and 154m to the south measured along the channel line of the public highway from the centre line of the proposed access road. The visibility splays shall thereafter be retained and kept permanently clear of all obstacles above 600mm in height.

Reason: In the interest of highway safety in accordance with policy PP12 of the adopted Planning Policies DPD (2012).

- C 6 Temporary facilities shall be provided clear of the public highway for the parking, turning, loading and unloading of all vehicles visiting the site during the construction period.

Reason: In the interests of highway safety in accordance with policy PP12 of the adopted Planning Policies DPD.

- C 7 No development other than groundworks and foundations shall take place until details of the materials to be used in the external elevations of the agricultural building and temporary

timber dwelling have been submitted to and approved in writing by the Local Planning Authority. The details submitted for approval shall include the name of the manufacturer, the product type, colour (using BS4800) and reference number. The development shall not be carried out except in accordance with the approved details.

Reason: For the Local Planning Authority to ensure a satisfactory external appearance, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP2 of the Peterborough Planning Policies DPD (2012).

- C 8 Prior to the rabbit farm being brought into use the details of the style, height, material and colour of all boundary treatment to be erected within the shall be submitted to an approved in writing by the Local Planning Authority. These shall be erected in accordance with the approved details prior to the rabbit farm use commencing.

Reason: In order to protect and safeguard the amenities of the adjoining occupiers, in accordance with Policy CS16 of the Peterborough Core Strategy DPD (2011) and Policy PP3 of the Peterborough Planning Policies DPD (2012).

- C 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or any subsequent revisions to this, the agricultural building will be used solely in connection with the agricultural use of the site and shall not be used for residential accommodation.

Reason: In order to safeguard the character and appearance of the open countryside and in accordance with policy PP7 of the Adopted Peterborough Planning Policies DPD and policy CS1 of the Adopted Peterborough Core Strategy DPD.

- C10 The development hereby approved shall be implemented in accordance with the following approved plans:

- Location Plan drg. no. SC/BCH/01 Rev A
- Proposed Block Plan drg. no. SC/BCH/03
- Plans and Elevations – Agricultural Building drg. no. SC/BCH/05
- Plans and Elevations – Timber Cabin drg. no. SC/BCH/04

Reason: For the avoidance of doubt and in the interests of proper planning.

Copy to Cllr David Over

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