

11/00910/FUL: 2.4M HIGH POST AND WIRE STOCK ENCLOSURE FENCING AT RABBIT FARM at LAND TO THE WEST OF UFFINGTON ROAD, BARNACK, STAMFORD

VALID: 23<sup>RD</sup> JUNE 2011

APPLICANT: MR P KERRY

AGENT: N/A

REFERRED BY: BARNACK PARISH COUNCIL

REASON: HIGHWAY SAFETY, VISUAL AMENITY OF THE AREA, NUISANCE AND HEALTH HAZARD TO NEARBY RESIDENTIAL.

DEPARTURE: NO

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## **1 SUMMARY/OUTLINE OF THE MAIN ISSUES**

The main considerations are:

- Impact on Landscape Character
- Impact to Neighbour Amenity

The Head of Planning, Transport and Engineering Services recommends that the application is **REFUSED**.

## **2 PLANNING POLICY**

In order to comply with section 38(6) of the Planning and Compulsory Purchase Act 2004 decisions must be taken in accordance with the development plan policies set out below, unless material considerations indicate otherwise.

### **Peterborough Core Strategy DPD (2011)**

**CS14 Highways:** New development in Peterborough will be required to ensure that appropriate provision is made and does not result in a Highway Safety Hazard

**CS16 Urban Design and the Public Realm:** New development should respond appropriately to the particular character of the site and its surroundings, using innovative design solutions where appropriate; make the most efficient use of land; enhance local distinctiveness through the size and arrangement of development plots, the position, orientation, proportion, scale and massing of buildings and the arrangement of spaces between them; and make use of appropriate materials and architectural features.

**CS20 Landscape Character:** states new development in and adjoining the countryside should be located and designed in a way that is sensitive to its landscape setting, retaining and enhancing the distinctive qualities of the landscape character area and sub area in which it would be situated.

**CS21 Biodiversity and Geological Conservation:** The City Council, working in partnership with all relevant stakeholders, will conserve, enhance and promote the biodiversity and geological interest of the area.

### **Peterborough Local Plan (First Replacement) (2005)**

**LNE1 Development in the Countryside:** Development in the countryside will be restricted to that which is demonstrably essential to the effective operation of local agriculture, horticulture, forestry, outdoor recreation or public utility services.

**LNE9 Landscaping Implications of Development Proposals:** Development should ensure provision and retention of landscape and ecological features of value, should provide new tree, shrub and hedgerow planting suitable for the location and protect and manage existing landscape features during and after construction, including replacement of trees or plants.

Government Policy/Advice

**Draft National Planning Policy Framework (DNPPF) (2011)**

Paragraph 10 of the Framework sets out the three key principles underpinning planning on a national level; these three components should be pursued in an integrated way, looking for solutions which deliver multiple goals. These are;

- Planning for prosperity (an economic role);
- Planning for people (a social role); and
- Planning for places (an environmental role).

**Planning Policy Statement (PPS) 1: Delivering Sustainable Development**

Planning should facilitate and promote sustainable and inclusive patterns of urban and rural development.

**Planning Policy Statement 7: Sustainable Development in Rural Areas**

The Governments objective is to promote sustainable, diverse and adaptable agriculture sectors where farming achieves high environmental standards, minimises impact on natural resources, and manages valued landscapes and biodiversity; contributes both directly and indirectly to rural economic diversity; is itself competitive and profitable; and provides high quality products that the public wants.

**3 DESCRIPTION OF PROPOSAL**

The proposal seeks permission to erect 7 stock enclosures. The enclosures will each be 2.4m high. Whilst each enclosure does not have a traditional roof, wires (with balls affixed to keep birds away) are strung parallel to each other every 2m to form a semi open wire roof. The enclosures have capacity to hold 900 rabbits.

**4 DESCRIPTION OF SITE AND SURROUNDINGS**

The site comprises a field situated in open countryside with a width of 100m and depth of 350m. The field is set at the beginning of a rise in the landscape, with the lowest part of the field adjoining Uffington Road. Currently there are two small access points through the hedged boundary to the road.

The site is situated in excess of 250m North-West from the edge of Barnack Village.

**5 PLANNING HISTORY**

Application Number	Description	Date	Decision
07/00649/FUL	Erection of boundary fencing, stables, hardstandings and use of land for grazing horses	19/7/2007	APPROVED
10/01594/FUL	Construction of a barn for rabbit breeding and construction of 1 X Poly tunnel for trees, shrubs and plants	17/2/2011	REFUSED

**INTERNAL**

**Highways** – No objection - The proposal does not amend the existing access and it is unlikely to generate a significant increase in vehicle movements.

**Natural England** – No objection - This application is in close proximity to Barnack Hills and Holes SSSI. However, given the nature and scale of this proposal, Natural England raises no objection to the proposal being carried out according to the terms and conditions of the application and submitted plans on account of the impact on designated sites.

**Wildlife Trust** – No comments

**Landscape Officer** – Request a condition that the applicant provides detail on the existing hedging and proposed management and the tree planting detail.

**Wildlife Officer** – No objection

**EXTERNAL**

**Parish** – Object to the proposal,

- Access presents a highway safety hazard;
- The field is not a stock nursery, and was mown when this application was submitted;
- The 2.2m high galvanised posts to support lines will be a scar on the landscape and unsightly at the approach to the village of Barnack and are totally unacceptable in this prominent location in open countryside surrounded by arable farmland. The whole proposed plan will create a complete eyesore;
- Proposed boundary treatment insufficient;
- Details of the shelters proposed in the stock enclosures will be required;
- The planning application states that feed and tools are to be stored on site in mobile structures. Details are required of these mobile structures showing the design and the materials used; and
- There are no mains services on or near the site.

**NEIGHBOURS** – 9 letters of objection have been received, comments of which have been summarised below. Full letters of representation can be seen on request;

- A rabbit farm does not currently exist;
- proposed rabbit farm business is a front to gain permission for residential;
- detract the visual amenity of the area;
- highway safety;
- wild rabbits currently are a problem for surrounding farmers, any escapees would exacerbate this problem;
- loss of agricultural land;
- create a precedent;
- British Public promotes moving away from battery farming for chickens hens, why are we accepting 'battery rabbits?'
- Disposal of rubbish;
- Smells;
- Health and Safety Executive requires toilets/hand basins, place to store clothing ... and somewhere to rest and eat meals for employees. No provision made on submitted details; and
- Proposed wire and ball across the tops of the enclosures will do little to prevent crows from gaining access.

**OTHERS** - People for the Ethical Treatment of Animals (PETA) Foundation – Object to the application because of concerns about the welfare of rabbits.

## **7 REASONING**

### **A) Introduction**

The use of the land for rabbits does not itself require permission as this is an agricultural use. In 2007 an application was approved for change of use of the land for equine use, however the land is currently being used as a tree nursery.

### **B) Policy context and the principle of development**

The proposed fencing will form enclosures for the breeding of rabbits; the rabbits are being bred for the production of meat, which is recognised as an agricultural use. The fencing is considered to be essential for the needs of agriculture therefore complies with Policy LNE1 of the Peterborough Local Plan and PPS7.

### **C) Design, Layout and impact on the Landscape.**

The proposal will introduce 2.4m high stock enclosures. The enclosures will not have a solid side or solid roof; however it will have the visual appearance of a solid structure which would be at odds with the generally open character of the area where in most cases agricultural buildings are centred on farmsteads. Officers supported the previously refused application for a breeding barn on the site but by comparison this proposal is less traditional in appearance.

### **D) Impact to neighbouring Amenity**

Objectors have expressed concerns over noise and smells from the proposed rabbit farm. This cannot be considered in the determination of this application as the proposal is for the enclosures only.

### **E) Highway Safety**

Uffington Road is a 'C' classified road and the proposal illustrates two accesses, thus allowing vehicles to enter and leave in a forward gear and pull clear of the Highway (12metres). Several letters of neighbour and Parish representation object to the proposal on Highway Safety grounds, however Highways have responded with no objections.

### **F) Ecology & Landscaping**

Whilst planting could be used to help make the development, this would take many years to reach effectiveness. Also, the form of planting would be out of character with the area.

The proposal is not considered to affect any ecological or biodiversity sites.

### **G) Other Matters**

- Dwelling – Letters of representation have highlighted that if the proposal is approved, the site will come forward for residential development. To confirm Appendix A of PPS7 covers the application process for Agricultural Dwellings, which is a 3yr process where any Applicant is required to satisfy financial and functional tests to prove the business is both viable and sustainable. This would form a separate planning application.

## **8 CONCLUSIONS**

The proposed enclosures are considered unacceptable as;

1. The enclosure would have an appearance of a solid structure;
2. Given Point 1 above and the density of the enclosures, the proposal will be at odds with the landscape; and
3. Planting would take many years to mitigate the visual harm of the proposal; any intensification of planting would detract from the attractive landscape character and form.

## **9 RECOMMENDATION**

It is recommended that the application is **REFUSED** as follows:

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).

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