



Report to Planning Committee 11 August 2022  
 Business Manager Lead: Lisa Hughes – Planning Development  
 Lead Officer: Clare Walker, Senior Planner, 01636 655834

| Report Summary            |   |                    |  |
|---------------------------|---|--------------------|--|
| <b>Application Number</b> | 22/00701/FUL  |                    |  |
| <b>Proposal</b>           | Erection of agricultural livestock building   |                    |  |
| <b>Location</b>           | Land at Post Office Farm, Main Street, Ossington  |                    |  |
| <b>Applicant</b>          | C Johnson   | <b>Agent</b>       | Anthony Atkinson,<br>Acorus Rural Property<br>Services Ltd |
| <b>Web Link</b>           | <a href="https://www.newark-sherwooddc.gov.uk/22/00701/FUL">22/00701/FUL   Erection of an agricultural livestock building   Land At Post Office Farm Main Street Ossington (newark-sherwooddc.gov.uk)</a> |                    |  |
| <b>Registered</b>         | 11.04.2022  | <b>Target Date</b> | 01.06.2022   |
| <b>Recommendation</b>     | Approve   |                    |  |

**This application is being referred to the Planning Committee at the request of the Business Manager.**

### 1.0 The Site

The wider site lies on the south side of Main Street at the junction with Highland Lane to the south-west of the hamlet of Ossington. Vehicular access is via a farm entrance to the west that sweeps around from Main Street.

The field in which the application site sits is bound by mature hedgerows and contains two existing open fronted agricultural sheds and water silo. One building is used half for storage and half for cattle with the second building used exclusively to house cattle. The field is grazed by cows.

Highland Cottages lie approximately 121m to the south. Highland Farm (house) lies approximately 127m to the north-east with other dwellings north of that. Meadow Cottage lies approx. 133m to the east. All of these dwellings lies outside of the application site.

Post Office farm house which is within the same control as the application site is located approximately 200m to the east.

## **2.0 Relevant Planning History**

22/00700/OUT – Outline consent was sought for a detached dwelling for an agricultural worker. This was refused on 11.07.2022. Whilst the proposal passed the necessary functional test, it failed the financial soundness test set out in national and local planning policy.

18/02291/FUL – Erection of an agricultural livestock building. Approved 28.01.2019. Implemented.

14/00698/AGR – Erection of replacement steel portal framed agricultural barn. Prior approval not required 02.05.2014. Implemented.

11/00894/AGR – Erection of steel framed agricultural storage building. Prior approval not required 28.07.2011.

07/00350/OUT - New agricultural workers dwelling on land at Highlands Lane (site of east), refused 23.08.2007 due to 1) failure to demonstrate essential agricultural need in terms of functional and financial test and 2) adverse visual impact on mature landscape area.

## **3.0 The Proposal**

Full planning permission is sought for an agricultural livestock building for calves and heifers to increase available space and improve management and cattle welfare.

This would comprise a steel portal framed building constructed in concrete block walls with Yorkshire timber boarding and a reinforced fibre cement roof with clear Perspex roof lights on its shallow pitch. It would measure 24.38m by 18.3m and be 4.5m to eaves rising to 6.97m at the ridge-line.

The building would be sited adjacent to the west of the two existing agricultural buildings on site.

### **The Submission**

- Site Location and Block Plan, drawing no. AA/WLVES/JOHNSON, 200\_01
- Proposed Plans and Elevations, drawing no. AA/WLVES/JOHNSON, 200\_02
- Landholding plan, RLH/21/1
- Design and Access Statement, March 2022

#### **4.0 Departure/Public Advertisement Procedure**

A site notice has also been displayed near to the site given its remoteness to allow neighbours/interested parties to comment.

#### **5.0 Planning Policy Framework**

##### **Newark and Sherwood Amended Core Strategy DPD (adopted March 2019)**

Spatial Policy 1 - Settlement Hierarchy  
Spatial Policy 2 - Spatial Distribution of Growth  
Spatial Policy 3 – Rural Areas  
Spatial Policy 7 - Sustainable Transport  
Core Policy 6 – Shaping our Employment Profile  
Core Policy 9 -Sustainable Design  
Core Policy 10 – Climate Change  
Core Policy 10A – Local Drainage Designations  
Core Policy 12 – Biodiversity and Green Infrastructure  
Core Policy 13 – Landscape Character

##### **Allocations & Development Management DPD**

DM5 – Design  
DM7 – Biodiversity and Green Infrastructure  
DM8 – Development in the Open Countryside  
DM12 – Presumption in Favour of Sustainable Development

##### **Other Material Planning Considerations**

National Planning Policy Framework 2021 (NPPF)  
National Planning Practice Guidance (online resource) (NPPG)

#### **6.0 Consultations**

**Ossington Parish Meeting** – Support the proposal

**NCC Highways Authority** – ‘This is an application for an agricultural building on land at Post Office Farm served from an existing agricultural access off Main Street. The width of the access is acceptable, it is gated but there is sufficient space to wait off the carriageway whilst opening the gates. The access is located at the start of the 30mph zone for the village and visibility on exit from the site is acceptable in both directions being on the outside of a slight bend. It is unlikely that this proposal will result in an unacceptable risk to highway safety therefore we would not wish to raise objection to this proposal.’

**Environmental Health Officer** – No objections:

**14.07.2022** – EHO were asked about the impact of extra cows and whether for example double the number of cows would equate to double the noise levels. Their response is below:

*'Having consulted colleagues the consensus is detailed below.*

*The more cows that there are then the more frequent lowing would take place, therefore potentially for a longer duration. In relation to noise levels then more cows would have to low at the same time to increase the level of noise. I am not sure that the cows would all break into voice at exactly the same time and how often on average cows low and the duration throughout the day/period of the year.*

*I would presume that just like human vocals the level at which cows low is variable as are behavioural habits. It's is not like you can say x generators on for x time at x level to work out any increase in levels.*

*Background noise levels may even drown noise out or make it insignificant. It would not be expected there would be a significant difference in terms of sound energy.'*

**04.05.2022** - When asked about specifically about noise the EHO have responded as follows:

*'I have consulted with colleagues. I looked at this application and couldn't see any nearby residences. Looking at the application it is for housing of cows and no machinery is mentioned, therefore a BS4142 is not really appropriate as a noise assessment.*

*My limited understanding of cows is that different breeds make more noise than others. Also cows tend to make more noise during giving birth (usually in spring) and when separated from their young. I presume the cows will be housed in the building during the colder months when it is usual to have ones windows closed.*

*130 metres is a fair distance away and Ossington is in the Countryside, where farming is expected and where you will hear cows lowing, sheep bleating etc.*

*Regarding minimising the noise an acoustic fence could be erected, however you could always ask for some noise modelling to be done.'*

**19.04.2022** - Not sure if site is large enough for construction hours, if not recommend informative is added to request that construction and deliveries are limited to weekdays 8am until 6pm and 8am until 1pm on Saturdays and not at all Sundays or Bank Holidays. Controls for dust during construction area also recommended.

**The occupier of one neighbouring dwelling has made several representations raising the following summarized concerns/objections:**

- Concern regarding noise from intensification of cattle on the site as they can be very noisy already especially when hungry or being weaned from their mothers;
- The existing cattle buildings and their uses are unauthorized as they are not used for the purposes intended;
- EHO doesn't have good understanding about cattle noise and opinion holds little credibility;
- 400m rule must be relevant to Environmental Health – this is very important to neighbours and goodwill of the farm cannot be relied upon;
- 400m distance rule means the field should not accommodate any livestock buildings as the furthest point is 375.6m from Highland Farm;

- Extra livestock will need extra land for grazing and question where is this?
- Proposal would have a detrimental effect on a mature landscape area;
- Concern there isn't sufficient land to secure/sustain agricultural use;
- Feel let down by the authority;
- Distances between the site and a number of properties have been provided with accompanying plans;
- Storage of bales presumably as screening for noise creates a potential fire hazard;
- Yard plans with guideline measurements included suggest it may contravene rules and regulations that farmers have to abide by.

## **7.0 Comments of the Business Manager – Planning Development**

The National Planning Policy Framework (NPPF) promotes the principle of a presumption in favour of sustainable development and recognises the duty under the Planning Acts for planning applications to be determined in accordance with the development plan, unless material considerations indicate otherwise, in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. The NPPF refers to the presumption in favour of sustainable development being at the heart of development and sees sustainable development as a golden thread running through both plan making and decision taking. This is confirmed at the development plan level under Policy DM12 of the Allocations and Development Management DPD.

### Important Background

In light of the comments made by a third party representation as part of this application I consider that it is worth setting out the background to the establishment of this site. An agricultural notification was lodged with the Authority in 2014 for a replacement agricultural barn (ref: 14/00698/AGR) which the Council determined that no prior approval was required for its design and siting. The application advanced its use as a storage building (specifically the application form made clear that no livestock would be housed within it) and according to the applicant's agent, it didn't initially house livestock but has subsequently been divided into two with half the building now used for storage and the other half for housing livestock. The timing of when cattle were brought into the building has been queried by a third party albeit the agent has stated this was shortly after it was erected. Irrespective of the timing of when cattle were housed within the building, there are no conditions explicitly imposed on our decision letter to state it cannot be used for cattle albeit the legislation (Schedule 2, Part 6 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended)) indicates that a condition of it being permitted is that it isn't used for livestock. The condition embedded within the legislation therefore still 'bites' and the use of the building appears to be in breach of this. It should be noted that immunity cannot be gained for 10 years and so a lawful development certificate would unlikely be granted if sought.

However Members will have noted that a second building adjacent to it was later granted planning permission as a livestock building under planning permission 18/02291/FUL in 2019, which has been implemented. The merits of this were assessed and found to be acceptable. Given the lack of complaints (until now as part of this application) and the fact that the adjacent building is lawfully used for cattle, lead to me to conclude that it would not be in the public interest to take formal action against the use of the 2014 building as it is not expedient

to do so. This is in line with the advice and guidance contained within the NPPF and the NPPG.

### Principle of Development

Spatial Policy 3 states that development away from the main built-up areas of villages, in the open countryside, will be strictly controlled and restricted to uses which require a rural setting such as agriculture and forestry. Policy DM8 states that for agricultural development requiring planning permission, proposals will need to explain the need for the development; and its siting and scale in relation to the use it is intended to serve.

The proposed cattle building would be sited alongside existing agricultural/livestock buildings. The applicant has set out the need for them on welfare grounds and to enable the business to grow. The Council's appointed independent agricultural consultant has looked at this (alongside the application for the adjacent new dwelling) and has advised that there is support for the livestock building in principle and I am satisfied that the development has demonstrated an appropriate need and that this is a logical place for it to be sited from a functional perspective. The principle of the development proposed is acceptable.

### Impact on Visual Amenity

Core Policy 9 states that new development should achieve a high standard of sustainable design and layout that is of an appropriate form and scale to its context complementing the existing built and landscape environments. Core Policy 13 requires the landscape character of the surrounding area to be conserved. Policy DM8 of the Allocations & Development Management Plan Document (DPD) states agricultural development should have regard to the character of the surrounding landscape and be designed to reduce its impact on the surrounding area.

Core Policy 13 of the Core Strategy addresses issues of landscape character. It states that development proposals should positively address the implications of the Landscape Policy Zones in which the proposals lie and demonstrate that such development would contribute towards meeting the Landscape Conservation and Enhancement Aims for the area.

The District Council has undertaken a Landscape Character Assessment to assist decision makers in understanding the potential impact of the proposed development on the character of the landscape. The LCA provides an objective methodology for assessing the varied landscape within the District and contains information about the character, condition and sensitivity of the landscape. The LCA has recognised a series of Policy Zones across the 5 Landscape Character types represented across the District.

The relevant Landscape Policy Zone for the site is Norwell Woodhouse Village Farmlands with Ancient Woodlands (MN PZ 21). Landscape condition is defined as very good and landscape sensitivity with regards to visibility into and out of the area is moderate. Landscape actions for the area are to conserve – built features in this area should maintain use of vernacular materials, style and scale, promote measures for conserving and reinforcing the traditional character of existing farm buildings using vernacular building styles, and promote sensitive design and siting of new agricultural style buildings.

The proposed new building would be adjacent, to the west, of the existing agricultural building of a similar size (albeit slightly larger) height, design and choice of materials. (The approved 2019 cattle building measured 24.4m x12.2m x 6.2 ridge/4.3 eaves compared to this proposed building which is wider and taller at 24.38m x 18.3m x 6.97m ridge/4.5m to eaves). The building would be visible in the public realm but would be read as part of a group of similar farm buildings clustered together and so the impact on openness is restricted. The building is functional and relatively large scale. However these types of building are large by their nature and are not uncommon features within the countryside. The boundary treatments that exist would also help to screen the development and the materials proposed would match both existing buildings so as to help assimilate it into the landscape as much as possible.

Overall, the proposed building is agricultural in appearance, form and function and would not be unduly prominent from the surrounding rural area in accordance with Core Policy 13 and Policies DM5, DM8 and DM9 of the Development Plan Document.

### Impact on Residential Amenity

Policy DM5 advises that the layout of development within sites and separation distances from neighbouring development should be sufficient to ensure that neither suffers from an unacceptable reduction in amenity including overbearing impacts, loss of light and privacy. Development proposals should have regard to their impact on the amenity or operation of surrounding land uses and where necessary mitigate for any detrimental impact.

Given the separation distance of the building from any residential properties I am satisfied that the proposed would not result in any overshadowing, overlooking or overbearing impacts. The key issues here relate to other impacts such as noise, odour and flies.

Concerning odour and flies these have not been raised as an issue that are currently a problem and largely come down to farm management. Again given separation distances, I am satisfied that an additional livestock building which is further away from residential dwellings than those existing would be unlikely to cause nuisance. This hasn't been raised as a concern either by Environmental Health Officers.

No noise assessment has been submitted with this application. I note that representations have been received from one neighbour objecting to the scheme on the grounds of noise and the intensification of what they claim is already (at times) a noisy use from cattle. The objector cites legislation as being relevant (the Town and Country General Permitted Development Order 2015) (GPDO) that states that agricultural buildings cannot be erected for livestock purposes under permitted development within 400m of a 'protected building' (which means any building occupied by people except one that is connected to the farm or another agricultural unit). This 400m is referred to by the objector as being a minimum distance that should be achieved in this case.

This is not an application submitted under the prior approval process and therefore it needs to be assessed on its merits, irrespective of the distance given within the GPDO. This is how the approved 2019 livestock building was determined (on its merits), it should be noted that no noise assessment was submitted for this scheme either.

There would be a decent degree of separation between the agricultural building and the closest residential property, a distance of over 120 metres from the edge of the application site to the nearest neighbours house. The building would be screened to some degree by the existing boundary treatment which comprises a high hedgerow.

Environment Health Officers have raised no objection in respect of noise. They do not consider it necessary to require a noise assessment. Despite this, given the neighbouring objection, further advice was sought and they have suggested that specialist farm noise modelling could be undertaken to provide more comfort to decision makers which has been requested from the applicant's agent who has expressed a reluctance to undertake this.

The agricultural consultant who advised on the adjacent dwelling has given advice verbally, noting he is not as an acoustic expert but one who has considerable experience of farm working practices). The advice is that given the distance of dwellings (including the objectors residence) away from the new building, the intensification of use of the wider site including the additional cattle planned would be unlikely to be an issue in terms of noise or smells and that this additional building won't make any material difference.

The consensus amongst professionals is that intermittent cattle noise when one lives in the open countryside are somewhat inevitable and typical of a rural location and the noise arising from cattle within the additional building would not increase significantly beyond what is already being experienced. I note this was also the view of Environmental Health Officers in 2018 when they considered the application for the second livestock building, with comments made at that time by a different professional. Noise from cattle outside cannot be controlled. It would appear that most noise would emanate when calves are separated from their mothers, which is for a few days at a time once or twice a year at most and that this would be when the cattle are housed within the building.

My understanding from both this application and that of the new dwelling (which was recently refused) is that there is an intention to increase the number of suckler cows to 50; there are currently 36 sucklers - so an increase in 14 cows. In addition to this the holding is stocked with 70 diary cows and 114 followers/replacements. Whilst it wouldn't be appropriate to control the number of cows present, it would appear that the increase in numbers will be modest. Environmental Health Officers have advised on impacts of noise (response 14<sup>th</sup> July, provided above).

Taking into account of this, I consider that it is unlikely that the proposed livestock building would lead to levels of noise that would constitute a nuisance such that it would warrant refusal of this application.

Noting the design of the building (which would be open in part to the north) and be constructed of vertical boarding with gaps for ventilation purposes to all other elevations - it seems that there are no realistic opportunities for sound proofing the building to help prevent the transmission of noise. I do not consider it would be appropriate for the applicant to erect acoustic fencing at this site as a precaution. Firstly this could look alien in the landscape and secondly it would have to either be located as close to the source of the sound as possible or as close to the receptors as possible to have the desired effect, neither of which is practical



or achievable here. There are however existing established hedgerows in the location shown below which could assist with mitigating noise to a certain extent especially if allowed to grow higher than their existing height. Requiring these hedgerows to be retained at a minimum height would pose enforceability difficulties (conditions are required to be enforceable) so this isn't proposed to be embedded within a condition albeit the applicant has expressed their willingness to accept such a condition.

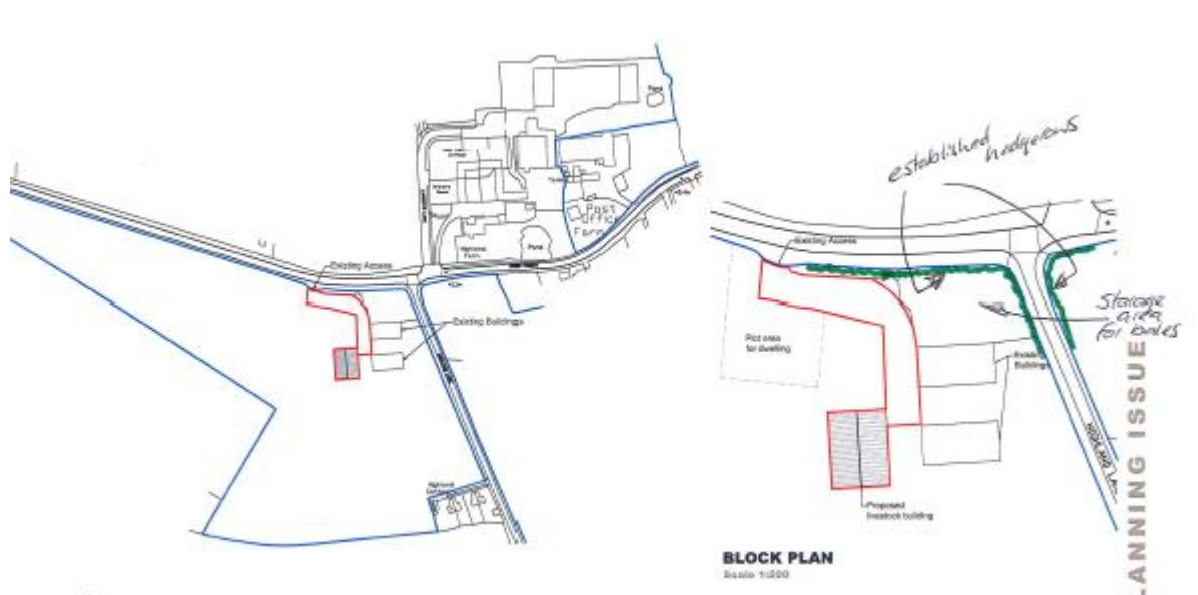


Image from google-street view 2022



It should be noted that the straw bales which are in this location may also assist with mitigating sound transmission but are transient and cannot be relied upon. Their presence on site is not development so the comment from the neighbour regarding being a fire safety hazard is beyond the scope of this application or any controls of the Council.

Members will note that the Environmental Health Officer has requested that details of measures to control dust during the construction period are submitted and agreed. This is proposed to be controlled by condition. The agent has agreed to this as a pre-commencement condition.

On the basis of the above, I am satisfied that the proposal complies with Policy DM5 of the DPD. It is considered that the proposed building and its use, taking into account existing development (and therefore cumulative impacts) that the proposal would not detrimentally impact on neighbouring amenity to a degree that it would be reasonable to withhold permission.

#### *Impact on Highway Safety*

Access would be via an existing vehicular access. The proposed agricultural building would be unlikely to generate significant additional traffic so as to adversely impact on highway safety. There are no conflicts identified in respect of SP7 or DM5.

### **8.0 Implications**

In writing this report and in putting forward recommendations officers have considered the following implications; Data Protection, Equality and Diversity, Financial, Human Rights, Legal, Safeguarding, Sustainability, and Crime and Disorder and where appropriate they have made reference to these implications and added suitable expert comment where appropriate.

### **9.0 Conclusion**

In conclusion the proposed new livestock building is required in connection with agriculture at Post Office Farm and is appropriate in this rural location. The proposed building would not be harmful to the setting of the countryside. Whilst the concerns of a neighbour have been duly noted with regards to noise from cattle, it is not considered that this proposal would constitute a level of further harm that would warrant a refusal of planning permission. The proposal is considered to comply with the Development Plan and there are no material considerations why planning permission should not be granted.

### **10.0 Conditions**

01

The development hereby permitted shall not begin later than three years from the date of this permission.

Reason: To comply with the requirements of Section 51 of the Planning and Compulsory Purchase Act 2004.

02

The development hereby permitted shall not be carried except in complete accordance with the following plans, reference numbers:

- Site Location and Block Plan, drawing no. AA/WLVES/JOHNSON, 200\_01
- Proposed Plans and Elevations, drawing no. AA/WLVES/JOHNSON, 200\_02
- Landholding plan, RLH/21/1

Reason: So as to define this permission and for the avoidance of doubt following the submission of amended plans.

03

The development hereby permitted shall be constructed entirely of the materials details submitted as part of the planning application.

Reason: In the interests of visual amenity.

04

No development shall be commenced until a scheme specifying the provisions to be made to control dust emanating from the site and access and egress roads during the construction period has been submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented in full before the development is commenced and retained during construction.

Reason: In the interests of amenity in the locality.

#### Informatives

01

The applicant is advised that construction hours and deliveries (received and dispatched) should be limited to between the hours of 08:00 until 18:00 weekdays and 08:00 and 13:00 on Saturdays and not at all on Sundays or Bank/Public holidays in the interests of residential amenity.

02

The applicant is advised that all planning permissions granted on or after the 1st December 2011 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at [www.newark-sherwooddc.gov.uk/cil/](http://www.newark-sherwooddc.gov.uk/cil/)

The proposed development has been assessed and it is the Council's view that CIL IS NOT PAYABLE on the development given that there is not a net additional increase of residential internal floorspace as a result of the development.

03

The application as submitted is acceptable. In granting permission without unnecessary delay the District Planning Authority is implicitly working positively and proactively with the applicant. This is fully in accordance with Town and Country Planning (Development Management Procedure) Order 2010 (as amended).

## BACKGROUND PAPERS

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Application case file.

Committee Plan - 22/00701/FUL

