

PLANNING COMMITTEE – 9 FEBRUARY 2021

REFERENCE NUMBER: 20/01051/FL Application expiry date: 15/01/2021
Application Type: Full Planning Permission

Proposal Description: **Retention of steel framed chicken shed (Affecting a public right of way) (Revised scheme of 20/00498/FL)**

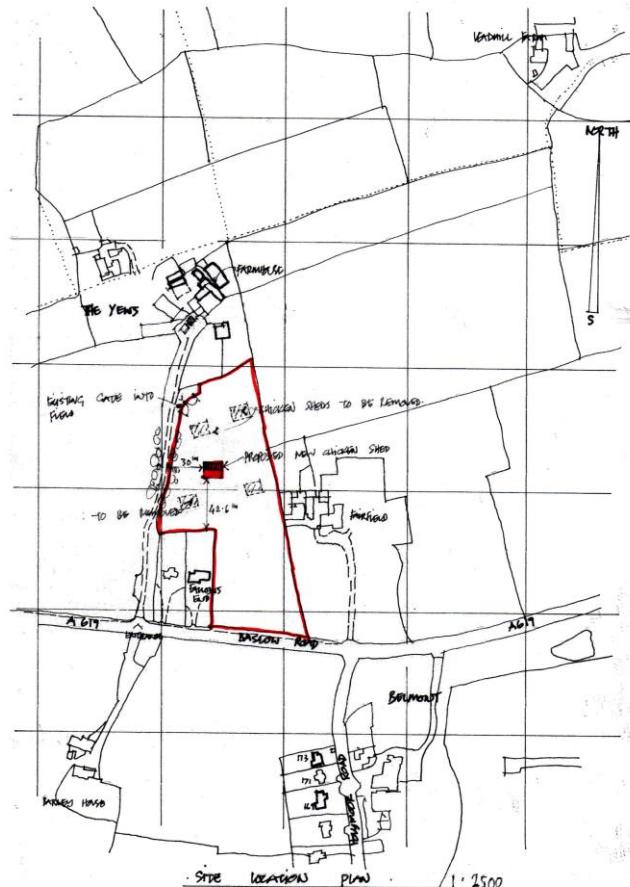
**At: The Yews, Baslow Road, Holymoorside,
Chesterfield S42 7BH**

For: **Mr Adam Higginbottom**

Third Party Reps: 44 Parish: Holymoorside and Walton
Ward: Brampton and Walton

Author of Report: Susan Wraith Date of Report: 21/01/2021

MAIN RECOMMENDATION: GRANT CONDITIONALLY



1.0 Reason for Report

- 1.1 Councillor Thacker has requested that the application be determined by Planning Committee because of concern about whether the building accords with the Neighbourhood Plan, the Government document "Planning Permission for Farms" and the National Planning Policy Framework.
- 1.2 There is also a significant amount of public interest in the proposal.

2.0 Proposal and Background

- 2.1 The site is within a working farm (The Yews) in the Green Belt just beyond the settlement development limits of Holymoorside. The site is used for the keeping of free range chickens for egg production which are sold from the farm shop. This part of the farm enterprise is known as "Adams Happy Hens".
- 2.2 In August 2020 planning permission was conditionally granted, for a portal framed chicken shed to replace 4 existing timber chicken sheds. Subsequently a building was erected which is closely similar to that approved but which differs in the following respects:
 - i. The building has been rotated so that the ridge of its roof runs west/east whereas, as approved, the ridge was to run north/south;
 - ii. Rooflights have been inserted (the approved plans do not show rooflights);
 - iii. The building (whilst largely within the approved siting) edges slightly further south.
- 2.3 Other than this, building is of the same dimensions, height and design as previously approved.
- 2.4 The application seeks approval for the retention of the building as built. Whilst the main structure is in situ no further work to complete the building has been undertaken pending the outcome of this application.

3.0 Relevant Planning History

- 3.1 The following planning history is relevant:

20/00498/FL – Demolition of 4 chicken sheds and erection of steel framed chicken shed. Granted conditionally 7/08/2020.

18/00035/FL – Farm shop extension. Granted conditionally 9/3/2018

17/00921/FL – Building for use as farm shop. Granted conditionally 18/10/2017

4.0 Consultation Responses

- 4.1 The following consultation responses have been received:

NEDDC Environmental Health – Potential issues in respect of lighting and disposal of manure and waste. Recommends a condition to prevent obtrusive light and an informative with regard to storage and disposal of refuse and waste.

DCC Highways – As previous comments i.e. no objection subject to an informative that the site is affected by a public right of way.

DCC Rights of Way – No comments received.

Peak and Northern Footpaths Society – No Comments Received.

The Rambler's Association – The location plan shows Walton and Holymoorside footpath 56 but not 58 which runs to the east of the site. No objections provided that the route and character of footpath 58 is not adversely affected.

Holymoorside and Walton Parish Council – Questions the revised scheme and the appropriateness of the construction, specifically in relation to the Neighbourhood Plan (H&WNP), policies NE4 and NE5, landscapes, views and vistas, impact on surroundings, retaining and enhancing the landscape, character of the parish and compatibility with neighbouring properties. Refers to Gov.UK Planning Permission for Farms and NPPF.

Ward Councillor – Councillor Thacker requests this matter is referred to Planning Committee.

5.0 Representations

- 5.1 A site notice was posted on 20/11/20. An advert was published in the local press on 10/12/20 and 5 neighbours were notified by letter.
- 5.2 In total 44 representations have been received, 9 of which object to the proposal and 35 of which support the proposal.
- 5.3 The objections are summarised as follows:

- The new building is 5.5 metres tall replacing existing sheds of approximately 2 metres in height. This completely obscures the view.
- Door height is 4 metres, only 3 metres should be required for a tractor.
- Any other usage of the shed such as storage of hay and machinery is not allowed by the current planning consent.
- The current building has been erected in a position different to that proposed on the online plans.
- The shed roof is not in line with the plans as submitted.

- A flatter design to the shed roof would have reduced the impact of the building on the surrounding area.
- The lit building will impact on surroundings due to the position of the skylights.
- Smell and disposal of waste from the new shed needs to be considered and built into the planning application.
- The use of agricultural equipment within a confined space will inevitably lead to an increase of noise from the site.
- The roof is visible and makes no attempt to fit into the landscape.
- Expansion of the chicken business will lead to an increase in the traffic entering the site.
- The shed looks out of place in the middle of the open field blocking the natural skyline and spoils the open vista.
- The building should be lowered or rebuilt nearer to existing farm buildings.
- It is not in accordance with the Holymoorside and Walton Parish Neighbourhood Plan.
- The roof has been constructed with an East/West elevation. The original plans clearly show a North/South attitude.
- Skylights in the roof were not notated on the original application.
- The pitch of the roof differs from that on the original plan.
- The two neighbouring properties most affected by the construction did not receive the original notification and were therefore unable to make objections.
- Light, noise and odour pollution for nearby residents.
- The building does not meet the UK Government Planning Permission for Farms recommendations for new buildings.
- The building does not meet a number of requirements of the Holymoorside and Walton Neighbourhood Plan (H&WNP) or the National Planning Policy Framework including Neighbourhood Plan policies S1 and NE4 “conserving view and vistas”, and NE5 “retain and enhance special and attractive landscape”.
- The building breaches the landscape (section 13.1) and important views (section 13.2) requirements of the H&WNP.
- The farming methods will be different to those used previously on the site.
- The building is not a steel framed chicken shed this is a descriptive misrepresentation. It is more like an industrial looking building.

5.4 The comments in support are summarised as follows:

- Buildings of a similar type are already situated on the farm and can be seen from the lane leading up to the farm.
- The new building looks neater and there are plans to soften the exterior via planting and fencing of the field.
- The new building is allowing for better animal welfare enabling the owner to meet the statements of the Animal Welfare Act 2006.
- The new building is needed for feeding and cleaning purposes as well as enabling machinery into the field and to improve land management.
- The business supports the local community and other local businesses.
- This application is in keeping with the farm land.

- Provides greater space and ventilation for the animals.
- Waste management will be improved.
- This is an agricultural building on an existing agricultural site.
- Residents living close to a working farm should expect farm buildings, noise, animal smells and these issues should not be used as objections.
- The colours of the new building blend well with surroundings.
- Its central location is far better for the grass in the field.
- The right to a private view and loss of value to property are not material planning considerations.
- The original approved application shows the building larger than what has actually been built.
- The building is square and therefore all sides are the same.
- The alterations made to the building from the original plans is minimal.
- The positive impact of having this building for many locals far outweighs any negative impacts on a small number of local people.
- This new chicken shed will allow the business to continue to supply clean, fresh quality produce all year round.
- It is a working farm and therefore not unusual to have a farm building within a field to house the animals.
- Trees and high hedges line the boundaries of the neighbouring properties.
- The new building provides a safe and clean environment for visitors to see and feed the animals.
- The building allows the owner to ensure optimal welfare of his animals in accordance with the code of practice set out by DEFRA.
- The location and design of the new building is in line with the recommendations made by DEFRA and the Animal Welfare Act 2006.
- The business has been a lifeline for many residents during the covid crisis and has helped the local community in the pandemic.
- The business raises money for charity.
- An element of the Local Plan is to support local businesses, this needs to be considered.
- With Brexit and no clear plan for farms we need to be supporting the UK farming community and local farmers.
- The new shed is located further away from the houses than one of the original timber sheds.
- The shed location on the skyline and in the centre of the field cannot be avoided due to the nature of the free range chicken business and to ensure the welfare of the animals.
- The shed does not intrude on the skyline as much as stated in objections, there is a hill that rises much higher and a row of trees that act as a visual barrier.
- This application does not contravene any planning rules.
- The building is far enough away from neighbouring properties that it does not affect lighting in any relevant way.
- One shed in the middle of the field will improve the state and aesthetics of the area as it will reduce need for the driving of vehicles around the field which churns up the grass and mud.

- Local businesses such as those in the hospitality industry rely on a regular supply of fresh, quality produce from the farm. The new building will ensure the chicken business can meet these demands.
- The footpath is not affected and has been professionally fenced making it extremely safe for walkers.
- Due to extremely poor returns from traditional farming, the owner has successfully diversified his business whilst retaining the family farm. The chicken shed is needed to continue the growth and viability of the business.
- Any property that borders a working farm will see changes over time.
- The original application was passed without objection.
- It is unacceptable to lodge objections once the building is constructed and the money has been invested.
- This building is required to keep the birds healthy and protect against Bird Flu.
- It's preferable that the building entrance doesn't face the road.

6.0 Relevant Policy and Strategic Context

6.1 The following policies are relevant:

North East Derbyshire Local Plan (2001-2011)

GS2: Development in the Green Belt

GS6: New Development in the Countryside

NE1: Landscape Character

Emerging North East Derbyshire Local Plan (2014-2034)

SS9: Development in the Countryside

SS10: North East Derbyshire Green Belt

SDC3: Landscape Character

Holymoorside and Walton Parish Neighbourhood Plan (2016-2033)

S2: Development Proposals outside the Defined Settlement Development

Limits for Holymoorside and Walton

TA2: Footpaths, Cycleways and Bridleways

BE3: High Quality Design Principles

NE1: Landscape Character

National Planning Policy Framework

Chapter 6: Building a strong competitive economy

Chapter 13: Protecting Green Belt land

Chapter 15: Conserving and enhancing the natural environment

7.0 Planning Issues

Development in the Countryside and Green Belt

7.1 Policy S2 of the H&WNP refers to development proposals outside the defined settlement limits. It echoes national policy relating to the Green Belt where development will only be permitted in very special circumstances unless it is

considered “not inappropriate”. As an agricultural building the development is “not inappropriate” development in the Green Belt. The application must be decided on other considerations.

- 7.2 The relevant planning policies are generally supportive of agricultural development in the countryside if it is necessary for the efficient or viable operation of agriculture subject to landscape and amenity considerations.

Design of Building

- 7.3 The building is of portal framed design with a concrete plinth, plasticised dark green sheeting to its walls and neutral cement board sheets to its roof. For practical reasons a breathable roof is needed to avoid condensation.
- 7.4 The building has a footprint of 12.19m x 12.19m (148.6m²) and is 4.0m high to the eaves, the roof being shallow dual pitched. It is to be used for the housing of free range chickens which are already kept on the land. It will replace 4 existing chicken sheds which themselves have a cumulative footprint of 128m². The existing chicken sheds will be removed when the new building is brought into use¹. The building is required for improved animal welfare and farm efficiency reasons.
- 7.5 It has four skylights (two in each roof slope) which are needed to provide natural lighting for the chickens. It will also have internal lighting (as do the present chicken sheds) which will only operate when needed and between the hours of 0600-2000 hrs. This is to ensure that the chickens have the necessary amount of light to meet animal welfare standards. When taking into account the distance between the building and the nearest dwellings, the shallow pitch of the roof and the limited hours within which the lighting would operate it is unlikely that neighbours would experience an unacceptable degree of glare from the internal lighting through the roof lights. The hours for lighting can, in any event, be limited by a condition of planning permission.
- 7.6 The building is higher than the existing sheds to maintain good ventilation and so that a tractor can enter for easier cleaning. Feeding and tending of the birds will also be made easier by having a single building. The applicant reports of the particularly difficult winter working conditions owing to the arrangements of the existing small sheds.
- 7.7 A single larger and well ventilated building will provide a better environment for the chickens, in particular at times when they have to be kept indoors for long periods. Additionally a building of metal, rather than timber, avoids the risk of red mite which can be harmful to the chickens and also is less of a fire risk.

¹ One of the sheds is now in a different position in the field from the position shown on the site location plan.

- 7.8 It is considered that there is a justified agricultural need for the building of this design in all these circumstances.
- 7.9 H&WNP Policy BE3 seeks to achieve high quality design principles. Although there is limited scope for achieving high quality design principles in an agricultural building serving this purpose, its modest scale, colour and materials give it an appearance that is appropriate for such a building in a rural location. It is therefore not in conflict with this policy.

Landscape and Visual Amenity

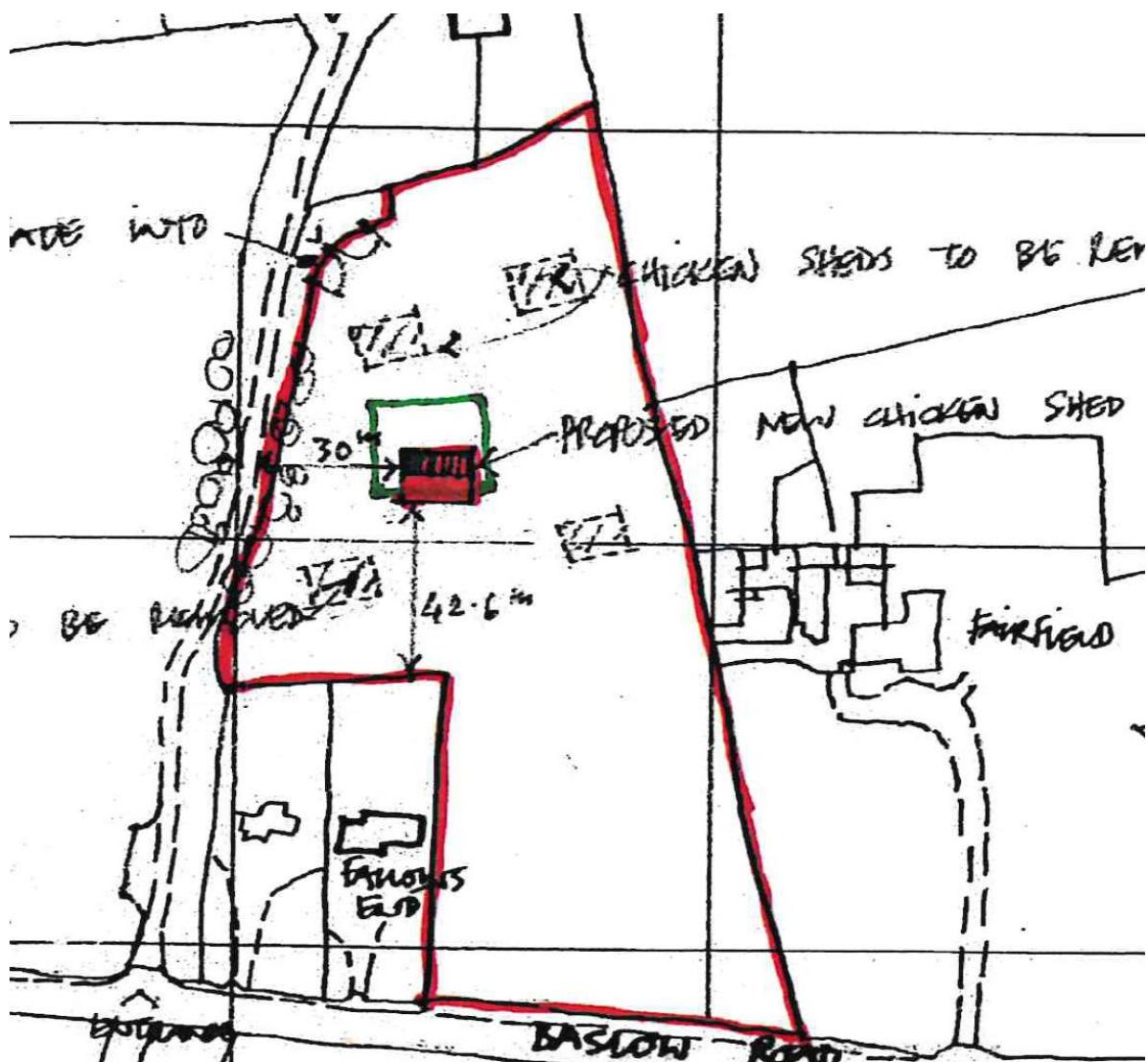
- 7.10 Reference is made in representations to the H&WNP policy on Important Open Views. This is Policy NE2. However, none of the views identified in the policy as being important to remain open are close to or across the application site.
- 7.11 The landscape is of open, pastoral character and appearance with scattered farmsteads. The building is positioned south of the farm complex and can be seen from Baslow Road and the public footpath that runs along the eastern boundary of the site. The building can also be seen from some neighbouring properties and by members of the public who visit the farm shop via the farm track to the west.
- 7.12 The building is of simple utilitarian design of similar appearance to other agricultural buildings in the farm yard and those at other farms within the wider landscape. It stands alone in the field as it needs to be centrally positioned where the chickens are kept in order to fulfil its purpose. To that extent, it is more visually apparent than other farm buildings that are grouped together. However, it is recognisable as an agricultural building, needs to be on its own to serve its purpose and, in the opinion of officers, does not detract from the surrounding landscape. Its relatively modest scale, dark green cladding and neutral roof (which will take on a weathered and muted appearance over time) help it to assimilate into its setting. Together these elements deliver a modest agricultural building in keeping with the special landscape character.
- 7.13 The applicant is intending to provide landscaping around the building. Whilst this may help to screen the building in some views it is not considered necessary to make the building acceptable in planning terms and was not a requirement of the previous permission. Therefore, no landscaping condition is recommended. Overall the building is acceptable in terms of its effects upon the character and appearance of the landscape and complies with H&WNP Policy NE1

Local Economy

- 7.14 The building will improve the efficiency and growth of this small business which, in turn, will be of benefit to the local economy.

Previous Planning Permission

- 7.15 The planning permission that was granted for an agricultural building in August 2020 remains extant. It represents a fall-back position for the applicant and is a material consideration for this application.
- 7.16 The building as built, is very similar to that approved. Whilst its roof has a different orientation the effect of the change is neutral upon the character and appearance of the landscape. Any effects from internal lighting through the sky-lights can be limited to reasonable hours by the imposition of a planning condition.
- 7.17 The plan below shows the approved siting sketched on the application location plan. The square area that largely surrounds the building as built. The earlier permission provides for the siting of the building within that approved area.



- 7.18 As can be seen, the building as built, whilst largely within the approved area, extends slightly beyond it to the south. The extent to which the building

projects beyond the approved area is estimated to be approximately two metres.

- 7.19 In the view of officers this small change in siting makes little discernible difference upon the character and appearance of the area and landscape. Insofar as its relationship with neighbouring properties is concerned, the building is at a considerable distance (42.6m to the nearest neighbouring boundary and even greater distances to the houses themselves) such that there would be no unreasonable effects upon living conditions of neighbours arising from the slightly different siting.
- 7.20 For the above reasons the as-built building is acceptable on its planning merits and there is nothing to indicate against it when having regard to the fall-back position.

Other Issues

- 7.21 The public footpath to the east is separated from the field by fencing. The building has no effect upon the use of the footpath.
- 7.22 The Yews farm house is identified as an unlisted building of merit in the Neighbourhood Plan. However, the application building is sufficiently distant as to have no effect upon its setting.
- 7.23 Reference is made in the representations to the H&W Neighbourhood Plan policies NE4 and NE5. The supporting text to those representations refers to landscapes, views and vistas, impact on surroundings, retaining and enhancing the landscape, character of the parish and compatibility with neighbouring properties. Policy NE2 is referred to above and relates to Important Open Views. Policy NE4 refers to Local Green Spaces none of which include the application site. There is no Policy NE5.
- 7.24 Agricultural buildings of this type can often be dealt with under permitted development provisions. The building only requires planning permission because of its intended use for housing “livestock” given its proximity to residential properties. Whilst the intended use for chickens is considered acceptable in terms of its environmental effects other livestock uses might not be appropriate. In order to safeguard against any future changes of use to more noxious agricultural uses a planning condition is recommended to limit use to the housing of free range chickens.
- 7.25 In order to protect the open character and visual amenity of the area a planning condition is needed to require removal of the existing chicken sheds on completion of the new building.
- 7.26 The use for keeping free range chickens generates very little waste such that “mucking out” will occur once a year when the waste will be spread as fertiliser on other fields on the farm as is usual farm practice. There is no expected increase in the use of farm machinery which, in any event, amounts

only to occasional tractor visits. No planning conditions are needed in respect of these matters.

- 7.27 Reference is also made in representations to how the proposal complies with the NPPF and the Government document called Planning Permission for Farms. This document explains permitted development rights that agricultural and forestry business can benefit from. This is a full planning application and not one where permitted development rights need to be considered. Where necessary references to national policy and the NPPF have been raised in the analysis of the planning issues.

8.0 Summary and Conclusion

- 8.1 The building, as an agricultural building, is not inappropriate development in the Green Belt and planning policies are generally supportive of justified agricultural development in the countryside.
- 8.2 The design of the building is not dissimilar to other agricultural buildings within the farmyard and locality and is justified by animal welfare and farm efficiency needs. The building is considered to assimilate well into its setting.
- 8.3 The building has no discernibly different effects to those that would arise from the building that already has planning permission. This fall-back position is a material consideration weighing in the application's favour.
- 8.4 The building supports the efficiency and growth of this small business and, thus, in turn supports the local economy. These economic considerations weigh in favour of the proposal.
- 8.5 There are no considerations of sufficient weight to indicate against the proposal.
- 8.6 It is therefore concluded that the building is acceptable and that permission should be conditionally granted.

9.0 Recommendation

- 9.1 GRANT Full Planning Permission subject to the following conditions (wording of conditions to be delegated to the Planning Manager- Development Management):

1. The development hereby permitted shall be carried out in accordance with the following approved plans and details:

Location Plan

Drawing No. DSC 824 A3.01/A - Proposed Layout and Elevations
Applicant's comments of 9 December 2020.

Reason: In the interests of certainty and to ensure the development takes place as approved.

2. No livestock except free range chickens shall be housed in the building.

Reason: To protect the amenity of neighbouring dwellings from unsuitable agricultural uses.

3. Within one week of the building having been brought into use the existing chicken sheds, shown for removal on the location plan, shall have been removed from the application site.

Reason: In order to protect the open character and visual amenity of the area.

4. The lighting within the building shall not be operated outside of the hours of 0600 – 2000 on any day.

Reason: In the interests of the amenity of neighbours and the character and appearance of the countryside.