

Name of Applicant	Proposal	Expiry Date	Plan Ref.
Attwell	Demolition of 2No. existing poultry building and erection of clear span portal frame building to form additional seasonal livestock area Seafield Farm, Seafield Lane, Portway, Redditch, Worcestershire B98 9DB	14.10.2022	22/00801/FUL

RECOMMENDATION:

(1) Mindful to **APPROVE FULL PLANNING PERMISSION**

(2) That **DELEGATED POWERS** be granted to the Head of Planning, Regeneration and Leisure Services to determine the application following:

- (a) The expiry of the consultation period on 13 October 2022 and in the event that further representations are received, that **DELEGATED POWERS** be granted to the Head of Planning, Regeneration and Leisure and Services, in consultation with the Chair of Planning Committee, to assess whether new material considerations have been raised and to issue a decision after the expiry of the publicity period accordingly

Consultations

Beoley Parish Council

Comments on amended plans:

We at Beoley Parish Council maintain our objection to this application in line with our original statement. We also have further concerns regarding the increase in height. What does that have to do with livestock?

Original comments:

We at Beoley Parish Council object to this application. From our informed agricultural sources it appears that a large clear span building does not help livestock setups due to the greater area for 'no herd control', with no corale system to minimise the risk of animal casualties. Also, Hay and straw storage within the same building; health and safety and fire hazard issues are obvious.

Cllr English

I have been in contact with the applicant, the residents/neighbours and the planning officer regarding this application. I would fully support a smaller building but I could not support the building as outlined in this application as it is not positioned 7 metres back from the original footprint as Mr Attwell stated to me that it would be. I understand that there is a new plan with a smaller barn/shed that is not so close to the existing farm buildings and further away from the boundary fence but this has not been uploaded onto the portal yet. I look forward to being able to comment on this new plan.

Kernon Countryside

The application has been amended and permission is now only sought for a new livestock building. I understand that the herd is to expand up to 120 calving cows. The proposed building design has been amended to provide animal housing for cattle and sheep, with feed passages. On that basis the building is reasonably necessary for the purposes of agriculture on the holding, based on the facts presented and described.

In my opinion the building should not adjoin the industrial building to the north. There should be a gap between the two, as previously proposed, and as shown on the revised plans. Given the position adjacent to existing commercial buildings, it is important to impose suitable conditions to control the use. I recommend a condition to prevent the building being used for storing straw or hay, due to fire risk. I recommend a condition requiring the building to be removed should the agricultural use cease.

Highways - Bromsgrove

I have no highway objections to the proposed demolition of 2No. existing poultry building and erection of clear span portal frame building to form additional seasonal livestock area and secure farm storage, with internal area for hay and straw storage. The existing vehicular access and parking are to be used which are deemed to be acceptable, the applicant has highlighted within the D&A no increases in vehicular movements.

North Worcestershire Water Management

The site falls within flood zone 1 (low risk of fluvial flooding) but the area of the proposed barn is susceptible to surface water flooding. During high risk (more frequent) events this is limited to the area between the existing barns and is likely to be less than 30cm depth. In a low risk (less frequent) scenario, the area of potential flooding increases as does the depth and velocity. This information can be viewed here: <https://www.gov.uk/check-long-term-flood-risk>.

As a less vulnerable land use the flood risk here is not a great concern, but the applicant should be aware that a watercourse (potentially culverted) runs along the boundary of the site, and care should be taken to ensure this is not impacted upon during construction. In addition, adequate drainage should be provided on site to ensure no increase in runoff from the site.

I note the application form states storm water will drain to soakaways; this is unlikely to be feasible in this location due to the underlying clay soils. Attenuated water may be discharged at an agreed rate to the existing watercourse, but this must also be subject to appropriate water quality treatment. Any contaminated runoff or foul waste must be collected and disposed of properly, and not allowed to drain into the watercourse.

The agent has subsequently clarified that there will be no increase in runoff from the site compared to the pre-development situation, site consists of concrete yards, and existing buildings with rainwater systems plumbed directly into the adjacent ditch. Could the applicant just confirm the existing outfall into the ditch for the roof of the buildings only will be used? I reiterate here that yard water which may be contaminated may not enter the watercourse and should be treated as foul waste. If the existing outfall is to be utilised, considering their response regarding no increase in impermeable area.

Should you be minded to grant permission, I would be grateful if the following condition could be attached to your decision notice:

Any manure store shall be placed where there is no risk of run-off polluting watercourses and/or assets used to supply water for consumption. Manure stores shall have an impermeable base and shall be located at least 10 metres from any watercourse or ditch and at least 50 metres from any well, spring or borehole that supplies water for consumption.

Please also include the following informative:

The applicant should be aware that polluting the nearby brook, for instance by allowing the discharge of sediment rich runoff from the construction site, might constitute an environmental offence. The applicant is expected to fully assess the risks from all pollution sources and pathways and take sufficient precautionary measures to mitigate these risks for this development.

A Land Drainage Consent is required for all works that have the potential to alter the flow in an ordinary watercourse, as set out in Land Drainage Act 1991 section 23 (as amended). The applicant is advised to contact North Worcestershire Water Management via 01562 732191 or enquiries@nwwm.org.uk should they need to apply for a Land Drainage Consent.

WRS - Contaminated Land

No Comments Received To Date

WRS - Noise

No objection to the application in terms of any noise / nuisance issues.

WRS - Air Quality

WRS have reviewed the above planning application for potential air quality issues of which none have been identified, therefore WRS have no adverse comments to make with regards to air quality.

Public Consultation

The application was advertised by means of a press notice, site notice and individual neighbour letters.

6 letters of objection have been submitted raising the following concerns;

- Overdevelopment of the Green Belt
- Size of building excessive
- Too close to northern boundary with Heath Green Farm
- Impact on landscape
- Impact on residents
- Water pollution and drainage concerns
- Health and safety
- Concern about future non-agricultural use of building

- Concern at potential public access/expansion of farm park/ result in removal of farm animals at farm park
- Concern at vehicle movements
- Land ownership matters

1 representation has been submitted that requests the building be restricted only to agricultural uses.

1 representation has been submitted with information on the operational arrangements of the farm and farm park in response to the objections.

Relevant Policies

Bromsgrove District Plan

BDP1 Sustainable Development Principles

BDP4 Green Belt

BDP13 New Employment Development

BDP15 Rural Renaissance

BDP19 High Quality Design

Others

NPPF National Planning Policy Framework (2021)

NPPG National Planning Practice Guidance

Bromsgrove High Quality Design SPD

Relevant Planning History

19/01544/FUL	Continued use of land and farm buildings as a farm based Rural Educational and Interpretation Visitor Centre with associated facilities including visitor parking, the retention of outdoor play equipment, toilet blocks, animal enclosures, shelters and fencing, the wall filling the formerly open sided elevation of the southernmost building, pedestrian link between the café/play barn and winter barn and steel walling adjacent to the visitor parking area. Retention of a mobile office building for a twelve month period.	21.10.2020
20/01279/AGR	Prior Notification under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) for the extension of an existing agricultural building.	05.11.2020

BR/953/1963	Erection of a poultry house.		
BR/698/1968	Erection of poultry house.		
B/2002/0383	Removal of some existing poultry sheds, extension to existing cold store and provision of chiller and dispatch area, and construction of agricultural barn for replacement poultry, lambs and cattle, and hardstanding. ALLOWED ON APPEAL 12/8/2003	Refused	02.10.2002
21/01861/AGR	Replacement Agricultural Building	Permission required	13.01.2022

Assessment of Proposal

Site

The application site forms part of Seafield Farm operated by Seafield Pedigrees Ltd. and is located to the west of Seafield Lane. It is currently occupied by 2 former poultry sheds and these have been more recently used for lambing. Due to age and storm damage, the buildings are in a dilapidated state.

A refrigeration building sits to the south-east of the application site with the farmhouse beyond. A caravan (unoccupied) is sited to the east. Attwell Farm Park (a rural education and interpretation visitor centre) to the south-west. Farmland (part of a neighbouring farm) adjoins the site to the northern boundaries.

The farm enterprise focusses on the production of pedigree sheep and cattle. It extends to 83Ha (205 acres) and includes:

- land around Attwell Farm Park (used by the farm park);
- grassland to the east of Seafield Lane (27 Ha (67 acres));
- 24Ha at Park Farm; and
- 32 Ha (80 acres) adjacent to Park Farm.

The site is located within the Green Belt.

Proposal

The application originally proposed the 'Demolition of 2No. existing poultry building and erection of clear span portal frame building to form additional seasonal livestock area and secure farm storage, with internal area for hay and straw storage'. Following concerns, this has been amended such that the farm storage and hay and straw storage elements have been withdrawn from the application.

In the amended application, it is proposed to replace the 2 existing former poultry buildings with a single, detached agricultural building to house livestock. In particular, the building is to provide lambing space and extra space for overwintering cattle. Machinery may be parked in the building from time to time, though this is not intended to be its primary use.

The building is proposed to accommodate 44 cows plus their calves and all the sheep for lambing. The existing cattle shed located at the south of the existing building complex would also continue to house cattle.

Proposed materials are tanalised timber cladding with concrete panels and fibre cement roof cladding.

Amended plans have been submitted such that the proposed footprint measures 36.576m X 35.548m (approximately 1300sqm). The proposed height of the building is approximately 8.4m to the ridgeline. The applicant has explained that the proposed pitch of the roof and therefore the overall height of the building has been increased from the original proposal following the receipt of professional advice by the applicant to ensure satisfactory animal welfare. The sides of the building would be substantially open, as shown on the elevation drawings, to aid good ventilation. There are distinct gaps between the proposed building and existing adjacent buildings.

Access into the building would be gained from gated openings along the northern elevation. The floorplan shows 2 separate areas indicated for sheep pens with a feed passage between and a further 2 areas each to accommodate 22 cows and calves with a further feed passage.

Livestock

The supporting statement explains that the farm operates under a High Health Status and due to sustained livestock prices has seen an increased demand for its stock.

The farm has a pedigree beef breeding herd which comprises:

- (i) circa 120 suckler cows and down-calving heifers. In 2022 about 90 cows/heifers calved;
- (ii) 42 young heifers due to go to the bull this year;
- (iii) 30-40 young bulls of various ages;
- (iv) a total of about 200 head of cattle.

The cows calve down all year round. Currently they calve both indoors and at grass. Offspring are reared as stock bulls or for meat, and the best heifers are retained to expand the herd.

There are 300 breeding ewes, with a collection of different breeds. An average lambing percentage is about 160%. The early flock comes indoors at the beginning of December, and goes out in March. The late flock then comes in for lambing.

Straw is delivered once per week on an HGV trailer. The cattle are fed a mix including silage, which is normally mixed at the existing farm buildings and will be transported round to the cattle in the new buildings.

Green Belt and Principle of Development

The site is located in the Green Belt where development is only considered appropriate if it falls within a closed list of exceptions. Buildings for agriculture are identified as one of the exceptions under adopted Policy BDP4.4(a) of Bromsgrove District Plan and in para 149 of the NPPF. It is considered that the proposal is acceptable in principle.

Existing Buildings

The brochure for the farm park refers to a 'lambing barn'. This building lies adjacent to the derelict poultry sheds. It is a re-purposed former poultry building and ventilation is limited. The Agricultural Consultant has advised that it is not well-suited to lambing.

The existing cattle building was extended in 2020 under an agricultural notification. The applicant has advised that this has enabled a creeper area for calves following professional advice regarding improvements to animal welfare. The Agricultural Consultant has advised that the existing cattle building is well-suited to livestock.

Agricultural Need and Size of Proposed Agricultural Building

The existing cattle shed cannot accommodate all the cows for over-wintering. Throughout the application process, the farmer has stressed the need for over-wintering accommodation for his livestock. The existing cattle shed can accommodate 68-81 cows. The proposed cattle shed would accommodate 45-54 cattle. Although at the upper end of the space allowance, the Agricultural Consultant has advised that the herd size of approximately 120 suckler cows is considered to justify the additional space.

With regard to sheep, the Agricultural Consultant has advised that the proposed sheep pens would be capable of housing of the order of 200 ewes if housed in groups, or less if divided into individual lambing pens. The buildings will, therefore, house the larger flock of sheep, which would be housed from December to circa February / March.

With regard to the size of holding, number of animals and existing buildings, the Council's Agricultural Consultant has advised that the agricultural need has been established. The existing buildings are not well suited to lambing and the cattle building is not big enough to accommodate the number of animals. It has been satisfactorily demonstrated that additional suitable agricultural building space proposed is required by Seafeld Pedigree Ltd. Therefore, officers concur with the advice of the Agricultural Consultant: the agricultural need has been satisfactorily established and the size of building is considered appropriate.

Design, Layout, Location and Appearance

The pitch of the roof is approximately 14° and the overall height approximately 8.4m. This is much taller than the existing chicken sheds. The building would be visible outside of the site. However, the applicant has explained the need for the additional height is due in part to the increased size of modern farm machinery that would access the building (this machinery is too large to enter the chicken sheds) and also it is necessary for satisfactory airflow purposes, following professional advice. The Agricultural Consultant has confirmed this is reasonable. The plans show the building would be no taller than the existing refrigeration building to the south. With regard to the justification for the height and in the context of the site setting, this aspect of the building is considered acceptable.

Materials would comprise tanalised timber cladding, concrete panels and fibre cement roof cladding. This is considered appropriate for an agricultural building, appropriate to the countryside setting and acceptable in the context of the site and its surroundings.

The layout requires machinery to reverse back along the feed passages, because access is only available at the northern end of the proposed building. The Agricultural Consultant has confirmed this is physically achievable and has raised no objection to this arrangement. This layout and access arrangement is considered acceptable.

The proposed building would be situated in the same location as the existing chicken sheds but in the amended plans that have been submitted is now set further away from the northern boundary. The proximity to the northern boundary in the original proposal had raised concerns in public comments. Pulling it away from the boundary increases the distance from the adjoining farm and is considered to be an improvement, assisting in the better integration of this large structure into the complex of existing buildings.

The replacement building would be based on the existing concrete slab. It would be located within the existing complex of buildings and would be viewed as part of that from the surrounding area. The Agricultural consultant is satisfied that the design, layout, location and appearance of the proposed building are appropriate for the type of development. This conclusion is shared by your officers. Visual impact of the agricultural development on the surrounding landscape and setting is considered acceptable.

Access

The supporting information states that vehicular movements to and from the site will remain the same. Access from Seafeld Lane would be the same as that used in connection with the existing chicken buildings. The Highway Authority has been consulted and raised no objection. Therefore, access arrangements are considered acceptable.

Drainage

The application form stated that storm water would drain to soakaways. NWWM advised that due to the clay soils this would be unlikely to be feasible. Condition was recommended regarding this matter. The agent has subsequently explained that there will be no increase in runoff from the site compared to the pre-development situation. No additional surfacing is proposed and rainwater systems of existing buildings are plumbed directly into the adjacent ditch. NWWM has requested further clarification on this matter and an update will be provided to Committee.

The supporting statement states that waste water will be plumbed into existing below ground surface water drainage system there will be a water tank installed onto the downpipes to feed into water trough system, rainwater to be filtered by rainstore system to ensure safe for use. NWWM has recommended a condition regarding manure storage to protect run off polluting water courses.

WRS has been consulted regarding contaminated land – a response is awaited at the time of writing this report. Any response will be provided as an update.

Residential Amenity

The nearest residential accommodation to the building is associated with the farm and its staff. This remains the same as the existing situations with the chicken sheds. As such, this raises no concerns regarding amenity. The building is a considerable distance from other residential properties, the nearest of which is the other side of and therefore screened by the existing complex of buildings.

Economic Development

Para 81 of the NPPF requires that significant weight should be given to supporting economic growth taking into account local business needs. Adopted BDP policy 13 supports sustainable economic development in rural areas through proportionate extensions to existing business subject to Green Belt considerations. BDP15 also supports the economic needs of rural communities by encouraging development that contributes to sustainable rural enterprise. The proposal represents an investment in an established rural business which seeks to expand due to increased demand for its product and is considered acceptable with regard to these national and local policies.

Concern about future and non-agricultural use of building

Public concern has been expressed that the building could be opened to the public, for instance to view lambs and calves. This does not form part of the planning application. The application must be considered on the basis of what has been applied for. The proposal is for a new building in the Green Belt and it is considered acceptable because as an agricultural building it falls within the limited and closed list of exceptions. With this in mind, it is considered appropriate to seek to control future development of the building including requiring its removal if and when it is no longer required for agricultural purposes. The Agricultural Consultant has also recommended the removal of the building should the agricultural use cease. He also recommends a condition preventing the building being used for storing straw or hay, due to fire risk. Given the design of the building, proximity of other buildings and presence of animals this is considered appropriate.

Concern at potential removal of farm animals at farm park

Public concern has been raised that the proposal would result in the removal of animals from the park farm and implications for it functioning as a farm based Rural Educational and Interpretation Visitor Centre. The current application does not relate to the farm park site.

The current application site relates to a different area of land. The planning permission for the farm park (19/01544/FUL) does not restrict the use of the current application site nor fetter the Council's ability to make a decision on this application, which must be made on its own merits. The supporting information submitted with the current application sets out that the building has been sought due to increased demand for the farm's pedigree livestock and that the building would accommodate those animals.

Land Ownership

It has been suggested that part of the north edge of the site is not within the ownership of the applicant. For the purpose of a planning application, s65 of the Town and Country Planning Act 1990 states that the Council shall not entertain an application with an incorrect ownership certificate. Certificate A was submitted with the application stating that the application site is within the ownership of the applicant, therefore the matter was raised with the agent. The agent has confirmed that the site is in the ownership of the applicant and that the correct ownership certificate has been submitted. The Council does not hold land ownership information and on the basis of the information provided has no grounds to dispute this for the purpose of considering the planning application. Submission of an incorrect ownership certificate can render any planning permission to be challengeable and subsequently quashed by the Courts. Therefore, it is important for any applicant to ensure the correct ownership certificate has been submitted. For the purpose of this planning

application, it is considered that the matter has been sufficiently clarified to enable the application to be determined.

Conclusion

The proposed agricultural building falls within a limited and closed list that is appropriate development within the Green Belt. The agricultural need for the development has been established. Design, layout, location, appearance and impact on amenity of this agricultural building are considered appropriate and acceptable. The visual impact of the proposal on the site, surroundings and with regard to local character are, on balance, considered acceptable. Overall, and subject to conditions, the proposal is considered to accord with adopted local and national planning policy and is satisfactory with regard to other material planning matters.

RECOMMENDATION: Mind to **APPROVE FULL PLANNING PERMISSION**

That **DELEGATED POWERS** be granted to the Head of Planning, Regeneration and Leisure Services to determine the application following:

- (a) The expiry of the consultation period on 13 October 2022 and in the event that further representations are received, that **DELEGATED POWERS** be granted to the Head of Planning, Regeneration and Leisure and Services, in consultation with the Chair of Planning Committee, to assess whether new material considerations have been raised and to issue a decision after the expiry of the publicity period accordingly

Conditions:

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date of the grant of this permission.

Reason: In accordance with the requirements of Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the following plans and drawings:
 - Existing and Proposed Block Plan drawing no. 4461-100C
 - Location Plan, elevations and floorplan drawing number 4461-10E

Reason To provide certainty to the extent of the development hereby approved in the interests of good planning.

3. The building hereby approved shall be dismantled and the resultant debris removed from the site, should the building cease to be used for agricultural purposes within 6 months.

Reason: To protect the Green Belt in accordance with BDP4 of the Bromsgrove District Plan and the NPPF.

4. The building hereby approved shall not be open to the public visiting the Attwell Farm Park

Reason: To reflect the basis on which the application has been submitted and considered as an agricultural building, to ensure the satisfactory operation of the site and to protect the Green Belt.

5. Materials shall be as specified on the application form and Design and Access Statement:
 - natural grey fibre cement with an open vented ridge incorporating 15% roof lights;
 - part timber cladding with concrete wall panels.

Reason: This is the basis on which the proposal has been submitted and considered and to ensure the satisfactory appearance of the development.

6. Any manure store shall be placed where there is no risk of run-off polluting watercourses and/or assets used to supply water for consumption. Manure stores shall have an impermeable base and shall be located at least 10 metres from any watercourse or ditch and at least 50 metres from any well, spring or borehole that supplies water for consumption.

Reason: To ensure the satisfactory drainage of the site and to safeguard water sources and the environment.

7. The building shall not be used for the storage of straw or hay.

Reason: To reflect the basis on which the application has been submitted and determined and due to fire risk.

Case Officer: Jo Chambers Tel: 01527 881408
Email: jo.chambers@bromsgroveandredditch.gov.uk