**Application Number**: S/2017/1347/MAF

**Parish**: Silverstone

**Application expiry date**: 8 September 2017

**Case Officer**: Becky Bonnett

**Applicant**: C.W. Webb & Partners

**Location**: Windmill Farm Whittlebury Road

**Description**: Agricultural building

**Silverstone NN12 8TH**

**RECOMMENDATION – DELEGATE TO THE HEAD OF DEVELOPMENT MANAGEMENT TO GRANT PERMISSION SUBJECT TO:**

1) NO OBJECTIONS FROM NCC LEAD LOCAL FLOOD AUTHORITY

2) THE CONDITIONS SET OUT AT THE END OF THIS REPORT (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY)

**Further Recommendation**: The determination period for this application expires on 8 September 2017. If no extension of time has been agreed between the parties, it is further recommended that the Head of Development Management is given delegated authority to refuse the application on the following grounds (Final wording delegated to Head of Development Management);

- Failure to provide sufficient information to consider the proposed drainage scheme and its impact upon flood risk on the site.

**S/2017/1347/MAF**

**WARD**: Silverstone

**WARD MEMBER**: Cllr Dermot Bambridge

**REASON FOR REFERRAL TO COMMITTEE**: Major application

1. **APPLICATION SITE**
   
1.1 The application site comprises of agricultural land to the south of existing agricultural buildings used for housing livestock and for feed/fodder and equipment storage.

1.2 Windmill Farm, Silverstone comprises a land holding of approximately 445ha comprising of 142ha of land owned by the applicant and a further 303ha of rented land. It is a mixed farming unit with arable and pasture land, the applicants owns approximately 1,500 sheep and 250-350 cattle depending on the season. The site likes approximately 1km east of Silverstone, on the east side of the A43 it is screened by hedging to the road frontage, and hedging and a copse to the adjoining field to the east. A farm bungalow – ‘The Ridges’ lies to the west of the farm buildings and to the north west of the application site.
1.3 The site is accessed off Whittlebury Road using the existing vehicular access which serves the farm buildings and farm yards. The site is not situated within or adjacent to any defined settlement boundary as defines in the South Northamptonshire Local Plan.

2. CONSTRAINTS

2.1 The site lies beyond any defined village or town confines and therefore, falls within the open countryside.

2.2 Located within 2km of five Local Wildlife Sites (Hazelborough Woods; Wild Wood; Bucknell Wood; Foxhole Copse; Cheese Copse).

2.3 Located within a Special Landscape Area.

2.4 Aerodrome Consult Zone – 90m obstacles.

3. PROPOSAL

3.1 This application seeks consent for a new agricultural barn located adjacent to existing barns. The proposed barn measures 30m wide, by 36m long. The eaves height is proposed to be 4.27 m. The proposed materials are that of a standard agricultural building and are similar to other buildings on the farm. The roof is to be constructed of fibre cement sheeting with the sides being constructed of 2 m concrete wall panels and dark brown pressure-treated timber boarding. The two ends of the building are to be clad in single – skin box profile steel sheeting.

3.2 The proposed building is for housing livestock owned by the applicant as the farm is currently operation over maximum capacity and the animals are housed in several buildings around the farm, some of which are considered unsuitable for modern farming methods with regards to compliance with ventilation and animal welfare. The applicant is wishing to centralise farming operations on the premises and house all cattle within a single buildings. The applicant states that housing the herd within a single building will allow the applicant to lessen the threat of TB.

4. RELEVANT PLANNING HISTORY

4.1 The application site has no relevant planning history. However, the following planning history relating to the adjacent farm buildings is considered relevant:

- S/2013/0226/FUL – Agricultural farm building for storage – APPROVED;
- S/1997/0596/P – Covered yard – APPROVED
- S/1993/0200/P – Erection of an agricultural building (plot A) – APPROVED;
- S/1993/0201/P – Erection of an agricultural building (plot B) – APPROVED

5. PRE-APPLICATION ADVICE

5.1 No pre-application was sought or given.
6. **KEY ISSUES**

6.1 Principle of development.
6.2 Impact on the character and appearance of the surrounding area.
6.3 Residential amenity.
6.4 Highways and access.
6.5 Ecology.
6.6 Flood Risk.

7. **RELEVANT PLANNING POLICIES**

7.1 Planning law requires that applications for planning permission must be determined in accordance with the Development Plan, unless material considerations indicate otherwise.

The Development Plan

7.2 SOUTH NORTHAMPTONSHIRE LOCAL PLAN (SNLP): G3 (General); EV1 (Design); EV2 (Development in the Open Countryside); EV5 (Essential Farm Buildings); EV7 (Special Landscape Areas); EV24 (Species Protection)

7.3 WEST NORTHAMPTONSHIRE JOINT CORE STRATEGY (JCS): SA, S1, BN2 and R2

Material Considerations

7.4 NATIONAL PLANNING POLICY FRAMEWORK (NPPF): Core Principles, Section 1 ‘Building a strong, competitive economy;’ Section 3 ‘Supporting a prosperous rural economy;’ Section 7 ‘Requiring good design;’ Section 11 ‘Conserving and enhancing the natural environment’

7.5 PLANNING PRACTICE GUIDANCE (PPG): Design and species protection.

7.6 COUNCIL CORPORATE PRIORITIES: The Council’s 2017/18 Business Plan sets out the council’s three strategic priorities which form our overarching five-year business strategy. Below these are the key actions for the year 2017–18. This is a plan which looks to the future taking into account the priorities and aspirations of the communities who live and work in the district.

7.7 The corporate priority of most significance to the determination of planning applications and appeals is to “Protect the District”. It seeks to do this via the key objectives of; (1) ensuring the character of the district is preserved; (2) protect the built heritage; (3) preserve the environmental quality of the District; (4) mitigate the effects of High Speed 2 construction; (5) deliver affordable housing.

7.8 The remaining corporate priorities are of significance to the determination of planning applications and appeals via the key objectives of delivering the Brackley, Towcester and Silverstone Masterplans, increasing tourism and employment in the District, providing enhanced leisure facilities, safeguarding the vulnerable, increasing a return on assets and delivering a high quality service.

7.9 The above corporate priorities are considered to be fully compliant with the policy
and guidance contained within the National Planning Policy Framework and National Planning Practice Guidance.

8. CONSULTATIONS

8.1 SILVERSTONE PARISH COUNCIL: No objection.

8.2 NORTHAMPTONSHIRE CRIME PREVENTION DESIGN OFFICER: No objection to this application. The building does not house machinery which is attractive to thieves and it is within the immediate environs of the farm, not in an isolated location, which lessens the risk of animals being targeted.

8.3 NORTHAMPTONSHIRE COUNTY COUNCIL LEAD LOCAL FLOOD AUTHORITY: There is insufficient information available to comment on the acceptability of the proposed surface water drainage scheme.

9. REPRESENTATIONS

9.1 No representations were received at time of writing.

10. OFFICER’S REPORT

10.1 PRINCIPLE OF DEVELOPMENT: Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990 require that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 13 of the NPPF clarifies that the NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise. In this case the development plan comprises the saved policies of the adopted South Northamptonshire Local Plan (SNLP) and the West Northamptonshire Joint Core Strategy Local Plan (Part 1) (WNJCS) adopted 2014.

10.2 The application site is located in the open countryside outside of the village confines where Policy EV2 of the South Northamptonshire Local Plan states: Planning permission will not be granted for development in the open countryside, although exceptions may include:

   i) The conversion of an existing building in accordance with Policies EV16 and EV17; or
   ii) Development necessary for the purposes of agriculture, forestry, recreation or tourism; or
   iii) In special landscape areas, appropriate development essential for the purposes of agriculture, forestry, tourism or recreation; or
   iv) Development in accordance with the special policies that apply to the particular sites dealt with in chapter 13.

10.3 Policy EV5 also supports the development of essential farm buildings where;

   i) The building is designed wherever possible as an integral part of an existing farm complex; and
   ii) The proposal has regard in terms of siting to existing landform and natural
Paragraph 28 of the NPPF also seeks to support a strong rural economy by (amongst other things) supporting the sustainable growth and expansion of all types of businesses and enterprise in rural areas, both through the conversion of existing buildings and well-designed new buildings. The NPPF indicates that planning policies should support economic growth in rural areas in order to create jobs and prosperity, in particular to promote the development and diversification of agriculture and other land based rural businesses.

The building is designed as part of an existing farm complex at Windmill Farm from which the present farming operations are conducted. The applicant has provided justification in relation to the need which relates to an expanding farming enterprise and the need to ensure the animals are housed in buildings suitable for modern farming methods with regards to compliance with ventilation and animal welfare regulations.

In general, Officers are satisfied that the new building is an acceptable addition to the existing farming enterprise subject to appropriate design, highways and parking and no ecological issues, the principle of the scheme can be supported.

The barn is designed as utilitarian steel framed building and is sited immediately adjacent to the existing barn complex on site which has been established over a number of years. The materials proposed for the barn are typical of buildings of this style.

The application site lies within a Special Landscape Area. Policy E7 states that in Special Landscape Areas planning permission will only be granted for development which will not have a detrimental impact on their character and appearance. Particular attention must be paid to design, materials, siting of buildings and the use of land.

The proposed building is located behind the existing farm buildings, that combined with the mature hedgerows along the Whittlebury Road and as such the views of the proposed building from the Whittlebury Road will be limited. There is a hedge to the east of the site which will offer an element of screening. The surrounding landscape is rolling, the nearest public right of way (RX001) is approximately 300m away. Officers, are of the view that the proposed building be seen within the landscape but it will be seen in the context of the existing farm buildings and therefore, it will not appear as particularly incongruous in the landscape and will be considered to be in accordance with policy E7.

In summary, it is considered that the agricultural building will have little harmful impact upon the surrounding area and the character and appearance of the countryside. Its appearance is functional and in keeping with the existing buildings on the wider site. The buildings relationship with the existing buildings will mean it will be seen in context with existing farm building and will not appear particularly incongruous in the landscape. A condition should be placed on the consent requesting a material schedule, this will provide clarity as to the colour of roof which is currently described as “natural colour”.

RESIDENTIAL AMENITY: The nearest dwelling is at the Ridges which situated approximately 60m to the northwest of the site. This dwelling is connected with the
applicants’ farm holding as illustrated by the blue line submitted as part of the planning application. There are no non-ancillary dwellings within the proximity of the site. The agricultural building is not considered to unacceptably harm the amenities of any neighbouring properties in accordance with policy G3(D).

10.12 HIGHWAYS AND ACCESS: The proposed building will not have an adverse impact upon highway safety or parking. The access remains as existing and the building. The applicants have stated that the proposed development will not result in an increase in traffic to and from the farm.

10.13 ECOLOGY: The Planning Practice Guidance dated 2014 supersedes the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), which has been withdrawn. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

10.23 Natural England’s Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it’s likely that protected species are:

- present on or near the proposed site, such as protected bats at a proposed barn conversion
- affected by the development

10.24 It also states that LPA’s can also ask for:

- a scoping survey to be carried out (often called an ‘extended phase 1 survey’), which is useful for assessing whether a species-specific survey is needed, in cases where it’s not clear which species is present, if at all
- an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren’t affected at each stage (this is known as a ‘condition survey’)

10.25 The Standing Advice sets out habitats that may have the potential for protected species. Following on from the above, the Government’s Planning Practice Guidance states that an ecological survey will be necessary in advance of a planning application, if the type and location of development are such that the impact on biodiversity may be significant and existing information is lacking or inadequate. It also advises that ecological surveys should only be required where clearly justified, for example if there is a reasonable likelihood of a protected species being present.

10.14 The application site consists of managed grass land associated with an agricultural use. Due to the management of this land, in very close proximity to operational buildings and uses. Whilst there is established hedgerow and trees within the proximity of the site these will retained.

10.15 Having considered Natural England’s Standing Advice and taking account of the site constraints it is considered that the site has limited potential to contain protected species and their existence within the site is unlikely. As such no formal survey is required and in the absence of which this does not result in a reason to withhold permission. An informative reminding the applicant of their duty to protected species.
10.26 FLOOD RISK AND DRAINAGE: Northampton County Council (NCC) Lead Local Flood Authority (LLFA) have insufficient information available to comment on the acceptability of the proposed surface water drainage scheme for the proposed development. Therefore there is insufficient information available to provide a suitable basis for an assessment to be made of flood risk and whether the surface water drainage scheme is acceptable. The applicants’ will be submitting additional information and NCC LLFA will be re-consulted. Provided the additional information submitted is acceptable to the consultees and potentially could include conditions, the proposal would be deemed acceptable in terms of its impact upon flood risk and providing a suitable drainage solution. If NCC LLFA objects then the application should be refused on that basis.

11. CIL LIABILITY

11.1 The proposed development is for agricultural purposes and as such, is not CIL Liable in accordance with the Council’s current CIL Charging Schedule.

12. CONCLUSION

12.1 Subject to receipt of additional information in relation to flood risk and drainage which is to the satisfaction of the Lead Local Flood Authority, the application is recommended for approval. Should the submitted information be insufficient and not to the satisfaction of the Lead Local Flood Authority the application should be refused on the grounds of insufficient information has been provided to consider whether the impact upon flood risk on the site and proposed drainage scheme are both acceptable.

13. HUMAN RIGHTS ACT

13.1 The Human Rights Act 1998 (“HRA”) sets out fundamental freedoms which have been laid out by the European Convention on Human Rights (“ECHR”). In making any decisions, South Northamptonshire Council (“the Council”) should have due regard to and take into account any implications that may arise under the HRA. As a public authority, it is unlawful for the Council to act in a manner which is incompatible with the ECHR.

13.2 The rights under the ECHR which the Council views as being the most likely to affect planning matters are: Article 6 (the right to a fair trial); Article 8 (right to respect for private and family life); Article 14 (prohibition of discrimination); and Article 1 of the First Protocol (protection of property).

**Article 6**

13.3 Officers have considered these matters and have resolved that, whilst there are potential rights in play, these will not be affected by the application due to the application being publicised by way of neighbour letter, site notice and in the local press giving affected third parties the opportunity to comment on the application and their views taken into account when considering the application. In this case he comments raised by third parties are listed above and have been taken into account before determining the application. Third parties were invited to the public meeting of the Planning Committee and had the opportunity to speak. Furthermore should a
third party be concerned about the way the application was decided they could complain to the Local Government Ombudsman or if they question the lawfulness of a decision can appeal to the Courts for Judicial Review of the application.

Article 8 and Article 1 of the First Protocol

13.4 Officers have considered the duties under both Article 8 and Article 1 of the First Protocol and have resolved that the application does respect the private and family life of neighbours and does not fail to protect the neighbours’ property.

14. DUTY UNDER THE EQUALITIES ACT 2010

14.1 S149 of the Equality Act 2010 (“EA”) sets out what is known as the Public Sector Equality Duty (“PSED”). Under the PSED, the Council, as a public authority, must have due regard to the need to, inter alia, advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and has to foster good relations between persons who share a relevant protected characteristic and persons who so not share it. The protected characteristics to which the PSED refers are: (a) age; (b) disability; (c) gender reassignment; (d) pregnancy and maternity; (e) race; (f) religion or belief; (g) sex; (h) sexual orientation.

14.2 Officers have considered the application and resolved that none of the protected characteristics is affected or potentially affected by the application.

15. CONDITIONS

TIME LIMITS AND GENERAL IMPLEMENTATION CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development shall not be carried out otherwise than in complete accordance with the approved plans Site Location Plan, Proposed Block Plan, Roof Plan (No. 17054); Elevations (17084) unless a non-material amendment is approved by the Local Planning Authority under the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Reason: To clarify the permission and for the avoidance of doubt.

CONDITIONS REQUIRING LOCAL PLANNING AUTHORITY WRITTEN APPROVAL OR TO BE COMPLIED WITH BEFORE ANY DEVELOPMENT COMMENCES

3. No development shall take place until a schedule of materials and finishes to be used in the external walls and roof of the building has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be completed in accordance with the approved details.
Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy G3 of the South Northamptonshire Local Plan.

CONDITIONS TO BE COMPLIED WITH AT ALL TIMES

4. The development hereby permitted shall be used only for the purpose of agriculture, as defined in Section 336 (1) of the Town and Country Planning Act 1990, and for no other purpose whatsoever.

Reason: To ensure that the development is used for agricultural purposes only, in accordance with Policy EV2 of the South Northamptonshire Local Plan.

INFORMATIVES:

1. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. If any vegetation or trees are to be removed, it should first be ensured that they do not contain nesting birds or roosting bats. For further information or to obtain approval contact Natural England.