

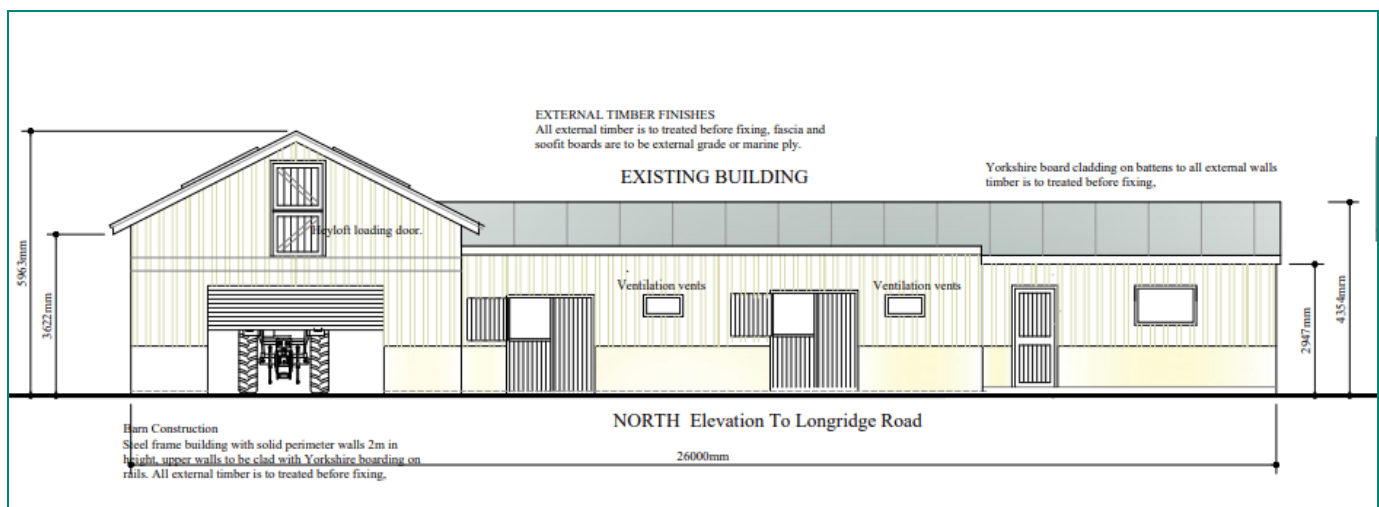


## APPELLANT'S STATEMENT OF CASE

### Section 78 Town and Country Planning Act 1990

June 2023

Appeal by Elis Warbrick against the refusal of Ribble Valley Borough Council to grant Permission for the 'Proposed extension to the existing agricultural unit for breeding of livestock, new access road from Longridge Road and new barn'.



**At Land off Shire Lane (adj Shire Lane House) Hurst Green BB7 9QR**

Prepared by MacMarshalls Rural Chartered Surveyors & Planning Consultants

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## **1. INTRODUCTION AND BACKGROUND INFORMATION**

- 1.1. This Appeal has been prepared and submitted on behalf of the Appellant against the refusal notice issued by the LPA on the 14th December 2022 under planning application reference 3/2022/0573, for the 'Proposed extension to the existing agricultural unit for breeding of livestock, new access road from Longridge Road and new barn.'
- 1.2. This Statement amplifies on the points made as part of the original planning application (submitted by a different party) and where relevant provides comments on the reason for refusal and delegated case officer report on which the reason for refusal was based.

## **2. SITE AND SURROUNDING AREA**

- 2.1. The land extends to approximately seven acres and is situated between Shire Lane at a higher level to the north, and Longridge Road at a lower level to the south. The existing building on the land is constructed in corrugated cement sheet roof with boarded and metal clad elevations over block walls and is accessed via a gated vehicular entrance off of Shire Lane. The area is predominantly open and rural in character with mature hedgerows and trees forming an important part of the landscape. The village of Hurst Green is located to its east. The site lies within the Forest of Bowland Area of Outstanding Natural Beauty.

## **3. REASONS FOR REFUSAL**

- 3.1. The application was refused for the following four reasons:
  - 3.1.1. *"The proposal is considered contrary to Policy DMG2 of the Ribble Valley Core Strategy 2008-2028 which seeks to limit development in the open countryside. The amount, form and design of the proposed development is not considered to be needed for the purposes of agriculture or other uses appropriate to a rural area. Approval of such an application without sufficient agricultural justification would result in further development to the visual detriment of the open countryside"*
  - 3.1.2. *"The proposal would introduce built form into a rural landscape which is designated as part of the Forest of Bowland Area of Outstanding Natural Beauty; this is afforded the highest protection and great weight is given to ensure that this valued landscape is conserved and enhanced. The scale, form and design of the built development proposed would result in a harmful impact on the landscape character which is contrary to policies EN2, DMG1 and DMG2 of the Ribble Valley Core Strategy 2008 -2028."*
  - 3.1.3. *"The proposal would introduce animal housing and manure storage in close proximity to residential properties which is considered would result in a loss of amenity for the*

*occupants of those properties due to noise and smells contrary to policy DMG1 of the Ribble Valley Core Strategy 2008 – 2028”*

- 3.1.4. *“The proposal would result in the loss of a large section of hedgerow in order to facilitate a new vehicular access with appropriate visibility splays and fails to assess the potential impact on biodiversity or adequately mitigate for that loss contrary to policy EN4, DMG1, DME1 and DME2 of the Ribble Valley Core Strategy 2008 - 2028.”*

## **4. APPELLANT’S GROUNDS OF APPEAL**

### **4.1. Reason 1**

- 4.1.1. The Council's core strategy is supportive of agricultural development however, the Council states that *The proposal is considered contrary to Policy DMG2 of the Ribble Valley Core Strategy 2008-2028 which seeks to limit development in the open countryside. The amount, form and design of the proposed development is not considered to be needed for the purposes of agriculture or other uses appropriate to a rural area. Approval of such an application without sufficient agricultural justification would result in further development to the visual detriment of the open countryside.*
- 4.1.2. The applicant's farming business is a significant size extending to some 13.03 HA (32.20 Acres) as shown on the additional agricultural information questionnaire. The main enterprise centres around the breeding and rearing of alpacas with 32 female, 6 male and 14 crias (Young animals). Furthermore, the business also operates a lambing flock of 65 head of sheep with 48 lambs at present.
- 4.1.3. The existing barn on the site is now full to capacity with a requirement for the new building to accommodate the applicants livestock and machinery.
- 4.1.4. The existing barn is some 11.49 x 6.20m (**71.23m<sup>2</sup>**) the proposed extensions are 12.5m x 7.25m (West) and 6.50m x 7.9m (East)
- 4.1.5. The total floor plan extensions are = 90.62m<sup>2</sup> plus 51.35m<sup>2</sup> (Total of **141.97m<sup>2</sup>**)
- 4.1.6. This is based on the revised plans however, it is noted that the agricultural consultant states that there is a requirement for 171 sq m with 84m<sup>2</sup> existing so justification for a further 87m<sup>2</sup>. The consultant concludes the need for a modest additional building of 100/110m<sup>2</sup>. The justification of this is questioned and a reasoned discussion put forward below to justify the requirement.
- 4.1.7. The total floor area (Including the existing building is some) 213.20 it is noted that this is 21% of the allowable under permitted development which the applicant has the rights to appeal under (For storage only).

The breakdown of required building space (**213.20 sq m**) is as follows:

- The building space required needs to be capable of housing/lambing 65 ewes. John Nix (Pocket book) suggested that ewes require 1.35m<sup>2</sup> of space = 87.75 sq m.
- Up to 48 lambs would be housed in the building at lambing time therefore extra space (0.3m<sup>2</sup> per lamb) is required = 14.4 sq m.
- Furthermore, a total of 52 alpacas also need to be housed within the building during poor weather etc The british alpaca society states: *For larger herds housing in larger buildings (barns or purpose built livestock sheds) overnight, or for longer periods, is a sensible approach in periods of sustained poor weather or for sensitive groups (e.g. newly weaned cria). Larger buildings may benefit from internal penning and should have adequate ventilation, feeding area and water supply if they are in regular use.* It is reasonable to anticipate that at points during the year at least half of the alpacas will be housed within the building, John Nix states that 2m<sup>2</sup> per head is required for indoor housing of alpacas = 52m<sup>2</sup>
- Space is needed for sheep feed & mineral supplements, hurdles, marker spray, sprays, buckets, troughs, wormers, hay racks, foot shears, fly cream, shears, electric fencing (to manage the land), miscellaneous veterinary supplies. 10sq m.
- Square bales of hay are required to supplement feed during winter, furthermore, straw and feed are also required, the building will allow storage of this. A standard bale is 1.07m x 0.51m x 0.36m a volume of each bale is therefore 0.2m<sup>3</sup>. The sheep and alpacas would use on average 200 hay and 50 straw bales during the winter therefore 50m<sup>2</sup> is required, we accept that this can be stacked up on the loft and therefore this will not be taken into the calculation.
- Space is required for machinery and implements used for managing the land details of which have been provided by the applicant, however, to details this please see the table below:

Machine	Size	Floor area
New Holland 4WD Tractor	3m x 5m	15m <sup>2</sup>
Chain harrows	2.4m x 2m	4.8m <sup>2</sup>
Massey 835 tractor	3m x 5m	15m <sup>2</sup>

Topper	2m x 1.9m	3.8m <sup>2</sup>
Tipping trailer	2.4m x 4m	9.6m <sup>2</sup>
Twin axle muck trailer	2.4m x 4m	9.6m <sup>2</sup>
Cattle trailer	2.4m x 4m	9.6m <sup>2</sup>
Lime spreader	2.4m x 3m	7.2m <sup>2</sup>
Mini digger	1.5m x 2m	3
<b>Total</b>		<b>77.60m<sup>2</sup></b>

- The space required for the machinery, feedstuffs and livestock is 241.75m<sup>2</sup> (approx 10% more than the actual size of building) which has been applied for. The machinery is being stored on the yard at the farm at the moment, machinery should not be left outside as they would deteriorate to the weather or be stolen. The machinery being left outside is also an eye sore to the surroundings, the proposed building will ensure that the yard is tidier than present.

4.1.8. Storage of the machinery on site will reduce journeys to and from the land as it would be stored on site at all times. As machinery theft increases there is now a need for machinery to be stored inside to reduce the risk of theft. A recent report by The NFU stated:

- *Cost of rural crime at eight year high – up almost 9% in just 12 months*
- *Coronavirus effect sees livestock rustling incidents*
- *Concern rural crime expected to escalate as economic impact of crisis hits*
- *Farmers' fears over crime contribute to rising anxiety and rural isolation*

4.1.9. *The cost of rural crime is at its highest level for eight years, with organised criminal gangs targeting high value tractors, quad bikes and large numbers of livestock. In its 2020 Rural Crime Report, rural insurer NFU Mutual reveals that rural crime cost the UK £54m in 2019, an increase of almost 9% on the previous year. For the second year running, the sharp rises are being driven by organised criminal gangs targeting high-value tractors, quad bikes and other farm vehicles – accounting for an increase of nearly 25% to £9.3m on agricultural vehicles. Within that total, quad bike and all-terrain vehicle (ATV) theft rose by 21% to £3.1m. In addition, Land Rover Defender thefts reported to NFU Mutual rose by 34% to £2.1m. Demand from overseas for expensive farm kit is fuelling the rise and in one joint operation between NFU Mutual and the National Vehicle Crime Intelligence Service, five vehicles totalling more than £100,000 were recovered from Poland earlier this year.*

- 4.1.10. The Applicant wishes to manage the land in a sustainable way and in turn improve the viability of the business they operate. They require a building for his livestock, these livestock will require a suitable agricultural building during:

The winter months and during adverse weather conditions;  
During lambing seasons;  
During illness or when receiving treatment.

Animal welfare in terms of the 'Five freedoms' is considered. The five freedoms as provided by the Farm Animal Welfare Council (FAWC) comprise:

- **Freedom from hunger and thirst** (Access to fresh water and a diet to maintain full health and vigour)
- **Freedom from Discomfort** (By providing an appropriate environment including shelter and a comfortable resting area).
- **Freedom from pain, injury or disease** (By providing prevention of rapid diagnostic and treatment)
- **Freedom to express normal behaviour** (By providing sufficient space, proper facilities and company of the animals own kind).
- **Freedom from fear and distress** (By ensuring conditions and treatment which avoid mental suffering).

- 4.1.11. The above demonstrates that there is a clear need and justification for an agricultural building to provide undercover storage for the applicants livestock, machinery and feedstuffs.

- 4.1.12. Agricultural development is an accepted form of development in Countryside areas, and as such should be supported by local authority. The Applicant has considered very carefully the siting of the proposed building in relation to proximity to existing built development, and best farming practices and with careful consideration to his farming practices have produced a scheme which they consider does not cause visual detriment.

## 4.2. Reason 2

- 4.2.1. The Council's Core Strategy is supportive of agricultural development, and it has been demonstrated with 4.1 of this statement that the proposed development is required for agricultural purposes and meets the needs for the enterprise.
- 4.2.2. Due to the topography of the land and the size and height of the proposed building, it will be visible from public vantage points and have a moderately increased prominence than the existing building. However, that would not be an uncharacteristic feature of the area. Furthermore, the area is characterised by a variety of buildings and uses, in

different materials including natural stone, render, red brick and slate, visible from short and long distance views and that sit above existing highways. The proposal therefore would not be out of character, and would be commensurate with its agricultural use. Longridge Road to the south is bounded by trees/small areas of woodland and hedgerows with gaps that provide views of buildings to its north. There would be no change to this character.

- 4.2.3. Contrary to the Council's case officer opinion, the proposed building is not considered to be domestic in appearance, but even if it was to be considered so that would not detrimentally affect the existing character of the area as set out above. When viewed from Shire Lane in either direction the building would sit below the land and long distance views would be retained.
- 4.2.4. Google Street View images below show the relationship between Longridge Road and buildings to its north. The development would not result in significant encroachment into the countryside as it makes use of an existing building and sits between buildings on Shire Lane.
- 4.2.5. The photographs below show firstly the application site when viewed from Longridge Road and secondly nearby development to the west when viewed from Longridge Road. Both include agricultural buildings and dwellinghouses of differing designs, heights and materials.







- 4.2.6. The formation of the access track has been designed to ensure it is acceptable to the Council's Highway Officers. It will not have a significant impact on the landscape character of the area. The hedge is proposed to be moved so that it is set back slightly from its current location in order to ensure appropriate visibility splays. The gap created in the hedgerow to form the access would result in only a small fragmentation that would not be an uncharacteristic feature in the locality. In addition, the overall appearance of the development could be enhanced via the introduction of appropriate landscaping, and which could be ensured via a landscaping condition.
- 4.2.7. The scheme is therefore not considered to be contrary to policies EN2, DMG1 and DMG2 of the Ribble Valley Core Strategy 2008 -2028.

#### 4.3. Reason 3

- 4.3.1. *"The proposal would introduce animal housing and manure storage in close proximity to residential properties which is considered would result in a loss of amenity for the occupants of those properties due to noise and smells contrary to policy DMG1 of the Ribble Valley Core Strategy 2008 – 2028"*
- 4.3.2. The officer states: *The nearest residential property to the site is Shire Lane House which shares its eastern boundary with the site. The animal housing will be sited on the western side approx. 60m from Shire Lane House and 37m from their garden boundary, the nearest animal pens would be sited 70m from the house after the proposed food storage barn and away from the roadside frontage. The new barn would house animals, be used for breeding and food storage, the extension to the eastern side would accommodate machinery storage and welfare facilities. There are other dwellings within 200m of the site which also raises concerns relating to the proximity of the animal shed, manure store and*

*pens. The proposed intensity of agricultural activity compared to the existing small scale agricultural use is considered to have a detrimental impact on amenity by reason of noise and smells.*

- 4.3.3. The existing agricultural business is long established and the agents are unaware of any noise concerns which have been raised by the owners or occupiers of adjoining properties. Indeed to strengthen this, no objections for the proposed scheme have been received despite those neighbours being notified.
- 4.3.4. The officer states that manure would be produced and stored on site, which is an inaccurate assumption. The animals will be kept 'deep litter' i.e on straw beds and being fed hay to ensure that the manure produced would be kept contained within the building (As already happens). Alpacas are known to be an extremely clean animal which only defecate in the corner of buildings and fields, making cleaning up extremely simple. A photo below shows alpacas housed on straw beds.



- 4.3.5.
- 4.3.6. Alpacas, defecate relatively small amounts of manure, compared to most types of livestock. The average alpaca only "produces" about one gallon (four pounds) of fresh alpaca droppings every 24 hours. But for each alpaca, this equates to about 1,500 pounds of fresh manure per year; this equates to roughly 600kg per animal. If we times

this by the 52 animals on site this would equate to 31,200kg (31.2t) which would fill an average sized muck spreader approximately 8 - 10 times. This also assumes that the animals are housed 24/7 which is incorrect as they would spend a considerable amount of time grazing the land. See photo below of muck spreader.



4.3.7.

4.3.8. Furthermore, the average mature sheep produces 2000 lbs. (907 kg) of manure annually. Consequently, if we times this by the 65 (Adult animals) on the holding this generates a further 58,995t of manure. However, again, the sheep are only likely to be in the building 4 months of the year during lambing therefore we estimate a further 20t of manure will be produced. These quantities are minimal in the grand scheme of things and we feel is immaterial to those adjoining the site, you would expect to smell muck living in the countryside.

4.3.9. Alpacas and sheep are not considered a noisy farm animal and alpacas only really make noise when they are startled, the design of the building will mean that there will be little or no odour of sound produced within the building itself. Given this is an existing enterprise, granted previously by the council close to residential properties we do not feel that this would impact on the residential amenity.

4.3.10. It is therefore concluded that the impact on residential amenity is minimal and therefore the refusal is unjustified.

#### 4.4. Reason 4

4.4.1. It is not proposed to destroy the hedge, It is proposed to relocate it slightly to accommodate the visibility splays required by the highways officers.

4.4.2. There would therefore only be the loss of a small amount of hedgerow to allow for the creation of the new access. The biodiversity impact of the scheme can be adequately

mitigated. It is considered that this can be ensured via the imposition of a suitably worded planning condition.

## 5. CONCLUSION

- 5.1. For the reasons set out in this Statement of Case we respectfully request the Planning Inspector to allow this appeal.

*R.T. Elliott*

**Produced by: Richard Elliott BA (Hons)**

MacMarshalls Rural Chartered Surveyors & Planning Consultants

Hamill House

112-116 Chorley New Road

Bolton

BL1 4DH

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