

26/06/2001

Item **A11****Reg. No.** **9 2001 0480 F****Applicant:**

Mr & Mrs N Rooney
 76 Doles Lane
 Findern
 Derby
 DE65 6BA

Agent:

Philip Billham Planning & Design
 Old School Lodge
 Aston On Trent
 Derby
 DE72 2AF

Proposal: **The erection of a detached dwelling and garage in substitution of planning permission 9/2000/0002/F at Land To The East Of The Grange Repton Road Newton Solney Burton-on-trent**

Ward: **Repton**

Valid Date: **18/05/2001**

Site Description

The site is part of the former orchard to The Grange and is situated to the south of Repton Road as it leaves Newton Solney to the east. The site is located between residential units with the rear part of the application site lying outside the defined confines of the village. However the rear boundary of the site is in line with gardens to the ribbon of housing to the east. It is one of two plots benefiting from planning permission.

Proposal

The applicant seeks consent to erect a two storey house, with a maximum height of 8.4 metres. The rear of the house would be aligned with the rear elevation of the adjacent property. There would be an 8 metre gap to the south-western boundary.

Planning History

Permission for three plots, on the application site and adjoining land, was refused in 1998 (9/0298/0951/O) on the basis of the loss of a gap site and breach of the village confines.

Subsequently permission was granted for two houses that would have remained wholly within the confines of the village, maintaining gaps between the buildings.

Last year planning permission was granted for a dormer bungalow, 8 metres in height and occupying a similar position in the plot to the current proposal. (9/2000/0002/F refers).

Responses to Consultations

The Parish Council objects for the following reasons:

- a) The dwelling would be intrusive.
- b) Views enjoyed by other houses would be blocked out.
- c) The original application for a bungalow was more appropriate.

The Highway Authority has no objection in principle.

Responses to Publicity

None received at the time of preparation of this report. Any representations arising out of publicity will be reported verbally.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 3 and Housing Policy 5.

Local Plan: Housing Policy 5 & 11.

Planning Considerations

The main issues central to the determination of this application are:

- The principle of the development and whether having regard to the village confine the development would adversely affect the character of the countryside and this part of the village.
- Residential amenity.
- Highway safety.

Planning Assessment

The site is part located within the village confine and part outside it. However, in view of the previous planning consent granted on the site, the principle of residential development on the site has been established. Therefore, in principle the development proposed is acceptable.

Additionally, the footprint of the proposal is substantially the same as that already approved and the alignment of the house and its garden follows the general pattern of development in the locality. The mere fact that the garden is outside the village confine does not in itself give rise to harm.

The overall size and height of the building is not materially different from the development already approved. Its visual impact therefore relates to the different design approach, in this case a conventional two-storey building as opposed to a 'dormer bungalow; design. The proposal is acceptable and would not adversely impact on the character or appearance of the area.

The gap to the south west of the building would enable views of the countryside to the south to be maintained.

The proposal would not cause unacceptable loss of light or privacy to neighbouring dwellings. The guidelines for space about dwellings are met. Whilst not a material consideration views enjoyed by neighbours opposite would no more affected than by the approved scheme.

The layout meets the requirements of the Highway Authority and highway safety would not be impaired.

Recommendation

GRANT permission subject to the following conditions:

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

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990

2. A sample of both the roof tile and the brick shall be submitted for approval in writing by the Local Planning Authority before work commences. The agreed materials shall then be used to erect the dwelling hereby approved.

Reason: To ensure the building/extension is in keeping with its surrounding in the interest of the character and visual amenity of the area.

3. Notwithstanding the originally submitted details, this permission shall relate to the amended drawing no. R32/4A received 15 June 2001.

Reason: For the avoidance of doubt, the original submission being considered unacceptable.

4. Prior to the first use of the development hereby permitted, parking facilities shall be provided so as to accommodate three cars within the curtilage of the dwelling. Thereafter, (notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995), three parking spaces, measuring a minimum of 2.4m x 4.8m, shall be retained for that purpose within the curtilage of the site.

Reason: To ensure that adequate parking/garaging provision is available.

5. Prior to any other works commencing, the new access shall be formed with Repton Road. The access shall have a minimum width of 3.2 m and shall be provided with 2 m x 90 m visibility splays, the area forward of which shall be cleared and thereafter retained free of any obstruction to visibility exceeding 600 mm in height relative to the nearside carriageway edge.

Reason: In the interests of highway safety.

6. The access shall be laid out and paved with a solid bound material (i.e. not loose chippings) and measures shall be taken to ensure that surface water does not discharge from the site onto the highway.

Reason: In the interests of highway safety.

7. Any gates shall be set back at least 5 m from the highway boundary and shall open inwards only.

Reason: In the interests of highway safety.

8. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of the appearance of the area.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the appearance of the area.

10. Prior to the development hereby approved commencing, details of the finished floor levels of the buildings hereby approved and of the ground levels of the site relative to adjoining land levels, shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter, the development shall be constructed in accordance with the agreed level(s).

Reason: To protect the amenities of adjoining properties and the locality generally.

Informatives:

To contact the Area Engineer South, Trent Valley Area, Derbyshire County Council, Director of Environmental Services, County Hall, Matlock, Derbyshire (Tel. 01629 580000 xt 7595) at least six weeks before the commencement date of the proposed works in order to arrange the necessary supervision of works on the highway crossing.

29/05/2001

Item A13
Reg. No. 9 2001 0352 F

Applicant:
Mr J Bowler
Suffield Manor
Sutton On The Hill
Ashbourne
Derbyshire

Agent:
Alan Taylor
Talbot Associates
Liberty Farm
Findern Lane
Burnaston
Derbyshire
DE656LJ

Proposal: The erection of an organic egg production unit to be known as
 unit 2 on land forming part of O S Field Numbers 4644 And
 4556 Willow Pit Lane Hilton Derby

Ward: Hilton

Valid Date: 10/04/2001

Site Description

As for 9/2001/0355

Proposal

As for 9/2001/0355

Applicants' supporting information

As for 9/2001/0355

Planning History

As for 9/2001/0355

Responses to Consultations

Hilton Parish Council has no objection in principle but requests a condition limiting traffic along Willowpit Lane that is not suited to heavy goods traffic.

Severn Trent Water has no objection

Responses to Publicity

As for 9/2001/0355

Structure/Local Plan Policies

As for 9/2001/0355

Planning Considerations

As for 9/2001/0355

Planning Assessment

As for 9/2001/0355

Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of one year from the date of this permission. In the event that the business should not succeed, the building shall be removed from the site and the land restored to its existing use as agricultural land in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority unless permission for their retention has been granted in response to an application made in that regard.

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990, and to ensure that, having regard to the changing needs of agriculture and the general policy of the approved Structure Plan to restrict development in the countryside. In the interests of the appearance of the countryside, the buildings are unsuited to other forms of agricultural use in isolation without further consideration of the situation at the time by the Local Planning Authority.

2. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of the appearance of the area.

3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the appearance of the area.

4. Prior to the development hereby approved commencing details of all lighting proposed to be placed on the building shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, no lighting other than that approved shall be installed.

Reason: In the interests of the amenity of the area.

29/05/2001

Item A14

Reg. No. 9 2001 0353 F

Applicant:
Mrs J Bowler
Suffield Manor
Sutton On The Hill
Ashbourne
Derbyshire

Agent:
Alan Taylor
Talbot Associates
Liberty Farm
Findern Lane
Burnaston
Derbyshire
DE656LJ

Proposal: The erection of an organic egg production unit to be known as unit 1 on land forming part of O S Field Numbers 4644 And 4556 Willow Pit Lane Hilton Derby

Ward: Hilton

Valid Date: 10/04/2001

Site Description

As for 9/2001/0355

Proposal

As for 9/2001/0355

Applicants' supporting information

As for 9/2001/0355

Planning History

As for 9/2001/0355

Responses to Consultations

The Environmental Health Services Manager has no comments

Responses to Publicity

As for 9/2001/0355

Structure/Local Plan Policies

As for 9/2001/0355

Planning Considerations

As for 9/2001/0355

Planning Assessment

As for 9/2001/0355

Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of one year from the date of this permission. In the event that the business should not succeed, the building shall be removed from the site and the land restored to its existing use as agricultural land in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority unless permission for their retention has been granted in response to an application made in that regard.

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990, and to ensure that, having regard to the changing needs of agriculture and the general policy of the approved Structure Plan to restrict development in the countryside. In the interests of the appearance of the countryside, the buildings are unsuited to other forms of agricultural use in isolation without further consideration of the situation at the time by the Local Planning Authority.

2. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of the appearance of the area.

3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the appearance of the area.

4. Prior to the development hereby approved commencing details of all lighting proposed to be placed on the building shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, no lighting other than that approved shall be installed.

Reason: In the interests of the appearance of the area.

29/05/2001

Item A15

Reg. No. 9 2001 0354 F

Applicant:
Mr S J Bowler
Suffield Manor
Sutton On The Hill
Ashbourne
Derbyshire

Agent:
Alan Taylor
Talbot Associates
Liberty Farm
Findern Lane
Burnaston
Derbyshire
DE656LJ

Proposal: The erection of an barn on land forming part of O S Field
Numbers 4644 And 4556 Willow Pit Lane Hilton Derby

Ward: Hilton

Valid Date: 10/04/2001

Site Description

As for 9/2001/0355

Proposal

As for 9/2001/0355

Applicants' supporting information

As for 9/2001/0355

Planning History

As for 9/2001/0355

Responses to Consultations

Hilton Parish Council requests that officers investigate the height of the proposed barn in addition to previously stated comments.

Responses to Publicity

As for 9/2001/0355

Structure/Local Plan Policies

As for 9/2001/0355

Planning Considerations

As for 9/2001/0355

Planning Assessment

As for 9/2001/0355

Recommendation

GRANT permission subject to the following conditions:

1. The development permitted shall be begun before the expiration of one year from the date of this permission. In the event that the business should not succeed, the building shall be removed from the site and the land restored to its existing use as agricultural land in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority unless permission for their retention has been granted in response to an application made in that regard.

Reason: To conform with Section 91(1) of the Town and Country Planning Act, 1990, and to ensure that, having regard to the changing needs of agriculture and the general policy of the approved Structure Plan to restrict development in the countryside. In the interests of the appearance of the countryside, the buildings are unsuited to other forms of agricultural use in isolation without further consideration of the suitability at the time by the Local Planning Authority.

2. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of the appearance of the area.

3. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the appearance of the area.

4. Prior to the development hereby approved commencing details of all lighting proposed to be placed on the building shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, no lighting other than that approved shall be installed.

Reason: In the interests of the appearance of the area.

29/05/2001

Item A12
Reg. No. 9 2001 0355 U

Applicant:
Mr S J Bowler
Suffield Manor
Sutton On The Hill
Ashbourne
Derbyshire

Agent:
Alan Taylor
Talbot Associates
Liberty Farm
Findern Lane
Burnaston
Derbyshire
DE656LJ

Proposal: The siting of a mobile home on land forming part of O S Field
Numbers 4644 And 4556 Willow Pit Lane Hilton Derby

Ward: Hilton

Valid Date: 10/04/2001

This report is to be read in conjunction with the reports on the following applications: 9/2001/0352, 9/2001/0253 and 9/2001/0354. These applications all relate to the same piece of ground off Willowpit Lane, Hilton but this application contains all the background information on the proposed business for which all the application proposals are required.

Site Description

The site comprises two fields to the east of Willowpit Lane at Hilton close to its junction with both the A516 and A50. There are mature hedges on three of the boundaries, the fourth to Willowpit Lane has a recently planted hedge with a post and rail fence behind. This was put in place when the A50 was constructed.

To the east of the site is a tip that is nearing completion of its operations. The tip took inert building materials.

To the west, beyond Willowpit Lane is the Hilton Site of Special Scientific Interest.

Proposal

The proposal involves the creation of an organic egg production unit. There are 4 elements to the proposal, each the subject of a separate application, and comprise two 2000-bird buildings, an agricultural building and a mobile home to supervise the enterprise. The birdhouses would be located to the east of the site. The barn and mobile home would be located on land adjacent to Willowpit Lane.

Access to the site would be from Willowpit Lane. Parts of the hedge that divide the field would be removed to provide access between the two. New planting along this hedge is proposed.

Applicants' supporting information

To place this proposal in context, organic production is expanding countrywide. You will no doubt have noticed that organic products figure strongly on supermarket shelves and this is directly indicative of that demand.

The intention is, after a two-year conversion period, to establish a 4000 bird organic unit. In physical terms you will note in the attached support documents that building sizes are much reduced in comparison with free range and, indeed, stocking densities are only half that of current free range units. The applicant and his family are, as you will be aware extremely well versed and connected within the industry and there can be no real question of lack of expertise in creating this new type of farm. It is confidently expected that margins for organic produce can be maintained and that the business should have good long-term prospects.

PROPOSED ORGANIC EGG PRODUCTION UNITS, MOBILE HOME AND BARN AT WILLOWPIT LANE, HILTON, DERBYSHIRE

1.0 Description

1.1 The proposal is to establish a new farm, as a diversification from conventional agriculture, responding to consumer demand. The land is flat and situated in close proximity to a landfill site, a nature reserve and the A50 dual carriageway MI-M6 link.

1.2 The land is not an ad-hoc portion of farmland from an existing holding, but is a discreet parcel having been in the ownership of the DETR (Highways Agency) for some years, it has now become available as surplus after the completion of the A50 road.

2.0 Proposal

2.1 It is proposed to establish two, two thousand bird accredited organic egg production units serving the land at 1 000 birds (maximum) per hectare. In association, a general-purpose barn is proposed and a mobile home, justified under PPG7 guidelines.

3.0 Organic Units

3.1 The organic units would be designed, built and stocked to accord with the requirements of the organic statutory accreditation body. These units are stocked at a reduced stocking density and have the benefit of a rigorously controlled regime of input and output control which relates directly to the welfare and bio-balance of the site; this includes all outputs such as waste from the laying birds (see later).

3.2 Environmental Issues: The birds are introduced and kept on a sixty-week rotational basis producing a low-key settled environment.

3.2.1 Noise: The birds themselves are not noisy as an all-female flock. The houses differ from 'normal' poultry housing in that they are naturally ventilated. This means that there are no ventilation fans required. The site is subject to constant noise during the day due to the proximity and elevation of main roads. At present, night-time will bring some relief from this intensity and, as no ventilation fans are necessary, the use will have no material effect on ambient noise levels at any time.

3.2.2 Smell: It is recognised, and confirmed by direct experience within the district, that free-range units do not cause a smell nuisance. With organic production, the situation is further enhanced in that the stocking density of birds on the holding is restricted to 6 birds/M² in the units. Conventional free-range birds are stocked at 11.7 birds/M², almost twice the density. The high levels of free air ventilation available in a naturally ventilated house, allows a constant air change to be achieved, resulting in excellent performance in terms of keeping chicken waste dry (moisture causes the production of smells, principally ammonia) and 24hr/7day dispersion.

3.2.3 Dust: Low numbers of birds and continuous high levels of ventilation preclude the build up of dust inside the unit and, in particular, any airborne dust particles.

3.2.4 Rodents: A rodent control programme is instigated on stocking the units to prevent any build up of rodents as this prejudices the health of the birds and the production of saleable eggs.

3.2.5 Nature Reserve: The site is across the lane from the Hilton Gravel Pit reserve (SSSI). The reserve has good screening to the eastern boundary and the proposed organic unit lies downwind of the site, assuming a prevailing wind from the west/south west. Extremely low levels of dust emanation from the site, combined with wind direction, should not prejudice the ecological systems on the reserve or the flora/fauna therein.

In addition, it should be noted that, in converting these fields to organic use, any form of non-organic fertiliser, spray or additive is expressly forbidden as is any foodstuff or component that is, or may be, genetically modified. This should be viewed as a positive element, as more conventional farming of these fields will be unrestricted in terms of application of potentially harmful (to the SSSI) substances.

The field margins and hedgerows on an organic unit must be maintained in a natural and traditional manner and this encourages flora and fauna to be established providing natural margins and wildlife corridors, being especially useful in close proximity to the reserve.

We have no data as to the effect on the reserve from pollution (airborne/spray/run-off) that may already challenge the reserve on the down-wind side, particularly from the A50 which is elevated at this point. We also have no data on any existing or potential arrangements over the disposal site to the east.

No intensification of the organic use is possible on the site without additional land purchase and poultry housing.

3.2.6 Waste Disposal: Solids: Organic units must operate an audit system for waste. The total nitrogen production of by the unit is calculated and then spreading/removal is only allowed within predetermined agreed limits and locations. In practice, waste from the units will be excavated out of the units once every 60-week cycle and must be removed from the site to be spread at controlled rates onto other accredited organic land. On that land, the input of waste/nitrogen is audited and, in this way across farms, application of fertiliser to the land (either directly by animals or by spreading) is brought to a sustainable balance. Spreading is carried out to the MAFF Codes for Air/Water.

3.2.7 Waste Disposal: Liquids: Organic egg production units are, in poultry terms, quite small and easily cleaned. There is no contaminated run-off from the units which are dry excavated. Water from roofs is collected and piped to soakaway or ditches by agreement with the LPA/EA.

Tracks whether hard surfaced or stone are not subject to contamination (no stock on site) and rainwater is run-off or soak through.

3.3 Operational Traffic (HGV's)

Feed bin capacity is designed for four weekly deliveries with a maximum of two-egg collections/week. By calculation, including an allowance for visits (birds in/out, clean out), then 125 visits over 1 cycle are anticipated, averaging 2.08 (say 2) visits per week.

3.4 Fencing

Birds will be contained within the site perimeter and protected from foxes, etc by means of an electric wire fence on posts approximately 1 metre high.

4.0 Mobile Home

4.1 General

A dwelling is required on the site to control, oversee and administer the birds and the farm. In recognition of the guidelines in PPG7, no permanent dwelling is suggested here, as it would be a new enterprise. As such, and in accordance, a mobile home is suggested.

There are unusual circumstances in setting up an organic unit in that it has to undergo a two year conversion period before organic (premium) eggs can be marketed. A typical set up would be (from grant of permission):-

Month 1 - Month 6 Site set up
Month 6 - month 20 - Flock(s) 1
Month 21 - Month 35 -Flock(s) 2
Month 36 - Month 50 -Flock(s) 3.

Eggs would only be 'organic' after month 24, thus, at month 36 (a 3 year permission), there would be no full flock information on organic margins. A 5-year temporary permission is therefore required to allow for set-up/lead-in times and proper flock information/accounts on the organic enterprise to be produced, or to allow the two-year conversion period to be accredited before the construction of the enterprise.

Justification under PPG7 is defined in PPG7 I14 and follows: -

a) Clear evidence of intention and ability

In incorporating a condition of siting of the mobile home related to the construction of the poultry units, then there will be significant evidence of investment into infrastructure and buildings. The cost of poultry housing of this sort, excluding birds and infrastructure, are in excess of £15/bird and so the poultry building alone would signal an intention of approximately £60,000 - rising to over £100,000 including infrastructure and birds. Ability is related to the background of the applicant. The intention in this case is to take advantage of an established rental scheme, operated John Bowler (Agriculture) Ltd, at a cost of £2/bird/flock.

b) Functional need

For organic birds as this, there is a requirement for a worker to be on hand day and night. The needs of organic birds are equitable to free-range birds in terms of attendance and welfare, but in smaller units, enhanced husbandry is required. From time to time, birds are in need of essential care at short notice, either following alarms or by virtue of their age and/or condition. This attendance can be at any time, day or night. If a worker is not on hand to deal with emergencies, then the welfare of the birds is, very quickly, prejudiced causing a potential for serious loss and/or unacceptable stress, unacceptable physical conditions and, easily in poultry, death.

c) Financial Justification

Notwithstanding the detailed financial test before any grant of a permanent dwelling, we attach cash flows for the establishment of the unit and operation of the unit for organic production.

d) Functional Need

There are no suitable dwellings available within sight and sound of the unit.

e) Siting/Access

Siting, as proposed, is designed to be suitable for the function and, as far as possible, to group all of the buildings. Each poultry unit is functionally related to 2ha of land and has the correct relationship to use it efficiently. Other buildings are grouped around an entrance/yard area that is itself related closely to an existing boundary/hedgerow. Additional landscaping and planting is anticipated and the site would benefit from other traditional planting of native deciduous trees and gap planting existing hedgerows. The road boundary to the south-west incorporates planting already part mature to boundaries because of road alteration works.

FUNCTIONAL TEST: LABOUR COST/WHOLE TIME EQUIVALENTS

a) Labour Costs

John Nix (2000 ed.) Page 115 notes a basic labour cost for 1 full time worker at £170.23 per week. The national minimum wage increases to £4.20 in the near future on a 37hr week - equates to £155 per week.

This, at £175/wk (say), the unit would need to demonstrate that a fixed labour cost of (£175 x 52) £9100 can be expected to be maintained, subject to a full financial test, before any permanent dwelling is erected. The submitted cash flow incorporates labour at £13,776 p.a. reflective of the additional duties of the site manager.

b) Labour Hours

John Nix (2000 ed.) Page 137 notes that labour for large scale automated free-range units, this can be assessed as 4hrs/month/100 birds. This equates to 160 hrs/month or 1920 hrs/yr. - 52 = 37hr/wk. This equates to 1 full time worker (1 w.t.e.).

In addition, a premium needs to be added to account for smaller scale organic type production and any increase (typically 25%) would take the proposed enterprise well in excess of 1 w.t.e., to comply with PPG7.

Responses to Consultations

The responses reported below have been made by each of the consultees in respect of each application. If there is any variation in respect of an individual proposal, it is set out in that particular report.

Hilton Parish Council has no objection to the mobile home.

Councillor Mrs Walton has no objection but is concerned that Willowpit Lane is unsuitable for heavy traffic and any heavy lorries going north may have difficulty negotiating the top part of the Lane. If traffic is going to travel to other units in the Sutton area then an agreed transport route should be negotiated.

The County Highways Authority has no objection to the mobile home if the proposal is justified in terms of agricultural need. The access requires to be upgraded in respect of the radii and provided with visibility sight lines. Lorry parking and manoeuvring space is also required.

The Environment Agency would have no objection if the proposed septic tank system works. The Environment Agency is not aware of any landfill in the vicinity of the site, investigation would be necessary to establish if the land has been affected.

Responses to Publicity

One letter has been received objecting on the following grounds: -

- a) The proposals would lead to an increase in the amount of traffic using Willowpit Lane. The lane has seen an increase in traffic already since the opening of the A50 and the number of non HGV lorries would increase because the applicant has other farms to the north of this proposal.
- b) The barn would be unduly prominent in the landscape and is out of proportion with the scale of the proposed enterprise. These are described as being self-contained and of low maintenance. This is unusual for a small-scale enterprise unless it was going to be used for packaging and vehicle maintenance. This would not be permissible without further permission
- c) There is no mention of lighting on the site. Light pollution is already great from the A50 and most annoying. Any increase in light pollution would be to the detriment of the enjoyment of the dwelling.

Structure/Local Plan Policies

The relevant policies are:

Joint Structure Plan: General Development Strategy Policy 1 & 4, Housing Policy 6

Local Plan: Environment Policy 1, Housing Policy 8

Planning Considerations

The main issues central to the determination of this application are:

- The need for the proposal to be located in the countryside.
- The justification for the dwelling
- The impact of the buildings

Planning Assessment

The 4 applications are being considered in this report rather than on an individual basis, as they are all interrelated.

The proposal as a whole is for the establishment of a new enterprise in the countryside. The applicant has free range egg enterprises over the whole country. This proposal is a new element of that business in that the number of hens is much reduced and the enterprise would rely on the premium on the price that comes from organic produce.

In terms of the need for the buildings to be located in the countryside, an agricultural operation requires a rural location. The land has not been in agricultural use for some years as it was required for the construction of the A50. However, the farm requires a countryside location, so in principle, it is acceptable.

The proposal for the mobile home is reliant on the egg production business. Otherwise it cannot be justified in this location. However, in this case it is considered to be appropriate to allow a mobile home on the holding to enable supervision of the stock on the farm. However, the applicant is requesting that the mobile home be permitted for 5 years rather than the usual 3 years.

Officers are aware that the Soil Association requires that land be free of any artificial fertiliser or other man made chemicals for a period of 2 years before it will give accreditation to the land as organic. In these circumstances, a period of 5 years temporary permission would appear appropriate so that the full market picture can be obtained before an application for a permanent dwelling is considered.

The arrangement of the buildings is reasonable. The barn is a large structure near the road. It needs to be in sight and sound of the dwelling. The barn is not excessive in terms of its size and would not have an adverse impact on the area. As its colour and appearance can be controlled by condition the barn is considered to be acceptable.

In response to the concerns raised by the Parish Council (see comments on the agricultural buildings) and others, the applicants have confirmed that there are no farms immediately to the north of this site that would warrant their vehicles travelling up Willowpit Lane. On this point there would be no justification for restricting the right of vehicles to use the public highway particularly as the highway authority do not object to the submission.

The issue of lights is noted. In view of this a condition requiring details of all lighting to be submitted for approval is recommended.

Recommendation

GRANT permission subject to the following conditions:

1. This permission shall be for a limited period only, expiring on 31 May 2006 on or before which date the structure shall be removed and the site reinstated to the satisfaction of the Local Planning Authority unless, prior to that date, an application has been made and permission has been granted for an extended period.

Reason: In order that the viability of the enterprise can be assessed in the light of Housing Policy 8 of the adopted South Derbyshire Local Plan.

2. The occupation of the dwelling shall be limited to the family and/or dependents of a person employed, or last employed, wholly or mainly, in agriculture, as defined in Section 336 of the Town and Country Planning Act 1990, or in forestry.

Reason: Site is within open countryside where the Development Plan provides that development shall be confined within the limits of an existing town or village, except where the needs of agriculture or other overriding reasons justify a departure from that policy. The Local Planning Authority is concerned to ensure that agricultural workers' dwellings are maintained available to meet the needs of the locality and to avoid proliferation of dwellings in the countryside.

3. No development shall take place until there has been submitted to and approved by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Reason: In the interests of the appearance of the area.

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of the appearance of the area.

5. No development shall take place until details including proposed surface materials of a vehicular turning area within the site curtilage adequate to enable all vehicles to enter and leave the site in a forward direction have been submitted to the Local Planning Authority. The turning area as approved by the Local Planning Authority shall be laid out and hard surfaced accordingly prior to the first use of the development and be retained available for that purpose thereafter.

Reason: In the interests of highway safety.

6. No development shall take place until details of a scheme for the disposal of surface and foul water have been submitted to and agreed in writing by the Local Planning Authority. The septic tank shall be installed in accordance with the approved details before the development is first brought into use.

Reason: In the interests of pollution control

Informatives:

To contact the Area Engineer South, Trent Valley Area, Derbyshire County Council, Director of Environmental Services, County Hall, Matlock, Derbyshire (Tel. 01629 580000 xt 7595) at least six weeks before the commencement date of the proposed works in order to arrange the necessary supervision of works on the highway crossing.