KEN
WAINMAN
ASSOCIATES Ltd

Planning Consultant

PLANNING STATEMENT

Client: **Mr. Oakley Whilock**
Location**: Little Blakeley Lane Farm, Leek Road, Dilhorne, ST10 2PT.**

Proposal: **Retention of Leek Road frontage hardstanding strip for agricultural use and the construction of a calf/cattle pen at the south-eastern end of the polytunnel.**

County Parish Holding (CPH) number - 37/028/0167.

Date: 18 March 2019

1 INTRODUCTION

1.1 The applicant farms 75.5 hectares (186.5 acres), including about 7.7 hectares (19 acres) of land immediately around the Farm buildings and house, producing primarily hay and haylage for sale. In 2018 the business expanded to include more livestock in particular the rearing of Aberdeen Angus cattle from calves. Full details of the current farming operation are contained in the submitted Agricultural Need Assessment. It is requested that this latter document is kept confidential as it contains business information. This assessment sets out the agricultural need for hardstanding and the retention of one of the barns. The latter is the subject of a separate application.

1.2 The application seeks approval for the retention of a strip of hardstanding, along the Leek Road frontage, that was built without planning permission in 2016 as part of a larger area of hardstanding. The frontage strip was used for the storage of containers. It also seeks approval for a calf/cattle pen at the south-eastern end of the polytunnel.

1.3 The entire hardstanding area was the subject of two enforcement notices in January 2017 including also a partially erected structure, caravan storage and container storage. The applicant appealed both notices. The appeal decision, in respect to the hardstanding, was that the containers should be removed and the hardstanding beneath the containers removed, re-soiled and grassed. The rest of the hardstanding was allowed to remain. The containers have been removed but as the farm business continues to grow the frontage land is needed. Part of the frontage land within the red edge was outside the area where the containers were stored and as such was allowed to remain. This latter area is included in the application as it forms part of the frontage strip and is identified on the Site Plan as is the area where the containers were stored (the area coloured pink).

1.4 At the time of the Inspector's visit a polytunnel occupied the south-western corner of the hardstanding. The Inspector noted this but it did not feature in his considerations. Retrospective planning permission for the polytunnel was granted on 16 February 2018 (SMD/2017/0815). The polytunnel is mentioned because the hardstanding on which it now stands was part of the hardstanding allowed to remain. This matter is referred to in the Applicant's Case (Section 2).

1.5 First, the application seeks the retention of the frontage hardstanding which the Enforcement requires removal, soiling and re-seeding. The case for its retention is contained in Section 2 of this statement (paragraphs 2.1.1 – 2.1.6).

1.6 Secondly, the application also seeks approval for the construction of a cattle/calf pen at the south-eastern end of the polytunnel. This would provide an outside open area, immediately next to the calf polytunnel, for the calves in mild or good weather.

1.7 It is possible that an application is unnecessary because the total amount of waste material (road planings) on the farm is less than 0.5ha. Paragraph A.2 (b)(2)(c) in Part 6, Schedule 2 of the General Permitted Development Order 2015 allows the deposit of waste materials provided that the total area does not exceed 0.5ha. However, to avoid any issues the cattle pen is included in this application.

2. THE APPLICANT'S CASE

2.1 The case in support of the application is that:

2.1.1 The hardstanding is necessary for the purposes of agriculture.

a. A previous retrospective application (SMD/2018/0249) for a barn on the Farm was refused in November 2018. One of the reasons for refusal was that the planners did not consider that the building was needed for agricultural purposes. Further, in a meeting with Council planners after the refusal the planners expressed the belief that the farm operation and use of the barn might not be agricultural but storage and distribution. These concerns might equally relate to the hardstanding and therefore they are addressed here.

b. The submitted Agricultural Needs Assessment whilst it focuses primarily on the need for the barn also supports the need for an area to store the haylage. The Assessment describes in full the current farm operation and future plans. As part of the evolution of the farm operation, livestock numbers on the Farm increased in 2018. The polytunnel was erected and the applicant started buying and growing on Aberdeen Angus calves as well as building up the goat herd. In 2019 he started to acquire water buffalos with the intention of producing buffalo meat.

c. The applicant maintains that the farming operation, including the hay and haylage production storage and the keeping of livestock is agriculture and not storage and distribution. The reasons for this are:
    1. The Planning Inspector in his decisions on the Enforcement Notices did not dispute that the majority of the hardstanding was needed for agricultural purposes. In fact, he allowed the majority of the hardstanding to remain as it was needed for agricultural purposes. He did not mention "storage and distribution" at all.
    2. "Meadowland" is recognized as "agriculture" in the definition of 'agriculture' in the Town and Country Planning Act 1990 (as amended). Therefore, the storage of haylage produced on the farm (including the rented land) is an agriculture use. See point 3 next.
    3. The Farm has an agricultural holding or County Parish Holding (CPH) number - 37/028/0167. The majority of the rented sites on which the haylage is produced are within 10 miles of the Farm and as such are considered to be part of the holding.
    4. Section 6 in the Agricultural Need Assessment contains a fuller case.

2.1.2 The need for the frontage hardstanding

a. The erection of the polytunnel reduced the area of hardstanding that was allowed to remain by about 162 sq. meters. The containers occupied about 126 square metres not counting the thin strip behind the containers. The planning application frontage area edged red measures about 147 sq. metres.
b. Appendix 3 in the Agricultural Need Assessment indicates the number of haylage bales produced in 2018 (746) and forecasts that the production in 2019 – dependent upon better weather - would be about 1386 bales. In 2017 the applicant produced over 1000 round bales of haylage. The haylage is wrapped in polythene and is stored outside on the hardstanding whereas the hay and haylage need to be undercover.
c. The area of hardstanding allowed to remain after the Enforcement Notice decisions was capable of storing up to about 1500 haylage bales. However, with the loss of the part of the hardstanding now occupied by the polytunnel the capacity has been reduced. Retention of the frontage hardstanding is therefore important in terms of 2019 production and also in terms of future production because the applicant is constantly looking for new meadows/land to rent to expand and develop the business.

2.1.3 The proposed development is in accord with the Core Strategy policies SS6c (Other Rural Areas), and R1 (Rural Diversification) in that it is supporting the rural economy. Whilst it is agricultural use the production of hay and haylage for sale is a form of diversification, in a traditional pastoral area. Even if it not diversification it is enterprising recognizing a potential market for agricultural produce.

2.1.4 Paragraph A.2 (b) (2)(c) in Part 6, Schedule 2 of the General Permitted Development Order 2015 (GPDO) allows the deposit of waste materials provided that the relevant area does not exceed 0.5ha.
Whilst this is a full application the fact that the deposit of waste (in this case road planings) is recognized as agriculture development in the GPDO is pertinent.

2.1.5 **If the Enforcement Notice in respect of the frontage hardstanding strip was complied with the land after re-instatement could still be used for the storage of haylage bales.** There is no requirement in the Enforcement decisions that the land cease to be used for agriculture. The benefit of the land being hard-surfaced is that it prevents the ground being churned up and soil deposited on the highway; something that was a problem before the hardstanding was created.

2.1.6 **The western and southern edges of the main hardstanding have recently been landscaped as required by condition in the permission on the polytunnel.** The planted trees when mature will mask the south-eastern edge of the strip. The applicant proposes to allow the hedge along the Leek Road frontage to grow taller and asks that this is controlled by condition.

2.1.7 **The cattle pen would provide an open outside area for the calves; beneficial for welfare reasons.** The landscaping in the polytunnel permission has been amended to take account of the cattle-pen. This will, when grown, screen the cattle pen.

3. CONCLUSION

3.1 For the reasons expressed above the Council are asked to approve this application.