

Report to **Planning Applications Committee**  
Date **3 April 2019**  
By **Director of Planning**  
Local Authority **Lewes District Council**  
Application Number **SDNP/18/06575/FUL**  
Applicant **Mr Thomas**  
Application **Construction of an earth banked farmyard manure store**  
Address **Lower Tulleys Wells Farm  
Beechwood Lane  
Cooksbridge  
BN7 3QG**

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**Recommendation:** That the application be approved for the reasons and subject to the conditions set out in paragraph 10 of this report.

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## **Executive Summary**

### **1 Site Description**

1.1 The application site lies to the west of Cooksbridge Village, north of the C6 (Beechwood Lane). The proposed location of the development is a field which forms part Lower Tulleys Wells Farm, a long established 206 acre dairy farm. The site is immediately adjacent to the existing farmyard located off Beechwood Lane, which currently contains three barns and the milking parlour. The site boundary mainly consists of low hedging, with the farmyard forming the southern boundary. A public right of way runs adjacent to the eastern boundary.

1.2 The site is outside of the Cooksbridge planning boundary and is rural in nature. There are three residential properties immediately adjacent to the existing farmyard, one of which is the farmhouse associated with Lower Tulleys Wells Farm.

### **2 Proposal**

2.1 The proposal is seeking permission for the construction of a 25m x 35m earth-bunded farmyard manure store in the south-eastern corner of the field. The manure store would be capable of storing 2450m<sup>3</sup> of manure, which is sufficient for the needs of the current farm, and for the proposed increase in the number of cattle that the farm is anticipating.

2.2 This application has been called in to committee by Councillor Linington.

### **3 Relevant Planning History**

SDNP/18/05048/APNW - Construction of an earth banked farmyard manure store - Planning Permission is required

SDNP/16/01129/APNW - Construction of a clay-lined, horseshoe-shaped bank/storage area as a farmyard-manure store - Planning Permission is required

LW/07/0706 - Conversion of cart shed and store to holiday accommodation (formerly ancillary residential) - Refused

LW/06/0019 - Agricultural Determination to replace redundant barn with milking parlour - Details Not Required

LW/05/0869 - Application for determination of prior approval in respect of the erection of a straw barn - Details Not Required

LW/91/0569 - Erection of a covered cattle yard (existing to be demolished) - Approved

LW/80/0446 - Planning Application for portal framed covered cattle yard - Approved

#### **4 Consultations**

##### **Parish Council Consultee**

Hamsey Parish Council does not object to this planning application for a farmyard manure store, and associated landscaping scheme, on the basis that anticipated herd growth will be from 90 to 120-130 cows, necessary for keeping the farm viable and within capacity for existing infrastructure. The storage is not for farm yard manure in liquid form (slurry). HPC notes that the Environment Agency advised and approved these plans and their letter dated July 2018 (registered on application) indicates that provision of this FYM storage is required for the farm to comply with current regulations.'

##### **LE - Environmental Health**

Comments awaited.

##### **Environment Agency (STAT)**

No objection

##### **ESCC - Flood Risk Management Team**

No Objection

##### **East Sussex County Council**

Comments awaited.

#### **5 Representations**

One letter of support has been received on the grounds of improved amenity of the public rights of way due to decreased vehicle movements proposed by the development.

Two letters of objection have been received, one jointly signed by both the owners of the properties immediately adjoining the farmyard, and a second submitted by another member of the public, but again, signed by the two owners of the adjoining properties.

The main grounds for objection contained in these letters are: the effect on residential amenity of the two adjoining properties due to the potential for air-borne bacteria, pests, odour and noise, the impact on a small tourism business (5 berth caravan site) operated by the objector, which is located close to the proposed development site, the impact on the adjacent public right of way and the lack of assessment of alternative sites.

## 6 **Planning Policy Context**

Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory development plan in this area is the **Lewes District Council - The Core Strategy (Local Plan Part 1) 2014** and the following additional plan(s):

- South Downs National Park Local Plan - Submission 2018

The relevant policies to this application are set out in section 7, below.

### National Park Purposes

The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage,
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social well being of the local community in pursuit of these purposes.

## 7 **Planning Policy**

### Relevant Government Planning Policy and Guidance

Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and The National Planning Policy Framework (NPPF) which was issued on 24 July 2018. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

### National Planning Policy Framework (NPPF)

The following National Planning Policy Framework documents have been considered in the assessment of this application:

The development plan policies listed below have been assessed for their compliance with the NPPF and are considered to be compliant with the NPPF.

The following policies of the **Lewes District Council - The Core Strategy (Local Plan Part 1) 2014** are relevant to this application:

- CP9 - Air Quality
- CP10 - Natural Environment and Landscape
- CP11 - Built and Historic Environment and Design
- CP13 - Sustainable Travel

The following policies of the **South Downs National Park Local Plan - Submission 2018** are relevant to this application:

- Core Policy SD1 - Sustainable Development
- Core Policy SD2 - Ecosystems Services

- Strategic Policy SD4 - Landscape Character
- Strategic Policy SD5 - Design
- Strategic Policy SD17 - Protection of the Water Environment
- Development Management Policy SD39 - Agriculture and Forestry
- Development Management Policy SD54 - Pollution and Air Quality

#### Partnership Management Plan

The South Downs Partnership Management Plan (SDPMP) was adopted on 3 December 2013. It sets out a Vision and long term Outcomes for the National Park, as well as 5 year Policies and a continually updated Delivery Framework. The SDPMP is a material consideration in planning applications and has some weight pending adoption of the SDNP Local Plan.

The following Policies and Outcomes are of particular relevance to this case:

#### The Draft South Downs National Park Local Plan

The Pre-Submission version of the **South Downs Local Plan** (SDLP) was submitted to the Secretary of State for independent examination in April 2018. The Submission version of the Local Plan consists of the Pre-Submission Plan and the Schedule of Proposed Changes. It is a material consideration in the assessment of this planning application in accordance with paragraph 48 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication. The Local Plan process is in its final stage before adoption with consultation on relatively minor Main Modifications from 1<sup>st</sup> February 2019 to 28<sup>th</sup> March 2019. Based on the very advanced stage of the examination the draft policies of the South Downs Local Plan can be afforded significant weight.

## **8 Planning Assessment**

8.1 The proposal would involve the importation of approximately 7,200m<sup>3</sup> of inert soil material to create a 3.5m high earth-bund on three sides. The internal walls of the bund will be clay lined to provide an impermeable layer, and the base of the manure store would also be impermeable, with the intention of controlling all runoff and effluent from the existing dairy business. The earth-bund would be landscaped with grass banks to soften the impact of the bund on the surrounding landscape.

8.2 The current arrangements for the storage of manure on the farm involve the transportation of the manure from the barns/milking parlour to a temporary store area located at the north-west corner of the farm. During winter months, this generates a number of daily vehicle movements along Beechwood Lane. The round trip for each of these vehicle movements is 2km.

8.3 Furthermore, whilst the transportation of the manure removes the solid waste from the farmstead area, there is currently significant leaching of foul water/effluent into the adjoining field, due to the natural contour of the landscape.

8.4 The Environment Agency has advised the applicant of the environmental impacts of the leaching, and has been working with the applicant to mitigate the risks associated with the foul-water runoff.

8.5 The location of the proposed manure store has therefore been sited to maximise the reduction in leaching into the field and surrounding area, whilst also minimising the amount of vehicle movements needed to move the manure from the farmstead area. The bund would be constructed immediately adjacent to the existing farmyard, with the open side facing south, towards the farmyard. This is the area mostly affected by the current leaching of foul-water.

8.6 The bund would collect the foul-water runoff directly if it continues to leach from the farmyard. Furthermore, the impermeable surface of the bund would ensure that any further discharge of effluent from the farm into the surrounding area would be minimised. This is in keeping with Core Policies 10 and 11 of the Lewes District Local Plan and Strategic Policies SD2, SD17, SD39 and SD54 of the emerging South Downs National Park Local Plan.

8.7 In terms of vehicle movements there would no longer be a need to transport the manure along Beechwood Lane, thus improving the sustainability of the farm and safety of the road, in line with Core Policy 13 of the Lewes District Local Plan and Strategic Policy SD1 of the emerging South Downs National Park Local Plan.

8.8 The proposed earth bund is sited immediately adjacent to the existing farmyard. The total floor area taken up by the proposed works is 4884sqm, with the bunds rising to a maximum height of 3.5m. The gradient of the slopes varies on each of the three bunded sides, with the gradient being more pronounced on the eastern side, due to the bunds proximity to the field boundary. The intention is to plant grass seed on the slopes to blend in with the surrounding field.

8.9 The isolated location of the farm means that the bund will only be visible to the public from the neighbouring properties, the adjoining train line and the adjoining public right of way. The farmyard is a significant distance away from any raised ground that might overlook the manure store, and the natural gradient of the field means that the bunds can be largely landscaped into the existing contours.

8.10 The exception to this is the bund on the eastern side of the proposed manure store. Due to the proximity of the field boundary, there is less capacity to create a gentle gradient to the top of the bund. This is the side immediately adjacent to the public right of way, and the closest side to the neighbouring properties. It is considered that there is the potential for impact on the visual amenity of the neighbouring properties and the associated caravan park. The corner of the bund will be approximately 15m from the nearest building and 7.5m from the garden curtilage.

8.11 A schedule of planting has been proposed along the eastern boundary of the field, thus screening the manure store from the immediate neighbouring properties and the public right of way and helping to reduce the impact on the visual amenity of the neighbours and from public right of way

8.12 Whilst it is accepted that the proposal has the potential to impact on the visual amenity of the neighbouring properties, the proximity of these properties to an existing working farm, and the distance of separation between the two, along with the proposed planting scheme lessens that impact. It is not considered that visual impact would be a sustainable reason to refuse the application.

8.13 The proximity of the bund to the existing farmyard, along with the proposed landscaping scheme and screening, means that the proposed manure store would have a minimal visual impact on the surrounding landscape, in keeping with Core Policy CP10 of the Lewes District Local Plan and Strategic Policy SD4: Landscape Character, of the emerging South Downs National Park Local Plan.

8.14 In terms of impacts on residential amenity, letters of objection have highlighted the proximity of the proposed manure store to the neighbouring properties and caravan business, and the environmental impacts that could potentially arise from this. These include the transmission of airborne bacteria from the manure store, increase in pests generated by the proximity of the manure, the increase in odour, and an increase in noise associated with the operation of the manure store.

8.15 The site of the manure store is immediately adjacent to the existing farmyard. The existing three barns located here are used to house the cattle during the winter months (October to March/April), and is also the location of the milking parlour.

8.16 The Council's Environmental Health officer has verbally commented that the proximity of the residential dwellings and caravan field to this existing, working farmyard means that any increase

in odour and pests created by the proposed manure store would be negligible. Significant amounts of manure and foul-water are consistently present on the site, and the aforementioned runoff into the adjoining field means that there is already a constant source of effluent within a few meters of the nearest dwelling. It is not considered that the proposal would demonstrably increase that impact.

8.17 Therefore, it is considered that any impact on the neighbouring properties, in relation to an exacerbation of environmental concerns, would not be significant, and that the proposal complies with Core Policy 9 of the Lewes District Local Plan and Policy SD54: Pollution and Air Quality of the emerging South Downs National Park Local Plan.

8.18 The current arrangements on the farm for the removal and storage of manure requires multiple vehicle trips per day during winter months, and the constant scraping/clearing of the farmyard of manure and effluent. The proposed location of the manure store has been considered with the intention of minimising the amount of time taken to clear the farmyard and the number of vehicle movements associated with its clearance.

8.19 Rather than increase the amount of noise associated with the collection of the manure, the proposed location would reduce the number of vehicle movements within the farmyard along Beechwood Lane, and the required hours of operation to clear and collect the manure. It is proposed that one collection would be required per day, immediately after the cows have been milked in the morning.

8.20 To minimise the effect on neighbouring properties, the hours of operation of the collection and movement of the manure to the proposed manure store can be restricted by condition. For the above reasons, an objection to the proposal on the grounds of increased noise is not sustainable, and the development is deemed to comply with Core Policy CP11 of the Lewes District Local Plan and Strategic Policy SD54 of the emerging South Downs National Park Local Plan.

#### Summary

8.21 It is considered that the construction of an earth-bunded manure store is acceptable. The siting of the proposed manure store has been chosen so as to maximise the sustainability of the proposal, whilst at the same time combat the known issue of foul-water runoff. By locating it immediately adjacent to the existing farmyard, there would be a significant reduction in both the number of vehicle trips required, and time taken, to clear the waste, reducing the noise associated with the operation and helping to mitigate environmental concerns relating to the leaching of foul-water into the neighbouring field and wider countryside, an issue that has been raised by The Environment Agency.

8.22 The manure store has been designed so as to minimise its impact on the landscape. It would, in effect, form part of the existing working farmyard, and the proposed grass banks and natural contour of the land means that it would be relatively unobtrusive within the wider countryside.

8.23 The bund is located relatively close to the nearest dwelling, with the eastern bund only separated by the public right of way from the rear garden of Lower Tulleys Wells (private dwelling). The visual impact of the bund on this property can be mitigated through the proposed planting schedule.

8.24 The environmental impacts of the manure store on the neighbouring dwellings and small tourism business are also a consideration. However, it is deemed that there will be relatively little accumulative increase in odour, pest and noise from the proposed store, when considered against the existing proximity of the residential properties to the working farm, which currently houses at least 90 head of cattle for 5 months a year, and has a milking procedure in operation all year round.

8.25 Alternative sites for the proposed manure store are not a consideration of this application, but it is apparent that the chosen location is the most sustainable in terms of the continued operation of the farm, and as an effective means of resolving the EA's concern over leaching into the field.

9.1 That planning permission be granted.

## **10 Reason for Recommendation and Conditions**

It is recommended that the application be Approved for the reasons and subject to the conditions set out below.

### **1. Approved Plans**

The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

**Reason:** For the avoidance of doubt and in the interests of proper planning.

2. 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 (1) of the Town and Country Planning Act 1990 (as amended)/ To comply with Section 51 of the Planning and Compulsory Purchase Act 2004

3. Construction work shall be restricted to the hours of 0800 to 1800 Monday to Fridays and 0830 to 1300 on Saturdays and works shall not be carried out at any time on Sundays or Bank/Statutory Holidays.

**Reason -** In the interest of residential amenities of the neighbours having regard to Policy ST3 of the Lewes District Local Plan.

4. No development shall take place until details of proposed wheel washing facilities have been submitted to and approved in writing by the local planning authority. These details should include the location of access to/from the highway and the location of the wheel washing facilities, and shall apply to all vehicles exiting the construction site.

**Reason -** In the interests of protecting the amenity of adjacent occupiers having regard to Policy ST3 of the Lewes District Local Plan and The National Planning Policy Framework 2019

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the positions, design, materials and type of boundary treatment/screening to be erected. The boundary treatment shall be completed before the manure store comes into operation or in accordance with a timetable agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details.

**Reason -** To enhance the general appearance of the development having regard to Policy ST3 of the Lewes District Local Plan, CP10 of the Joint Core Strategy, and SD4 of the South Downs National Park Local Plan, and to comply with National Policy Guidance contained in the National Planning Policy Framework 2019.

6. No operations of depositing or removing manure from the manure store hereby approved shall take place outside the hours of 0800 to 1800 Monday to Fridays and 0830 to 1300 on Saturdays and Sundays

**Reason -** In the interests of protecting the amenity of adjacent occupiers having regard to Policy ST3 of the Lewes District Local Plan and The National Planning Policy Framework 2019

## **11. Crime and Disorder Implications**

11.1 It is considered that the proposal does not raise any crime and disorder implications.

**12. Human Rights Implications**

12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

**13. Equality Act 2010**

13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

**14. Proactive Working**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

**Tim Slaney**  
**Director of Planning**  
**South Downs National Park Authority**

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Appendices Appendix 1 - Site Location Map

Appendix 2 – Plans Referred to in Consideration of this Application

## Appendix 1

### Site Location Map



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## Appendix 2 – Plans Referred to in Consideration of this Application

The application has been assessed and recommendation is made on the basis of the following plans and documents submitted:

Plan Type	Reference	Version	Date on Plan	Status
Application Documents -	Landscape Assessment		14.03.2019	Approved
Plans - Location Plan	1:2500		21.12.2018	Approved
Plans -	PROPOSED BUND PLAN		21.12.2018	Approved
Plans - Site Plan	1:2500		21.12.2018	Approved
Plans -	SITE SECTIONS		21.12.2018	Approved
Plans - EXISTING SURVEY & PROPOSED MANURE STORE PLAN	PJB/060918/001		21.12.2018	Approved
Plans - EXISTING SURVEY & PROPOSED MANURE STORE	PJB/060918/002		21.12.2018	Approved

PLAN				
Plans - EXISTING SURVEY & PROPOSED MANURE STORE PLAN	PJB/060918/003		21.12.2018	Approved
Plans - EXISTING SURVEY & PROPOSED MANURE STORE PLAN	JB/060918/003 A		21.12.2018	Approved
Application Documents -	PLANNING STATEMENT		21.12.2018	Approved
Application Documents -	Environment Agency Report		21.12.2018	Submitted

**Reasons:** For the avoidance of doubt and in the interests of proper planning.