

Application Number and Registration Date	MO/2018/0040 (Detailed) 10-Jan-2018
Applicant	Mr L Nicholson
Case Officer	Mr Aidan Gardner
Amendments /amplifications	Amplified by letter dated 05/04/18.
Committee Date	6 June 2018
Ward(s)	Okewood
Proposal	Erection of cattle shed and associated hardstanding.
Site Description	Ash Copse Farm, Lyefield Lane, Forest Green, Dorking, Surrey, RH5 5SN

RECOMMENDATION: Approve subject to conditions

Summary

The site lies in the south of the District close to the boundary with Guildford Borough in countryside beyond the Green Belt. Permission is sought for the erection of a cattle shed in connection with the establishment of an agricultural enterprise on the 14.6 hectare holding. Applications are also before the Council for the erection of a straw and hay barn and the siting of a mobile home for a three year period. Applications were submitted last for the proposals under applications MO/2017/1112, MO/2017/1113 and MO/2017/1114 for these works, which were refused on the grounds of the lack of connectivity between the three components owing to there being three differing application site areas. Also, no legal agreement had been provided to address this shortcoming. There were no other grounds for refusal.

Under the current applications, each shows the site red edging drawn around the whole 14.6 hectare holding which imparts the desired connectivity between the various elements. On this basis, a recommendation to approve is being made.

1. Development Plan

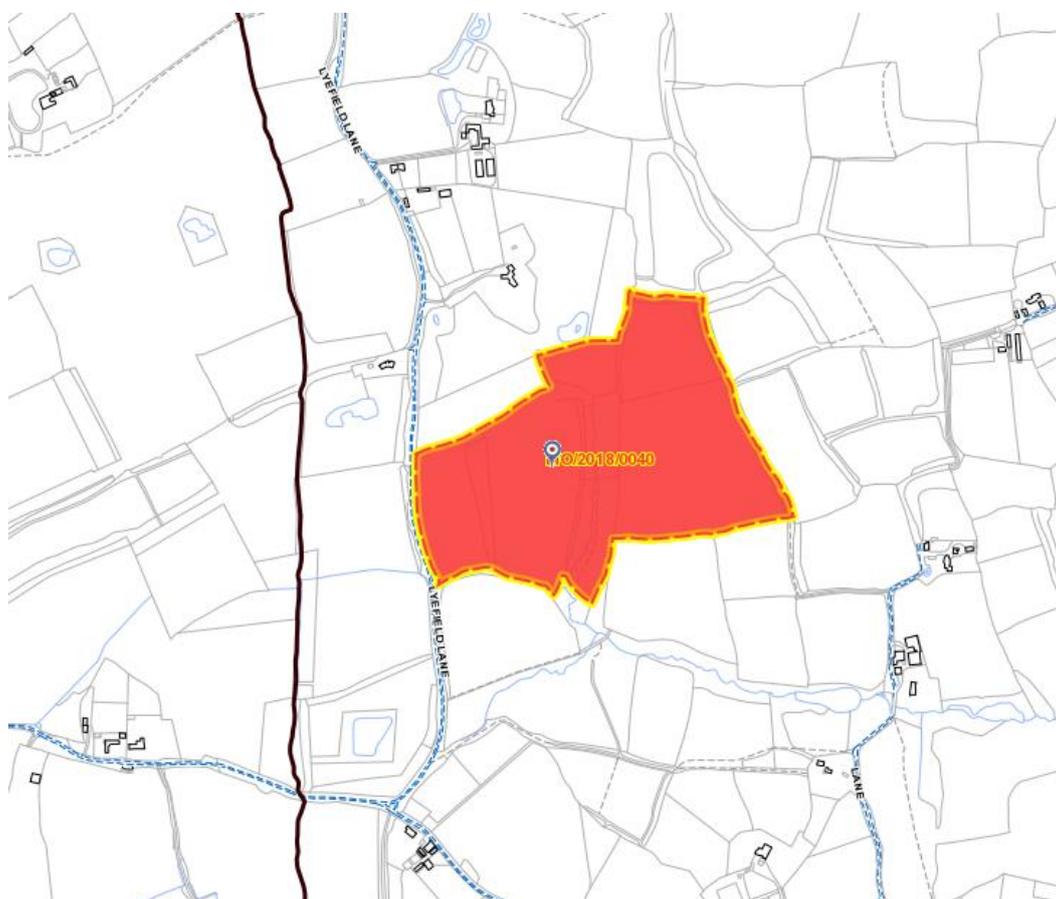
1.1. Countryside Beyond the Green Belt; Area of Great Landscape Value

2. Relevant Planning History

MO/17/1112	Erection of cattle shed and associated hardstanding.	Refused 08/12/17. Appeal lodged.
MO/17/1113	Erection of storage shed for straw, hay and machinery and associated hardstanding.	Refused 08/12/17. Appeal lodged.
MO/17/1114	Stationing of a caravan/mobile home for a temporary period of three years.	Refused 08/12/17. Appeal lodged.

3. Description of Development

3.1. The application site lies off the eastern side of Lyefield Lane and extends to some 14.6 hectares. The site is in countryside beyond the Green Belt. Approximately 10.5 hectares of this is grassland, which is divided into 4 No. paddocks, with the remaining 4.1 hectares given over to woodland, part of which is designated as a Site of Nature Conservation Importance (SNCI) known as Gill Pond.



3.2. Towards the end of 2017, three planning applications were submitted in connection with the establishment of an agricultural enterprise on the land, including a mobile home. The three elements comprised a cattle shed (MO/17/1112), storage shed for

hay, straw and machinery (MO/17/1113 and a mobile home (MO/17/1114). These elements were the same as currently being applied for. However, the application sites were different in each case.

- 3.3. Officers concluded that, in terms of their impact upon the highway, the SNCI and adjoining properties, the proposals comprised in the application were acceptable. The principle of an agricultural business in this location was acceptable. However, the applications as submitted were for isolated buildings and could not therefore be considered to be reasonably necessary for an agricultural business. Due to the lack of interconnectivity of the submitted applications it would not have been possible to ensure that each individual proposal could be properly controlled. Also, no suitable legal agreement had been provided to ensure that the different proposals would be connected. It was therefore considered that the proposed development would have resulted in unsustainable development in the countryside since each of the proposals would not have been viable in its own right. The proposals were therefore contrary with the provisions of Section 3 of the NPPF, and Mole Valley Local Plan policy ENV3 and RUD14.
- 3.4. Planning permission for all three applications were refused, in December 2017, for the reasons as set out below:

MO/2017/1112 and MO/2017/1113

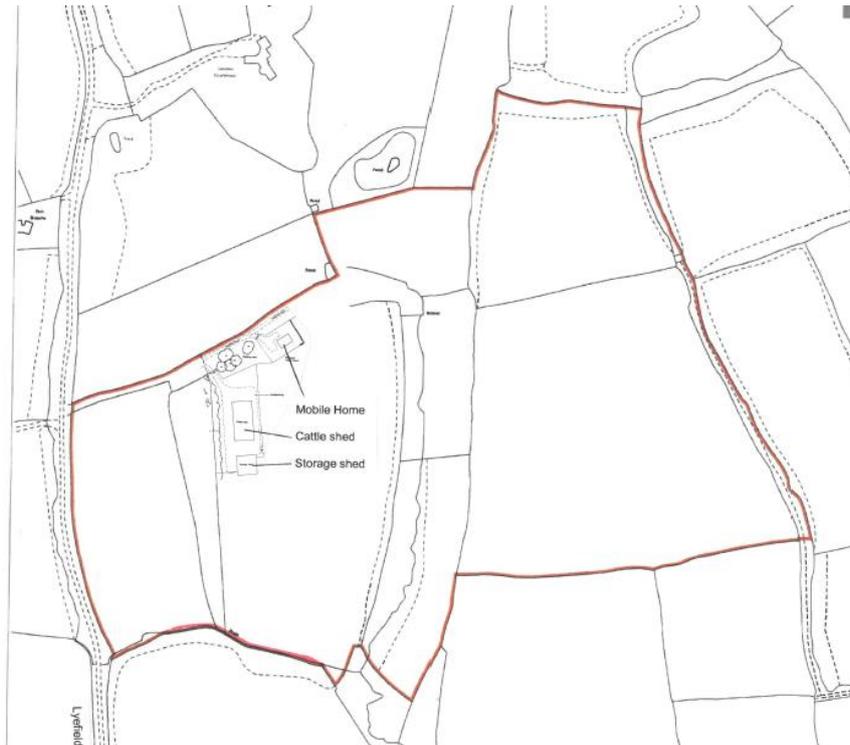
The proposed development is considered to be unacceptable because it would result in a building in the countryside in an isolated location contrary to the provisions of Section 3 of the NPPF and Mole Valley Local Plan policies ENV3 and RUD14. Owing to the isolated position of the building on this plot of land it cannot be considered to be reasonably necessary for an agricultural business. In the absence of a legal agreement the lack of interconnectivity with other submitted applications in this immediate locality, there is no mechanism to ensure that the individual proposals are linked and properly controlled in this countryside location.

MO/2017/1114

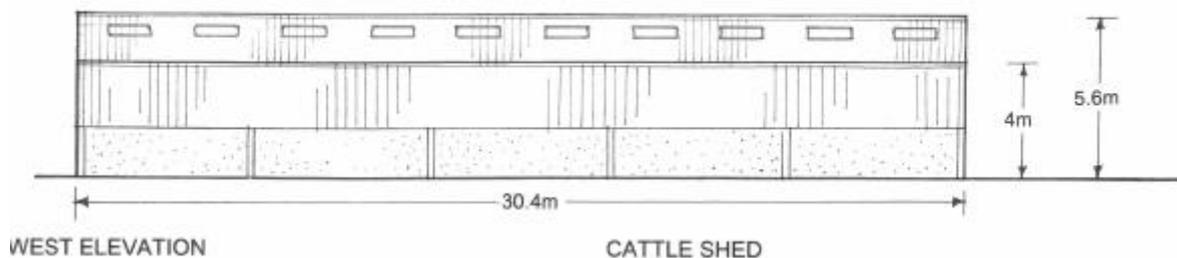
The proposed development is considered to be unacceptable because it would result in a temporary caravan in the countryside in an isolated location, unconnected to any agricultural business contrary to the provisions of Section 6 of the NPPF and Mole Valley Local Plan policy ENV3. Owing to the isolated position of the caravan on this plot of land it cannot be considered to be reasonably necessary for an agricultural business. In the absence of a legal agreement the lack of interconnectivity with other submitted applications in this immediate locality, there is no mechanism to ensure that the individual proposals are linked and properly controlled in this countryside location.

- 3.5. The current applications have been submitted in an attempt to address the issues of concern in the previous applications. The proposals are identical; however, in each case, the application site is the same and is drawn around the whole 14.6 hectare area of land.
- 3.6. Although three applications are under consideration by the Council, it is considered that there would be greater clarity through avoidance of cross-referencing, by setting out all three proposals and the issues raised, under this report.
- 3.7. As before, there are three applications: MO/18/0040, for a cattle shed and associated hardsurfacing; MO/18/0041 for a mobile home for temporary period of three years and;

MO/18/0042, for a storage shed. The position of the three elements on the site is shown below:



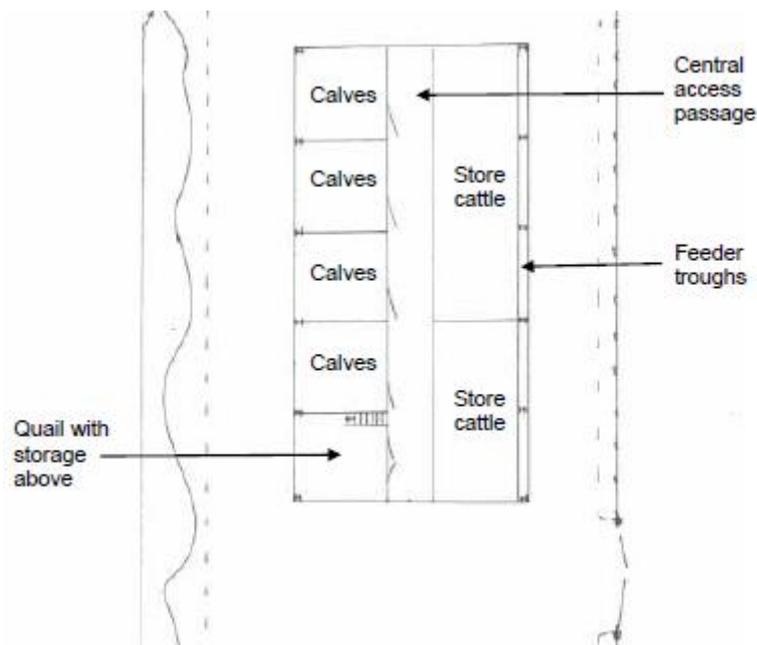
- 3.8. **Cattle shed (MO/18/0040):** The cattle shed would be the largest of the two buildings and would be rectangular in plan, measuring 30.4 metres in length, 15.2 metres in width with a roof height of 5.6 metres. The western elevation is shown below:



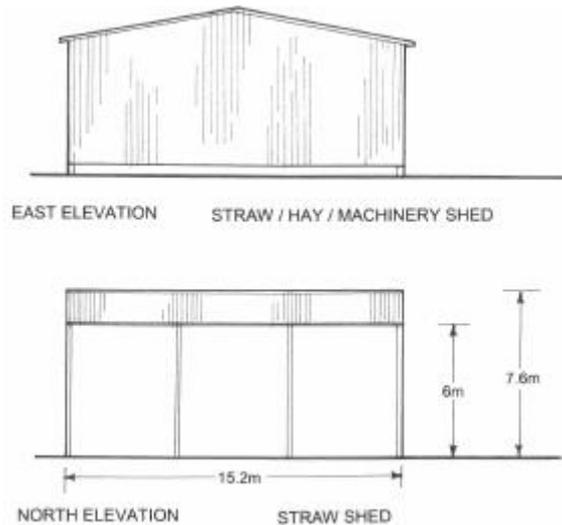
- 3.9. The materials would comprise concrete panels to the lower sections with timber boarding to the upper elevations. The roof material would comprise cement fibre sheeting.
- 3.10. The applicant proposes to develop their agricultural business with two principal enterprises and three secondary enterprises. The two principal enterprises will be firstly, the rearing of calves from 8-10 days of age to about 3 months of age, some 240 – 250 per year, with about 50-60 to be reared on to store cattle size and age and the rest to be sold as weaned calves, and secondly, the breeding and rearing of quail and the keeping of a laying flock for the production of eggs.
- 3.11. The three secondary enterprises will be the breeding and rearing of pigs, the rearing of lambs and the making of charcoal from woodland thinnings.

- 3.12. Regarding the cattle arm of the operation, the intention would be to buy in calves, usually Hereford-cross-dairy calves, at about a week old. These would be reared indoors in pens. Calves would be collected from several farms locally, aiming to gather a pen of about 15-16 calves all of an age of within a week or two. The calves would be reared on milk substitutes and over ten weeks will be weaned onto hay and hard feed. The plan is to make use of computerised milk feeders so that the ration of each calf can be controlled.
- 3.13. The proposed cattle building would have four pens for calf rearing. This will enable four groups of 15 calves to be reared at any one time. There would be a separate area kept clear for use were any calf needed to be isolated due to injury or illness. Each calf will have been weaned by 12 weeks. Therefore each pen can, allowing for cleaning and disinfection, be used 4 times per year. Assuming an average batch size of 15 calves, and 4 pens multiplied by just over 4 crops per year, some 240-250 calves can be reared this way every year.
- 3.14. About half of these will be sold as weaned calves, and half will be kept on the farm and reared-on to store age at 6 – 8 months. These will be reared at grass or in the cattle shed, and fed silage made by contractors on the agricultural holding using wrapped bales. Half of the main cattle shed will be for store cattle, with internal gates to allow subdivision of groups.
- 3.15. Quails will be reared, aiming for 250 laying hens plus about 40 hens in a parent flock. Quail can be kept indoors. Hence, one part of the barn will be blocked in and used as a quail rearing and raising area, with eggs collected for sale.

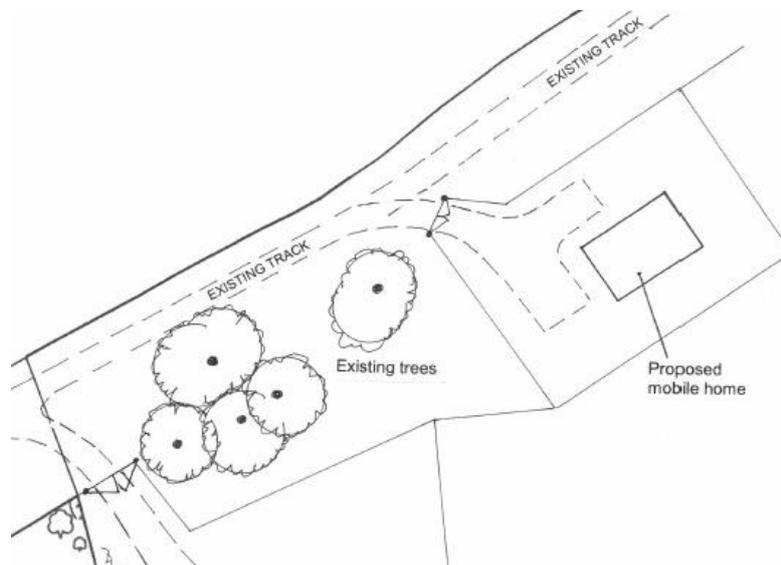
Cattle shed layout



- 3.16. **Hay and machinery store (MO/18/0042):** The proposed straw barn would be the second building and would be sited to the south of the cattle store. It would be an open-ended structure and would measure some 15 metres square with a height of 7.6 metres. The elevations are shown below:



- 3.17. The rationale for the straw and hay barn is set out in the applicant's supporting statement.
- 3.18. There is a need to provide covered storage for straw and hay. Taking a generous allowance for straw, about 0.2 tonnes will be used per head on average, equating to 50 tonnes. At an average of 7 cubic metres per tonne, based on a 5 metre storage height, approximately 70 sq metres of floor space would be required. Hay would require about 40-50 sq metres of space. Both will tend to be loaded into the barn in the summer which would gradually reduce as it is used over the winter.
- 3.19. The applicant states that they also require covered storage for fertiliser, fencing posts and materials and for tractors and trailers, farm implements (fertiliser, spinner, baler, topper and mower etc).
- 3.20. **Mobile home (MO/18/0041):** This would be located at the head of the access track from Lyefield Lane alongside the northern boundary. This is proposed for a temporary period of three years.



- 3.21. A mobile home is proposed due to the nature of the activity being proposed, the animals present and the need for a person to be present on the site, for welfare, feeding and security purposes.

- 3.22. Access to the land is along an established track off the eastern side of Lyefield Lane, as shown below. Lyefield Lane is a country lane and visibility on exit is good, albeit one roadside tree trunk falls within the sightlines. Photographs of the access area are shown below:

Existing entrance



Visibility from the access in Lyefield Lane



4. Consultations

- 4.1. SCC Highways: The County Highway Authority has undertaken an assessment in terms of the likely net additional traffic generation, access arrangements and parking provision and is satisfied that the application would not have a material impact on the safety and operation of the adjoining public highway. The County Highway Authority therefore has no highway requirements.

The Highway Authority has amplified their comments as follows:

'It is understood that the proposed trips are the same as what was previously agreed in the previous planning application. The County Highway Authority has considered the effect that the proposal made up by the three applications above would have on the safety and free-flow of Lyefield Lane, which is a public highway. It is acknowledged that this lane is very narrow in places, with limited opportunities for passing of two vehicles.

Given the further information provided which outlines the likely number of vehicular movements associated with the proposed farming use, the County Highway Authority considers that the development would be unlikely to have a material negative impact on the highway. The average number of trips is estimated to be less than 8 vehicular movements per day, when considering both the agricultural and residential uses proposed. This is equivalent to less than one movement per hour between the beginning of the morning peak and end of the evening peak periods. It is also a consideration that, without any further planning permissions, some level of agricultural

use could be made of the site which would generate some vehicular movements further, during site visits, it was noted that there were several farms located down Lyefield Lane which would have larger vehicles associated with them too. Therefore, the Highway Authority would not object to the proposals.

- 4.2. Reading Agricultural Consultancy (RAC) – Commenting on the previous applications, the response was as follows:

Copse Farm. One side of the proposed building will comprise four pens which will house approximately 15 calves of a similar age group for rearing. The calves will be reared on a milk substitute over a ten-week period and then be weaned. Allowing for cleaning and disinfection, the pens can be used four times each year which allows 240 calves to be reared annually. It is proposed half will be sold as weaned calves and half will be kept and reared as stores to approximately 6-8 months old. The calves will be kept in the pens up to three months old and require 2m² per head. Each pen will be a minimum 30m², resulting in 120m² of calf pens. The proposed plans allocate 134m² for the calves. The store cattle will be reared on grass in the summer months and housed during the winter period in half the building which has been allocated on the proposed layout plans. They will be fed silage from the holding, made by contractors. There will be an allowance of 3m² per head for the store cattle and the building will house approximately 50 stores up to eight months old. This will require 150m² of the proposed building. The proposed plans allocate 165m² which can be increased to 180m² by moving the feeding troughs.

In addition to the cattle, the proposed building will also house up to 250 laying quail hens, plus a parent flock of approximately 40 hens. It is proposed this area, measuring 33m² (5.8m x 5.8m) is internally separated from the cattle areas as shown on the plans. There is a proposed storage area above for milk powder and other smaller items. The central access passage will allow tractor access through the building. The passage is 3m wide and occupies 91m² of the proposed building. The allocated areas total 423m² of the proposed 462m² building but will allow for a small increase in livestock housing, if required.

The building is therefore designed as suitable for its intended purposes, in terms of its size, design and materials, and is reasonably necessary for the purposes of agricultural within the application site.

The proposed building will support the agricultural needs of the holding in line with Paragraph 28 of the NPPF and Policy RUD14 of the Mole Valley Local Plan. The building is of a scale and design that is appropriate to the countryside character and location, complying with Policy RUD14 and whilst it will lead to an increase in the overall level of activity in the countryside, it relates to the establishment of a new agricultural business.

- 4.3. By way of information, RAC reached the same conclusion as regards the straw and hay store application. In relation to the application for the mobile home, the Advisor accepted the justification for a dwelling at the site based on the applicant's projected three year business plan.
- 4.4. In light of the comments raised in representations to the current application (see below), RAC sought clarifications over working practices stocking, manure storage and whether hay would be made on the holding or brought in.
- 4.5. In light of the additional information received, RAC has confirmed that the applicant has provided satisfactory responses and the proposals continue to be acceptable in

terms of agriculture for local and national policy, as confirmed in their original appraisal.

- 4.6. Surrey Wildlife Trust state that the current applications – MO/2018/0040, MO/2018/0041 and MO/2018/0042 - appear to be substantially the same proposed development, within the same footprint, as previous refused applications MO/2017/1112, MO/2017/1113 and MO/2017/1114. The current proposals do not appear to present any significant additional ecological constraint over and above that identified within my formal consultation response letter to the Council dated 18th September 2017 for applications MO/2017/1112, 1113 and 1114' The Trust therefore reiterate their comments previously made in their letter of response to these, which is set out below:

We note that no ecological survey information appears to have been provided with any of these applications and it is not clear whether the proposed development is likely to affect any protected or important species that may be present in the area. We would therefore advise the Local Authority to seek further information on the following issues.

The site is located in close proximity to Pond Gill Site of Nature Conservation Importance (SNCI). The woodland should be protected from accidental pollution from, for example, waste water and bonfires.

All native British reptiles are protected under the Wildlife and Countryside Act 1981 (as amended) from killing and injury. The site appears to consist of long grassland with a small amount of scrub at the boundary with the woodland; this is potentially suitable reptile habitat. Reptiles could be killed or injured during excavations and topsoil stripping work.

There are a number of ponds within close proximity of the site. Natural England's guidelines recommend that water bodies within 500m of the development site should be assessed for their suitability as breeding ponds, to help avoid adverse effect to these legally protected species. Great Crested Newts are protected under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Regulation 40 of the Conservation (Natural Habitats &c) Regulations 2010 from intentional killing and injury and from intentional damage, destruction or obstruction of access to a place of shelter.

Badgers are protected under the Protection of Badgers Act 1992 which makes it illegal to kill, injure or take a badger or to interfere with their setts, such as by the use of heavy machinery nearby; closure of active setts requires a license. The woodland adjacent to the site may provide suitable habitat for this species. We would therefore advise that a suitably qualified ecologist checks for any signs of badger within 30m of the proposed development.

If the proposed development involves the removal of dense shrubbery we recommend this is undertaken outside the main bird nesting season (March to August inclusive), to avoid adversely impacting nesting wild birds. Under the Wildlife and Countryside Act 1981 (as amended), wild bird nests and eggs are protected from damage or destruction whilst in use or under construction; birds listed on Schedule 1 of the Act receive additional protection from disturbance.

It appears that no trees are due to be removed; however any light spillage into the woodland could have a negative impact on any bats commuting or foraging along the

boundary of the site. We would therefore recommend that any outside lighting required is low level and directed away from the woodland.

Trees being retained should be protected from the development process, including tree protection to BS5837:2012.

The National Planning Policy Framework (NPPF) makes it clear that “The planning system should contribute to and enhance the natural and local environment by ... minimising impacts on biodiversity and providing net gains in biodiversity where possible” (para. 109).

In addition, under the Natural Environment and Rural Communities (NERC) Act (2006)(Section 40), “Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity”. Section 40(3) states that, “conserving biodiversity includes, in relation to a living organism, or type of habitat, restoring or enhancing a population or habitat”.

This development is likely to offer some opportunities to restore or enhance biodiversity; such measures are in line with the NPPF, will assist the Local Authority in meeting their duty under NERC and also help offset any localised harm to biodiversity caused by the development process. The Trust would be happy to give suggestions once we are satisfied that adequate ecological information has been provided.

4.7. The applicant subsequently provided an Ecology Report. The Trust noted that the land could offer potential as a reptile habitat and suggested that a precautionary approach be applied to the development to minimise impact on protected species. They also suggested that the applicant be encouraged to incorporate bat roosting opportunities as integral design features within the development.

4.8. Guildford Borough Council - No objections.

5. Representations

5.1. 23 representations have been received from 17 nearby properties, together with one from Abinger Parish Council, a firm of surveyors acting on behalf of an adjacent occupier and an ecologist acting on behalf of residents. The following summarised points are raised of the three applications:

- Impact on pond at Bennetts Grove which has previously been found to have Great Crested Newts (2015);
- Inappropriate development;
- Only difference between this and previous application is that red line is drawn around whole land and a legal agreement has been offered;
- Increase on traffic and highway safety in narrow road;
- Business plan does not justify investment;
- Excessive numbers of livestock for the holding;
- Soil type is not conducive to farming enterprise;
- Since only a smaller enterprise is workable, the buildings proposed are not justifiable;
- Waste issues have been ignored by applicant;
- Would result in residential development;
- Surface water run off and contaminate water courses;

- Whilst PPS7 is no longer official guidance, it is common practice for Planning Inspectors to refer to the agricultural occupancy tests contained in the document;
- Not financially viable;
- Contrary to NPPF;
- Result in a precedent;
- Unsustainable location;
- Not a viable business;
- Insufficient land;
- Lack of information on environmental impact;
- Contrary to national and local policy;
- Out of keeping with the rural setting;
- No ecological survey – unable to assess impact on important or protected species;
- Applications premature until reptile survey conducted;
- No details of ventilation, lighting and connection to infrastructure
- Not an established farming enterprise; applicant is an arboriculturalist;
- Impact on amenities of neighbours;
- Impact on the SNCI and AGLV;
- The size of the proposed buildings are inappropriate to the size of the site;
- No Environmental Impact Assessment submitted

Officer comments – due the relatively small scale of the proposal it is considered that an EIA would not be required.

- Change of use of the land;

Officer comment – the land is currently open fields, the proposal is for an agricultural building, it is therefore considered that the application would not include a change of use.

- Would result in factory farming

5.2. Abinger Parish Council has raised objections. The following points summarise the concerns raised:

- No start up business in existence to support the viability of the enterprise;
- Isolated development;
- The firm of surveyors acting for one of the local residents did carry out site visit, whereas Reading Agricultural, acting for Council, only carried out a desk-top assessment;
- Adverse affect on the open character of the countryside and to the SNCI and AGLV;
- Lack of information regarding the disposal of animal effluent;
- Contamination of local water courses;
- No information has been provided on vehicle movements

5.3. One representation of support has been submitted, following summarise the points made.

- The land has been used for the production of hay and silage as well as grazing;
- Very little wildlife present;
- No issue with drainage

6. Main Planning Policies

6.1. Government Guidance

National Planning Policy Framework

Section 3 – Supporting a prosperous rural economy

Section 7 – Requiring good design

Section 11 – Conserving and enhancing the natural environment

6.2. Mole Valley Core Strategy

CS12 – Sustainable Economic Development

CS13 – Landscape Character

CS14 – Townscape, Urban Design and the Historic Environment

CS15 – Biodiversity and Geological Conservation

6.3. Mole Valley Local Plan

ENV3 – Development in the Countryside Beyond the Green Belt;

ENV4 – Landscape Character;

ENV12 – Sites of Nature Conservation Importance and Potential Sites of Nature Conservation Importance (SNCI);

ENV15 – Species Protection;

ENV22 – General Development Control Criteria;

ENV23 – Respect for setting;

RUD14 – Agricultural Development requiring planning permission;

MOV2 – Movement implications of new development.

7. Main Planning Issues

7.1. The main planning issues for consideration are as follows:

- The principle of development;
- Design and Impact on the character of the countryside;
- Impact on the amenities of neighbouring properties;
- Impact on SNCI and biodiversity;
- Impact on the highway

Principle of the development

7.2. The NPPF states that policies within the local plan should follow the approach of the presumption in favour of sustainable development. Section 3 of the NPPF outlines the Government's approach to development in rural areas with the aim of supporting a prosperous rural economy. Paragraph 28 states:

'Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should ... promote the development and diversification of agricultural and other land-based rural businesses...'

7.3. Policy ENV3 of Mole Valley Local Plan relates to development in the countryside beyond the Green Belt. This policy states:

In the rural areas not covered by the Green Belt, and outside the area of Ockley defined in accordance with Policy RUD3, the countryside will be protected for its own sake, and development adversely affecting its open character will not be permitted.

Development within the countryside beyond the Green Belt will only be acceptable for the reasonable needs of agriculture, and forestry or comprises essential facilities for outdoor sport and outdoor recreation, mineral extraction and waste disposal...

Previous applications

- 7.4. The Council's Agricultural Consultant has assessed the business case submitted with the application and has concluded that the proposed cattle shed has been designed as suitable for its intended purposes, and would be reasonably necessary for the purposes of agriculture within the site. However, the agricultural business proposed had yet to be established on the site, which conflicts with point 1 of Mole Valley Local Plan policy RUD14 which states that new agricultural buildings will be permitted where it can be demonstrated that the proposed development 'is to be sited on agricultural land which is in use for agriculture for the purposes of a trade or business'.
- 7.5. It was noted that the proposed business had not been started in any existing agricultural buildings and there did not appear to be any investigation into alternative locations with existing agricultural buildings.
- 7.6. The submitted site for the previous application showed the application site solely drawn around the proposed cattle shed, with access to the highway. This raised two issues, firstly that that 'red line' does not include any of the surrounding land which the supporting information submitted with the application stated is to be used as grazing in connection with the proposed agricultural business. Secondly, the site plan did not incorporate the locations of the two other buildings that it would be used in connection with, i.e. the straw barn and the mobile home which were proposed under two separate applications.
- 7.7. From the site plan, it could be adduced that the cattle shed could have been used independently of the other proposed buildings and from the surrounding land. This was contrary to the information submitted in the Agricultural Appraisal. The issue with the 'red line' on the site plan was also present on the other two applications submitted. The Council contacted the planning agent to request that this issue be addressed. However, no amended drawings were received as the agent considered that amendments were not necessary. The agent took the view that conditions could be imposed under a grant of planning permission to ensure that the proposed enterprise would be inter linked.
- 7.8. Legal advice was sought from the Council's Legal Services Manager who advised that, since the proposals had been submitted under three separate planning applications with different site 'red lines' which did not correspond to each other, any planning condition would not be enforceable. As such, the condition would be contrary to paragraph 206 of the NPPF.
- 7.9. An alternative way of linking the applications could have been by way of a suitable legal agreement to ensure that the different development proposals were linked to the operation of the proposed agricultural business. Section 106 obligations are a mechanism which makes a development proposal acceptable in planning terms that would not otherwise be acceptable. However, the agent did not consider that such an agreement was necessary and declined to provide one.

- 7.10. It was therefore concluded that the proposals would have amounted to new development in the countryside where an agricultural use had not previously been established. It was considered that, due to the lack of interconnectivity of the submitted applications, it would not have been possible to ensure that each individual proposal could be properly controlled. Also, no suitable legal agreement had been provided to ensure that the different proposals would be connected. It was therefore considered that, due to this discrete manner in which the applications had been presented, the proposals would have resulted in unsustainable development in the countryside, contrary to the provisions of Section 3 of the NPPF and Mole Valley Local Plan policies ENV3 and RUD14.
- 7.11. All three applications were refused permission. Appeals have been lodged.
- 7.12. Under the current applications, all three have the site edging drawn around the whole 14.6 hectare area of land which allows connectivity between the three elements. As such, it is considered that a sufficient degree of control can be achieved through the imposition of appropriate conditions and that a legal agreement is not required.
- 7.13. It is therefore considered that the reasons for the refusal on the previous planning applications have been addressed.

The impact on the character of the countryside

- 7.14. The NPPF states in paragraph 17 point 5 that the 'different roles and character of different areas' should be taken into account, and should recognise 'the intrinsic character and beauty of the countryside'.
- 7.15. Policy RUD14 of the Mole Valley Local Plan relates to agricultural development requiring planning permission. This policy states:

New agricultural, horticultural or forestry buildings will be permitted where it can be demonstrated that the proposed development:

1. *is to be sited on agricultural land which is in use for agriculture for the purposes of a trade or business;*
2. *is reasonably necessary for the purposes of agriculture within the holding;*
3. *would not detract significantly from the appearance and openness of the countryside;*
4. *would not cause unacceptable levels of noise, effluent discharge or damage to Sites of Nature Conservation Importance identified in Policies ENV9, ENV10, ENV11, ENV12 and ENV13;*
5. *would not adversely affect the amenities of any nearby residential properties;*
6. *does not replace buildings converted to non-agricultural uses which could reasonably have continued in agricultural use;*
7. *would not generate volumes of traffic that would prejudice highway safety or cause significant harm to the environmental character of country roads*

Subject to the above, the Council where possible will require that new agricultural or forestry buildings

- a) *are well-related in terms of their location, size and colour to existing agricultural buildings;*
- b) *avoid prominent locations and blend into the landscape;*
- c) *are located near an existing dwelling on the holding if their use requires surveillance*

- 7.16. The proposed building would have a width of approximately 15.2 metres and length of approximately 30.4 metres. The building would have a pitched roof with an overall height of approximately 5.6 metres and an eaves height of approximately 4 metres. The building would be constructed in concrete panels, timber boarding and a roof constructed in fibre cement sheeting. The building would be approximately 10 metres from the woodland to the front of the site and would run parallel with it. The proposed building would be approximately 120 metres from the highway and would be screened from view by the trees in between.
- 7.17. It is considered that the intrinsic character of the countryside is one that includes agricultural land and buildings. The proposed building is considered to be of an appropriate in terms of scale and form for an agricultural building in the countryside. It is therefore considered that the proposed building would not have an adverse impact on the character of the area and would comply with the provisions of paragraph 17 of the NPPF and Mole Valley Local Plan policy RUD14.

The impact upon the amenities of neighbouring properties

- 7.18. The proposed building would be approximately 156 metres from the nearest neighbouring property (East Breache). This is considered to be a substantial separation distance and would ensure that the proposed building would not have an impact on the reasonable privacy or amenities of the neighbouring properties.

Impact on SNCI and biodiversity

- 7.19. The 14.6 hectare holding includes two areas of woodlands, one of which is a SNCI. Therefore an Ecological Survey was submitted with the application. The comments submitted by Surrey Wildlife Trust on the report state that as the proposed building would use the existing track for access and would not result in any works to the tree or removal of shrubs, it would not have an impact on biodiversity. SWT advise that, should the application be approved, a precautionary working method should be followed to avoid killing or injuring reptiles during the development. Surrey Wildlife Trust also state that Bats are a European Protected Species (EPS) covered by the Conservation Regulations 2010 and are protected under the Wildlife and Countryside Act 1981. It is an offence to kill, injure or disturb a bat, or damage and destroy a breeding site. Therefore the application should be encouraged to incorporate bat roosting opportunities.
- 7.20. Suitable conditions and informatives are recommended to attend to these issues.

Impact on the Highway

- 7.21. The Highway Authority has considered all three applications in terms of highway safety and the subsequent effect on the free-flow of traffic on Lyefield Lane. Highways acknowledge that the lane is currently very narrow in places, with limited opportunities for passing of two vehicles.
- 7.22. The information submitted estimates that the use of the site would equate to an average number of trips which would be less than eight vehicular movements per day, which would equal less than one movement per hour between the beginning of the morning peak and end of the evening peak periods. It is also considered that, without any further planning permission, some level of agricultural use could be made of the site which would generate some vehicular movements.

- 7.23. The Highway Authority have reviewed the points of concern raised in the third party representations and reaffirm their view that the development would be unlikely to have a material negative impact on the highway.

Conclusion

- 7.24. It is considered that the principle of an agricultural business in this location is acceptable. Further, it is considered that the proposal would not have an adverse impact on the highway network, the SNCI and biodiversity, nor adversely impact on adjoining properties.

8. Recommendation

Permission be **GRANTED** subject to the following conditions:

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

Reason: To comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51(1) of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out and completed in all respects strictly in accordance with the submitted documents and plan numbers KCC2391/04, 05, 06A, 09 and 10 contained within the application and no variations shall take place.

Reason: To accord with the terms of the submitted application and to ensure minimal impact on local amenity and the environment in accordance with Mole Valley Core Strategy policy CS14 and Mole Valley Local Plan policy ENV22.

3. The building hereby permitted shall be used only for agricultural purposes as defined in Section 336(1) of the Town and Country Planning Act 1990.

Reason: To ensure that the site is only used for agricultural purposes to protect the amenities of the rural area wherein there is a policy of restraint in accordance with the advice of the National Planning Policy Framework and Valley Local Plan policy ENV3.

4. Any new or altered hard surfacing to be provided shall be constructed from either porous materials or shall make adequate provision for the direction run-off from the hard surface to a permeable or porous area.

Reason: To prevent the increased risk of flooding, in accordance with Mole Valley Local Plan policy ENV25 and policies CS14 and CS20 of the Mole Valley Core Strategy.

5. Before any above ground works commence, details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure the development harmonises with its surroundings in accordance with Mole Valley Local Plan policy ENV22 and policy CS14 of the Mole Valley Core Strategy.

6. Prior to any further development works on site, a Landscape and Ecological Management Plan, to include a Sensitive Lighting Management scheme, shall be submitted for the approval in writing of the Local Planning Authority and thereafter implemented in accordance with the approved details and permanently maintained..

Reason: To safeguard the ecological interest of the site in accordance policy CS15 of the Mole Valley Core Strategy and the National Planning Policy Framework.

7. In the event of the cessation of the agricultural use of the land, the building hereby permitted shall be demolished, all resultant materials removed from the site and the land restored to its former condition, all within a period of three months

Reason: In the interests of the openness of the countryside, in accordance with policy ENV3 of the Mole Valley Local Plan and the NPPF.

Informatives

1. The applicant is reminded of the need to obtain a European Protected Species (EPS) Licence from Natural England prior to any works of demolition of the existing barns, based upon the mitigation, compensation and enhancement actions presented within the paragraphs 18.7 - 18.10 of the applicant's Bat Survey; also, to undertake all the actions detailed in the method statement, which must support an EPS application. This will help ensure that the proposed development is in compliance with the statutory provisions contained within the Wildlife and Countryside Act 1981.
2. The applicant is reminded that Part One of the Wildlife and Countryside Act 1981 makes it an offence to intentionally kill, injure or take any wild birds or intentionally to damage, take, or destroy its nest whilst it is being built or used. The developer should take action to ensure that development activities such as building demolition and vegetation or site clearance are timed to avoid the bird nesting season of March to August inclusive.
3. The applicant is advised that Precautionary working should be undertaken under the watch of a suitably qualified ecologist in line with best practice guidance and should include:-
 - All clearance works will be undertaken when common reptiles are likely to be fully active i.e. during the April to September period
 - Clearance of logs, brash, stones, rocks or piles of similar debris will be undertaken carefully and by hand.
 - Clearance of tall vegetation should be undertaken using a strimmer or brush cutter with all cuttings raked and removed the same day. Cutting will only be undertaken in a phased way which may either include:
 1. Cutting vegetation to a height of no less than 30mm, clearing no more than one third of the site in anyone day or;
 2. Cutting vegetation over three consecutive days to a height of no less than 150mm at the first cut, 75mm at the second cut and 30mm at the third cut
 - Following removal of tall vegetation using the methods outlined above, remaining vegetation will be maintained at a height of 30mm through regular mowing or strimming to discourage common reptiles from returning.
 - Ground clearance of any remaining low vegetation (if required) and any ground works will only be undertaken following the works outlined above.
 - Any trenches left overnight will be covered or provided with ramps to prevent common reptiles from becoming trapped.
 - Any building materials such a bricks, stone etc. will be stored on pallets to discourage reptiles from using them as shelter. Any demolition materials will be stored in skips or similar containers rather than in piles on ground. Should any common reptiles be discovered during construction, which are likely to be effected by the development,

works will cease immediately. The developer will then seek the advice of a suitably qualified and experienced ecologist and works will only proceed in accordance with the advice they provide.

4. The applicant is strongly advised to take note of the contents of the letter from Surrey Wildlife Trust on MO/17/1113 dated 18/09/17 over the necessity to take a precautionary approach in the construction process in the build process.