DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0872/23/FUL
Proposal: Erection of Lambing Shed
Location: Land North of Newcastle Road
Adjacent to Laverick Hall Farm
West Boldon
NE10 8YN

Site Visit Made: 08/02/2024

Relevant policies/SPDs

1 LDF CS ST2 - Sustainable Urban Living

2 LDF CS EA1 - Local Character and Distinctiveness

3 DM1 - Management of Development

4 DM6 - Heritage Assets and Archaeology

Planning history

ST/0123/12/FUL Proposed change of use from agricultural/grazing land to land for the keeping of horses and erection of stable block to land north- east of Laverick Hall Farm. Appeal dismissed.

ST/0315/21/FUL Proposed change of use from agricultural/grazing land to land for the keeping, breeding, and recreational use of horses. The erection of 4no. stables and hay store/tack room. Appeal dismissed.

ST/0454/23/FUL New agricultural building. Approved 7th August 2023. This permission has been implemented and the building is under construction.

Description of the site and of the proposals

The application site comprises a recently established agricultural business located within the South Tyneside Green Belt to the northeast of Laverick Hall, a converted Grade II listed former farmstead now within residential use with 8 dwellings.

The application site forms an 'L' shape and is approximately 1.5 hectares in area. The site is relatively flat with agricultural style low fencing delineating the boundaries. The site is currently used for a commercial pig farming enterprise, with 4 breeding Sows housed on the site.

Three detached dwellings (Laverick Farm Cottage, Nickbor, and Wardley House) lie to the south of the site. The site is bounded to the west, north and east by further open agricultural land. There are no public rights of way passing the application site. Long distance views of the site are possible from the A184 Newcastle Road which runs east/ west to the south of the site, direct views of the site are obscured by Laverick Farm Cottage and Wardley House. The site is also visible from the A194 Leam Lane which passes approximately 375 metres to the west, with agricultural land and Monkton Burn intervening.

The existing site layout is basic and comprises the agricultural building approved in 2023 partly constructed, simple field shelter on skids that can be moved round the site, a moveable horse box used for the storage of fresh hay for bedding in the pig arcs and a large blue portacabin style container located on the verge adjacent the site entrance. The portacabin is currently used to provide secure storage for

pig feed, to store necessary equipment and utensils and store protective clothing used by the applicant when tending the pigs. The pig arcs are located in the north-west corner of the site.

This application seeks planning permission for the erection of a lambing shed on the site as the applicant wishes to diversify from the pig breeding operation that is ran from the site to include the keeping of up to 40 sheep. The proposed lambing building would measure 16 metres in length by 5 metres in width, 2.5 metres to the eaves and 3.8 metres to the ridge. The building would have a dwarf red brick wall with vertical timber boarding stained black above with a grey concrete pantile roof. The building would be open to the front elevation, and would be split into 4 pens with an internal dividing timber fence. The proposed lambing building would be sited approximately 6 metres north of the previously approved agricultural building which is under construction.

Publicity / Consultations (Letter Expiry date 06/02/2024, 04/03/2024)

1) **Neighbour responses**
   4 Laverick Hall Farm, West Boldon: We support and welcome the application.

2) **Other Consultee responses**
   Environmental Health (Contaminated Land): No objections.

   Environmental Health (LLFA): I have no comments to make from a flood risk or drainage perspective.

   The site is considered to be at low risk of flooding from surface water identified in the Environment Agency's surface water flood risk maps.

   We are not aware of any history of flooding in the vicinity of the proposed development site.

Assessment

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that an application for planning permission must be determined in accordance with the adopted development plan unless material considerations indicate otherwise.

The statutory development plan is the Council's adopted Local Development Framework development plan documents. Those documents of relevance to this application comprise a Core Strategy dated June 2007, the LDF Core Strategy Key Diagram dated June 2007, and a Development Management Policies Development Plan Document (DPD) dated December 2011:

The main considerations in assessing this case are:
- The principle of development including the impact on the Green Belt
- The impact upon the visual amenity of the area
- The impact upon the residential amenity
- The impact upon designated Heritage Assets

The principle of development including the impact on the Green Belt

Within the South Tyneside Local Development Framework Site Specific Allocations development plan document (and its proposals map), this application site forms a part of the designated Green Belt where local and national planning policies seek to protect the character and openness of such areas.

Paragraph 142 of the NPPF states that the Government attaches great importance to Green Belts with the fundamental aim of Green Belt policy to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

NPPF paragraph 154 states that a local planning authority should regard the construction of new buildings as inappropriate in the Green Belt, unless such buildings fall into at least one of the exception categories specified in that paragraph.

One of those exception categories (category a) is the erection of buildings for agriculture and forestry.

Section 336 of the Town and Country Planning Act 1990 defines 'agriculture' as including horticulture, fruit growing, seed growing, dairy farming, the breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land), the use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and the use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes, and "agricultural" is construed accordingly.

The site occupies approximately 1.5ha of land and is within active agricultural use in line with the definition set out within S.336 of the Town and Country Planning Act 1990.

The NPPF aims to support economic growth in rural areas, taking a positive approach to new sustainable development to allow the expansion of agricultural businesses.

The development is considered reasonably necessary to allow the development of the agricultural enterprise (with the introduction of sheep) and is thereby considered compliant with the principles of the NPPF in this respect. The impact upon the site and the wider rural landscape will be assessed in the detailed issues; however, in principle the development is generally considered complaint with the policies of the Local Plan and the aims of the NPPF.

The impact on the visual amenity of the area

Development Management Policy DM1 (A) (Management of Development) supports Policy ST2 and requires developments to convey sensitive consideration of their surroundings, where possible enhance local setting and reinforce local identity.

These aims are consistent with the NPPF Sections 12 and 15.

The proposed building will be visible, albeit at distance, from the A184 and the A194 which pass to the south and west respectively, and would be seen in conjunction with the previously approved agricultural building on the site, which is being constructed from similar materials. The proposed building will be typical in design for an agricultural lambing building with a red brick base with black vertical timber boarding above. The building would measure 5 metres in width, 16 metres in length providing a footprint of approximately 80 sq. metres, which is commensurate given the relatively small area of land within the applicants control.

Taking into account the above, the building would be constructed from appropriate materials to match with those in the immediate locality which will help assimilate the building into the wider character context and thus would not create an incongruous feature in the rural landscape.

The proposal will therefore not unduly impact upon the character and appearance of the site or the wider rural landscape in line with ST2 and EA1 of the South Tyneside LDF, as well as chapters 12 and 15 of the NPPF.

Impact upon residential amenity

LDF Policy DM1(B) of the South Tyneside LDF seeks to protect residential amenity of neighbours from harmful impacts from development. Paragraph 135 of the NPPF adds that proposals should create

places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users.

The proposed building would be sited approximately 48 metres from the dwellings at the former Laverick Hall Farm. The plans show that the building would contains 4 no. lambing stalls. Livestock accommodation is likely to give rise to noise and odour impacts and therefore regard must be given to the potential impact of these effects on neighbouring residential amenity.

The building would be open to the eastern elevation facing away from the dwellings to the south, which would assist with both noise and odour dispersal mitigation. As a result of all these factors, it is considered that the use of the buildings for accommodating livestock during lambing season would not lead to unacceptable impacts on residential amenity in respect of noise and odour, particularly in a rural area where there are other agricultural uses, and where there must be some expectation of rural smells and noise from time to time. On this basis there are no objections to the development however it is considered expedient to include a condition controlling the use of the building to limit odour/noise issues.

Given the proximity of residential units to the application site, a condition stating that no poultry can be housed in the building is required in order to protect residents of these dwellings from undue noise and smells (from poultry).

Accordingly, subject to conditions, it is considered that the proposed building will not have a significant adverse impact upon the residential amenity of the occupants of the surrounding neighbouring farm groups, in line with Policy DM1 of the South Tyneside LDF and para 191 of the NPPF.

The impact upon designated Heritage Assets

The application site is situated in close proximity (approximately 48 metres away at the closest point) from Grade II Listed converted residential buildings at Laverick Hall Farm, in terms of the potential for the effects on the setting of this building.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Local Development Framework Policy DM6 supports development proposals that preserve or enhance the historic and architectural character of listed buildings.

Paragraph 200 of the NPPF stats that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

The application proposal would see the erection of a permanent structure within the setting of the Grade II Listed Laverick Hall and Linked Outbuildings and the Grade II Listed Barn Ranges at Laverick Hall.

The extent of 'setting' is not fixed and may change as the asset and its surroundings evolve, as has been the case at Laverick Hall Farm. Elements of a setting may make a positive of negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

The proposed agricultural building is large enough that it would be present in certain long-range views towards the heritage assets. However, an assessment of impact on significance needs to be proportionate. It is considered that the degree to which the proposed changes enhance or detract from that significance, and the ability to appreciate it, is minimal. Given the fact that Laverick Hall farm is no longer a working farm and has therefore lost that connection with working the surrounding land, and has

been the subject of changes, it is not considered that the proposal would cause harm in terms of its impact on heritage.

Overall, in the wider context of the setting of adjacent listed buildings and having regards to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the setting of the listed buildings will not be negatively impacted upon. For these reasons, it is judged that the proposed works would preserve the special historic, cultural and architectural character of the listed buildings, and would accord with LDF Policies DM1 (A), DM6 and part 16 of the NPPF.

Conclusion

The proposed scheme has been identified against the policy documents identified above.

It is considered that the proposal conforms to these policies, as the proposed agricultural building would not detract from the openness of the green belt, its wider rural setting, or unduly impact upon the residential amenity of occupiers of neighbouring properties, or upon the setting of designated heritage assets. For these reasons, the proposal is recommended for approval, there are no material considerations which indicate a decision should be otherwise. The proposal accords with policies ST2, EA1, DM1, and DM6 of the South Tyneside LDF and the NPPF.

In assessing this application due regard has been had to the requirement of section 149 of the Equality Act 2010.

Recommendation

Grant Permission with Conditions

Conditions

1 The development to which this permission relates must be commenced not later than 3 years from the date of this permission.

As required by Section 91 of the Town and Country Planning Act 1990 and to ensure that the development is carried out within a reasonable time.

2 The development shall be carried out in accordance with the approved plan(s) as detailed below

Proposed elevations, roof plan and site layout Drg. No. A/3682/01A Received 22/12/2023.

Any minor material changes to the approved plans will require a formal planning application under S73 of the Town and Country Planning Act 1990 to vary this condition and substitute alternative plans.

In order to provide a procedure to seek approval of proposed minor material change which is not substantially different from that which has been approved.

3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) (England) Order 2015 [as amended] (or any order revoking and re-enacting that Order with or without modification), the building hereby approved shall only be used for agriculture as defined by Section 336 of the Town and Country Planning Act 1990 [as amended] (or any subsequent definition of agriculture if this Act were to be revoked and replaced by another Act), but shall not be used for the accommodation of livestock, except where they require temporary accommodation arising from quarantine,

emergency; or in the case of animals normally kept outdoors, giving birth or newly born; or to provide shelter in extreme weather.

In the interests of residential amenity and to ensure the development is appropriate for its location. In accordance with Policy EA1 of the South Tyneside Local Development Framework.

4 Notwithstanding condition 3, no poultry shall be housed within the building at any time.

To ensure that residential amenities are not adversely affected by the approved development in accordance with Policy DM1(B) of the South Tyneside Local Development Framework.

5 No external lighting shall be attached to the building hereby approved unless an application for planning permission has first been submitted to and approved by the Local Planning Authority prior to its installation.

In the interests of the amenity of the area and to prevent a detrimental impact on residential amenity in accordance with DM1(A and B) of the South Tyneside Local Development Framework.

6 The external facing materials to be used to carry out the development hereby permitted shall be as those shown upon the submitted plans (listed in condition 2) and stated in the planning application form received 22/12/2023.

To ensure a satisfactory standard of development and in the interests of visual amenity in accordance with South Tyneside LDF Development Management Policy DM1(A).

Informatives

1 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at: www.gov.uk/government/organisations/the-coal-authority

Case officer: Adam Williamson
Date: 5th March 2024

Authorised Signatory:
Date:

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