

## Report of the Head of Planning & Enforcement Services

**Address** KNIGHTSCOTE FARM BREAKSPEAR ROAD NORTH HAREFIELD

**Development:** Erection of a new cow shed.

**LBH Ref Nos:** 4729/APP/2011/1600

**Drawing Nos:** Agent's E-mail dated 11/08/11  
2011P64/P/01  
2011P64/P/02 (Site Layout)  
2011P64/P/03  
Design and Access Statement, June 2011

**Date Plans Received:** 24/06/2011 **Date(s) of Amendment(s):**

**Date Application Valid:** 24/06/2011

### 1. SUMMARY

This application seeks planning permission for a new open sided cow shed within an existing farm complex located within the open countryside which forms part of the Green Belt. The applicant advises that the building is needed to comply with new legislation that requires a 5 month capacity for slurry storage on the farm. The shed will prevent rainwater mixing with animal waste in the feeding area and prevent seepage into the ground. There would be no increase in cattle numbers or deliveries to the farm.

There is no objection in principle as it represents appropriate development within the Green Belt. The shed is considered to be satisfactorily related to surrounding farm buildings so that it would not extend beyond the built envelope of the existing farm complex. The design and materials of the shed also reduce its impact. The siting of the building would also not harm the setting of two Grade II Listed granaries within the farm complex. The Environment Agency initially objected to the scheme on grounds of lack of information, although they did agree that the scheme would benefit groundwater supplies in this sensitive area. They have now withdrawn their objection.

### 2. RECOMMENDATION

#### Reason for Urgency:

**Knightscote Farm is required to have sufficient slurry storage for cattle with suitable storage of associated rainwater for the wettest 22 weeks in the year. It is prohibited to spread slurry between 15 October and 15th January in any year, with more stringent regulations coming into force this year. The current total slurry storage is significantly less than required. Non-compliance will lead to the tenant being penalised for failure to comply with animal welfare and pollution regulations set out within the European Union's Common Agricultural Policy. A planning permission is therefore quickly required to enable the building to be completed by the end of October 2011.**

#### 1 SP01 Council Application Standard Paragraph

This authority is given by the issuing of this notice under Regulation 3 of the Town and

Country Planning General Regulations 1992 and shall enure only for the benefit of the land.

**2 T8 Time Limit - full planning application 3 years**

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 of the Town and Country Planning Act 1990.

**3 M1 Details/Samples to be Submitted**

No development shall take place until details and/or samples of the roof cladding has been submitted to and approved in writing by the Local Planning Authority.

**REASON**

To ensure that the development presents a satisfactory appearance in accordance with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**4 OM1 Development in accordance with Approved Plans**

The development shall not be carried out otherwise than in strict accordance with the plans hereby approved unless consent to any variation is first obtained in writing from the Local Planning Authority.

**REASON**

To ensure that the external appearance of the development is satisfactory and complies with Policy BE13 of the Hillingdon Unitary Development Plan Saved Policies (September 2007).

**INFORMATIVES**

**1 I52 Compulsory Informative (1)**

The decision to GRANT planning permission has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

**2 I53 Compulsory Informative (2)**

The decision to GRANT planning permission has been taken having regard to the policies and proposals in the Hillingdon Unitary Development Plan Saved Policies (September 2007) set out below, including Supplementary Planning Guidance, and to all relevant material considerations, including the London Plan (July 2011) and national guidance.

- |      |  |
|------|--|
| OL1  | Green Belt - acceptable open land uses and restrictions on new development   |
| OL2  | Green Belt - landscaping improvements  |
| OL4  | Green Belt - replacement or extension of buildings   |
| OL13 | Development associated with agricultural or forestry uses within or affecting conservation areas, archaeological priority areas etc. |
| EC1  | Protection of sites of special scientific interest, nature conservation  |

	importance and nature reserves
EC2	Nature conservation considerations and ecological assessments
EC3	Potential effects of development on sites of nature conservation importance
BE10	Proposals detrimental to the setting of a listed building
BE13	New development must harmonise with the existing street scene.
BE20	Daylight and sunlight considerations.
BE21	Siting, bulk and proximity of new buildings/extensions.
BE38	Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
OE1	Protection of the character and amenities of surrounding properties and the local area
OE8	Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
AM7	Consideration of traffic generated by proposed developments.
LPP 5.2	(2011) Minimising Carbon Dioxide Emissions
LPP 5.3	(2011) Sustainable design and construction
LPP 5.13	(2011) Sustainable drainage
LPP 5.15	(2011) Water use and supplies
LPP 7.16	(2011) Green Belt
PPG2	Green Belts
PPS23	Planning and Pollution Control

### **3 I1 Building to Approved Drawing**

You are advised this permission is based on the dimensions provided on the approved drawings as numbered above. The development hereby approved must be constructed precisely in accordance with the approved drawings. Any deviation from these drawings requires the written consent of the Local Planning Authority.

### **4 I3 Building Regulations - Demolition and Building Works**

Your attention is drawn to the need to comply with the relevant provisions of the Building Regulations, the Building Acts and other related legislation. These cover such works as - the demolition of existing buildings, the erection of a new building or structure, the extension or alteration to a building, change of use of buildings, installation of services, underpinning works, and fire safety/means of escape works. Notice of intention to demolish existing buildings must be given to the Council's Building Control Service at least 6 weeks before work starts. A completed application form together with detailed plans must be submitted for approval before any building work is commenced. For further information and advice, contact - Planning & Community Services, Building Control, 3N/01 Civic Centre, Uxbridge (Telephone 01895 250804 / 805 / 808).

### **5 I6 Property Rights/Rights of Light**

Your attention is drawn to the fact that the planning permission does not override property rights and any ancient rights of light that may exist. This permission does not empower you to enter onto land not in your ownership without the specific consent of the owner. If you require further information or advice, you should consult a solicitor.

### **6 I13 Asbestos Removal**

Demolition and removal of any material containing asbestos must be carried out in accordance with guidance from the Health and Safety Executive and the Council's Environmental Services. For advice and information contact: - Environmental Protection Unit, 3S/02, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel. 01895 277401) or the

Health and Safety Executive, Rose Court, 2 Southwark Bridge Road, London, SE1 9HS  
(Tel. 020 7556 2100).

**7 I15 Control of Environmental Nuisance from Construction Work**

Nuisance from demolition and construction works is subject to control under The Control of Pollution Act 1974, the Clean Air Acts and other related legislation. In particular, you should ensure that the following are complied with: -

- A) Demolition and construction works should only be carried out between the hours of 08.00 hours and 18.00 hours Monday to Friday and between the hours of 08.00 hours and 13.00 hours on Saturday. No works shall be carried out on Sundays, Bank and Public Holidays.
- B) All noise generated during such works should be controlled in compliance with British Standard Code of Practice BS 5228: 1984.
- C) The elimination of the release of dust or odours that could create a public health nuisance.
- D) No bonfires that create dark smoke or nuisance to local residents.

You are advised to consult the Council's Environmental Protection Unit, 3S/02, Civic Centre, High Street, Uxbridge, UB8 1UW (Tel.01895 277401) or to seek prior approval under Section 61 of the Control of Pollution Act if you anticipate any difficulty in carrying out construction other than within the normal working hours set out in (A) above, and by means that would minimise disturbance to adjoining premises.

**8**

The applicant is informed that the Environment Agency have advised that the submitted Design and Access Statement should be revised to provide further information on site clean up, construction and site drainage, given that the site lies within a Source Protection Zone 2, an area susceptible to pollution of groundwater.

**3. CONSIDERATIONS**

**3.1 Site and Locality**

Knightscole Farm is located within open countryside on the south eastern side of Harefield, some 300m from the edge of the village, on the north eastern side of Breakspear Road North. The nearest farm buildings are set back some 70m from the road, separated by a small area of woodland and farm ponds which are designated as a Nature Conservation Site of Metropolitan or Borough Grade II Importance. The main farm access runs along the northern edge of this area. The farmhouse is sited at the end of the access, to the north of the main farm complex which includes two Grade II listed barns. The site and surrounding countryside form part of the Green Belt.

Opposite the farm access on the south western side of Breakspear Road North is another farm access leading to Langley Farm. This side of the road also forms part of the Harefield Village Conservation Area and the eastern edge of the Colne Valley Park.

**3.2 Proposed Scheme**

This application is for a galvanised frame structure cow shed open on all sides with a ridged roof, sited along the north eastern elevation of the existing cow shed. It would measure 42m x 18m, projecting beyond the south eastern end elevation of the existing cow shed by some 9m. It would be 4.0m high to the eaves and 6.0m high to the ridge. The roof would be fibre cement mid-grey coloured sheeting with translucent sheets. The structure will have lighting, attached to the underside of the roof. An attached canopy roof is also proposed on its north western end elevation which would cover the area between the existing cow shed and the milking shed. This would be 13.4m long x 5.7m to 6.4m wide with a mono-pitch roof 4.0m to 5.2m high.

The Design and Access Statement advises that the farm is suitable for 150 dairy cows which currently feed outside on the concrete yard. There will be no increase in the number of cows. The statement goes on to advise that the recent Nitrite Vulnerable Zone Regulations 2008 requires that all dairy farms have enough slurry storage for 5 months, capacity which is not met at Knightscole Farm. Instead of increasing slurry storage, which could present an environmental problem due to the adjacent Nature Reserve, an alternative option would be to cover the existing feeding area to prevent rainwater from washing away the slurry from the concrete hardstanding to the ground. The rainwater from the roof could then be diverted to either a local watercourse or collected in storage tanks for re-use on the farm. The waste from the animals will be stored in the existing adjoining slurry lagoon. The statement then goes on to advise that there will be no change or increase in traffic to the farm and that as landlord, the Council has a legal obligation to provide these facilities in line with European Directives and the deadline for the provision of this structure is the end of October 2011.

### **3.3 Relevant Planning History**

#### **Comment on Relevant Planning History**

There is no relevant planning history on this site.

## **4. Planning Policies and Standards**

### **UDP / LDF Designation and London Plan**

The following UDP Policies are considered relevant to the application:-

Part 1 Policies:

- PT1.1 To maintain the Green Belt for uses which preserve or enhance the open nature of the area.
- PT1.6 To safeguard the nature conservation value of Sites of Special Scientific Interest, Sites of Metropolitan Importance for Nature Conservation, designated local nature reserves or other nature reserves, or sites proposed by English Nature or the Local Authority for such designations.
- PT1.9 To seek to preserve statutory Listed Buildings and buildings on the Local List.

Part 2 Policies:

- OL1 Green Belt - acceptable open land uses and restrictions on new development
- OL2 Green Belt - landscaping improvements
- OL4 Green Belt - replacement or extension of buildings

- OL13 Development associated with agricultural or forestry uses within or affecting conservation areas, archaeological priority areas etc.
- EC1 Protection of sites of special scientific interest, nature conservation importance and nature reserves
- EC2 Nature conservation considerations and ecological assessments
- EC3 Potential effects of development on sites of nature conservation importance
- BE10 Proposals detrimental to the setting of a listed building
- BE13 New development must harmonise with the existing street scene.
- BE20 Daylight and sunlight considerations.
- BE21 Siting, bulk and proximity of new buildings/extensions.
- BE38 Retention of topographical and landscape features and provision of new planting and landscaping in development proposals.
- OE1 Protection of the character and amenities of surrounding properties and the local area
- OE8 Development likely to result in increased flood risk due to additional surface water run-off - requirement for attenuation measures
- AM7 Consideration of traffic generated by proposed developments.
- LPP 5.2 (2011) Minimising Carbon Dioxide Emissions
- LPP 5.3 (2011) Sustainable design and construction
- LPP 5.13 (2011) Sustainable drainage
- LPP 5.15 (2011) Water use and supplies
- LPP 7.16 (2011) Green Belt
- PPG2 Green Belts
- PPS23 Planning and Pollution Control

## 5. Advertisement and Site Notice

5.1 Advertisement Expiry Date:- **17th August 2011**

5.2 Site Notice Expiry Date:- Not applicable

## 6. Consultations

### External Consultees

1 neighbouring property has been consulted and a site notice has been displayed on site. No responses have been received.

Environment Agency:

Original Response:

We object to the application as submitted because the applicant has not supplied adequate information to demonstrate that the risks posed to groundwater can be satisfactorily managed. We recommend that planning permission should be refused on this basis.

Reason: The site lies in Source Protection Zone 2, an area susceptible to pollution of groundwater. Whilst we recognise the benefits of this application, further information is required.

Government policy as set out in Planning Policy Statement 23 notes the key role that the planning system plays in determining the location of development which may give rise to pollution, either directly or indirectly, and in ensuring that other uses and developments are not, as far as possible, affected by major existing or potential sources of pollution.

Resolution: An assessment should focus on the historic uses of the area to be developed, current and proposed drainage, and how the site will be cleaned up prior to commencement of development.

Amended Response:

Further to our letter dated 15 August (our ref NE/20110112725/01-L01) and discussions with yourself, we are happy to remove our objection.

Informative:

We recommend that the Design and Access Statement is updated to provide further information on the site clean up, construction and site drainage.

Natural England:

Having carefully considered the plans accompanying this application, Natural England has no comments to make on this planning proposal. However, as the site is close to Knightscote Farm Pond local site and within a kilometre of Ruislip Woods National Nature Reserve, the borough ecologist and/or local Wildlife Trust should be contacted for their views.

Herts. and Middlesex Wildlife Trust: No response.

### **Internal Consultees**

Urban Design/Conservation Officer:

COMMENTS: No objections in principle as the new barn will be grouped with the existing structures and as such will not have a significant impact on the setting of the listed granaries. The roof of the barn should be mid grey rather than a dark green, as a very dark colour will make it conspicuous on the skyline in longer views.

CONCLUSION: No objection subject to above.

## **7. MAIN PLANNING ISSUES**

### **7.01 The principle of the development**

Paragraph 1.6 of PPG2 identifies one of the objectives of Green Belt policy as being to retain land in agricultural use. As defined by Paragraph 3.4 of PPG2 and Policy OL1 of the UDP, the new cow shed represents appropriate development within the Green Belt. There are therefore no objections in principle to the proposal.

### **7.02 Density of the proposed development**

Not applicable to this development.

### **7.03 Impact on archaeology/CAs/LBs or Areas of Special Character**

The proposed shed will be sited some 15m from the nearest Grade II listed granaries and would be grouped with existing farm buildings with the nearest part of the proposed cow shed being the roof which would cover the area between the existing cow and milking sheds. On this basis, the Council's Urban Design/Conservation Officer advises that the proposal would not have any significant impact upon the setting of the listed buildings.

The proposal will also be sited some 100m from the edge of the Harefield Village Conservation Area, the boundary of which runs along the opposite side of Breakspear Road North. From within the conservation area, the proposed shed would be viewed in the context of existing farm buildings and largely screened by them and the wooded area in front of the farm complex. The proposal is considered to comply with policies BE4 and BE10 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### **7.04 Airport safeguarding**

Not applicable to this development.

#### **7.05 Impact on the green belt**

Although an appropriate use within the Green Belt, Paragraph 3.15 of PPG2 requires that development within or conspicuous from the Green Belt should not harm the visual amenities of the Green Belt by reason of siting, materials and design. For similar reasons, Policy OL1 of the UDP advises that the number and scale of buildings should be kept to a minimum.

As regards keeping new buildings to a minimum, given that there are a number of apparently underused farm buildings surrounding the site, the agent was asked to justify the need for a new cow shed. In response, the agent advises that the surrounding buildings are not suitable for modern agricultural practices and the apparent under-use is due to the time of year, as the cattle are currently out to pasture. The buildings are more intensively used in the winter months.

As regards the impact upon the Green Belt, the proposed cow shed would be sited on existing concrete hardstanding in close proximity to existing buildings and the shed would not extend beyond the existing built envelope of the farm complex. Furthermore, the shed would be largely screened by surrounding buildings and woodland from longer views within the Green Belt.

The height of the shed is comparable to surrounding building heights and its open sided design would minimise its bulk. The colour of the roof has been changed from green to mid-grey which would assist in reducing the impact of the building from long distance views.

As such, it is considered that the building complies with PPG2 and policy OL1 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

#### **7.06 Environmental Impact**

This is dealt with in Sections 7.14 and 7.15 below.

#### **7.07 Impact on the character & appearance of the area**

This is dealt with in Sections 7.03 and 7.05 above.

#### **7.08 Impact on neighbours**

The proposed cow shed would be sited within a farm complex, far removed from any neighbouring residential property. The new barn would be largely screened by existing buildings on site from Harefield village, some 250m from the edge of the village. The nearest residential property to the proposal would be Langley Farmhouse, some 170m away, on the opposite side of Breakspear Road North. In relation to this property, the proposed cow shed would be sited behind an existing cow shed and it would be largely screened by woodland. As such, residential amenity would not be materially affected by the proposed building.

The proposal would not result in any increase in animal numbers or traffic generation at

the farm.

The scheme therefore accords with policies BE20, BE21 and OE1 of the saved UDP.

**7.09 Living conditions for future occupiers**

Not applicable to this development.

**7.10 Traffic impact, car/cycle parking, pedestrian safety**

The proposed cow shed would not give rise to any additional traffic generation.

**7.11 Urban design, access and security**

Urban design has been dealt with in Sections 7.03 and 7.05 above.

**7.12 Disabled access**

Not applicable to this development.

**7.13 Provision of affordable & special needs housing**

Not applicable to this development.

**7.14 Trees, Landscaping and Ecology**

There are no trees in the vicinity of the proposal to be affected by it. Furthermore, the open sided cow shed would not have an adverse impact upon the adjoining Knightscole Farm Pond Local Nature Conservation Site of Metropolitan or Borough Grade II Importance, as the shed would be sited towards the middle of the existing complex of farm buildings, separated from the nature conservation site by an existing barn. Natural England and the Herts and Middlesex Wildlife Trust do not raise objection to the scheme.

The proposal is considered to be in compliance with Policies 7.19 of the London Plan (July 2011) and EC1, EC2, EC3 and BE38 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

**7.15 Sustainable waste management**

The new shed would cover the existing concrete hardstanding area which is used as a feeding area at the side of the existing barn. This would assist with reducing the amount of slurry produced and prevent seepage into the surrounding soil. Animal waste would then be stored in the slurry lagoon.

The Environment Agency have advised that the site lies within a Source Protection Zone 2, an area susceptible to pollution of groundwater. Although they did recognise the benefits of the scheme, they did raise objection to the scheme on the grounds of lack of information. However, following further discussions with officers, they have now withdrawn their objection, and have suggested that an informative is attached to any permission, asking for the Design and Access Statement to be revised to provide further information on site clean up, construction and site drainage.

The proposal is therefore considered to comply with Policies 5.13 and 5.15 of the London Plan (July 2011) and OE8 of the adopted Hillingdon Unitary Development Plan Saved Policies (September 2007).

**7.16 Renewable energy / Sustainability**

Not applicable to this development.

**7.17 Flooding or Drainage Issues**

This is dealt with in Section 7.15 above.

**7.18 Noise or Air Quality Issues**

Not applicable to this type of development.

**7.19 Comments on Public Consultations**

No comments have been received.

#### **7.20 Planning Obligations**

This development does not raise any requirement for a S106 contribution.

#### **7.21 Expediency of enforcement action**

No enforcement issues are raised by this application.

#### **7.22 Other Issues**

There are no other relevant planning matters raised by this application.

### **8. Observations of the Borough Solicitor**

When making their decision, Members must have regard to all relevant planning legislation, regulations, guidance, circulars and Council policies. This will enable them to make an informed decision in respect of an application.

In addition Members should note that the Human Rights Act 1998 (HRA 1998) makes it unlawful for the Council to act incompatibly with Convention rights. Decisions by the Committee must take account of the HRA 1998. Therefore, Members need to be aware of the fact that the HRA 1998 makes the European Convention on Human Rights (the Convention) directly applicable to the actions of public bodies in England and Wales. The specific parts of the Convention relevant to planning matters are Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

Article 6 deals with procedural fairness. If normal committee procedures are followed, it is unlikely that this article will be breached.

Article 1 of the First Protocol and Article 8 are not absolute rights and infringements of these rights protected under these are allowed in certain defined circumstances, for example where required by law. However any infringement must be proportionate, which means it must achieve a fair balance between the public interest and the private interest infringed and must not go beyond what is needed to achieve its objective.

Article 14 states that the rights under the Convention shall be secured without discrimination on grounds of 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

### **9. Observations of the Director of Finance**

### **10. CONCLUSION**

This application for a new open-sided cow shed represents appropriate development within the Green Belt and it is considered that the siting, scale and design of the barn would ensure that the openness and the visual amenities of the Green Belt would be safeguarded. Furthermore, the siting of the barn would not harm the setting of two Grade II listed granaries and the development does not pose a threat to the ecological interest of the adjoining conservation sites. Furthermore, given the remoteness of surrounding properties and as the proposal would not increase cattle numbers or deliveries to the farm, there is no prospect that the amenities of surrounding properties would be materially affected. The Environment Agency initially objected to the scheme on grounds of lack of information, although they did agree that the scheme would be likely to benefit

groundwater supplies in this sensitive area. They have now withdrawn their objection. The scheme is recommended for approval.

## **11. Reference Documents**

PPG2: Green Belts

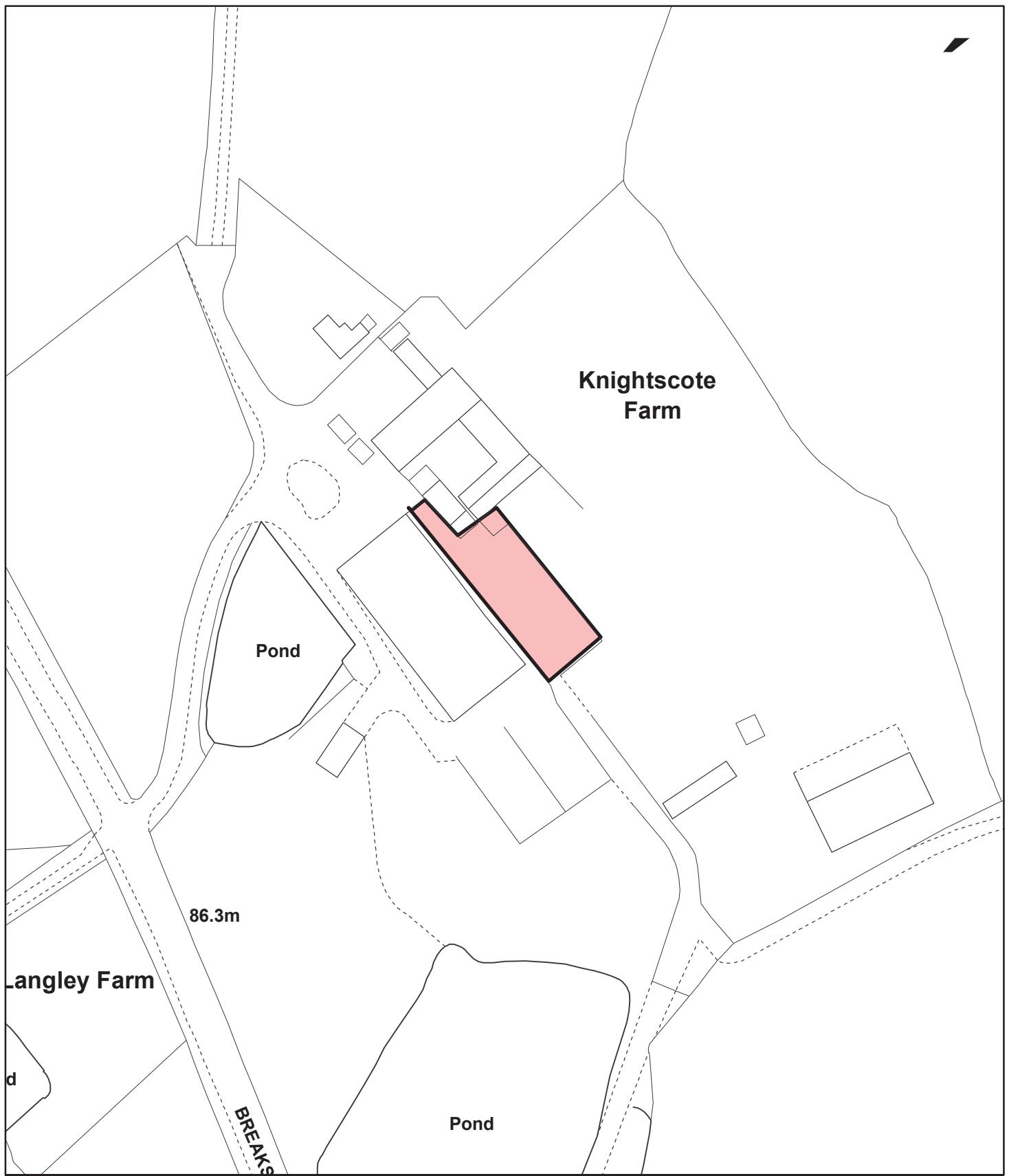
PPS23: Planning and Pollution Control

London Plan (July 2011)

Adopted Hillingdon Unitary Development Plan Saved Policies (September 2007)

**Contact Officer:** Richard Phillips

**Telephone No:** 01895 250230



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	Planning Application Ref: <b>4729/APP/2011/1600</b>	Scale <b>1:1,250</b>
	Planning Committee <b>Central and South</b>	Date <b>August 2011</b>



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