



Lydford on Fosse Parish Council Meeting

Meeting of the above named Parish Council held on
**Friday 19th April 2024 at 1800 hrs in the Parish Hall, West
Lydford.**

Present: Parish Cllrs Frampton (Chair), Fielding, Persson, Purcell,
Seehra & Stocking and the Clerk.
And x7 members of the public

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APRIL 2024 EXTRAORDINARY MEETING MINUTES

Item No.	Subject	Lead
53/24	Public Participation Session None at this point in the meeting	Chair
Council Session		
54/24	To receive apologies for absence Cllr. Bartlett	Chair
55/24	Declaration of Member's Interests None	Chair
The Built Environment		
56/24	Planning Applications to be discussed: 2024/0414/FUL (Case Officer: Kelly Pritchard) Extension to Agricultural Buildings for the Housing and Quarantine of Cattle. Location: Land At 356549 133068 Westwood Drove West Lydford Somerton Deadline for comments: 22/4/24 The Councillors had a thorough discussion regarding this application and the chair invited comments from the audience at various points. The councillors voted unanimously to recommend refusal of planning permission. The full comments can be found in Appendix 1. 2024/0606/FUL (Case Officer: Anna Blackburn) Replacement of grass area with hard surfacing to provide more space for manoeuvring within the carpark and to avoid damage to the Grade II Listed War Memorial and surrounding railings. Deadline for comments: 1/5/24 The councillors agreed that there was no adverse effect on residential amenity and voted unanimously to recommend approval of this application. Full comments are attached in the appendix.	All

Meeting finished at 1902 hrs
Minutes prepared by Julie Nicol, Parish Clerk

Appendix...

1) Planning

LYDFORD ON FOSSE PARISH COUNCIL : PLANNING APPLICATION COMMENTS

Application Reference No.	2024/0414/FUL
Address	Land at Westwood Drove, Briars Farm
Date of Response	22 Apr 24
Proposal Type	Extension to Agricultural Building for Housing & Quarantine of Cattle

Please outline the material considerations (with references from the NPPF/Local Plan, where appropriate) identified in considering this application			
Material Consideration	Recommend Approve	Neutral Observations	Recommend Refusal
A. National Policy Planning Framework (NPPF), Mendip Local Plan and other Government guidance.	X		
<p>LoFPC accepts that the application accords with national policy and the Local Plan, specifically:</p> <ul style="list-style-type: none"> ● NPPF paragraph 85 – which refers to the need to support economic growth & productivity. ● The accompanying Vet’s letter confirms that there is insufficient space within the existing and approved buildings for the existing stock to be housed comfortably in accordance with Agricultural & Horticultural Development Board (AHDB) guidelines (Government guidelines), <u>although</u> it was noted that there are currently no cattle on site, which does potentially call into question the Vet’s statement that there is insufficient space for the existing stock. ● Mendip Local Plan – CP1 allows for development in open countryside by exception in line with CP4, “sustaining rural communities”. On balance, this application does meet this requirement as paragraph 7. Allows for “safeguarding ... commercial premises in line with DP17”. ● However, the potentially negative effects of the proposed development on the adjacent holiday accommodation business were very clear. The holiday accommodation business should equally benefit from the safeguarding of commercial premises provisions of CP4. Therefore, the justification of the proposed development as being in line with the Local Plan was only deemed to be partially applicable as it needed to be balanced against the potential adverse impact on the businesses operated at the Old Summer Dairy. 			
B. Previous planning & appeal decisions relating to the site			X
<p>A prior application for a second cattle barn (2023/0585/AGB) was submitted in March 2023, and the applicant was advised that the proposed development was within permitted development rights for agricultural buildings on a farm of the size of the applicant’s, in accordance with the General Permitted Development Order 2015 and its Amendment Order 2018. However, LoFPC identified 2 important concerns with permitted development under permitted development:</p> <ol style="list-style-type: none"> (1) The Orders require the agricultural buildings to be more than 400 metres from the nearest house (“protected building”). But the Old Summer Dairy on the adjacent curtilage appears to be within 200-250m of the second cattle barn being proposed under permitted development. (2) The current planning application under consideration (2024/0414/FUL) for an extension to the existing and the second cattle barn being built under permitted development does not represent an incremental change to an existing development, or one in the process of construction. No work has been undertaken on the second cattle barn. The current planning application (2024/0414/FUL) takes the development outside permitted development limits. For example, it would result in the construction of a new development of approx. 1,154 square metres. This is beyond the maximum area allowed for permitted development under the General Permitted Development Amendment Order 2018, which is 1,000 square metres. Furthermore, it would allow the applicant to avoid undertaking the measures they would be obliged to undertake if the application was made on the combined permitted development and 			

proposed extension (total area c.1,154 metres), and a range of consultee notification and Environmental Protection measures essential in such a sensitive area.

It is therefore the LoFPC view that the Planning Officer should advise the applicant that the proposed development invalidates their prior permitted development ‘without approval’ notification’. If the applicant wishes to proceed with the extended second cattle barn, they should be advised to submit a planning application for it as a development in its own right. If this is done:

- a. It will more clearly represent the scale of the proposed new development on the site.
- b. It would also be more straightforward to apply any relevant planning conditions (rather than having to apply planning conditions solely to the proposed extensions under 2024/0414/FUL which would not apply to the remainder of the existing and proposed new cattle barns). A number of recommended planning conditions are outlined below.
- c. Consultation of immediate neighbours would be required, which permitted development without approval does not. Given the potentially severe impact on the businesses operated by the Old Summer Dairy (adjacent neighbour) of the combined new development of the second cattle barn, this is extremely concerning. A development of this scale and potential environmental impact should be subject to a thorough consultation process.

C. Sustainability (eg. proximity to local services and amenities)		X	
N/A - As a non-residential development on an existing cattle farm, proximity to (or support of) local amenities and community facilities is not considered to be a material consideration for this application.			
D. Adverse effects on residential amenity of neighbouring properties (eg. noise, disturbance, pollution, overlooking, loss of privacy, overshadowing)			X
<ul style="list-style-type: none"> ● The neighbours have complained that the noise impact of the second barn and extensions on their holiday business due to disturbance to their guests from additional youngstock. Previously youngstock accommodated in the existing barn have responded to every vehicle approaching it as a possible feed vehicle and responded noisily to this stimulus. They are therefore concerned that additional youngstock space will result in even more noise for both their holiday accommodation guests and visitors using their on-site counselling service. ● Cattle confined to a barn are typically fed silage and produce a large amount of slurry as a result (a typical figure for an adult cow would be 10 litres of slurry per day – for prolonged periods of confinement for c.600 cows (the suggested capacity of the two cattle barns), this could reach over 1,000,000 litres of slurry in 6 months). The hazard that this presents to the natural environment is described below, but the impact of the associated smell and typical increase in associated fly population would materially and adversely affect the residential amenity of the owners of the Old Summer Dairy as well as their holiday guests and visitors receiving counselling. ● The neighbours have also raised concerns that the barns will place an additional burden on an already weak water supply which the 2 farms share. The application’s supporting statement says that the barn will not draw on this water source, and the applicant stated to LoFPC that he intended to put in a second water source but would be under no obligation to do so unless this were to be made a planning condition. It is therefore recommended that the LPA consider applying a planning condition to provide an alternative water source to the second cattle barn and extension in order to protect the residential amenity of the neighbours’ water supply. 			
E. Highways Issues, including safety and parking factors			X
Westwood Drove, which is the principal access to the proposed development site is a loose gravel track originally designed for the movement of cattle on foot. The eastern half of the drove has been adopted by Somerset Council, although both the applicant and objecting neighbour (who is also reliant on the			

drove for access to his residence and business) agree that the Highways Department have failed to conduct recent maintenance on it, and that as a result potholes of 7 cm or deeper are increasingly appearing in its surface, presenting an increasing hazard. The western half of Westwood Drive is unadopted and is maintained by the applicant and objecting neighbour on an ad hoc basis.

- The objecting neighbour argues that the use of heavy vehicles to transport feed and straw to the barn(s) and cattle and possibly slurry from them, is accelerating the deterioration of the traffic surface. They credibly argue that increased capacity from the building of a second barn and/or extension, will further increase this problem. With **NPPF paragraph 115** stating that the development should only be refused on transport grounds where the residual cumulative impact of it are severe, LoFPC concurred that this was a material consideration which could justify recommending refusal of the application.
- However, there is no reason to anticipate any adverse effect on the safe and efficient use of the highway network at the point at which Westwood Drive meets Dials Gate Lane.
- The applicant has stated that he currently helps to maintain the non-adopted portion of Westwood Drove, and will continue to do so in the future as it is in the mutual interests of all parties. The Planning Officer is asked to consider whether this could be made a planning condition if approval is granted.
- A concern related to the condition of Westwood Drove was raised by a local resident at the LoFPC meeting at which this planning application was discussed. The regular use of Westwood Drove by heavy lorries (for the reasons outlined above) is routinely causing the displacement of loose gravel into the drainage ditches along the side of the Drove. As a result, these ditches no longer function effectively. In February this year, the 6 houses in the vicinity of the junction of Westwood Drive and Dials Gate Lane experienced flooding for the first time in living memory due to the partial blockage of these ditches by gravel from the Drove's surface. As a minimum, it is recommended that the clearance of these ditches be included as a planning condition for any construction associated with the second barn and/or extensions to either barn. If considered proportionate by the Planning Officer, bonding or tarmacking of the surface of the unadopted stretch of Westwood Drive could be included as a planning condition in order to provide a longer term solution to this important issue.

F. Visual impact of the development (is it out-of-character with the rest of the neighbourhood ?)

X

N/A – the site of the proposal is located in an isolated rural location already used for agricultural activities, and its general appearance is in-character with the ongoing use of the land being proposed for development.

G. Impact on listed buildings, scheduled monuments & archaeology

X

N/A – there are no known listed buildings, scheduled monuments or other archaeology in the vicinity of the proposed development.

H. Adverse impact on nature, biodiversity or trees

X

Concerns were identified with the current barn/extension designs provided in the permitted development proposal (2023/0585/AGB) and the current application (2024/0414/FUL), based on the potential uncaptured slurry creation hazard presented:

- (1) Impact on Wrangle Copse – a registered wildlife site within 100 metres of the proposed developments to the east.
- (2) The impact of slurry production in conjunction with the surface water run-off from the roofs of the second barn/proposed barn extension. The anticipated consequence would be the flow of slurry into the brook to the north of the proposed development and from this, via Southwood Brook and Dunstan's Dyke (in the vicinity of Catsham) into the River Brue. These waterways are already severely polluted and

having an adverse impact on the local ecology and the Somerset Levels and Moors RAMSAR site which is already in a very poor condition, and which hosts a number of nationally significant species.

The design of the permitted development and the proposed extensions does not include any deep-water tanks for the bulk holding of slurry, and no roof run-off tanks for holding water. Furthermore, they do not provide a waste management plan as would be expected in the area of the proposed developments as this is a Nitrate Vulnerable Zone (NVZ).

LoFPC therefore recommends that the Planning Officer consider requiring an Environmental Impact Assessment of the proposed developments before the determination of whether approval for the development should be granted. Including the proposed construction of the second cattle barn, which has not yet commenced, in this EIA would allow it to properly reflect the effect of the proposed development and the identification of appropriate mitigation measures to protect this environmentally sensitive areas and the catchment area downstream of it. LoFPC would welcome and be inclined to support any such development which demonstrates responsible stewardship of the local environment. However, it is unable to support the proposed developments in their current form as they wholly lack these important measures.

I. Layout & density (especially if it changes the character of the area)		X	
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N/A – the site of the proposed developments is located in an isolated rural location. The local character of the area is agricultural – as is the proposed development - and is not intensely developed.

J. Design appearance, materials & landscaping (what will it look like, including any screening ?)		X	
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Although the planning statement states that the “views are filtered by existing hedgerows and areas of woodland to the east”, a site visit indicates that the cattle barns and extensions will be clearly visible from the adjacent holiday accommodation and main residence at The Old Summer Dairy which sit on rising ground to the south and therefore look over the current screening. Although ‘loss of view’ is not considered a material consideration, the anticipated impact on the adjacent businesses of the cattle noise and increased fly presence in conjunction with the functional nature of the designs presented means that improved screening along the southern curtilage boundary by the current and proposed second barn may be beneficial. For example, the planting of trees along the current hedgerow along the boundary could improve screening and also provide animal welfare benefits by offering additional shade in this area for the applicant’s herd. The Planning Officer may therefore wish to consider whether it would be appropriate to include the provision of additional screening in this area as a planning condition.

K. Drainage and possible impact on flooding and/or existing flood management measures			X
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Although the Environment Agency’s flood risk mapping tool shows the site of the application to be at Low Risk of surface water flooding, and Very Low Risk of River Flooding, LoFPC has significant concerns over the potential surface water run-off and slurry infiltration in to already polluted local streams, as outlined above in paragraph H. The application states that surface water will be dealt with by means of a soakaway but expert opinion provided to LoFPC indicates that this would be highly unlikely to adequately cope with the potential run-off from the additional roof area associated with the second barn and the proposed extensions. Indeed, run-off from the current barn has been identified as a previous contributor to local water pollution when cattle have been using the existing barn.

As noted above (paragraph E), the increase in heavy lorries using Westwood Drove to service the existing cattle barn has caused gravel from the Drove to impede the operation of its drainage ditches, leading to the flooding of residence on Dials Gate Lane in the vicinity of its junction with Westwood Drove. This will only be exacerbated by the construction of a second barn and the proposed extensions, as more cattle feed, straw and traffic to remove youngstock will be required. These developments are

therefore considered to present an unacceptable increase of further flooding risk to local residents, unless effectively mitigated.

L. Other comments

X

The proposed developments contain no area for feed or straw storage. This appears to be an unusual omission given the stated purpose of the proposed development. This has undermined the confidence of LoFPC that the proposals presented are well-considered and complete. We would therefore welcome a more detailed and thorough application covering the proposal for a second cattle barn in detail and demonstrating responsible stewardship of the local environment.

Overall Recommendation: Recommend Refusal

Although the permitted development and proposed cattle barn extension fall within the broad policy presumption in favour of sustainable development, the combination of the construction under permitted development of a second cattle barn with the proposed extension of extensions to this ‘hypothetical’ (building not commenced) and the existing cattle barn is extremely problematic, and conflicts with the Local Plan’s requirement under CP4 (paragraph 7) to safeguard commercial premises, as the development would significantly damage the viability of the adjacent businesses at Old Summer Dairy.

LoFPC’s preferred course-of-action would be for the applicant to be advised that they have exceed the maximum area requirements of their prior permitted development proposal for a second cattle barn, and that this is therefore no longer valid. They should therefore be advised to submit a full planning application for the (extended) second cattle barn, along with the proposal to extend the existing cattle barn. Ideally this should include an EIA and explanation of how the developments potential impact on the environment will be responsibly managed. Clearly, it is for the Planning Officer/Planning Committee to determine if this is an acceptable approach.

NB. LoFPC site visits indicate that a protected dwelling may exist within 400 metres of the proposed second cattle barn and, if this is the case, the original application – which states that there is no house within 400 metres of the proposed livestock building (2023/0585/AGB, page 5) – may be incorrect, and therefore invalid.

Whatever approach is adopted by Somerset Council, to reduce the collateral adverse impacts on adjacent businesses, the potential for environmental damage from the proposed development, and to address the increased flooding risk to local residents, it is recommended that the Planning Officer consider applying appropriate, proportionate planning conditions, such as:

- (1) Requiring the completion of an Environmental Impact Assessment (EIA)
- (2) Provision of a Waste Management Plan for the proposed developments, including the bulk storage, management and possible removal of surface water run-off and slurry/trade effluent.
- (3) Limiting construction hours & delivery hours (eg. 0800-1700 hrs on weekdays, 0830-1300 on Saturdays, and no Sunday/Bank Holiday working).
- (4) Requiring the associated construction work to be undertaken by a company that is a member of the ‘Considerate Construction Scheme’.
- (5) The installation of a separate, independent water source for the second cattle barn.
- (6) The requirement to upgrade the unadopted section of Westwood Drove, ideally with a bonded or tarmacked surface to also prevent further gravel migration into the Drove’s drainage ditches.
- (7) Clearing of the current, clogged drainage ditches along the Drove to reduce the risk of further flooding of residents on Dials Gate Lane from the increased heavy traffic levels resulting from the additional constructions.
- (8) A requirement to provide additional screening along the southern curtilage of the applicant’s land immediately south of the proposed developments in order to help to preserve the residential amenity of the adjacent property and viability of the associated businesses there.

(9) Measures to protect the Somerset Levels and Moors RAMSAR site from the potential outflow of effluent from the proposed development if an EIA and/or detailed waste management plan is not required from the applicant.

This was an unusually complex planning application for LoFPC to consider, and it took several meetings and site visits for us to reach our recommendation that the application be refused. However, this recommendation was reached unanimously, and LoFPC and interested residents (of which there are many), are keen to be reassured that the needs of local businesses, residents who may be affected by flooding and the local environment are given due weight by the Planning Officer/Planning Committee, and are keen to understand if and why they disagree with any of our conclusions in determining this planning application.

LYDFORD ON FOSSE PARISH COUNCIL : PLANNING APPLICATION COMMENTS

Application Reference No.	2024/0606/FUL
Address	Church Of St Peter High Street West Lydford Somerton Somerset TA11 7DH
Date of Response	22 April 2024

Please outline the material considerations (with references from the NPPF/Local Plan, where appropriate) identified in considering this application			
Material Consideration	Recommend Approve	Neutral Observations	Recommend Refusal
A. National Policy Planning Framework (NPPF), Mendip Local Plan and other Government guidance	X		
Although the proposed development sits outside the Development Area, it was determined that it did meet the presumption in favour of sustainable development (NPPF paragraph 85) on the basis that it will support the provision of access to and use of local amenities and community facilities, principally the Church of St. Peter's, the Lydford on Fosse Parish Hall, The Lydford Forest Garden and a number of popular local walking trails. It therefore meets the requirements of the Local Plan's CP1 and CP4.			
B. Previous planning & appeal decisions relating to the site		X	
Nil			
C. Sustainability (eg. proximity to local services and amenities)	X		
As noted in paragraph A., the proposed development is proximate to and will support access to local amenities and community facilities.			
D. Adverse effects on residential amenity of neighbouring properties (eg. noise, disturbance, pollution, overlooking, loss of privacy, overshadowing)		X	
Nil – the proposed development will not contribute to the built environment above ground level, and should not increase levels of noise or create pollution.			
E. Highways Issues, including safety and parking factors	X		

<p>The proposed development should not increase the levels of traffic using the Church Car Park, and therefore not adversely affect the safety of traffic emerging onto the High Street in West Lydford. However, the development will result in additional space within the car park, allowing for safer manoeuvring in a relatively confined space.</p>			
F. Visual impact of the development (is it out-of-character with the rest of the neighbourhood ?)	X		
<p>The use of grey gravel for the car park surface extension will match the existing car park surface and local road and is therefore considered to be in character with the neighbourhood.</p>			
G. Impact on listed buildings, scheduled monuments & archaeology	X		
<p>The proposed development is specifically designed to improve the protection of the Parish's Grade II-listed War Memorial and railings which have been periodically damaged by drivers manoeuvring in the confined space available in the current car park. The development will therefore improve the protection of a scheduled monument.</p>			
H. Adverse impact on nature, biodiversity or trees		X	
<p>N/A – there are no biodiversity impacts or significant species present in the area that is proposed for development.</p>			
I. Layout & density (especially if it changes the character of the area)		X	
<p>N/A – there will be no change to the character, layout or density of the local area as a result of the proposed development.</p>			
J. Design appearance, materials & landscaping (what will it look like, including any screening ?)	X		
<p>The proposed development is expected to improve the overall appearance of the car park by replacing an area of grass which becomes muddy and damaged in the winter or during periods of excessive precipitation, with a robust matting solution topped with grey gravel sympathetic to the appearance of the existing car park.</p>			
K. Drainage and possible impact on flooding and/or existing flood management measures		X	
<p>N/A – although the proposed development is located in a Flood Risk Zone 2 area, it will not adversely affect the ability of surface water to drain as there will be no hardstanding created.</p>			
L. Other comments			
<p>Nil</p>			
<p>Overall Recommendation: <u>Recommend Approval</u></p>			
<p>LoFPC unanimously voted to recommend approval of this application as being consistent with the presumption of sustainable development through the provision of access to local amenities and community facilities, and by providing additional protection to an important scheduled monument.</p>			