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**F/YR20/0266/F**

**Applicant: Ms Amy Cooper**

**Agent : Mr Ian Gowler  
Gowler Architectural**

**Land West Of Meadow Farm, Horseway, Chatteris, Cambridgeshire**

**Erect a 1.8m (approx.) high post and wire fence, a hen house and the formation of an access**

**Officer recommendation: Grant**

**Reason for Committee: Number of representations received contrary to  
Officer recommendation**

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## **1 EXECUTIVE SUMMARY**

- 1.1 The application seeks planning permission to erect a 1.8m (approx.) high post and wire fence, a hen house and the formation of an access on a parcel of agricultural land west of Meadow Farm, Horseway, Chatteris, Cambridgeshire.
- 1.2 The proposal is considered to be in keeping with the character of the countryside in which it is located as it is of a modest scale and typical agricultural style.
- 1.3 The site is located a sufficient distance from nearby properties to be considered not to detrimentally impact amenity levels with regard to loss of privacy, loss of light, light pollution or the generation of environmental nuisances such as noise or odour.
- 1.4 The proposed changes to the existing access are considered acceptable by the Highways Authority and generated no objections on these grounds.
- 1.5 The site is located within flood zone 3 and the scheme is classified as 'Less Vulnerable within the Cambridgeshire Flood and Water Supplementary Planning Document and as such is considered a reasonable form of development in this location.
- 1.6 The recommendation is to grant the application, subject to conditions.

## **2 SITE DESCRIPTION**

- 2.1 The site is located within agricultural land in an area known as How Fen around 1.5m east of the built framework of Chatteris, within Manea parish.

2.2 Access to the site is provided by an existing grass track leading west from the B1098 for approximately 250m before turning south for a further 160m across agricultural land before reaching the application site.

### 3 PROPOSAL

3.1 The applicant wishes to create a smallholding to raise between 50 – 100 hens for the production of free-range eggs. It is proposed to enclose land using 1.8m high (approx.) post and wire fencing and erect a central hen house, with a further area for additional grazing. In addition, it is proposed to form a more robust access point off the B1098.

3.2 The hen house is proposed as a mobile unit approximately 4.25m wide by 6.15m long by 2.8m to the ridge. A product specification provided by the applicant states that the structure is to be constructed with galvanised steel tubing, and covered by PVC inner and outer sheeting and insulation in an olive green colour, with access doors to the front and rear of the building; the units are not fixed to the ground but are on metal skids to allow them to slide along the ground when pulled by a tractor or 4x4.

3.3 The hen house will be rendered immobile as the centre-point of a quadrant of fenced enclosures, totalling 36.5m wide by 45m long. An additional fenced grazing area, an 'L-shape' of an area of 0.25ha, will be enclosed by the same style of fencing to allow free-range grazing of the hens.

3.4 The access will predominately remain as the existing grass track however an upgraded vehicle entrance is proposed at its junction with the B1098, constructed in tarmac with visibility splays and kerb edging.

3.5 Full plans and associated documents for this application can be found at: <https://www.fenland.gov.uk/publicaccess/>

### 4 SITE PLANNING HISTORY

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F/YR19/0872/CERTP	Certificate of Lawful Use (Proposed): Erect a wooden fence 1.8m high, hen house and store	Permission Required 12.12.2019
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### 5 CONSULTATIONS

5.1 Chatteris Town Council – *Support*

5.2 Manea Parish Council – *No objection*

5.3 Cambridgeshire County Council Highways Authority – **initial comments**

*The access general arrangement/geometry should be suitable for the largest vehicle to use the access i.e. a standard car does not require a 9m wide highway access crossover. If it is a shared access, the width should be suitable for two way movements.*

*The access should be sealed and drained 5m deep (min), 10m if shared. The highway crossover should be indicated on the plan i.e. crossover constructed to CCC Highway Spec'...*

*Visibility splays should also be detailed (2.4mx215m). Veg cut back to HB may be required to achieve vis'.*

*Defer for amended plans.*

#### **5.4 Cambridgeshire County Council Highways Authority – reconsultation comments further to updated information received**

*No objection – recommend the following conditions*

- 1.) Prior to the commencement of the use hereby approved, the vehicular access to the site shall be completed in accordance with the details shown on submitted plan 337 - P04 Rev C and retained as such at all times hereafter.*

*Reason: In the interests of highway safety and to ensure satisfactory access into the site.*

- 2.) Prior to commencement of the use hereby permitted any gate or gates to the vehicular access shall be set back a minimum of 6m from the near edge of the highway boundary. Any access gate or gates shall be hung to open inwards.*

*Reason: In the interests of highway safety.*

#### **5.5 Environment & Health Services (FDC) – initial comments**

*I refer to the above application that seeks planning consent for the erection of a high post and wire fence, a hen house and the formation of an access.*

*The Environmental Health Team note the submitted information but would advise further detail will be required as it remains unclear from the application what the proposal seeks to achieve other than the keeping of hens. To enable this department consider this application and provide an appropriate response, the applicant should submit further information describing the intentions for the site clarifying what activity is to be undertaken and, if this is to be a business venture.*

*Establishments that involve the keeping of animals including poultry can be a source of environmental nuisance if not controlled and operated in accordance with industry guidance. In considering the site location, the applicant should also submit a noise and odour impact assessment to determine what effect, if any, the proposal may have on sensitive neighbouring residents.*

*The applicant may find guidance on the keeping of poultry useful when reviewing their application. Further information can be found from a number of available sources including; Defra's 'Code of practice for the welfare of laying hens'; NFU's Poultry Industry Good Practice Checklist 'Reducing Odours from Poultry Production through the Application of Best Available Techniques'; the Food Standards Agency and the Health & Safety Executive for 'Poultry Dust from Farming'.*

*Upon receipt of the additional information this service will be happy to consider this application further.*

## **5.6 Environment & Health Services (FDC) – reconsultation comments further to updated information received**

*I have read the additional information supplied by the applicant and note this does not include pest control measures or drainage provision.*

*The applicant advises that composting facilities will be used to convert chicken waste into fertiliser and that a correct procedure will be followed to achieve this. As a procedure has not been described, I would recommend the applicant follows Defra's guidance on 'Protecting our Water, Soil and Air A Code of Good Agricultural Practice for farmers, growers and land managers' or similar, to ensure effective waste management procedures are followed to help reduce the risk of pollution or other environmental nuisance. I would also expect the applicant to follow relevant guidance on the effective pest control.*

*Given that the proposal is to keep between 50 to 100 chickens at any given time, it is not considered that there would be any significant disturbance to the local amenity and so this department would advise that we have 'No Objection' to this intended scheme.*

*I should advise that in the event of any unforeseen issues that subsequently give rise to noise or odour complaints, the granting of planning consent would not indemnify the applicant against statutory nuisance action being taken should the complaints be substantiated.*

## **5.7 Local Residents/Interested Parties**

12 letters of objection from 10 address points were received from local residents with the following comments;

- Environmental health concerns – smell, noise, etc.;
- Loss of wildlife habitat;
- Overlooking/Loss of privacy;
- Would set a precedent;
- Increased traffic;
- Animal welfare;
- Land use;
- Devaluation of property.

## **6 STATUTORY DUTY**

- 6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires a planning application to be determined in accordance with the Development Plan unless material planning considerations indicate otherwise. The Development Plan for the purposes of this application comprises the adopted Fenland Local Plan (2014).

## **7 POLICY FRAMEWORK**

### **7.1 National Planning Policy Framework (NPPF)**

Para 11 – A presumption in favour of sustainable development

Para 47 – Applications determined in accordance with the development plan.

Para 109 – development plans should be only be refused on highways grounds if there would be an impact on highways safety

## **7.2 National Planning Practice Guidance (NPPG)**

## **7.3 National Design Guide 2019**

## **7.4 Fenland Local Plan 2014**

LP1 – A Presumption in Favour of Sustainable Development

LP2 – Facilitating Health and Wellbeing of Fenland Residents

LP3 – Spatial Strategy, the Settlement Hierarchy and the Countryside

LP12 – Rural Areas Development Policy

LP14 – Responding to Climate Change and Managing the Risk of Flooding in Fenland

LP15 – Facilitating the Creation of a More Sustainable Transport Network in Fenland

LP16 – Delivering and Protecting High Quality Environments across the District

## **7.5 Supplementary Planning Documents/Guidance**

Delivering & Protecting High Quality Environments in Fenland SPD (2014)

Cambridgeshire Flood & Water SPD (2016)

## **8 KEY ISSUES**

- **Principle of Development**
- **Character and appearance**
- **Amenity and health**
- **Highway safety**
- **Flood risk**

## **9 BACKGROUND**

- 9.1 This application follows an earlier application for a proposed Certificate of Lawfulness to erect a wooden fence 1.8m high, hen house and store (F/YR19/0872/CERTP). The determination of which, in December 2019, resulted in a requirement for the applicant to apply for full planning permission. The current application is a revised version of the proposal put forward in the earlier Certificate of Lawfulness application with the storage barn element removed and the inclusion of the vehicular access upgrade.

## **10 ASSESSMENT**

### **Principle of Development**

- 10.1 The application site is currently agricultural land, and as such, the land can be used for the keeping of poultry without the requirement for planning permission.
- 10.2 Despite the proposed hen house having hallmarks of a moveable building, the proposal to position the hen house centrally within a quadrant of 1.8m post and wire fencing will effectively immobilise it, giving it a permanent position within the site constituting development that requires planning permission.
- 10.3 Given that the proposal is for an agricultural structure within existing agricultural land outside of the built framework of Chatteris, the principle of development for the proposal is acceptable subject to the following policy considerations;

- Policy LP2 - that seeks to ensure that development does not result in harm to the amenity of the area or the environment in general;
- Policy LP12 - that seeks to support new development that will not harm the wide open character of the countryside;
- Policy LP15 - that seeks to support schemes that demonstrate well designed access that offer little or no impact to highways safety; and
- Policy LP16 - that supports the principle of development subject to the significance of, and the likely impact on, the amenity of neighbouring properties and users in its design and appearance.

### **Character and appearance**

- 10.4 The proposed hen house is a modestly sized structure of a single-storey height (approximately 2.9m). Generally it is of a typical form as other types of agricultural livestock housings with an arched shape and doors at either end and as such is unlikely to appear out of character within the countryside. Its overall limited scale and outward appearance finished in an olive green colour will help the structure assimilate into the surroundings and will not appear prominent within the landscape. Furthermore, the siting of the proposed structure and its distance from nearby roads and residential properties relative to its scale will ensure that the structure will not appear dominant within the local area. Thus, it is considered that the proposed hen house accords with Policies LP12 and LP16 of the Fenland Local Plan with regard to design and character and its impact on the countryside.
- 10.5 Schedule 2, Part 2, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) states that the erection of a gate, fence, wall or other means of enclosure is permitted providing that the height of such enclosure would not exceed 2m above ground, providing that the fence will not be erected adjacent to the highway, or surround a listed building.
- 10.6 As the proposed fencing will not be erected adjacent to a highway, and it intended to reach a maximum of 1.8m high, this element of the scheme is classed as permitted development under the GPDO and as such the erection of the fencing is therefore acceptable.
- 10.7 The track is an existing access point and whilst not a formal 'roadway' is usable for vehicles typically accessing agricultural land. As such its use cannot be resisted with planning control. However, the impact on highways safety of the proposed vehicle entrance is discussed in more detail below.

### **Amenity and health**

- 10.8 The nearest residential properties to the development site are;
- Mulberry Farm (formerly Coulson's Farm), positioned approximately 6m from the northern edge of the access track, and approximately 180m northeast of the boundary of the proposed development site;
  - Meadow Farm, positioned approximately 100m from the eastern boundary of the proposed development site; and
  - Springfield Farm, positioned approximately 100mm southeast of the south-eastern corner of the proposed development site.

- 10.9 At these distances, the position of the hen house and enclosures will be unlikely to cause significant issues to residential amenity arising from this.
- 10.10 Given the scale and nature of the proposed development and its intended use, limited traffic along the access road as a result of the development will not cause a detrimental impact to neighbouring dwellings through its use. In addition, the presence of hedgerows between the track and the nearest dwelling will aid as a dampener from noise or light.
- 10.11 No details of proposed lighting were submitted with the application. Thus, to ensure the amenity levels of surrounding properties and the countryside are maintained and upheld, and to ensure minimal disruption to the area with regard to possible light pollution, if permission is granted it is considered necessary to impose a condition to ensure that any external lighting is prohibited from being erected without express permission from the LPA. It is considered that any internal lighting within the hen house will not materially affect amenity levels surrounding the site.
- 10.12 Consultation with the Environmental Health Team concluded that there would be minimal disturbance to the local amenity with regard to noise or odour. Thus the Environmental Health Team offered 'no objection' to the intended scheme.
- 10.13 As stated previously, the use of the land to keep poultry is not subject to planning control. However, controls over issues arising from noise, odour or other environmental issues would remain under other legislation.
- 10.14 Therefore, given all the above issues, it is considered that the proposal will not significantly or detrimentally impact on amenity and health and as such is acceptable with regard to Policies LP2 and LP16 of the Fenland Local Plan 2014.

#### **Highway safety**

- 10.15 Initially, there were no proposals to amend the existing site access with regard to development. However, comments from the Highways Authority suggested that improvements were needed to be made to ensure the suitability of the access with regard to highway safety. As such, the applicant amended the vehicle entrance layout to incorporate the comments received.
- 10.16 As a result of the amendments, the Highways Authority returned no comment, but suggested necessary conditions to include should permission be granted. As such, it is considered that the revised vehicle access is acceptable in accordance with Policy LP15.

#### **Flood risk**

- 10.17 The site falls predominantly within Flood Zone 3, although the access is within Flood Zone 1. Flooding is considered an identified risk to both people and property. Both national and local policy seeks to steer new development to areas with lesser flood risk, where appropriate, to ensure areas at lower risk of flooding are developed before those at a higher risk. However, according to Table 4.2 in the Cambridgeshire Flood and Water Supplementary Planning

Document, the proposal is classed as 'Land and buildings used for agriculture' which is classified as a 'Less Vulnerable' development type. Linking this to Table 4.3, development classed as Less Vulnerable can be considered compatible with Flood Zone 3.

## 11 CONCLUSION

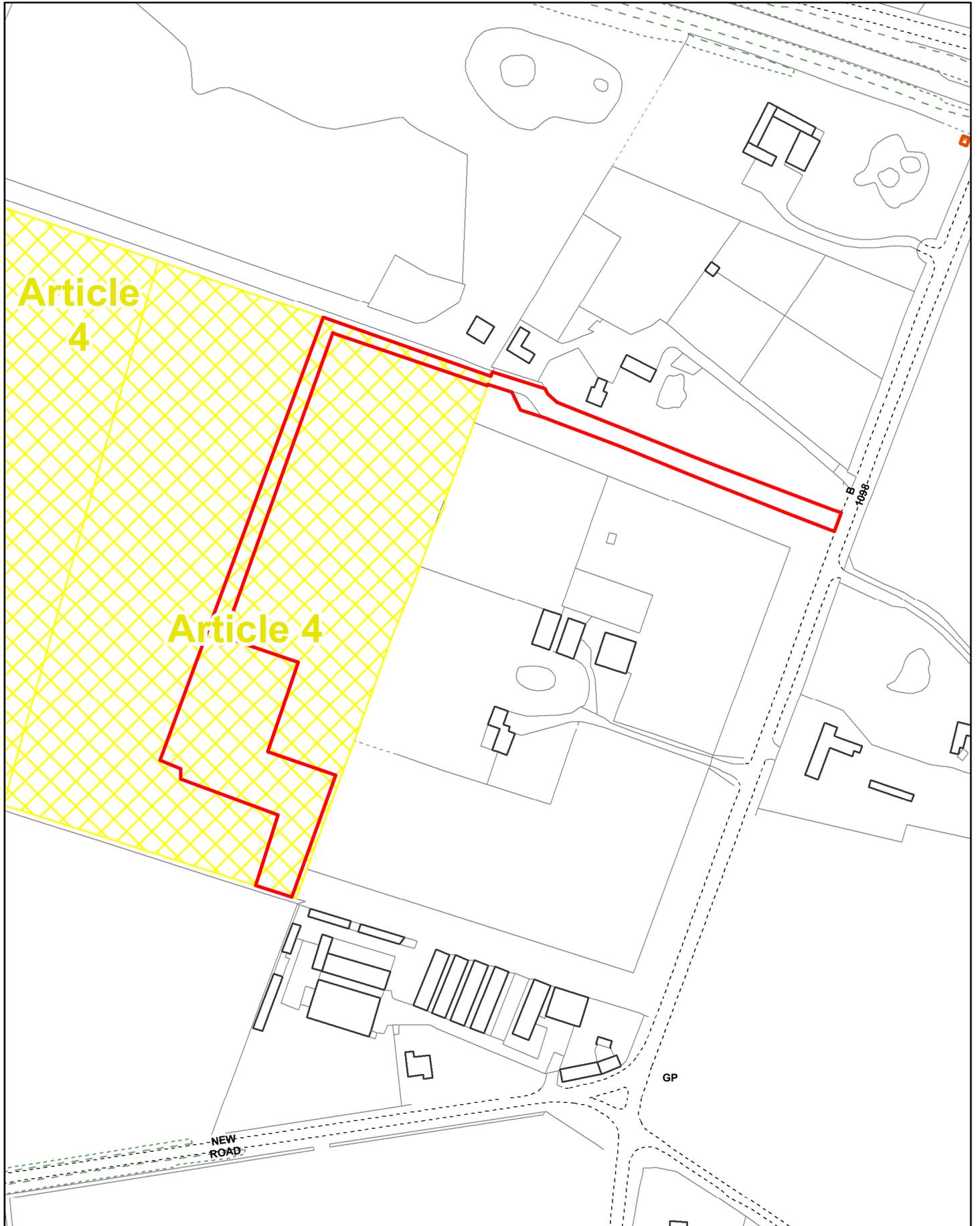
11.1 The majority of the elements of the proposal, including the keeping of poultry, the erection of fences and the use of the existing access track do not require planning permission. The elements that do require permission, the erection of the hen house and the formation of an access, are considered acceptable as they comply with the necessary policies of the Fenland Local Plan.

## 12 RECOMMENDATION

12.1 Grant subject to following conditions;

1	<p>The development permitted shall be begun before the expiration of 3 years from the date of this permission.</p> <p>Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004.</p>
2	<p>No external lights shall be erected within the site (either freestanding or building-mounted) without prior permission from the Local Planning Authority.</p> <p>Reason: To safeguard the amenities currently enjoyed by the occupants of nearby dwellings in accordance with Policies LP2 and LP16 of the Fenland Local Plan, adopted May 2014.</p>
3	<p>Prior to the first use of the development hereby approved, the vehicular access to the site shall be completed in accordance with the details shown on submitted plan 337 - P04 Rev C and retained as such at all times hereafter.</p> <p>Reason: In the interests of highway safety and to ensure satisfactory access into the site, in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
4	<p>Notwithstanding the provisions of the Town &amp; Country Planning (General Permitted Development) (England) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order with or without modification) any gate(s) to the vehicular access shall be set back a minimum of 6m from the near edge of the highway boundary. Any access gate(s) shall be hung to open inwards.</p> <p>Reason: In the interests of highway safety and in accordance with Policy LP15 of the Fenland Local Plan 2014.</p>
5	<p>Notwithstanding the provisions of the Town &amp; Country Planning (General Permitted Development) (England) Order 2015, (or any Order or Statutory Instrument revoking and re-enacting that Order with or without modification) no additional areas of hardstanding or hard surfacing shall be formed.</p> <p>Reason: To ensure the Local Planning authority can consider the future</p>

	appearance and flood risk implications of such development in the interest of Policies LP14 and LP16 of the Fenland Local Plan 2014.
6	<p>No materials or equipment shall be stored on the site outside the buildings save that waste materials may be kept in covered bins for removal periodically.</p> <p>Reason: To safeguard the visual amenities of the area in accordance with Policy LP12 and in the interests of safeguarding the environment and public health in accordance with Policy LP16 (l) of the Fenland Local Plan 2014.</p>
7	Approved Plans



Created on: 31/03/2020

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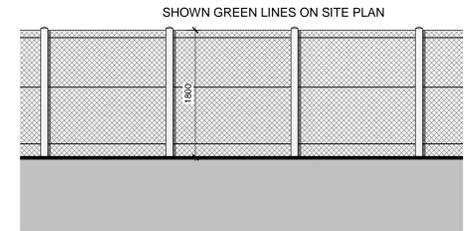
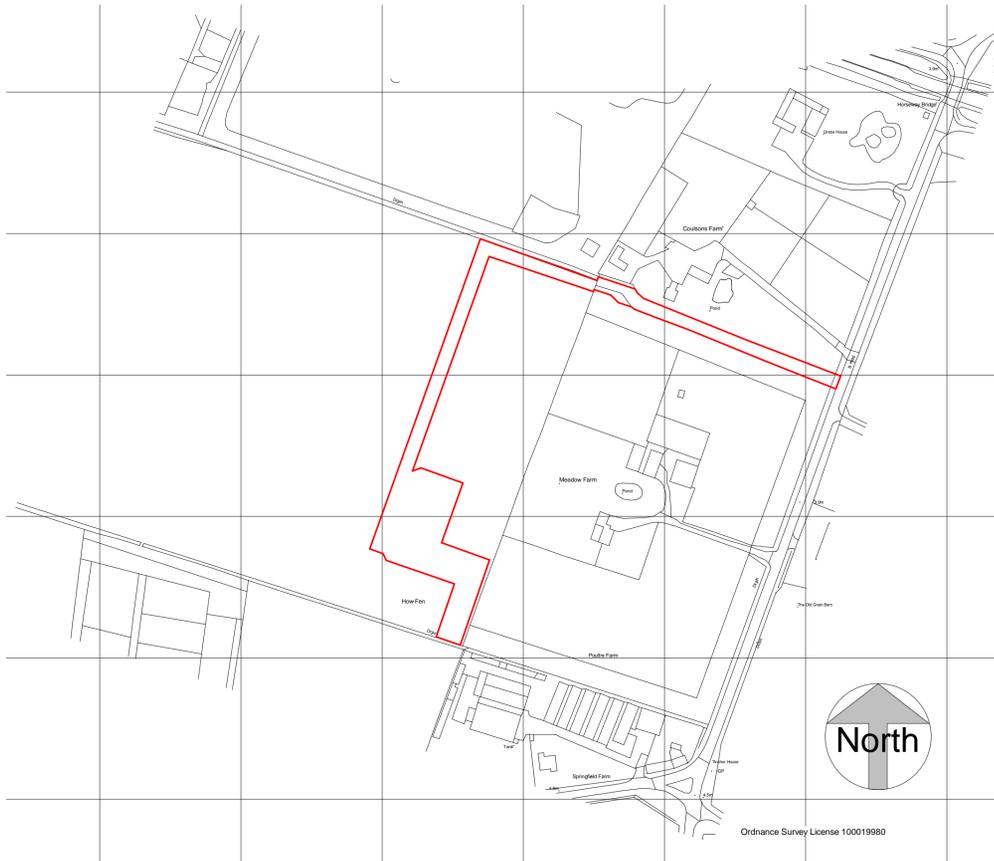
**F/YR20/0266/F**

Scale = 1:2,500



**Notes**  
 Any discrepancies to be brought to attention of Author as soon as possible.  
 All dimensions shown in "mm" unless otherwise shown.  
 Unless stated otherwise, this drawing has been assessed for risks and nothing is deemed to be outside of normal good safe working practice that would be covered by a contractors Construction Phase Health and Safety Plan.  
 Do not scale from this drawing.

NOTE: Green lines indicate 1.8m high post and wire fence

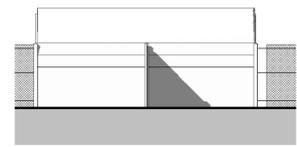


**Fencing**  
1 : 50

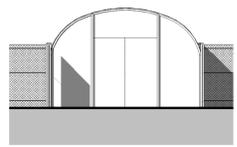
Materials  
Galvanised chicken wire with timber posts

**Location Plan**  
1 : 2500

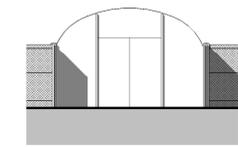
**Planning Site Plan**  
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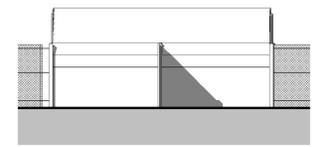
**Hen House - North East**  
1 : 100



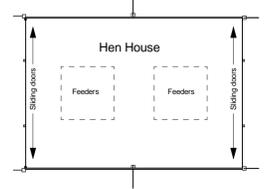
**Hen House - North West**  
1 : 100



**Hen House - South East**  
1 : 100

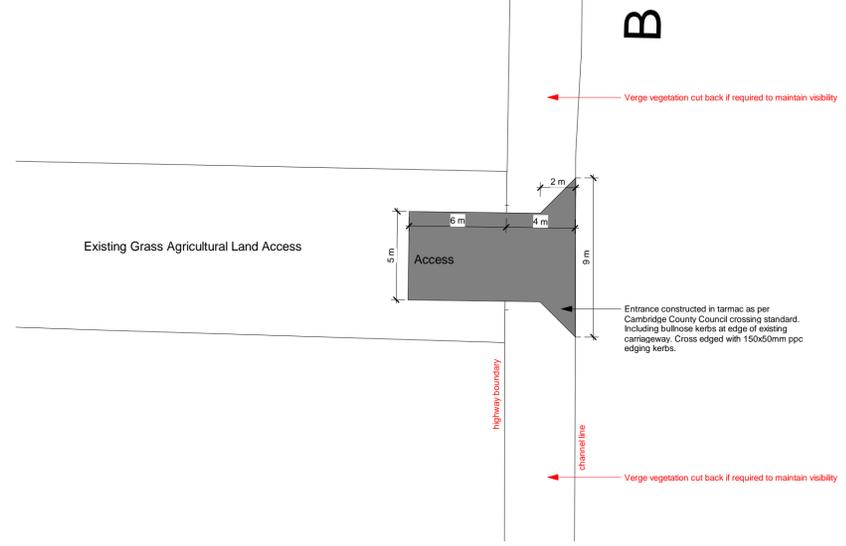


**Hen House - South West**  
1 : 100



**Hen House Plan**  
1 : 100

**MATERIALS**  
 Roof/sides - PVC Sheeting Olive Green  
 Doors/Ends - Polyboard - Olive Green



**Vehicle Entrance**  
1 : 200

C	Entrance notes amended	14-05-20
B	Vehicle Entrance Detail	21-04-20
A	Notes added	22-03-20

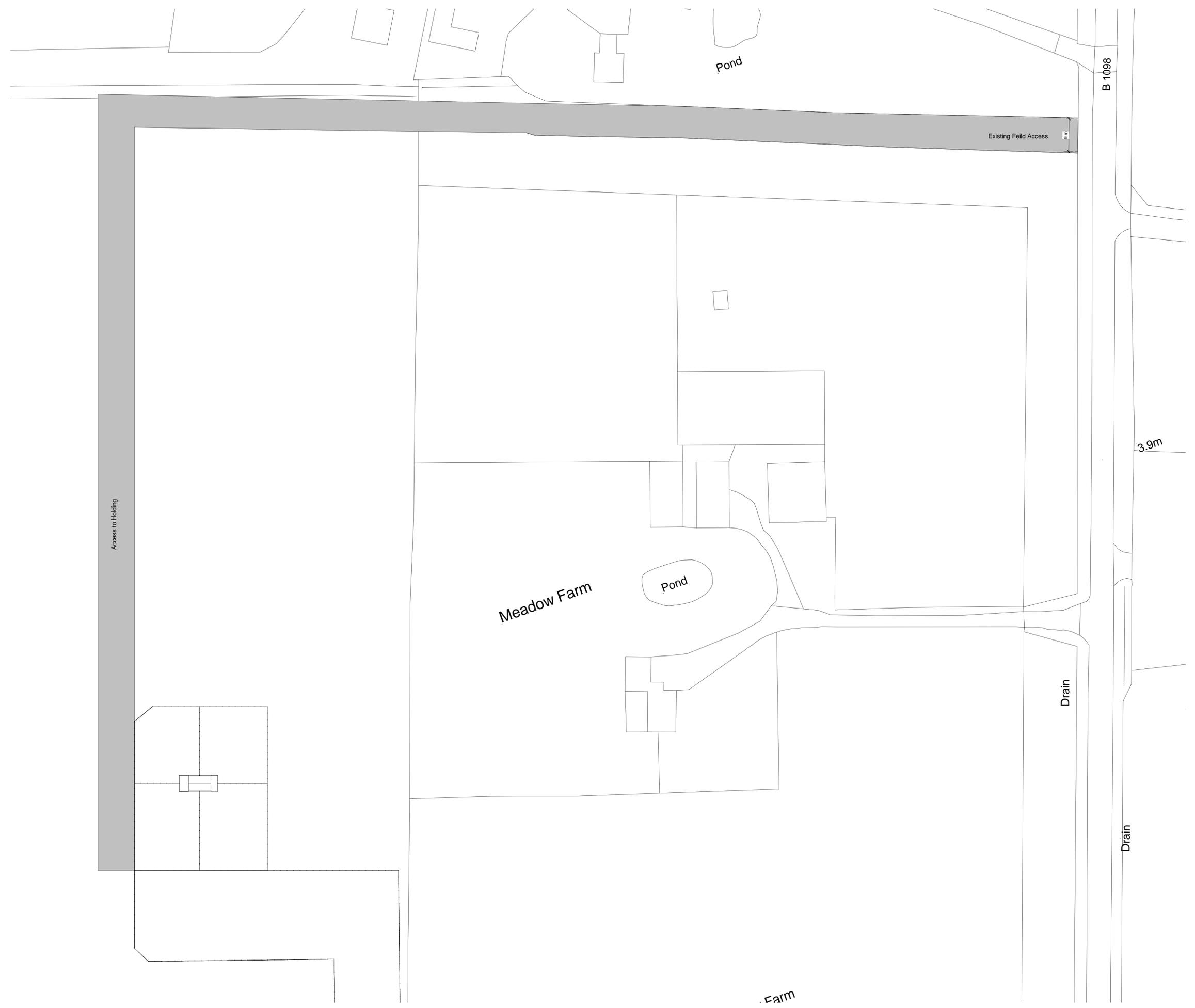
**Ian Gowler Consulting Ltd**  
 Architectural and Domestic Energy Consultant  
 Grove House, 22 Primrose Hill, Doddington, Cambs, PE15 0SU  
 tel. 01354 667005 email. ian@gowler-architectural.co.uk

Proposed Small Holding at Langwood, Chatteris for Amy Cooper

Location, Site Plan and Buildings

date created	scale	drawing no.	rev.
10/14/19	As indicated @ A1	337 - P04	C

**Notes**  
Any discrepancies to be brought to attention of Author as soon as possible.  
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Do not scale from this drawing.



NOTE:  
GREY SHADING INDICATES EXISTING AGRICULTURAL GRASS ROAD

**Proposed Site Plan - Access**  
1 : 500

 <b>Ian Gowler Consulting Ltd</b> Architectural and Domestic Energy Consultant			
Grove House, 22 Primrose Hill, Doddington, Cambs, PE15 0SU tel. 01354 667005 email. ian@gowler-architectural.co.uk			
Proposed Small Holding at Langwood, Chatteris for Amy Cooper			
Site Plan - Access			
date created 10/10/19	scale 1 : 500 @ A1	drawing no. 337 - P05	rev