

Officers Report

Planning Application No: 143701

PROPOSAL: Planning application for the siting of 2no. feed bins

LOCATION: Manor Farm Main Road Kingerby Market Rasen LN8 3PU

WARD: Market Rasen

WARD MEMBER(S): Cllr S Bunney, Cllr J McNeill, Cllr C E J McCartney

APPLICANT NAME: Mr Truelove

TARGET DECISION DATE: 08/11/2021

DEVELOPMENT TYPE: Minor - all others

CASE OFFICER: Ian Elliott

RECOMMENDED DECISION: Grant Permission subject to conditions

This application has been referred to the Planning Committee as Officers (exercising their planning judgement) consider it appropriate to do so, following a number of third party representations concerned with the development and wider operations in vicinity of the site.

Description:

The application site comprises two areas of hardstanding to the west of an existing agricultural building. The two feed bins are already installed. The site is located via a gated vehicular access down a short hardstanding farm track off Main Road. The feed bins sit higher than the agricultural buildings. The site is screened to the north by hedging, trees and agricultural buildings to the north and east. The southern boundary is partly screened by agricultural buildings and partly by smaller trees with open gaps. The western boundary is screened by trees. To the north and east are agricultural buildings with open countryside to the south and west. Residential dwellings are to the north west. The following heritage assets are to the north east of the site:

- Medieval Castle and Ecclesiastical Complex – Scheduled Ancient Monument (approximately 220 metres away)
- Stables at Kingerby Manor – Grade II Listed Building (approximately 311 metres away)
- Kingerby Manor – Grade II Listed Building (approximately 336 metres away)

The application seeks planning permission, retrospectively, for the siting of 2 galvanised feed bins measuring approximately:

Feed Bin 1 – 8.9 metres high with a 2.8 metre diameter

Feed Bin 2 – 8.3 metres high with a 2.8 metre diameter

The application forms states that the feed bins were installed on 1st April 2020.

Relevant planning history:

W75/774/75 – Erect Dairy Building (Outline). Approved 18/12/1975.

W75/290/76 - To erect an 18 bay building with lean-to and parlour building. (Reserved matters following outline permission W75/774/75). Approved 22/06/1976.

Representations:

Members attention is drawn to the representations made in relation to the application, the substance of which are summarised below:

Sir Edward Leigh MP: Objections

- Fearful that the Kingerby and Kirkby area is being consumed by intensive pig farming to the detriment of the community and its character.
- New pig sheds should not be allowed within 400 yards of the edge of the site, yet other residences are within 150 yards of the facilities this retrospective application seeks approval for.
- Aside from the excessive noise, local residents have also complained to me about the smell which has pervaded areas very close by.
- It has also resulted in a higher level of Heavy Goods Vehicle traffic in Kingerby.
- I strongly recommend that this application be refused in the interests of the people of Kingerby and Kirkby. It is also vital to prevent such bad examples from being used as precedents that might spread to other communities here in Lincolnshire and beyond.

Cllr Bunney: Objections

As ward member I have been made aware of the local residents concerns regarding this application. The existing pig units already have a negative impact on the local environment - the smell [stench], noise and congestion on the narrow lanes all causing concern and discomfort to the locals - which without the new silos need to be investigated. The current application for Silos will mean more intensive farming activity and will undoubtedly make the environmental problem worse that it already is. I would expect an environmental impact survey needs to be carried out before the application can be discussed. Something that I believe has not happened on earlier applications. I am interested to read the Highways response and wonder whether they have visited the site or not or just carried out a table top exercise - I suggest the latter. have WLDC carried out a site visit and discussed the application with the residents in what after all is a very small community. I cannot support this application.

Osgodby Parish Council: Objections

Having met with a representative of Kingerby and Kirkby Action group recently, more information has been provided to the Parish Council regarding this application and we wish to make the following comments:

It is clear from what was seen and heard, that these farms are now industrial pig units and have become so by incremental growth, under permitted development or piecemeal individual planning applications for units of a size that have apparently bypassed the requirement for an environmental impact survey to be undertaken or failed to reflect the expansion to an industrial level.

Pig 'finishing' at the units creates both smell and noise, both of which were apparent at a relatively low level this morning, though this is currently at 'week 5' and from 'week 8', the noise levels and smells increase significantly and continue for weeks as the pigs are 'finished'. The noise continues 24 hours a day and when the wind direction is from the South West, the smell is unbearable and carries into Kirkby.

Residents have requested that a full Environmental Impact Assessment is undertaken for the Unit. Given the manner in which the sites are rapidly growing through piecemeal planning applications, and the fact that only the Council can action this, it has not to date happened.

Given the significant impact of the noise and smells from the pig units on the day to day lives of residents in Kingerby and Kirkby, an Environmental assessment is clearly needed. The Parish Council, in accordance with the Neighbourhood Plan do support local business and employment and will continue to do so. However, this must be balanced by due consideration for the impact of development and expansion upon the amenity and health of local residents.

We strongly recommend that an Environmental Survey is carried out.

Local residents: Representations (in summary) received from:

Supports

1 Manor Cottages, Main Road, Kingerby

Objections

Beech House, Main Road, Kingerby

Kingerby Hall, Kingerby

North Lodge, Main Road, Kingerby

Belmont, Main Street, Kirkby cum Osgodby

Hillbury, Kirkby cum Osgodby

Hollincroft, Main Street, Kirkby cum Osgodby

Kirk House, Owersby Bridge, Kirkby cum Osgodby

Paths End, Main Street, Kirkby cum Osgodby

Sandstone Steadle, Main Street, Kirkby cum Osgodby

Walnut House, Main Street, Kirkby cum Osgodby

Bell View, Main Street, Kirkby cum Osgodby

Brinkhill, Main Street, Kirkby cum Osgodby

Kirkby Steading, Main Street, Kirkby cum Osgodby

Chelsea Reach, Main Street, Kirkby cum Osgodby

Ashdown, Main Street, Kirkby cum Osgodby

Lindum, Low Road, Osgodby

Church View House, Main Street, Kirkby cum Osgodby
6 Nashs Row, Osgodby
The Old Post Office, Main Street, Osgodby
1 Bungalow, Gulham Road, South Gulham
2 Top Farm Cottage, Gulham Road, North Owersby

Visual Amenity/Character

- The 5 metre high silos will be there for the next 50 years or more. If the pig market collapses, as seems possible, they will not be taken down. They will just rust in public view.
- The whole natural beauty of Kingerby has been ruined.
- Pig farming at Redhill Farm is turning Kingerby and Kirkby into an intensive pig rearing district and ruining the character of Kingerby and Kirkby villages.
- Close proximity of intensive farming operations.

Heritage

- The Kingerby farm is being industrialised by stealth and destroying a place of great historic importance, which plays a key part in the West Lindsey Churches Festival.
- Unacceptable to permit such close use to Kingerby Hall, formerly Kingerby Castle, which is an ancient monument and has a moat around its building, dating from the 12th Century. There is also an Historic Church, remains of an Abbey and an Old Rectory very close.

Highway Safety

- The lane is being trashed by wholly unsuitable vehicles, lorries and many more tractors than before.
- None of the roads around the villages of Kirkby or Kingerby are suitable for Heavy Goods Vehicles
- One of the effects of the wider intensification of the area is the number of HGV lorries using the lane that is signposted 'not suitable for lorries' as well as the additional use of large tractors carrying manure. In a normal planning situation, some consideration of the impact of this intensification would have been possible to add to assist this lane deterioration and the local community's needs.
- Increase in traffic would ruin a lovely and peaceful place.
- Increase of traffic through Kirkby cum Osgodby and implications on home.
- Safety of pedestrians or other car users.
- There is a sign at Kirkby which clearly states not suitable for HGVS as no passing places.
- No passing places, no room for cars to overtake, never mind HGV's or tractors etc.
- The sides of the single track roads are falling away, its more pothole than road.
- The double bend passing through Kingerby before St Peter's Church on the way to Manor Farm, which because of the narrow road can on occasions cause oncoming traffic to appear unexpectedly in front of you.

- Vehicle movements answer is a little misleading. Before the use was changed to factory pigs, there were no large or small deliveries. There was just farming implements being moved and straw. Today, without permission, there are 2000 pigs being brought in every 12 weeks [say 9 HGVs] in one week at the start and the same number going out every 12 weeks, [another 9 HGVs] in one week at the end. This is a factory farming operation, along a single lane - it is really not the difference between one HGV and more small deliveries.
- Mud on the roads in the vicinity of the farms which is never cleared.
- Pig foul is incidentally left on the roads during spreading which gets on undercarriage of vehicles leaving a horrible stench.

Biodiversity

- Kingerby Wildlife Meadows is seriously affected by the shed being changed in its use to intensive pig farming.

Public Rights of Way

- Public Rights of Way is seriously affected by the shed being changed in its use to intensive pig farming.

Use

- The application for planning permission for the silos (retrospective) is to support a massive growth in intensive pig farming in the area by the applicant which itself has not been scrutinised by the planning process.
- Pig rearing project encapsulates Manor Farm, Jesmond Farm and perhaps Redhill Farm, all within half a mile of each other. You now have a very large pig production unit dominating quite a small area.
- Two pig units, each of 2000 pigs, have been opened without planning permission and in breach of regulation about proximity to domestic dwellings.
- The use of the site as a pig rearing operation is wholly unacceptable.
- Silos only needed for what the site has become, an intensive pig rearing operation and should only be considered in the context of a new application for the whole operation at Manor Farm.
- Part of an attempt to establish a major pig unit on this site and should be rejected as should similar applications in the future until it becomes clear exactly what the applicants propose for this site.

Residential Amenity

- Permitted development for livestock, including changes to an existing agricultural unit, may not take place within 400m of dwellings. There are 10 such dwellings within 400m.
- The smell is noxious and sometimes even penetrates inside my home and my office at the side of the house, from where I run an international business.
- Noise and smell levels vary from medium bad to very bad and can be considerable when there is a south west wind. There is no odour management.
- Unacceptable level of flies.

- Manor Farm is too close to Kingerby hamlet.
- Its unacceptable proximity to residential properties, there is also a wider problem that Kingerby Estate is being turned into a sort of industrial pig farming estate.
- Brings in the possibility of poor air pollution.
- The proximity of this activity is far too close to the small residential area of Kirkby

Tourism

- Kingerby itself is a bit of a tourist attraction in the WLDC area, kept as best as possible by a small group of volunteers.

Environment

- There has never been a holistic Environmental Impact Assessment of the activities of the applicant on this old village site and estate purchased some 20 years ago.

Other

- The number of pigs housed on such a small area must infringe Animal Rights
- We are keen walkers but have not been able to walk as often down the road past Manor Farm, again because of the noxious smell and horrendous noise coming from the pig farm.
- If the Council chooses only to make a decision only on the simple 8m high silos application, we would urge you to first require an Environmental Impact Assessment and a Traffic Impact assessment, so that this information is available, before the application is determined.

WLDC Conservation Officer: No objections

I have carefully considered the setting of Kingerby Manor, its stable block, scheduled grounds, and the nearby church. There are no direct views between the two sites. I also note that the principal elevation of Kingerby Manor faces the A46, so its upper principal rooms are unlikely to have views of the development site. There are also thickly planted areas with mature trees to both the boundary of the farm, and also to Kingerby Manor, and these are separated by a large field.

Whilst these designated heritage assets are of a very high group value, I conclude that there is some distance between the two sites, and that there will be no harm to the setting of these designated heritage assets as a result of the additions to the existing farm building.

LCC Highways/Lead Local Flood Authority: No objections

Response received 16th February 2022:

I can confirm our position has not changed and the comment below still stands

Response received 12th October 2021:

Having given due regard to the appropriate local and national planning policy guidance (in particular the National Planning Policy Framework), Lincolnshire County Council (as Highway Authority and Lead Local Flood Authority) has concluded that the proposed development is acceptable and accordingly, does not wish to object to this planning application.

Environment Agency: No representations received to date

LCC Archaeology: No representations received to date

Relevant Planning Policies:

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. Here, the Development Plan comprises the provisions of the Central Lincolnshire Local Plan (adopted in April 2017); the Osgodby Neighbourhood Plan (made 2nd July 2018) and the Lincolnshire Minerals and Waste Local Plan (adopted June 2016).

Development Plan

- ***Central Lincolnshire Local Plan 2012-2036 (CLLP)***

Relevant policies of the CLLP include:

LP1 A presumption in Favour of Sustainable Development

LP2 The Spatial Strategy and Settlement Hierarchy

LP13 Accessibility and Transport

LP14 Managing Water Resources and Flood Risk

LP17 Landscape, Townscape and Views

LP25 The Historic Environment

LP26 Design and Amenity

LP55 Developments in the Countryside

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/planning-policy/central-lincolnshire-local-plan/>

- ***Osgodby Neighbourhood Plan (ONP)***

Osgodby Neighbourhood Plan was formally 'made' by West Lindsey District Council at a Full Council Committee meeting on the 2nd July 2018. As per Neighbourhood Plan Regulations 2012, this Neighbourhood Plan is now 'made' and should be used when determining planning applications within the identified Neighbourhood Area. The relevant policies are:

Policy 4: Design and Character of Development

Policy 9: Dark Sky Policy

Design Character Appraisal – The Rural Area

<https://www.west-lindsey.gov.uk/my-services/planning-and-building/neighbourhood-planning/all-neighbourhood-plans-in-west-lindsey/osgodby-neighbourhood-plan-made/>

- **Lincolnshire Minerals and Waste Local Plan (LMWLP)**

The site is not within a Minerals Safeguarding Area, Minerals or Waste site/area.

<https://www.lincolnshire.gov.uk/residents/environment-and-planning/planning-and-development/minerals-and-waste/88170.article>

National policy & guidance (Material Consideration)

- **National Planning Policy Framework (NPPF)**

<https://www.gov.uk/government/publications/national-planning-policy-framework--2>

The NPPF sets out the Government's planning policies for England and how these should be applied. It is a material consideration in planning decisions. The most recent iteration of the NPPF was published in July 2021. Paragraph 219 states:

"Existing [development plan] policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)."

- **National Planning Practice Guidance**

<https://www.gov.uk/government/collections/planning-practice-guidance>

- **National Design Guide (2019)**

<https://www.gov.uk/government/collections/planning-practice-guidance>

- **National Design Code (2021)**

<https://www.gov.uk/government/publications/national-model-design-code>

Draft Local Plan / Neighbourhood Plan (Material Consideration)

NPPF paragraph 48 states that Local planning authorities may give weight to relevant policies in emerging plans according to:

(a) *the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);*

(b) *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*

(c) *the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

- **Consultation Draft Central Lincolnshire Local Plan Review June 2021 (DCLLPR)**

The consultation on the Draft Central Lincolnshire Local Plan which ran for 8 weeks from **30 June to 24 August 2021** has now closed. In regards to paragraph (b) consultation responses to the first (regulation 18) draft have now been published. The Summary document sets out the extent to which there were any Objections/Support/General Comment in regards to each policy. The Key Issues Report sets out a summary of the issues being raised, per policy.

Relevant Policies:

S1 The Spatial Strategy and Settlement Hierarchy
S5 Developments in the Countryside
S7 Reducing Energy Consumption – Non-Residential Development
S20 Flood Risk and Water Resources
S46 Accessibility and Transport
S48 Parking Provision
S52 Design and Amenity
S56 The Historic Environment

The draft plan review is at its first stage (Regulation 18) of preparation and is open to alterations so may be attached **only limited weight** in the consideration of this application.

<https://central-lincs.inconsult.uk/connect.ti/CLLP.Draft.Local.Plan/consultationHome>

Other

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

<https://www.legislation.gov.uk/ukpga/1990/9/section/66>

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (see other consideration section)

<https://www.legislation.gov.uk/uksi/2017/571/contents/made>

The Town & Country Planning Act 1990 (as amended)

<https://www.legislation.gov.uk/ukpga/1990/8/contents>

Main issues:

The application seeks planning permission only for the “siting of 2no. feed bins (retrospective”).

Many of the representations received cite concerns with the use of the building for the housing of pigs. Whilst these concerns are recognised – the planning history identifies that the building was erected as a livestock building in the 1970’s. Use of an existing agricultural building to house livestock is not therefore, in itself, considered to constitute a material change in use, and

does not comprise “development” for the purposes of the Principal Planning Act¹. The use of the building is not under consideration with this planning application.

This application considers only the issue of whether the local planning authority should grant its planning permission to the two feed bins that have been erected. The Planning Act² allows planning permission to be granted for development that was carried out before the date of the application.

Matters to be considered include:

- Principle of the Development
Central Lincolnshire Local Plan 2012-2036
Osgodby Neighbourhood Plan
Concluding Statement:
- Assessment of local policy LP55 (Part E) of the CLLP
- Visual Impact
- Heritage
- Surface Water Drainage
- Archaeology

Assessment:

Principle of the Development

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.

Central Lincolnshire Local Plan 2012-2036:

Policy LP2 (tier 8) limits development within the countryside to certain specified uses including “that which is demonstrably essential to the effective operation of agriculture...”

Local policy LP55 Part E of the CLLP sets out the criteria for Non-residential Development in the Countryside.

Osgodby Neighbourhood Plan:

Policy 4 of the ONP provides criteria for the design and character of new development but is purely based on the character of the village and has no mention of the design and character of development in the open countryside.

Policy 9 of the ONP protects the neighbourhood from external lighting which unacceptably harms the dark skies from light pollution at night.

Concluding Statement:

The development is for two feed bins to serve an existing agricultural building. The principle of installing two agricultural style feed silos adjacent an agricultural building in the open countryside is considered to amount to

¹ S55(1) of the Town & Country Planning Act 1990 (as amended)

² S73A of the Town & Country Planning Act 1990 (as amended)

agricultural development within the countryside that would lead to the more effective operation of agriculture by providing an on site supply of feed and reducing vehicle movements – the principle is therefore broadly in accordance with policies LP2 and LP55 subject to satisfying all other material considerations including the specific criteria of LP55 Part E of the CLLP.

Assessment of local policy LP55 (Part E) of the CLLP

Local policy LP55 Part E of the CLLP states that “*proposals for non-residential developments will be supported provided that:*

- a) *The rural location of the enterprise is justifiable to maintain or enhance the rural economy or the location is justified by means of proximity to existing established businesses or natural features;*
- b) *The location of the enterprise is suitable in terms of accessibility;*
- c) *The location of the enterprise would not result in conflict with neighbouring uses; and*
- d) *The development is of a size and scale commensurate with the proposed use and with the rural character of the location”.*

The proposed silos are located adjacent the western end of existing used agricultural building which form part of an established farming business.

Objections have been received in relation to highway safety considerations. The proposed silos are located down a short hardstanding farm track which is accessed off Main Road which is a single countryside lane. The silos are situated within an area of hardstanding with ample external areas to park and turn vehicles.

The agent has stated in email dated 22nd October 2021 that “*The presence of the silos allows for bulk storage and full load deliveries of feed which are a lorry per week. In the absence of the silos and thus no bulk storage on site, there would be a very substantial increase in traffic as feed would need to be delivered to the site daily to fill the internal hoppers.*”

The Local Highways Authority at Lincolnshire County Council have been consulted and have no objections to the development having considered the additional information submitted by the agent in relation to vehicle movements. The location is considered to be suitable in terms of accessibility.

Objections have been submitted in relation to residential amenity but these are more to do with the use of the site than the installation and use of the silos, per se. The objections based on the noise and smell disturbance from the site is created from what appears to be the use of the building for housing pigs. During the Case Officer’s site visit, noise and odour was not experienced, although the visit was for a very short period.

This application is purely for the retrospective installation of two feed bins which would not be expected to produce any smell, and limited noise during the filling up process. The closest residential dwelling is 3 Manor Cottages

which is approximately 37 metres (from the south east boundary corner) from the northern most feed bin. The feed bins due to their separation distance are not considered likely to have an overbearing impact or cause any loss of light to the nearest neighbouring dwellings. It is concluded that the feeds bin do not harmfully conflict with neighbouring uses.

The feeds are of a size and scale which one would normally associate with such structures installed near agricultural buildings. They are not uncharacteristic of a rural area and rural setting.

It is therefore considered that the proposal accords to local policy LP13, and LP55 of the CLLP, policy 4 of the ONP, draft local policy S5 and S46 of the DCLLPR and the provisions of the NPPF.

It is considered that policy LP13, LP55 and policy 4 are consistent with the expansion of business, highway safety, visual amenity, residential amenity and open countryside rural economy guidance of the NPPF and can be attached full weight.

Visual Impact

In addition local policy LP17 states that *'To protect and enhance the intrinsic value of our landscape and townscape, including the setting of settlements, proposals should have particular regard to maintaining and responding positively to any natural and man-made features within the landscape and townscape which positively contribute to the character of the area, such as (but not limited to) historic buildings and monuments, other landmark buildings, topography, trees and woodland, hedgerows, walls, water features, field patterns and intervisibility between rural historic settlements'*.

Developments should also *'be designed (through considerate development, layout and design) to preserve or enhance key local views and vistas'*

Local policy LP26(c) of the CLLP states that *All development proposals must take into consideration the character and local distinctiveness of the area (and enhance or reinforce it, as appropriate) and create a sense of place. As such, and where applicable, proposals will be required to demonstrate, to a degree proportionate to the proposal, that they:*

c. Respect the existing topography, landscape character and identity, and relate well to the site and surroundings, particularly in relation to siting, height, scale, massing, form and plot widths;

Policy 4 of the ONP protects from inappropriate design, however the policy is based more on the village than the areas of open countryside within the designated Neighbourhood Plan area.

Policy 9 of the ONP protects the dark skies more associated to the open countryside from inappropriate external lighting.

The ONP Design Character Appraisal designates the site as in the rural area stating that:

“This covers all the rest of the parish outside of the settlements and consists the East of woodlands, mainly belonging to the Forestry Commission, with farmlands over the rest. The exception is Kingerby wood, part of an ancient forest, which stands in the south of the parish bordering alongside top road (A1103) finishing in the west with the Ancholme, a canalized river running from Bishop Bridge to the Humber.

Most buildings are farmsteads with a few farm-workers’ cottages, the exception being the 10 Acres Café (built on the site of an old hospital) on Top Road. Buildings range from large farm houses to small bungalows, mostly brick built and roofed with concrete tiles or artificial slate”.

The Identity chapter (pages 14-17) of the National Design Guide places importance on the need for development to either reflect its local character or create a sense of character through the built form.

Objections from residents have been received in relation to visual amenity.

As previously stated the feed bins are galvanised measuring approximately:

- Feed Bin 1 – 8.9 metres high with a 2.8 metre diameter
- Feed Bin 2 – 8.3 metres high with a 2.8 metre diameter

The size and scale of the feed bins has been considered earlier in this report. The site visit included taking in views of the feed bins from various public highways. The feed bins are well hidden by existing high boundary trees. Any views of the feed bins are from the rear areas of the immediate residential dwellings to the north west and agricultural uses to the north and there did not appear to be any wider views of the feed bins observed from the officer site visit. The area is not designated for its special scenic or landscape quality. Any views of the feed bins are seen in context with their agricultural setting. The proposal does not include any external lighting so would not impact on the dark skies at night.

It is therefore considered that the proposal does not have a significant harmful visual impact and accords to local policy LP17 and LP26 of the CLLP, policy 4 and 9 of the ONP, draft local policy S52 of the DCLLPR and the provisions of the NPPF.

It is considered that policy LP17, LP26, 4 and 9 are consistent with the visual amenity guidance of the NPPF and can be attached full weight.

Heritage

The heritage assets to the north east were not advertised on the site notice due to the separation distance from the site. However objections have been received in relation to the impact of industrialisation of the site on the heritage assets.

The feed bins are over 200 metres from the boundary of the Medieval Castle and Ecclesiastical Complex (Scheduled Ancient Monument) and over 300 metres from both listed buildings. The feed bins although higher than the agricultural building are to the far west of the overall agricultural site and in context with their setting. A deep belt of trees lies between the feed bins and the heritage assets.

The Authority's Conservation Officer has been consulted and advises that in her professional view, the development does not harm the setting of designated heritage assets. As the definition of setting includes how a setting is experienced as well as visual harm, she has confirmed that she has considered the wider definition of setting in reaching this conclusion.

Whilst the comments of other parties are noted, the proposal is not considered to have a harmful impact on the nearest heritage assets and their setting is preserved. The development therefore accords to local policy LP25 of the CLLP, policy 4 of the ONP, draft local policy S56 of the DCLLPR, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the provisions of the NPPF.

It is considered that policy LP25 is consistent with the heritage guidance of the NPPF and can be attached full weight.

Surface Water Drainage

The application form states that surface water is disposed of to a soakaway which is encouraged as a form of sustainable urban drainage system. The feed bins are sited on existing impermeable hardstanding therefore do not increase or decrease surface water flooding which would have occurred prior to 1st April 2020 (feed bins installation date).

Therefore the proposal does not have a harmful surface water drainage impact and accords to local policy LP14 of the CLLP, policy 4 of the ONP, draft local policy S20 of the DCLLPR and the provisions of the NPPF.

It is considered that policy LP24 and 4 are consistent with the heritage guidance of the NPPF and can be attached full weight.

Archaeology

The ground below the feed bins and around the overall site has already been disturbed by the existing hardstanding and agricultural buildings.

Therefore the proposal does not therefore have a harmful archaeological impact and accords to local policy LP25 of the CLLP, draft local policy S56 of the DCLLPR and the provisions of the NPPF.

It is considered that policy LP25 is consistent with the heritage guidance of the NPPF and can be attached full weight.

Other Considerations:

The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended) (“EIA Regulations”)

Representations have been received in relation to the lack of an Environmental Impact Assessment for this site and its use for pig rearing purposes.

However, the “development” under assessment is only for the two feed silos, and not the use of the building for livestock.

Section 17(b) of Schedule 1 of the EIA Regs sets out that an Environmental Impact Statement is mandatory when intensive pig rearing developments exceed 3,000 places for production pigs (over 30kg) or 900 sows.

Section 1(c) of Schedule 2 of the EIA Regs requires the local planning authority to complete a screening opinion to assess if a development requires an Environmental Impact Statement when any developments new floor space exceeds 500m².

The use of the site is understood to be for 1,800 pigs within an existing farm building, however the development the development (two feed bins) does not comprise development under either schedule 1 or 2, of the regulations.

The development applied for in this application is for two feed silos sat adjacent to the west of the building. Whilst the feed silos may facilitate the building they are not used specifically for accommodating pigs and would not increase the floor space by more than 500m². Nor does the development “enable” the use of the building for housing livestock – it would remain possible for the building to house pigs without the development.

The development, being the provision of two feed bins, does not meet the criteria in either schedule 1 or 2 of the EIA Regulations, and does not therefore comprise “EIA Development” under the EIA Regulations. An Environmental Statement is not required.

Community Infrastructure Levy

The proposed development is not liable for a CIL payment.

Conclusion and reasons for decision:

The decision has been considered against local policy LP1 A Presumption in Favour of Sustainable Development, LP2 The Spatial Strategy and Settlement Hierarchy, LP13 Accessibility and Transport, LP14 Managing Water Resources and Flood Risk, LP17 Landscape, Townscape and Views, LP21 Biodiversity and Geodiversity, LP25 The Historic Environment, LP26 Design and Amenity and LP55 Development in the Countryside of the Central Lincolnshire Local plan 2012-2036 and Policy 4 Design and Character of Development and Policy 9 Dark Sky Policy of the Osgodby Neighbourhood Plan and S1 The Spatial Strategy and Settlement Hierarchy, S5

Developments in the Countryside, S7 Reducing Energy Consumption – Non-Residential Development, S20 Flood Risk and Water Resources, S46 Accessibility and Transport, S52 Design and Amenity and S56 The Historic Environment of the Draft Central Lincolnshire Local Plan Review in the first instance. Consideration is additionally given to guidance contained within the National Planning Policy Framework, National Planning Practice Guidance, National Design Guide and National Design Code.

In light of this assessment it is considered that the principle of the proposal for two feed bins next to an agricultural building in the open countryside is appropriate development within this rural environment. The feed bins are in context with the rural agricultural setting and do not cause unacceptable harm to the character and appearance of the site, the area or the intrinsic beauty and nature of the surrounding open countryside. The feed bins do not unacceptably harm the living conditions of the nearest neighbouring occupiers or harm highway safety, archaeology or surface water drainage.

Human Rights Implications:

The above objections, considerations and resulting recommendation have had regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

Legal Implications:

Although all planning decisions have the ability to be legally challenged it is considered there are no specific legal implications arising from this report

Representors to be notified -
(highlight requirements):

Standard Letter **Special Letter** **Draft enclosed**

Recommended Conditions:

Conditions stating the time by which the development must be commenced:

NONE

Conditions which apply or require matters to be agreed before the development commenced:

NONE

Conditions which apply or are to be observed during the course of the development:

1. With the exception of the detailed matters referred to by the conditions of this consent, the development hereby approved must be carried out in accordance with the following drawings:

- IP/HDFC/02 dated September 2021 – Site Plan
- IP/HDFC/03 dated September 2021 – Elevation and Floor Plans

The works must be carried out in accordance with the details shown on the approved plans and in any other approved documents forming part of the application.

Reason: To ensure the development proceeds in accordance with the approved plans and to accord with the National Planning Policy Framework, local policy LP17, LP26 and LP55 of the Central Lincolnshire Local Plan 2012-2036 and policy 9 of the Osgodby Neighbourhood Plan.

Conditions which apply or relate to matters which are to be observed following completion of the development:

NONE