

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Development and Conservation Control Committee  
**AUTHOR/S:** Director of Development Services

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6<sup>th</sup> July 2005

**S/1066/05/F - Cottenham**  
**Variation of Condition Two of Planning Permission S/0699/04/F**  
**To Allow Construction of Unit 4 with its Demolition If Not Used For 12 Months**  
**at Setbroad Farm, Oakington Road**  
**For Mr M. Ragnauth**

**Recommendation: Approval**  
**Date for Determination: 22<sup>nd</sup> July 2005**

### **Site and Proposal**

1. The site comprises an agricultural small holding of 3.9 hectares (9.68 acres).
2. The site has been established as a facility for the production of eggs for parent breeding stock since 1991. In relation to the business operation, there are two units for poultry rearing built on site, with a further building providing accommodation for office, sanitizing and a generator. A third unit for poultry rearing, approved in 1991 (extension approved under 1997 permission), is built to base wall stage but is yet to be completed. There is a dwelling on site and a second dwelling under construction, both of which relate to the agricultural use of the site.
3. The unit to which this application relates was approved on 28<sup>th</sup> July 2004 (S/0699/04/F). It will provide a fourth poultry shed measuring 40 metres (length) by 20 metres (width). This fourth unit will be sited in the next field, with an area for chickens to range in during the day.
4. This planning application seeks to vary condition two of that permission, which was imposed to ensure that the site is developed only as required by the agricultural needs of the site. The existing planning condition states:

The construction of Unit 4 shall not commence until written evidence has been submitted to the Local Planning Authority confirming that a contract for the poultry business has been secured.

Reason:

The site is currently not in use for agriculture. Evidence that this use will resume is required in order to establish that the building hereby permitted is necessary to the long-term use of the site for poultry farming or other suitable agricultural activity.

5. This application, received on 27<sup>th</sup> May 2005, seeks permission to allow the building to be constructed prior to such a contract being obtained. The reason for this is that it has not been possible for the applicant to obtain a contract for the poultry business, as he is first required by DEFRA to make the site 'bio-secure'. Once this has been established, anyone investing in the business can be assured that the business is sustainable and therefore that they will receive an appropriate financial return. It is requested by the applicant that the condition be varied so that if this unit is subsequently not used for agricultural purposes for a period of twelve months it be

demolished.

### Planning History

6. The site history commences in 1991 with the granting of planning permission for a poultry breeding facility on the site (ref. **S/0648/91/F**). This permission was for two agricultural units for chicken rearing and a store.
7. In 1992 planning permission was granted for the temporary siting of a mobile home on the site (ref. **S/1695/92/F**). A further planning application at this time gave permission for a storage hut, a litter store connecting units 1 and 2 and a green house/poly-tunnel (ref. **S/1696/92/F**).
8. In 1997 the business had been operating for a number of years and planning permission (ref: **S/1145/97/F**) was granted for an extension to a third unit 3, which at that time had not been built. This application also approved a dwelling on site with a garage, incorporating annexe living accommodation for visiting workers or family members.
9. Last year, application **S/0699/04/F** (to which this application relates) was approved, allowing a fourth unit for poultry to be constructed, along with a potting shed/greenhouse for tree planting intended to provide additional income to the business.
10. **S/0700/04/LDC** for a Certificate of Lawfulness of Existing Development (Section 191) was approved for the annexe.
11. The retrospective application **S/0701/04/F** approved the temporary change of use of unit 2 from agricultural use to caravan storage, until 30<sup>th</sup> June 2008.
12. **S/0937/04/LDC** approved a dwelling, now being erected on the site, as lawful proposed development under Section 192 of the Town and Country Planning Act. Related to this application was **S/0938/04/F**, which granted planning permission for this dwelling to be a different siting, with minor additions to provide a porch.
13. A current undetermined application (ref. **S/1065/05/F**) seeks permission to use units 1, 2, 3 or 4 for the temporary storage of caravans i.e. only one unit at any one point in time is to be used for caravan storage, and would not be restricted solely to unit 2.

### Planning Policy

14. **Policy P1/2 'Environmental Restrictions on Development'** of the Cambridgeshire and Peterborough Structure Plan 2003 ("Structure Plan") states development in the countryside will be restricted unless the proposals can be demonstrated to be essential in a particular rural location; where there is an unacceptable risk to the quality of ground or surface water and; where there could be damage, destruction or loss to areas that should be retained for their biodiversity, historic, archaeological, architectural and recreational value.
15. **Policies 9/2a** of the Structure Plan and **Policy GB2** of the South Cambridgeshire Local Plan 2004 ("Local Plan") identify the purpose of the Green Belt and limits change of use in rural areas to those 'appropriate to a rural area'. 'Appropriate development' includes uses of land that 'preserve the openness of the Green Belt and do not conflict with Green Belt purposes'. **Policy GB3 'The Location of Development'** of the Local Plan requires appropriate Green Belt development to be

located within or adjoining existing complexes in order to protect the rural nature and openness of the Green Belt.

16. **Policy EM10 ‘Conversions of Rural Buildings and Future Extensions’** of the Local Plan, allows the change of use of rural buildings outside of village frameworks where the use will not materially change the existing character or impact of the building, safe and satisfactory vehicular access with car parking and turning within the site can be provided and the scale and frequency of traffic generated can be accommodated within the road system without undue adverse effects.

### **Consultations**

17. **Cottenham Parish Council** has recommended that the application be refused, commenting:

“This farm is within the Green Belt therefore no development other than that for agricultural purposes should be allowed. It is also outside the village envelope. Cottenham Parish Council are not satisfied that this application is linked to agricultural purposes.”

18. **Old West Internal Drainage Board** has no comment from a drainage point of view.

### **Representations**

19. No representations have been received.

### **Planning Comments - Key Issue**

20. The key issues in determining this application are whether poultry is a genuine agricultural activity appropriate to the Green Belt location and whether the variation of condition proposed will enable adequate planning control over the development of the site.

### **Green Belt**

21. The poultry rearing business is an appropriate countryside activity, as established by Section 336(1) of the Town and Country Planning Act 1990, which defines agriculture as including:
- Horticulture, fruit growing, seed growing, dairy farming,
  - The breeding and keeping of livestock (including any creature kept for the production of food, wool, skins or fur, or for the purpose of its use in the farming of land),
  - The use of land as grazing land, meadow land, osier land, market gardens and nursery grounds, and
  - The use of land for woodlands where that use is ancillary to the farming of land for other agricultural purposes.
22. Policy GB2 includes buildings for agricultural as appropriate Green Belt development. Appropriate development should be located within or adjoining existing complexes to protect the rural nature and openness of the Green Belt (Policy GB3). The approved building will be situated close to the existing complex and as such has been found to accord with this policy. Similarly, this building will be viewed against the backdrop of

existing buildings, minimising the visual impact upon the openness and rural character of the Green Belt.

### ***Variation of condition***

23. The condition proposed will enable the poultry business to resume, bio-security to be secured and for the long-term move of the business into free range farming. It is considered that the condition will adequately ensure that the site is used in the long-term for agriculture.
24. It meets the requirements of being necessary, reasonable, enforceable, precise and relevant to the development permitted as set out in Circular 1/85, "Use of conditions in planning permission". The development of the site is only considered to be acceptable if the business is fully re-established and all existing buildings (including unit 3, which is to be completed) are also fully utilised for agriculture. Therefore the condition is both necessary and reasonable. The wording proposed is precise and allows the Council to take enforcement action if not complied with. The condition is relevant to the permission granted for unit four. In summary, it permits a reasonable level of control over the development and ensures that the site is appropriately developed as part of an agricultural business.

### **Recommendation**

25. It is recommended that the planning application be approved with condition two of planning application S/0699/04/F varied to allow construction of unit 4 with its demolition if not used for 12 months:

If building (unit 4), hereby permitted, is not used for the purposes of agriculture for a continuous period of twelve months then, unless the local planning authority has otherwise agreed in writing, the building shall be removed from the land and the land shall, so far as is practicable, be restored to its condition before the development took place, or to such condition as may have been agreed in writing by the local planning authority.

Reason: The site is within the Green Belt where development is limited to appropriate uses; in order to ensure that a proliferation of unused buildings does not result; and that the construction of developments on the site are properly managed.

26. All other conditions of permission, S/0699/04/F, would be re-imposed, as varied to take into account details which have either been submitted or approved.

### **Reasons for Approval**

1. The development is considered generally to accord with the Development Plan and particularly the following policies:

**Cambridgeshire and Peterborough Structure Plan 2003: P1/2** Environmental Restrictions on Development and **P9/2a** Green Belt; **South Cambridgeshire Local Plan 2004: GB2** - Green Belt, **GB3** - The Location of Development and **EM10** - Conversions of Rural Buildings and Future Extensions.

2. The development is not considered to be significantly detrimental to the following material planning considerations which have been raised during the consultation exercise:

- Green Belt

**Background Papers:** the following background papers were used in the preparation of this report:

- South Cambridgeshire Local Plan 2004
- Cambridgeshire and Peterborough Structure Plan 2003
- Planning files refs: S/0699/04/F and S/1066/05/F

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