

**STATEMENT OF CASE RELATING TO OBJECTIONS TO THE
PROPOSED ERECTION OF A DUCK REARING BUILDING WITH
ASSOCIATED FEED BINS AND PROPANE TANKS TOGETHER WITH
THE CONSTRUCTION OF SURFACED HARDSTANDING AS A NEW
VEHICULAR ACCESS (INCLUDING CLOSURE OF EXISTING ACCESS
TO ALL FARM TRAFFIC) ON LAND AT “CEDARS”, MENDLESHAM
GREEN, MENDLESHAM IN THE COUNTY OF SUFFOLK (PLANNING
REFERENCE NO. 2864/06/FUL BEING AN APPLICATION BEFORE THE
MID SUFFOLK DISTRICT COUNCIL)**

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**STATEMENT OF CASE RELATING TO OBJECTIONS TO THE
PROPOSED DEVELOPMENT**

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**OBJECTIONS LODGED ON BEHALF OF MR AND MRS BARKER OF
FIR TREE FARM, MENDLESHAM GREEN, STOWMARKET, SUFFOLK,
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1. The proposed development scheme put forward by the Applicant involves a very substantial development scheme which will inevitably have a significant impact upon the locality if the application were to be approved. The application involves the erection of a very large building in a prominent position within the landscape together with an associated new road and associated ancillary structures. The current application constitutes a second attempt to put forward a scheme for proposed development on the site after the first application did not proceed. The site is located in close proximity to the existing settlement known as Mendlesham Green. The application site is located in a sensitive location given the proximity of the built-up area of Mendlesham Green to the west and the open countryside to the north and east. It is noted that there is a public footpath close to the application site and the site is also observable from Tan Office Lane. The proposed development is also located adjacent to an existing pig rearing unit.

2. Given the above context, it is unsurprising to find that the proposed scheme has attracted objections based on the following issues:-
 - a. Objections based on the adverse impact that the proposed development would have on the local landscape.

- b. Objections to the proposed soft landscaping scheme put forward by way of mitigation by the applicant on the grounds that the said soft landscaping scheme is clearly inadequate and would not achieve the objective of screening the proposed development.
- c. That the proposed large building which forms part of the proposed scheme will have an adverse impact upon visual amenities.
- d. That the proposed development will have an adverse impact upon residential amenities of those occupying residential properties within Mendlesham Green by virtue of additional noise and disturbance arising from the passage of lorries and the significant odour nuisance that would be generated by the duck rearing unit.
- e. That the proposed development involves the generation of additional traffic through the local highway network around Mendlesham Green. The significant increase in additional lorry movements would not only cause noise and disturbance to local residents but also would cause congestion and potential danger on the local highway network.
- f. The proposed development also contravenes the policies within the Suffolk County Structure Plan 2001 and in particular Policy ENV4.

- g. The proposed development also contravenes policies in the Mid Suffolk Local Plan 1998 and in particular Policy CL13, Policy CL14 and Policy CL15.
 - h. The proposed development, if permitted, would create a precedent which would be cited in similar applications in the area and would in particular be cited in favour of the possible creation of a further duck rearing unit within the same agricultural holding. The creation of such a precedent would undermine the ability of the Local Planning Authority to resist similar unacceptable and intrusive development in the area in the future.
3. There are a number of concerns relating to the information currently available relating to the application in its present form. Curiously, the applicant does not appear to have lodged a detailed report on the impact of the proposed development upon the landscape in terms of its character, quality and visual impacts. Furthermore, it is also noted that the applicant has not submitted a report on the impact of the inevitable odour nuisance that will be generated by the proposed development upon the amenities of local residents. Given the very substantial size of the proposed development scheme, one would have expected detailed reports to have been submitted

providing a clear assessment of the environmental impacts of the proposed development. It is considered that in the absence of such documentation at this stage it is not possible for the application to be considered any further given the wide ranging environmental impacts generated by the proposed development scheme. The application is defective in that it does not have adequate information in order to be fully considered and it would be highly inappropriate for the Mid Suffolk District Council to approve such a defective application and in the absence of adequate information.

4. Given that the proposed development scheme also contravenes a number of policies set out in the Statutory Development Plans, it is also therefore clear that the legal presumption in favour of the application of those policies applies in this case. Accordingly, given that the proposed development is inconsistent with the policies set out in the Statutory Development Plan then it is legally presumed that the proposed development should be rejected on the grounds that it fails to comply with the said Policy Framework.
5. It should also be noted that there are other material planning considerations which need to be taken into account before a decision can be made on the current proposals. In particular, it should be noted that in cases of this nature

where significant environmental impacts will be caused by the proposed development, one must consider alternative sites where the proposal could be located and where the relevant environmental impacts may be less. Accordingly, it is considered that the issue of alternative sites for the proposed development is an important material consideration and that the applicant should have given consideration to alternative sites before formulating this particular proposal for this site at the “Cedars”. It is noted that the applicant already operates duck rearing buildings at Walnut Tree Farm in Stowupland and the applicant should be encouraged to consider alternative proposals either on that farm or elsewhere.

6. The legitimate concern of local people over the impact of a proposed development upon their living conditions is also a significant material planning consideration. In this case, local residents have already been subjected to odour problems generated by the existing pig rearing unit on the site. Local residents have already been adversely affected by a frequent pig waste odour problem and the resulting fly infestation arising therefrom. This particular problem is particularly acute during the process of cleaning out and the storage of pig waste. Local residents have discovered that the foul odour produced by the pig unit can last for up to three days at a time even

when there is no wind. Clearly, the experiences gained by local residents relating to the pig rearing unit are relevant to the proposals in the Planning Application in that the proposal for a duck unit in close proximity to the pig rearing unit will both compound and exacerbate the problem. Local residents consider that the combination of odour from the duck unit and the pig unit will create a wholly intolerable situation for local residents and will generate a significant odour nuisance which would significantly undermine the residential amenities of the residents of Mendlesham Green. It should be noted that the cycles and rotation periods for the ducks and pigs will not take place simultaneously and accordingly the odour problems generated by respectively the ducks and the pigs will occur consecutively rather than concurrently. Accordingly, the period of time during which local residents will be subjected to extensive and unacceptable odour problems will be extended over a much longer period than that which currently takes place should the development proceed. It is a significant material planning consideration and one that needs to be considered by Mid Suffolk District Council carefully. In essence, the proposed development will inevitably involve the creation of an intolerable odour nuisance over a longer period of time. Local residents will not only experience odour nuisance over a longer period of time but also on a more frequent basis and sometimes will even

experience the mixed odour nuisance caused by both pigs and ducks simultaneously. Given that the application site is located within close proximity to a number of residential properties, it is clearly intolerable for such a proposal for development which would cause such an odour nuisance to be put forward on the application site. It is abundantly clear that the odour nuisance to be caused by the ducks would not be in any way “masked” or obscured by existing odour nuisance generated by the pigs. The nature of the odour nuisance generated by ducks is materially different from that generated by pigs and also from that generated by poultry. It is considered that it is totally unacceptable for two different odour nuisances to be generated in close proximity to one another. The combined effect of two differential odour nuisances would clearly be far more obnoxious and pungent than the creation of one single odour nuisance.

7. The absence of an environmental statement assessing and analysing the extent of the potential odour nuisance arising from the proposed duck unit is surprising. At the very least, the application should be supported by a clear environmental statement assessing the impact of the nuisance and also incorporating plans indicating the scope of the nuisance by way of a “odour plume analysis”. The proposed development is very substantial and

significantly large to warrant the production of an environmental statement given the anticipated odour nuisance that would arise. The Council is therefore encouraged to submit a request to the applicant to now provide an environmental statement on this subject before the application can be considered any further. In particular, reference should be made to the environmental assessment regulations and the guidelines laid down by DEFRA.

8. When considering a contentious application of this nature, the Local Planning Authority must, of course, bear in mind that it ought not to approve any application which will, if implemented, create a nuisance. In this case, the proposed development will inevitably create an unacceptable odour nuisance and accordingly the Council must take steps to avoid making a decision which would result in creating a nuisance. Clearly, it would be inadvisable for the Local Planning Authority to become involved in approving a proposal which would create circumstances very similar to those experienced by local residents in the village of Woolpit.

9. The Council is reminded of the terms of the Policy CL15 in the Mid Suffolk Local Plan 1998 which provides that proposals for livestock buildings and

associated structures will not be permitted where they materially injure residential amenity or where appropriate measures are not included for the containment and disposal of effluent. It is abundantly clear from the points mentioned in the preceding paragraphs that the proposals in the current application will have a significant and material impact upon residential amenities. It therefore follows that the proposal does not comply with Policy CL15 on this point. Furthermore, there does not appear to be sufficient information indicating that appropriate measures are guaranteed for the containment and disposal of effluent. At the present time, local residents are experiencing nuisance created by the existing way in which effluent is dealt with on the site arising from the use of the pig rearing unit. Unfortunately, the current Planning Application does not provide any reassurance that these problems will not be repeated in relation to the duck unit. For example, the Planning Application does not incorporate any information concerning the amount of effluent that will be generated and how it will be spread across the land. There is simply an absence of any relevant data on this subject and there does not appear to be any recognition of the status of the site as a “nitrates vulnerable zone”. The classification of the site as a nitrates vulnerable zone indicates that environment agencies concerned about the existence of nitrates pollution in the waterways and accordingly must

therefore monitor organic and chemical fertilisers spread on the land. It is curious that the Planning Application does not recognise this point. Furthermore, the Planning Application does not incorporate any information concerning the trigger levels relating to effluent disposal having regard to the existence of nitrates pollution. The absence of such vital information is surprising and worrying.

10. It should also be noted that Policy CL15 is also contravened by the proposals set out in the current Planning Application because the proposed livestock buildings and associated structures should not be permitted given that they significantly intrude into the landscape. Curiously, the application also fails to provide details concerning the impact of the development upon the landscape. Given the size of the proposals set out in the Planning Application, one would have expected a comprehensive landscape impact report to have been prepared setting out an expert opinion on the impact of the proposed development upon the character and quality of the local landscape. At the very least, one would expect evidence to be put forward concerning the zones of visual influence relevant to the proposed development. The building proposed as part of the application would measure 24.38 metres x 91.44 metres. It is proposed that the new building

would accommodate approximately 12,000 ducks. In addition, the ancillary structures would incorporate two feed bins together with propane gas tanks required for the heating of the building. Given the size of the structures, it is quite clear that they would clearly have a significant impact upon the landscape. In essence, the building, by virtue of its scale and mass, is totally unacceptable in the proposed location. It is far too large in terms of its scale and in terms of its footprint. The resulting ridge height of just over 8 metres inevitably means that the building will be visible from a number of public highways in the area. In essence, the building would extend unacceptably into open countryside and is therefore contrary to the relevant planning policies which include not only Policy CL15 but also Policy CL13. It should be noted that given the size and design of the building, it will not be in harmony with the existing agricultural buildings on the site and it will have an adverse impact upon the visual amenities of the landscape. Clearly, the size and bulk of the building inevitably means that the proposal will contravene Policy ENV4 in the Suffolk County Structure Plan 2001. It is clear that the building will have an adverse impact upon landscape quality and character within the countryside.

11. It is also noted that the proposals to “mitigate” the adverse impact upon the landscape that will be created by the proposed development are clearly inadequate. In essence, the proposals set out in the proposed landscaping scheme put forward as part of the Planning Application does not comply with Planning Policy Statement No. 7 and Annex E annexed thereto. In essence, the scheme wholly fails to provide any form of adequate mitigation. The proposed scheme is defective because the proposed hedge and tree planting will be far too widely spread to provide any form of screening. The proposals will not screen the proposed building. There is no mitigation proposal shown between the access road and the property known as “Woodfield”. There will never be any adequate planting to interrupt the outline of the building on the landscape. Furthermore, the mitigation scheme does not put forward detailed proposals for the quantities or specifications of the plants to be planted and does not provide any scheme of maintenance. In particular, it should be noted that no indication is provided concerning the heights of all of the plants to form part of the mitigation scheme. The defects in the mitigation scheme are obvious and there is no clear indication as to when the mitigation scheme would reach maturity in any event.

12. It should also be noted that the proposed development would lead to an unacceptable increase in traffic generation on the local highway network. Again, it would appear that there is an absence of detailed information relating to the impact of the proposed development upon the local highway network. One would have expected the application to be supported by a detailed highway report prepared by a highway engineer putting forward an assessment of the traffic generation and the impact upon the local highway network. Curiously, the applicant's "Design and Access Statement" merely states that "the number of additional movements can be forecast with a fair degree of accuracy based on experience of other similar units". In the subsequent sub-paragraphs, the applicant seeks to demonstrate that the increase in the number of lorry movements would not be significant. This is not backed up by specific expert opinion and the assessment put forward in the Design and Access Statement is based upon assumptions. Clearly, the fact that the applicant seeks to install an additional access to the site indicates the need to accommodate additional large lorry movements in order to facilitate the proposed development.

13. Furthermore, the introduction of the new access road will in itself create an additional traffic hazard for those using the local highway network. The

proposed access will form a junction with the existing road at a point which will create a hazard for road users. It should be noted that the details contained within the Planning Application lack the precision and clarity one is entitled to expect in applications of this nature. It is therefore considered that there is inadequate information concerning the impact upon the local highway network of the additional traffic movements and an absence of information concerning the computation of the actual traffic movements that are actually anticipated. It is also considered that there is insufficient information available as part of the application to demonstrate how the proposed new access could be used safely. It therefore follows that this is a further ground upon which the application clearly fails to comply with Policy CL15. It should be noted that proposals for the livestock buildings and associated structures will not be permitted under that Policy where the local road system cannot accommodate the flow of traffic generated by the proposal. It is clear from the current information available that there is insufficient information to demonstrate that the terms of that Policy can be complied with.

14. Given the points mentioned above, it is now abundantly clear that any decision to approve the proposals set out in the Planning Application would

constitute an unacceptable precedent. The Council simply cannot afford to create such a precedent which would be cited in future by other applicants in support of equally unacceptable proposals. Furthermore, within the site at the “Cedars”, it should be noted that there is additional land available which may be used for creation of an additional duck rearing unit should the current proposals be approved. This is an important material planning consideration which must be borne in mind.

15. In conclusion, it is therefore considered that the proposals set out in the current Planning Application are unacceptable and should therefore be refused on the basis of the specific objections mentioned above.

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