The Planning Inspectorate

Appeal Decisions

Hearing Held on 29 September 2020
Site visit made on 30 September 2020

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2020

Appeal A
Appeal Ref: APP/K1128/W/20/3249870
Land at Lowerdale, Woodleigh, Kingsbridge, Devon, TQ7 4DS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr & Mrs David Merrin against the decision of South Hams District Council.
- The application Ref 3760/19/FUL, dated 15 November 2019, was refused by notice dated 14 January 2020.
- The development proposed is provision of general purpose building (1 of 2).

Appeal B
Appeal Ref: APP/K1128/W/20/3249872
Land at Lowerdale, Woodleigh, Kingsbridge, Devon, TQ7 4DS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr & Mrs David Merrin against the decision of South Hams District Council.
- The application Ref 3761/19/FUL, dated 15 November 2019, was refused by notice dated 14 January 2020.
- The development proposed is provision of general purpose building (2 of 2).

Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for general purpose building (1 of 2) at Land at Lowerdale, Woodleigh, Kingsbridge, Devon, TQ7 4DS, in accordance with the terms of the application, Ref 3760/19/FUL, dated 15 November 2019, subject to the conditions in the attached schedule.

Appeal B

2. The appeal is allowed and planning permission is granted for general purpose building (2 of 2) at Land at Lowerdale, Woodleigh, Kingsbridge, Devon, TQ7 4DS, in accordance with the terms of the application, Ref 3761/19/FUL, dated 15 November 2019, subject to the conditions in the attached schedule.

Preliminary Matters

3. The linked appeals relate to separate buildings of matching dimensions, albeit one a handed version of the other. They are located opposite one another, with a gap of approximately seven metres between them. The buildings form part of

the same farming enterprise and are intended to be used for the same agricultural purposes.

4. The buildings had been constructed at the time of my site visit, although the development was incomplete insofar as the surface water drainage soakaways had not been constructed.

Main Issues

5. The main issues common to both appeals are:

- whether there is a proven agricultural need for the building;
- the effects of the proposal on best and most versatile agricultural land;
- the effects of the proposal on the character and appearance of the area, including on hedgerows; and
- the effects of the proposal on the living conditions of neighbouring occupiers.

Reasons

Agricultural need

6. The appeal site forms part of the extensive 500 acre (200 hectare) farming enterprise based at Hendham View Farm which is an approved finishing unit (AFU), producing Aberdeen Angus beef for supply to a range of supermarkets.

7. During my site visit, I saw the extensive range of farm buildings on the main farm and the functions that they served. The appeal buildings were clearly more alike those used for livestock housing purposes, with gated enclosures and feeding troughs with a gap between them to enable farm vehicles to unload feed. In floorspace terms, the buildings have a combined capacity to accommodate up to approximately 500 calves.

8. At the time of my visit, the buildings' floors had been largely cleared of bedding, the gated compartments left open and some areas were in use for the storage of large bales of straw. Whilst the interior of the buildings can clearly be navigated by large vehicles for cleaning and to enable the depositing of items for storage, the degree of ventilation provided by the buildings achieves a degree of versatility that a fully enclosed storage building could not.

9. I heard from the Council that it perceived the evidence about the use of the buildings to be misleading and that their use for livestock housing last winter indicated that they were specifically constructed for this reason as opposed to the 'general purposes' detailed on the forms.

10. The appellant confirmed that the location of the buildings away from the main farm was intentional insofar as they had served a role as an isolation unit for an intake of TB[1]-restricted calves. Whilst no specific details were provided about the minimum distances that isolation units needed to be from a main farm, it is clear that both the appeal site and the other isolation unit at Topsham Bridge[2] are quite self-contained from the other buildings and that biosecurity measures would be simpler to implement owing to their degree of separation. It was explained that there is an isolation unit permitting process which needs to be

[1] Bovine Tuberculosis
[2] 61/1801/12/F

updated for each intake of restricted cattle as necessary. When not needed specifically for isolation, the buildings can serve a role for the overwintering of cattle. However, the appellants claimed that as a grass-based farm, the buildings would be used for the worst of the winter months for animal welfare and in order to maintain the condition of the grazing, but that this would be for no longer than necessary owing to the greater costs of feed, bedding and additional labour requirements that would be generated otherwise.

11. It is clear from the hearing that the initial evidence did not entirely explain the intended purpose of the buildings for accommodating livestock during winter and for TB-related reasons as necessary. Such use has wider implications than a general purpose agricultural storage use would. However, I am mindful of the financial investment that the buildings represent and the circumstances that resulted in their construction without planning permission in 2019, in order to preserve an intake of cattle which was otherwise considered suitable for the food chain. Within this context, the need for the buildings has been adequately demonstrated and is consistent with the wider farming operation involving grass-kept cattle for beef production as part of an AFU, and against the backdrop of regular disruptions caused by the threat and restrictions associated with bovine TB.

12. In view of this main issue, the agricultural need for the buildings has been adequately proven. The proposals therefore comply with Policy TTV26 (2) (iv) of the Joint Local Plan[3] which requires that development in the countryside responds to a proven agricultural need that requires a countryside location.

Best and most versatile agricultural land

13. It was agreed by the Council that protected agricultural land was Best and Most Versatile (BMV) land falling within grades 1, 2 and 3a of the Agricultural Land Classification. It was suggested that the site falls within grade 3, with the subcategory unknown. Whether the wider farm was of a similar or higher grading was also unknown and it was therefore difficult to conclude whether the site and wider farm actually comprised BMV land or not.

14. The appellants' evidence comprises a range of photographs showing the site area as separate from the adjoining fields having been used as a form of yard with an aged agricultural storage building on it. Further evidence included an extract from a Rural Land Register map showing the eligibility for rural subsidies from various parcels of land around the farm. This suggests that the 0.68 hectare area on which the buildings are located has been ineligible for payments due to a range of factors, including its size, landcover and use.

15. I consider that the scale of the site, enclosed by hedgerows, accommodating a storage building and a number of gateway openings, has limited the agricultural productivity of the appeal site compared to the grazed areas of the wider farm. There is little evidence that the site itself has been used for either pastoral or arable purposes in recent history and I consider that its role has been limited to an ancillary supporting agricultural function, which is also important in the context of a wider working farm. The introduction of buildings, which are clearly designed and intended for an agricultural function, and which can help to maintain the condition of the productive agricultural land during the inclement winter months, does not frustrate the need to protect BMV land.

[3] Plymouth and South West Devon Joint Local Plan 2014 – 2034 (adopted 2019)

16. In view of this main issue, the schemes do not harmfully affect the availability or productivity of BMV agricultural land and therefore accords with Policy TTV26 (2)(v) of the Joint Local Plan which requires that the use of BMV land is avoided where appropriate. Though not specified in the Council's decision notice, this aspect is also considered under Joint Local Plan Policy SPT1 which requires that BMV land is protected for agricultural use, which is true of the appeal proposals.

Character and appearance of the area

17. The appeal buildings are very large, portal framed agricultural buildings with some open sections but otherwise timber and concrete walls and light-coloured sheet roofing. Notwithstanding the deliberate gap in the middle, they cover an area in the order of 1,620 sqm.

18. With the regular occurrence of largescale farms within the 'Landscape Character Type (LCT) 5A: Inland elevated undulating land'[4], the appeal buildings are not in themselves, incongruous. Their scale is at the upper end of those typically found, but their form, type and functional appearance are otherwise regular in comparison to those frequently found elsewhere within the district.

19. In respect of the sparsely settled pattern of the area, the tucked away location of the buildings largely conceals their presence and maintains the perception of a sparsely settled landscape. The site was not undeveloped anyway, with an older building existent on it for a number of years. Whilst there would be an interruption to the area's tranquillity, the surrounding land would have been used for agricultural purposes and the comings and goings associated therewith would continue to have an impact on this characteristic in any event.

20. In terms of their visual impact, the buildings are set down in a dip in the landscape. Their wider visibility is constrained, predominantly by landform but also by the existence of trees and hedgerows. The main viewpoints from where the buildings can be seen is from the top of the track from the rural road which leads down to the site and from an adjoining gateway. Otherwise, there are very limited places from where the roofs can be seen as a minor part of the view, such as from Torr, some 2.5 km away. Though the Council's critique of the submitted Landscape and Visual Appraisal highlights the absence of an assessment, I qualify the effects of the proposals from the affected viewpoints as being adverse, albeit of a minor magnitude.

21. Private views can be obtained from land surrounding Lowerdale Farm, Lowerdale Barn and Orchard Barn, but at a distance and with intervening trees that avoids them being particularly noteworthy in this context. Views from windows of these dwellings are largely prevented by their orientation but again, also by intervening landform and trees.

22. For such sizeable buildings, their siting within an enclosed landform has helped minimise the landscape character and visual effects. I agree that the light, reflective colour of the roofs is more obvious than a recessive or muted colour and this is a drawback of the schemes. However, there are instances of similar coloured roofs elsewhere in the area which have weathered and darkened over time and the same would be expected to happen with the appeal buildings.

23. A landscaping scheme also has the ability to close down the limited views of the buildings that do exist from public viewpoints. Whilst the submitted landscape

[4] A Landscape Character Assessment for South Hams and West Devon (2018)

plans show a combination of woodland and tree planting and a new hedgerow, there are improvements that could be made to ensure that such measures harmonise with the intrinsic pattern of tree and woodland cover within the wider LCT. Such alterations to the landscaping scheme could be secured by planning condition.

24. In terms of landscape management, the Council confirmed at the hearing that the submitted landscape management scheme was suitably robust. Given that the buildings would not be intended as 'temporary', thus negating the need for an 'exit strategy', the agreement of a finalised landscape management plan by condition could ensure the long-term success of the landscaping measures would help enhance the immediate and wider setting of the site.

25. Another issue discussed in relation to the landscape features was the compatibility of the vehicles used in the farming operations and their effects on the characteristic Devonian hedgebanks. Despite the absence of a baseline condition survey, there was some evidence of the bases of the hedgerows being scuffed and clipped, with a minor degree of impact on their overall aesthetic quality. Whilst not apparent at the time of my visit, such damage could also jeopardise the health of the hedges and their long-term contribution to landscape character.

26. The impact on the hedgerows is difficult to attribute to just one particular farm's machinery as there are numerous other farms and related businesses in the surrounding area. Furthermore, the issue of hedgerow damage was not isolated to the roads between the appeal site and main farm, or in the wider surroundings. Whilst I cannot rule out an increase in farm vehicles using the local roads as a result of the appeal proposal, I am also mindful that the livestock would need tending to in any event, and that the lanes to the other isolation unit at Topsham Bridge were similarly narrow but did not appear as affected as those nearer the main farm.

27. The discussion about mitigation or management measures also resulted in an admission that there was little that could be implemented to address the effects on hedgerows. As long as the roads are maintained as part of the public road network without restrictions on the nature of vehicles using them, then such effects are likely to occur. Whilst regrettable, it is not clear that there is a direct relationship between the appeal proposal and hedgerow damage, or that any contributory role that it plays could be mitigated in any event.

28. Drawing together this main issue, the appeal schemes affect the landscape character and visual qualities of the area to a minor degree. However, with additional landscape mitigation and the natural, gradual effects of weathering, these effects are capable of being mitigated to a level that ensures the overall quality of the area is maintained. The schemes therefore comply with Joint Local Plan Policies TTV26 and DEV23, which require that development proposals are located and designed to respect scenic quality and maintain an area's distinctive sense of place. For similar reasons, the schemes also comply with the National Planning Policy Framework (the Framework), which seeks to ensure development contributes to and enhances the natural and local environment.

Living conditions of neighbouring occupiers

29. The buildings are located in a valley in which the former farmhouse, Lowerdale Farmhouse, and converted barns, now known as Lowerdale Barn and Orchard

Barn, are also situated. These are now occupied by families unrelated to the farming enterprise. The nearest dwelling to the appeal buildings is approximately 240 metres away and has field used for cattle grazing directly adjacent to its boundary.

30. A noise assessment was undertaken and submitted with the appeal which shows that background noise levels in the area are very quiet. The noise that emanated from the buildings was measured as being attributable to two sources; the cows, and the tractor that delivers the feed.

31. The tractor was measured as being the noisiest daytime noise, i.e. the 'worst case scenario', although the duration of the noise was in the order of seven minutes. Such instances would occur twice daily, for younger cattle, and either end of a normal working day. The cattle were noisiest immediately prior to feeding times, and when disturbed by human activity generally. The worst case scenario at night was when the cattle were startled by something which resulted in relatively short bursts of noise, i.e. a duration of 15 minutes.

32. The only instance of the noise modelling showing an adverse impact was at night with a 'worst case scenario' event with all other 'typical' night-time and daytime noise scenarios being considered to result in a low impact. Whilst preferably avoidable, the instances of the 'worst case' scenario would be occasional and only for short durations if and when it occurred. Taken in context with the irregularity of such instances, the seasonal pattern of use of the buildings and the likelihood of windows being closed throughout the duration of the nights when potentially harmful events could occur, it is not considered that there would be harm to the living conditions of neighbours.

33. In view of this main issue, the schemes do not result in undue harm to the living conditions of neighbouring occupiers and therefore comply with Policy DEV1 of the Joint Local Plan which requires that existing residents are protected from noise disturbance. For similar reasons, the proposal also complies with the Framework in this regard.

Other Matters

34. The appellants acknowledged that the surface water soakaways as shown in the proposed site layout plans had not been constructed. Due to the bad weather at the time of my visit, surface water was passing through a pipe and falling freely out into a wet area in the south-eastern corner. This area flows into a spring which runs down the eastern hedge of the adjoining field and through the garden of Lowerdale Barn.

35. The area immediately to the south of the buildings is waterlogged and the field adjoining it has a similar marshy quality with reed plants growing in it. The degree of water already present on the site, its adjacency with the watercourse and a high water table could indicate that the site is not suited to a simple soakaway solution, particularly not based on the limited details provided within the evidence.

36. Whilst this matter did not need to be promoted to a main issue, it is clear that a suitable surface water drainage scheme needs to be devised, given the scale of the buildings considered in the context of the site's conditions and potential effects downstream. This aspect was considered capable of being resolved by conditions, albeit different to those originally suggested by the Council.

37. In terms of management of waste, a copy of the Waste Management Plan (WMP) clarified that the cattle were housed on a straw-based system and that no slurry was produced. Waste straw and manure is transported for storage and eventually spread across the surrounding fields in accordance with a Code of Good Practice[5] and the farm's own management principles in order to qualify for rural payment subsidies. The WMP submitted to support the appeals indicated that waste products are capable of being handled in a manner that would avoid adverse environmental effects. With particular respect to the site, there would be a need to ensure that any waste manure were not stored on areas which served as part of the surface water infrastructure.

38. I noted the narrowness and high-hedged nature of the rural roads between the appeal site and the main farm, though they are typical of roads elsewhere in the district. Neighbouring occupiers have expressed concerns in relation to the use of these roads by large machinery and vehicles. I also note the anecdotal evidence of regular conflicts between the farm machinery and drivers of domestic vehicles, pedestrians and equestrians.

39. Undoubtedly, vehicles of the size used by the farming enterprise are perceived as more intimidating in such enclosed roads and slower vehicle speeds would help to maintain a safer highway network for all users. However, the appellants' vehicles are not the only ones that use the surrounding road network and the need to tend livestock in the fields would still result in a number of vehicle movements in any event. Particularly given the absence of any concerns from the Local Highway Authority in this regard, I do not consider that the schemes themselves are linked with any prejudice to highway safety.

40. I also note the more generalised concerns that the farming enterprise has outgrown the area and that taken holistically, the sight of the buildings, the cumulative effects of noise, odours and minor conflicts on the roads, result in a less pleasant environment for local residents. I considered these effects in light of Article 1 of the Human Rights Act (1998), which affords individuals the right to the peaceful enjoyment of their home and possessions.

41. Whilst I cannot prejudice the outcome on any future decision relating to any future growth, I am sympathetic to the affected residents who had not anticipated the expansion of the farm onto the appeal site. However, the potential impacts on property values is not a material planning consideration. Moreover, the combination of the effects of the proposals, considered in the context of the typical sights, sounds and smells of the countryside, and associated use of the road network by its vehicles and livestock, are not so direct or so harmful to suggest that the proposals should be dismissed.

Conclusion

42. The schemes comply with the Development Plan, considered as a whole, for the reasons outlined above. There are no considerations of sufficient materiality that suggest that decisions should be made other than in accordance therewith.

43. Therefore, both Appeals A and B are allowed.

[5] Protecting our Water, Soil and Air – A Code of Good Agricultural Practice for farmers, growers and land managers

Conditions

44. As the buildings have been constructed to accord with the dimensions and in the positions shown on the plans, the statutory timescale conditions requiring implementation are not necessary. However, for the avoidance of doubt, the approved plans are listed in respect of both appeals.

45. In order to avoid any flooding or harmful environmental effects, conditions relating to surface water drainage schemes are necessary. For similar reasons, and to avoid any conflict with the operation of the surface water schemes, it is necessary to require the adherence to agreed waste management plans for the storage of waste bedding/manure.

46. In the interests of the character and appearance of the area, it is necessary to require the submission of landscaping schemes and their subsequent management thereafter.

47. The surface water, landscaping and waste management conditions are imposed to ensure that the required details are submitted, approved and implemented so as to make the developments acceptable in planning terms. There is a strict timetable for compliance because these permissions are being granted retrospectively and it is not possible to use negatively-worded conditions to secure the approvals and implementation. The conditions will ensure that the developments can be enforced against if the requirements are not met.

48. Consideration was given to the potential for the buildings to allow for a more intensive year-round livestock housing system and whether conditions would be needed in order to prevent such an occurrence. Due to the potential night-time noise effects and the suggested mitigation from the use of the buildings only during the winter months, I have adapted the conditions specifying the use of the buildings to clarify that they are intended for use for livestock during only the months of the year when overwintering and TB isolation are likely to be necessary and when windows of neighbouring dwellings are more likely to be closed overnight.

49. Whilst the Council raised concerns that the need to isolate TB-restricted cattle could occur outside of the permitted timeframe, the conditions are clear and business operations would need to be planned to take into account their respective restrictions, particularly in the context of the submitted evidence and the acknowledgement that the business has access to at least one other unit capable of being used for isolation away from the main farm. In respect of any flexibility afforded by permitted development rights (PD rights), I have not sought to further limit any PD rights but nor have I indicated that any would apply in any case. These conditions also require the eventual removal of the buildings if they cease to be used for agricultural purposes in accordance with a restoration scheme to be agreed at the relevant juncture.

50. It is also necessary to impose conditions to ensure that no external lighting is installed at the site at any time in the interests of biodiversity and landscape character.

Hollie Nicholls

INSPECTOR

DOCUMENTS SUBMITTED

Document 1	Waste management plan
Document 2	Link to Plymouth and South West Devon Joint Local Plan Supplementary Planning Document (adopted June 2020)
Document 3	Landscape and visual comments from Council's specialist
Document 5	Decision notice for Topsham Bridge building
Document 6	Site location plan for Topsham Bridge isolation unit

APPEARANCES

FOR THE APPELLANT:

David Merrin	Appellant
Amanda Burden BSc(Hons) FAAV, FBIAC	Partner – Luscombe Maye
Joss Bennatt PgDip LA CMLI	Green Earth Landscape
Timothy Sherlock-Brown MIOA MSc	Blue Acoustics

FOR THE LOCAL PLANNING AUTHORITY:

Jacqueline Houslander BA DipUD, MRTPI	South Hams District Council
Amanda Urmson BSc Dip LA	South Hams District Council

INTERESTED PARTIES:

Mr Brian Jones	Lowerdale Barn, Woodleigh
Mr John Graham	The Church House, Woodleigh

SCHEDULE OF CONDITIONS – APPEAL A

1) The development hereby permitted shall be carried out and retained in accordance with the following approved plans:

   - Site Location Plan, Ref SHDC02
   - Site Layout Plan, Ref SHDC01
   - General Purpose Agricultural Building 1, Ref DM01

2) Unless within two months of the date of this decision a scheme for the provision of a surface water drainage scheme following a series of percolation tests (DG 365 standard tests) is submitted in writing to the Local Planning Authority for approval, and unless the approved scheme is implemented within two months of the Local Planning Authority's approval, the use of the building shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented.

   If no scheme in accordance with this condition is approved within four months of the date of this decision, the use of the building shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme approved by the Local Planning Authority is implemented. Upon completion of the approved scheme specified in this condition, that scheme shall thereafter be maintained. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

3) Unless within two months of the date of this decision a scheme for the provision of landscaping and subsequent management is submitted in writing to the Local Planning Authority for approval, and unless the approved scheme is fully implemented within the following planting season following the Local Planning Authority's approval, the use of the building shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented.

   If no scheme in accordance with this condition is approved within four months of the date of this decision, the use of the building shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme approved by the Local Planning Authority is implemented. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained in accordance with the approved management plan. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

4) Unless within two months of the date of this decision a scheme for the provision of waste management is submitted in writing to the Local Planning Authority for approval, and unless the approved scheme is implemented within two months of the Local Planning Authority's approval, the use of the building shall cease and all equipment and materials

brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within four months of the date of this decision, the use of the building shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme approved by the Local Planning Authority is implemented. Upon implementation, the building shall thereafter be used in accordance with the waste management scheme. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

5) The use of the building hereby permitted shall be restricted to agricultural purposes only. The use of the building for cattle isolation and/or overwintering shall not occur other than between 1st October and 1st April each year.

Where the development hereby permitted ceases to be used for the above purposes within ten years from the date of this permission and planning permission has not been granted authorising development for purposes other than those set out above within three years of the permanent cessation of the agricultural use, and there is no outstanding appeal, the building must be removed and the land restored to its former condition in accordance with a scheme that shall first have been approved in writing by the Local Planning Authority.

6) There shall be no floodlighting or other external lighting at the site.

SCHEDULE OF CONDITIONS – APPEAL B

1) The development hereby permitted shall be carried out and retained in accordance with the following approved plans:

- Site Location Plan, Ref SHDC02
- Site Layout Plan, Ref SHDC01
- General Purpose Agricultural Building 2, Ref DM02

2) Unless within two months of the date of this decision a scheme for the provision of a surface water drainage scheme following a series of percolation tests (DG 365 standard tests) is submitted in writing to the Local Planning Authority for approval, and unless the approved scheme is implemented within two months of the Local Planning Authority's approval, the use of the building shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented.

If no scheme in accordance with this condition is approved within four months of the date of this decision, the use of the building shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme approved by the Local Planning Authority is implemented. Upon completion of the approved scheme specified in this condition, that scheme shall thereafter be maintained. In the event of a legal challenge to this decision, or to a

decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

3) Unless within two months of the date of this decision a scheme for the provision of landscaping and subsequent management is submitted in writing to the Local Planning Authority for approval, and unless the approved scheme is fully implemented within the following planting season following the Local Planning Authority's approval, the use of the building shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented.

   If no scheme in accordance with this condition is approved within four months of the date of this decision, the use of the building shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme approved by the Local Planning Authority is implemented. Upon implementation of the approved scheme specified in this condition, that scheme shall thereafter be maintained in accordance with the approved management plan. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

4) Unless within two months of the date of this decision a scheme for the provision of waste management is submitted in writing to the Local Planning Authority for approval, and unless the approved scheme is implemented within two months of the Local Planning Authority's approval, the use of the building shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme is approved and implemented.

   If no scheme in accordance with this condition is approved within four months of the date of this decision, the use of the building shall cease and all equipment and materials brought onto the land for the purposes of such use shall be removed until such time as a scheme approved by the Local Planning Authority is implemented. Upon implementation, the building shall thereafter be used in accordance with the waste management scheme. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

5) The use of the building hereby permitted shall be restricted to agricultural purposes only. The use of the building for cattle isolation and/or overwintering shall not occur other than between 1st October and 1st April each year.

   Where the development hereby permitted ceases to be used for the above purposes within ten years from the date of this permission and planning permission has not been granted authorising development for purposes other than those set out above within three years of the permanent cessation of the agricultural use, and there is no outstanding appeal, the building must be removed and the land restored to its former condition in

accordance with a scheme that shall first have been approved in writing by the Local Planning Authority.

6) There shall be no floodlighting or other external lighting at the site.