



To substantiate the following

- A mixed use of agriculture and processing of milk throughout the past 10 years

**Comments received** A large number of letters have been received in relation to the

This is not an application for planning permission and any comments received would only be relevant if they have relevance to the lawfulness of the use or otherwise

As explained in the introduction the planning merits of the application do not fall to be considered therefore many of the comments received have no bearing on the application and cannot be taken into account.

### **Assessment**

The applicant has submitted evidence to support the claim that the use commenced more than 10 years ago and has continued until the present day.

The issue to be determined is whether on the balance of probability the evidence put forward is sufficient to enable a Certificate to be issued.

What is clear from the information submitted is that the farm has produced milk from their own cows over the years and there has been some importation of milk from elsewhere. The production and processing of milk from the farms own animals is an agricultural use.

That situation has change in recent years with the erection of new buildings without planning permission, the use of agricultural buildings for non agricultural purposes, the formation of hardstanding to enable vehicle parking and maneuvering, the erection of silos and an electricity sub station. This has led to a intensification of the use and character of the use which the Council considers requires planning permission. As a result of these changes the importation and processing of milk has intensified which has led to increased traffic movements to and from the site leading to an increase in noise generated, and visual impact on the Green Belt due to the various unauthorised development undertaken.

The applicant has suggested that based on the evidence submitted that the Council could grant a partial certificate on those parts of the site unaffected by the unauthorised development. However, to do so would ignore the fact that a material change of use has occurred within the planning unit as a whole and not within a separate identifiable planning unit.

In view of the unauthorised development which has taken place at the site over the last 10 years the evidence submitted does not demonstrate therefore that the use of the site for a mixed use of agriculture and milk processing is lawful.

**Recommendation: Refuse**

**Reason**

The Council consider that the evidence submitted fails to demonstrate the lawfulness of the use described in the application.