Liley Farm
Planning Statement

Marsdens Farms Ltd

09 May 2024

LICHFIELDS

LICHFIELDS

Lichfields is the pre-eminent planning and development consultancy in the UK

We've been helping create great places for over 60 years.

lichfields.uk

64918/01/JG/RBa
29237471v3

Contents

1.0 Introduction

1.1 This Planning Statement has been prepared by Lichfields on behalf of the Applicant, Marsdens Farms Ltd, to accompany a full planning application proposing the change of use of an existing agricultural building to form a water bottling facility (Use Class B2) at Liley Farm, Liley Lane, Millhouse Green.

1.2 The description of development is:

"Change of use of an existing agricultural building to water bottling facility (Use Class B2)"

1.3 Having regard to Section 38 (6) of the Planning and Compulsory Purchase Act 2004, this Planning Statement explains how the proposed development at Liley Farm conforms to relevant policies contained within the statutory Development Plan for Barnsley and all other relevant material considerations, including the relevant parts of the National Planning Policy Framework.

Application Submission

1.4 This Planning Statement should be read in conjunction with the other documents which accompany the application, including:

- Planning application form and ownership certificates
- Site Location Plan and Architectural Drawings
- Application covering letter
- Planning Statement (this document)
- Transport Statement
- Preliminary Ecological Appraisal

Structure of Report

1.5 This Planning Statement is structured as follows:

- **Section 2.0** – summarises the background to the application proposals, including details of the application site and its planning history.
- **Section 3.0** – provides details of the proposed development.
- **Section 4.0** – sets out the relevant local and national planning policy context.
- **Section 5.0** – assesses the proposed development within the context of prevailing planning policy objectives.
- **Section 6.0** – sets out the conclusions to the Statement.

2.0 Site Description

Site Location and Context

2.1 Liley Farm comprises 2.04 acres of land. It lies to the immediate south of Liley Lane, just 145 metres east of the A628 Manchester Road and 1.3 km south-west of Millhouse Green.

2.2 Liley Farm is an active pastoral farm with associated buildings in agricultural use. The wider farm comprises an existing detached stone farmhouse with garden which is located to the east, a cluster of agricultural buildings and surrounding associated farmland. The agricultural buildings vary in their age, materials and design. The topography of the site is relatively flat.

2.3 This planning application relates to the change of use of an existing agricultural building which is located within the southern part of the cluster of buildings (shown in red in Figure 1 below). The building extends to 856sqm (GEA) and is of permanent and substantial construction with a concrete blockwork plinth and corrugated metal walling and roofing.

Figure 2.1 : Site Location

Source: Google Earth

2.4 The site is accessed directly from Liley Lane which connects with Manchester Road. Manchester Road provides connections towards surrounding settlements and the strategic road network. The M1 is located approximately 7.5km to the east of the site and can be accessed in approximately 15 minutes.

2.5 The wider site is bounded by:

- Agricultural fields to the west with Manchester Road beyond.

- Remaining farm curtilage to the south with open fields beyond (demarcated by dry stone walls, hedgerows, and trees).
- Liley Lane to the north with agricultural fields beyond.
- A two-storey detached farmhouse to the east with agricultural fields beyond.

Planning History

2.6 The wider site's planning history includes planning permissions for various agricultural buildings and an agricultural worker's dwelling. Prior approval was also granted in 2016 for the conversion of the stone built Liley Barn into an additional agricultural worker's dwelling (ref: 2016/0607) albeit this was not implemented.

Pre-Application Advice

2.7 In May 2023, a pre-application request was submitted to Barnsley Council, seeking advice on the comprehensive redevelopment of the site.

2.8 The advice received indicated that *"In principle I would have no objection to the conversion of some of the agricultural units into industrial uses, however we would need significant justification to be provided which would explain the requirement to diversify the farm business and to justify the loss of these agricultural buildings."*

2.9 Following the Council's pre-application advice, the Applicant has developed proposals to convert one of the existing agricultural buildings into a water bottling facility. This would take advantage of a commercial drinking water abstraction licence granted by the Environment Agency and would achieve the diversification of the existing farming operations whilst also maintaining a commercial use on the site, boosting the rural economy in this location.

3.0 The Proposed Development

3.1 Marsdens Farms Ltd is currently exploring options to diversify its existing agricultural operations at Liley Farm to support and ensure the long-term viability of this rural farming business which has been operating from this location since the 1950s.

3.2 In line with a growing national trend acknowledged by the Government[1], the ongoing use of the site as a fully operational farm is no longer financially viable in the current climate. The Applicant is therefore considering options to diversify the farming operation and introduce other rural business proposals alongside this which respect the character of the countryside and can support the ongoing agricultural use. These proposals are the subject of this planning application.

3.3 Preliminary investigations have identified that Liley Farm is a suitable location for the abstraction of water, and the Environment Agency has granted the Applicant an 18-year licence to abstract 30,000 cubic metres of water per year for the purposes of providing a 'commercial supply to bottle water for drinking'. The licence (NE/027/0005/031) is enclosed at Appendix 1 and identifies a specific point of abstraction (National Grid Reference SE 21567 02307) and means of abstraction (a borehole not exceeding 72m in depth and 200mm in diameter with 125mm uPVC lining with a submersible pump). The location of the licensed borehole is shown on the enclosed Existing and Proposed Site Plan (22328-FSA-IU-SI-DR-A-1003 P02). Two additional boreholes are also shown indicatively and further licences may be sought from the Environment Agency if planning permission is granted for the principle of such a use in this location.

3.4 In order to house the necessary equipment to abstract, process and bottle drinking water, this application seeks planning permission for:

"Change of use of an existing agricultural building to water bottling facility (Use Class B2)".

3.5 As shown on the submitted plans, no external alterations are proposed to the existing agricultural building to facilitate the proposed use at this stage. Nor are any external alterations proposed to the wider Liley Farm site.

3.6 The wider site is surfaced in concrete and the submitted Transport Statement demonstrates that safe and suitable access to the facility for employees and servicing could be achieved from Liley Lane. Adequate parking and turning facilities already exist within the farmyard for this building and no additional amendments are proposed as part of this application.

3.7 This planning application simply seeks confirmation that the change of use of the agricultural building to form a bottling facility would be appropriate within this location.

If planning permission is granted for the change of use of the existing agricultural building to a water bottling facility, a further planning application, and / or discharge of condition application, would then be made to secure approval for any required physical alterations to the building alongside the installation of the boreholes, plant and any other necessary physical works.

[1] https://www.gov.uk/government/news/government-underlines-commitment-to-british-farmers

4.0 Planning Policy Context

4.1 A full policy review has been undertaken as part of the preparation of this application and key policies are identified below.

Statutory Development Plan

4.2 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 establishes the legal requirement for planning applications to be determined in accordance with the Statutory Development Plan unless material considerations indicate otherwise.

4.3 The statutory Development Plan for the site comprises the Barnsley Local Plan (adopted 2019) and Penistone Neighbourhood Development Plan (made in 2019).

Barnsley Local Plan

- **Policy GD1 (General Development)** – sets out that development should address a range of planning considerations, including but not limited to, residential amenity, compatibility with neighbouring uses, landscaping and environmental impact.
- **Policy E6 (Rural Economy)** – sets out that the Council will encourage a viable rural economy which:
  - Supports the sustainable diversification and development of the rural economy;
  - Results in the growth of existing businesses;
  - Is related to tourism or recreation; or
  - Improves the range and quality of local services in existing settlements.

  Development is also expected to:
  - Be of a scale proportionate to the size and role of the settlement;
  - Be directly related, where appropriate, to the needs of the settlement;
  - Not have a harmful impact on the countryside, biodiversity, Green Belt, landscape or local character of the area;
  - Consider the re-use of existing rural buildings in the first instance; and
  - Protect the best quality agricultural land, areas of lower quality agricultural land should be used for development in preference to the best and most versatile land.
- **Policy T3 (New Development and Sustainable Travel**) – sets out that new development will need to be designed and located to be accessible and consider potential highways impacts.
- **Policy T4 (New Development and Transport Safety)** – sets out that new development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement.
- **Policy BIO1 (Biodiversity and Geodiversity)** – seeks to conserve and enhance biodiversity and geodiversity in the borough.

- **Policy GB1 (Protection of Green Belt) –** sets out that the Green Belt will be protected from inappropriate development.
- **Policy GB3 (Changes of use in the Green Belt) –** allows the change of use of buildings in the Green Belt provided that certain criteria are met.

Penistone Neighbourhood Development Plan

4.4 Whilst the site falls within the Penistone Neighbourhood Development Plan Area, there are no policies of relevance to the site itself or the proposed change of use.

Other Material Considerations

National Planning Policy Framework

4.5 The National Planning Policy Framework (NPPF) is a material consideration in the determination of planning applications.

4.6 The NPPF contains the Government's planning policies for England; it promotes sustainable growth and gives support to the need to support a prosperous rural economy.

4.7 The NPPF requires Local Planning Authorities to approve development proposals that accord with the Development Plan without delay. Paragraph 11 states:

> *"Plans and decisions should apply a presumption in favour of sustainable development.*
>
> *For **decision-taking** this means:*
>
> c *approving development proposals that accord with an up-to-date development plan without delay; or*
>
> d *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*
>
> i *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
>
> ii *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole"*

4.8 In relation to economic rural diversification proposals within the Green Belt, the NPPF seeks to support a prosperous rural economy with paragraph 88 stating that planning decisions should enable *"the sustainable growth and expansion of all types of business in rural areas through conversion of existing buildings"* and *"the development and diversification of agricultural and other land-based rural businesses"*.

4.9 Paragraph 89 sets out that decisions should recognise that sites to meet local business needs in rural areas may have to be found adjacent to or beyond existing settlements and in locations that are not well served by public transport.

4.10 In relation to the Green Belt, paragraph 142 sets out that "*The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.*"

4.11 Paragraph 143 sets out the following five purposes of the Green Belt:

a to check the unrestricted sprawl of large built-up areas;

b to prevent neighbouring towns merging into one another;

c to assist in safeguarding the countryside from encroachment;

d to preserve the setting and special character of historic towns; and

e to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.12 Paragraph 155 confirms that certain forms of development are not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These include:

d) the re-use of buildings provided that the buildings are of permanent and substantial construction

4.13 The NPPF is the statement of national policy and is a key material consideration in the determination of planning applications.

Planning Practice Guidance (PPG)

4.14 The PPG provides more detailed guidance to support and assist the interpretation and implementation of policies contained within the NPPF.

5.0 Planning Assessment

5.1 This section of the Statement considers the principle of the proposed development and associated considerations with reference to the summary of relevant local and national planning policy set out in Section 4.

Principle of Development

Supporting the Rural Economy

5.2 There is a nationally recognised need to support profitable farming businesses, improve food security and protect the British agricultural sector for generations to come. In February 2024, the Government announced a major new package of support to help rural communities to achieve this[2]. The announcement included measures to help farm businesses to diversify and run profitable businesses.

5.3 In line with this approach, the NPPF already provides support for economic rural diversification proposals within the Green Belt, with paragraph 88 stating that planning decisions should enable *"the sustainable growth and expansion of all types of business in rural areas through conversion of existing buildings"* and *"the development and diversification of agricultural and other land-based rural businesses"*. This is also reflected in Local Plan Policy E6 which aspires to encourage a viable rural economy.

5.4 In line with this nationally recognised trend, Marsdens Farms Ltd is currently exploring options to diversify its existing agricultural operations at Liley Farm to provide additional income streams in order to support and ensure the long-term viability of this rural farming business as an agricultural operation in line with the Government's aspirations.

5.5 For the reasons fully acknowledged at a national level, the ongoing use of the site as a fully operational farm is no longer financially viable in the current climate. The Applicant is therefore considering options to diversify its farming operation and introduce other rural business proposals alongside this which respect the character of the countryside. These proposals are the subject of this planning application and are a direct response to this nationally recognised need.

5.6 Preliminary investigations have identified that Liley Farm is a suitable location for the abstraction of water, and the Environment Agency has granted the Applicant an 18-year licence to abstract 30,000 cubic metres of water per year for the purposes of providing a 'commercial supply to bottle water for drinking'. The licence (NE/027/0005/031) is enclosed at Appendix 1 and identifies a specific point of abstraction (National Grid Reference SE 21567 02307) and means of abstraction (a borehole not exceeding 72m in depth and 200mm in diameter with 125mm uPVC lining with a submersible pump). The location of the licensed borehole is shown on the enclosed Existing and Proposed Site Plan (22328-FSA-IU-SI-DR-A-1003 P02). Two additional boreholes are also shown indicatively and further licences may be sought from the Environment Agency if planning permission is granted for the principle of such a use in this location.

[2] https://www.gov.uk/government/news/government-underlines-commitment-to-british-farmers

5.7 This application therefore seeks permission for the change of use of an existing agricultural barn at Liley Farm (which is surplus to requirements), to form a water bottling facility (Use Class B2).

5.8 The proposal aligns with paragraph 88 of the NPPF which supports *"the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings"* and *"the development and diversification of agricultural and other land-based rural businesses"*.

5.9 The proposal also aligns with Policy E6 which permits the sustainable diversification and development of the rural economy subject to compliance with a range of requirements which are addressed in the table below:

Table 5.1 Compliance with Policy E6 of the Barnsley Local Plan

Policy Requirement	Response
Be of a scale proportionate to the size and role of the settlement.	The existing building forms part of an established agricultural operation. No external alterations to the building are proposed as part of this application. The proposed operation as a water bottling facility will therefore be physically identical to the existing use. Operationally, the proposal could be accommodated on the existing site with very little impact and would therefore be of a proportionate scale to the site's location.
Be directly related, where appropriate, to the needs of the settlement.	The proposals are necessary to diversify operations at Liley Farm and ensure its long-term viability. Given the location of the water source, the proposed development is also directly related to its location.
Not have a harmful impact on the countryside, biodiversity, Green Belt, landscape or local character of the area.	The scheme's compliance with Green Belt policy is set out below. A preliminary ecological appraisal has been undertaken which concludes that, subject to nocturnal emergence surveys and any necessary mitigation, there would be no harmful impact on biodiversity. No external alterations are proposed as part of this application. Therefore, there will be no impact upon landscape or local character.
Consider the re-use of existing rural buildings in the first instance; and development in preference to the best and most versatile land.	The proposed development comprises the re-use of an existing building.
Protect the best quality agricultural land, areas of lower quality agricultural land should be used for development in preference to the best and most versatile land.	The proposed development comprises the re-use of an existing building and therefore will have no impact on BMV land.

5.10 On this basis, the proposed development complies fully with Local Plan Policy E6.

Green Belt Policy Considerations

5.11 The application site is located within the Green Belt.

5.12 The proposals constitute appropriate development in the Green Belt in line with NPPF paragraph 155 and Barnsley Local Plan Policy GB3 as they comprise the re-use of buildings which are of permanent and substantial construction, would preserve the openness of the Green Belt and would not conflict with the purpose of including land within it. Given the location of the water source, the proposed development is required in this specific location and as the scheme involves the reuse of an existing agricultural building without physical alteration, there would be no impact upon the character and quality of the environment, landscape, biodiversity or the Green Belt. The proposals would support the diversification of this rural business, enabling the ongoing viable operation of the farm alongside an appropriate commercial use.

5.13 Local Plan Policy GB3 (Changes of use in the Green Belt) goes further than the NPPF and sets out additional criteria to be met in relation to the conversion of buildings in the Green Belt. The scheme's compliance with Policy GB3 is confirmed in the table below:

Table 5.2 : Compliance with Policy GB3

Policy Requirement	Response
The existing building is of a form, scale and design that is in keeping with its surroundings	The existing building forms an established agricultural building and is currently in use as a storage shed. The building is of a form, scale and design that is in keeping with its surroundings. The application does not propose any external alterations.
The existing building is of a permanent and substantial construction and a structural survey demonstrates that the building does not need major or complete reconstruction for the proposed new use.	The submitted plans demonstrate that the existing agricultural building is of modern, permanent and substantial construction and can easily facilitate the proposed use without complete reconstruction. No external alterations are proposed to the building as part of this application.
The proposed new use is in keeping with the local character and the appearance of the building.	No external alterations are proposed to the existing building as part of this application. The building is located on an agricultural farm where a range of commercial processes are undertaken and as such the proposed use would be in keeping with this commercial setting and the appearance of the existing and surrounding buildings.
The loss of any building from agricultural use will not give rise to the need for a replacement agricultural building, except in cases where the existing building is no longer capable of agricultural use.	Marsdens Farms Ltd currently own and utilise a range of agricultural buildings on Liley Farm and in the local area. The Applicant has confirmed that its remaining agricultural buildings are sufficient to meet the needs of this farming operation going

Policy Requirement	Response
	forward without the requirement for any additional structures. Notwithstanding this, the change of use of the existing agricultural building to an appropriate commercial use connected with this site, would ensure the long-term viability of agricultural operations at Liley Farm through the diversification of rural income streams.
Be of a high standard of design and respect the character of the existing building and its surroundings, in its footprint, scale and massing, elevation design and materials.	This application does not include any external alterations to the existing building. Therefore, there would be no impact upon the design and character of the existing building or its surroundings.
Have no adverse effect on the amenity of local residents, the visual amenity of the area, or highway safety.	The proposed use would be located within an existing building which currently forms part of a farm where a range of agricultural processes are undertaken. The proposed use would be consistent with those already in operation on the site. There are no nearby neighbouring properties and it is not anticipated that the use would result in any adverse effects on the amenity of local residents. No external alterations are proposed and therefore there would be no impact upon the visual amenity of the area. A Transport Statement supports the application and demonstrates that the proposed use would not have any adverse effects upon highway safety. This is discussed in further detail below.
Preserve the openness of the Green Belt.	No external alterations are proposed to the existing building as part of this application and therefore the proposals would have no impact upon the openness of the Green Belt.

5.14 On this basis, the proposed development complies with Local Plan Policy GB3.

Principle of Development - Summary

5.15 In summary, the principle of the change of use of an existing agricultural building to form a water bottling facility in this location would be acceptable and would comply fully with the requirements of Policies E6 (Rural Economy) and GB3 (Changes of use in the Green Belt) of the Barnsley Local Plan and also the requirements of the National Planning Policy Framework, all of which seek to support the diversification of agricultural businesses and the sustainable growth of businesses in rural areas. The development is therefore acceptable in principle.

Other Considerations

Design and Visual Amenity

5.16 No external alterations are proposed as part of this application. Therefore, there would be no impact upon the appearance of the existing building or the visual amenity of the surrounding area. Visual impacts in relation to Green Belt policy have been assessed in detail in table 5.2 above and have been demonstrated to be acceptable. The proposed development would therefore comply with the design requirements of Policies GD1 and GB3 of the Barnsley Local Plan and the proposed development would have no impact upon the appearance and character of the local area.

Residential Amenity

5.17 As has been set out above, the proposed use would be located within an existing building which currently forms part of a farming operation where a range of agricultural processes are already undertaken. The proposed use would therefore be consistent and compatible with uses that are already in operation on the site. Furthermore, there are no nearby neighbouring properties.

5.18 On this basis, it is not anticipated that the proposed use would result in any adverse effects on the amenity of local residents. The proposed development therefore accords with Policies GD1 and GB3 of the Barnsley Local Plan in this respect.

Accessibility

5.19 The accompanying Transport Statement, prepared by AMA, concludes that no modifications to the site access or surfacing are deemed necessary given the site's existing operation as an agricultural farm. The visibility splays have been assessed and are considered suitable.

5.20 It is anticipated that the proposed development would generate approximately two trips per day for the haulage of water which would not significantly increase traffic volumes. As such, the proposals would not result in an unacceptable impact on highway safety, nor any severe cumulative impacts on the local road network.

5.21 The Transport Statement also concludes that the site can be accessed by existing cycle and public transport facilities and constitutes an appropriate location for development within the context of NPPF paragraph 89 which relates to the accessibility of commercial sites within rural areas.

5.22 In respect of transport considerations, the proposals fully comply with national and local policy in respect of highways and accessibility, notably paragraph 89 and Chapter 9 of the NPPF and Policies T3 and T4 of the Barnsley Local Plan.

Ecology and Biodiversity

5.23 The accompanying Preliminary Ecological Appraisal (PEA), prepared by Tyler Grange, confirms that all statutory and non-statutory designated sites are of sufficient distance from the site and not physically or functionally linked to the site. As such, no impacts are expected on any designated sites, and no mitigation is required in this regard.

5.24 All habitats present on site are of negligible ecological importance as the site comprises entirely artificial built form which offers no biodiversity value. As such, no specific mitigation is required in this regard.

5.25 A biodiversity net gain assessment would not be required on account of the baseline biodiversity value of the site being 0.00 units. The site would therefore fall under the de minimis exemption.

5.26 As the PEA concludes that the existing building has low potential to support roosting bats, nocturnal emergence surveys are recommended before the development commences. This requirement could be secured through an appropriately worded planning condition.

5.27 On this basis, the proposal is fully compliant with national and local policy in respect of ecology and biodiversity, notably paragraphs 180 and 186 of the NPPF and Policy BIO1 of the Barnsley Local Plan.

Summary

5.28 This section of the report has considered the conformity of the proposals with the relevant policies of the statutory Development Plan and also the NPPF and demonstrates that the proposals fully accord with local and national planning policy and are acceptable in planning terms.

6.0 Conclusions

6.1 This Planning Statement has been prepared by Lichfields on behalf of the Applicant, Marsdens Farms Ltd, to accompany a full planning application proposing the change of use of an existing agricultural building to form a water bottling facility (Use Class B2) at Liley Farm, Liley Lane, Millhouse Green. The application site forms part of an existing agricultural operation and is located within the Green Belt.

6.2 There is a nationally recognised need to support profitable farming businesses, improve food security and protect the British agricultural sector for generations to come and the Government has announced a package of measures to help farm businesses to diversity and achieve this[3].

6.3 In line with this nationally recognised trend, Marsdens Farms Ltd is currently exploring options to diversify its existing agricultural operations at Liley Farm to provide additional income streams in order to support and ensure the long-term viability of this rural farming business as an agricultural operation in line with the Government's aspirations. Such an approach is encouraged by both local and national planning policy which seeks to enable the development and diversification of agricultural businesses and supports the sustainable growth of all types of business in rural areas, including through the conversion of existing buildings[4].

6.4 Preliminary investigations have identified that Liley Farm is a suitable location for the abstraction of water, and the Environment Agency has granted the Applicant an 18-year licence to abstract 30,000 cubic metres of water per year for the purposes of providing a 'commercial supply to bottle water for drinking'. The licence (NE/027/0005/031) is enclosed at Appendix 1 and identifies a specific point of abstraction (National Grid Reference SE 21567 02307) and means of abstraction (a borehole not exceeding 72m in depth and 200mm in diameter with 125mm uPVC lining with a submersible pump). The location of the licensed borehole is shown on the enclosed Existing and Proposed Site Plan (22328-FSA-IU-SI-DR-A-1003 P02). Two additional boreholes are also shown indicatively and further licences may be sought from the Environment Agency if planning permission is granted for the principle of such a use in this location.

6.5 This Planning Statement has therefore evaluated the proposed scheme for the *"Change of use of an existing agricultural barn to water bottling facility (Use Class B2)"* against relevant national and local policy.

6.6 This planning application simply seeks confirmation that the change of use of the agricultural building to form a bottling facility would be appropriate within this location. On this basis, the submitted plans do not show any external alterations to the existing agricultural building or wider site to facilitate the proposed use at this stage.

6.7 This Planning Statement has demonstrated that the principle of a water bottling facility in this location would be acceptable and would comply fully with the requirements of Policies E6 (Rural Economy) and GB3 (Changes of use in the Green Belt) of the Barnsley Local Plan

[3] https://www.gov.uk/government/news/government-underlines-commitment-to-british-farmers

[4] Policies E6 (Rural Economy) and GB3 (Changes of use in the Green Belt) of the Barnsley Local Plan National Planning Policy Framework Paragraph 88

and also the requirements of the National Planning Policy Framework, all of which seek to support the diversification of agricultural businesses and the sustainable growth of businesses in rural areas.

6.8 The proposals constitute appropriate development in the Green Belt as they comprise the re-use of buildings which are of permanent and substantial construction, would preserve the openness of the Green Belt and would not conflict with the purpose of including land within it. Given the location of the water source, the proposed development is required in this specific location and as the scheme involves the reuse of an existing agricultural building without physical alteration, there would be no impact upon the character and quality of the environment, landscape, biodiversity or the Green Belt. The proposals would support the diversification of this rural business, enabling the ongoing viable operation of the farm alongside an appropriate commercial use.

6.9 On this basis, the proposal is in accordance with relevant local and national policies and should be approved without delay.

Appendix 1 Water Abstraction Licence

Water Resources
LICENCE TO
ABSTRACT
WATER

Environment Act 1995
Water Resources Act 1991 as amended by the Water Act 2003
Water Resources (Abstraction and Impounding) Regulations 2006

IMPORTANT NOTES

Need for safekeeping

This licence is an important document. The permission or right to abstract water may be valuable to your landholding. So -

- **Keep the licence safe, preferably with your deeds etc.**
- **Take careful note of the comments below about "transfer and apportionment" and "death and bankruptcy".**

This is to ensure that the permission and any rights granted by the licence continue if you need to pass it on to someone else.

If you want to:

- **revoke (cancel) the licence;**
- **notify us of the death or bankruptcy of the licence holder ;**
- **vary (change/amend) the licence in any way**
- **change the owner of the licence or**
- **change your contact address (but you continue to hold the licence).**

You can find our forms on .GOV UK or alternatively contact us for advice on how to make any changes by calling our National Customer Centre on 03708 506 506

Transfer and apportionment (split)

If you need to pass this licence or any part of it to someone else, you must contact the Environment Agency and obtain the appropriate application forms. Temporary licences cannot be transferred or apportioned. The licence holder remains responsible for compliance with the terms of the licence and any charges payable until the licence has been transferred or apportioned.

Death or bankruptcy of the licence holder

'Vesting' is the transfer of responsibility and ownership of a licence when an existing licence holder is no longer able to hold the licence either through death or bankruptcy.

If a licence has been **'vested'** in you, as a result of the death or bankruptcy of the licence holder, please contact the Environment Agency in writing, telling us the licence number(s) and the date that the licence vested in you as a personal representative or trustee of the licence holder. This is necessary in order to enable you to subsequently transfer the licence.

You must notify us in writing within **15 months** of the date of vesting, being either death or bankruptcy of the licence holder giving the full names of all personal representatives or trustees and a contact address.

Time limits

Your licence may be subject to a time limit (were appropriates this will be shown on the front of your licence). All new abstraction licences are legally required to include a time limit. For variations to licences, time limits are added in accordance with our policy.

The duration of a time limit is determined in accordance with our time limiting policy. The time limit is linked to the next or subsequent review of water resources within the relevant Abstraction Licensing Strategy (ALS)

At the end of the time limit, we should be able to renew the licence if:

- there is no damage to the environment;
- the need for the abstraction can still be justified;
- water is being used efficiently; and
- you still meet the legal requirements for getting a licence.

If your licence is time limited and you wish to renew it when it expires, you will need to apply for a new licence to replace the existing one. You are advised to submit this application at least six months before it expires. To allow you to give early consideration to this, we will send you a reminder approximately 18 months before the expiry date.

If your licence cannot be renewed, we will endeavour to give at least six years notice. We will also endeavour to give at least six years notice where the licence is likely to be renewed on different terms and will significantly impact upon the use of the licence.

In exceptional circumstances, for example where there are other overriding statutory duties such as the Habitats Regulations, it may not be possible to provide six years notice.

Charges

Unless specifically exempted, we will levy an annual charge for water authorised to be abstracted by this licence, in accordance with our abstraction charges scheme in force at the time. To work out your charges, please refer to our Scheme of Abstraction Charges available on GOV.UK.

Quantity and quality of water

You must not abstract more than the quantity specified in the licence.
The Environment Agency does not, by issue of this licence or otherwise, in any way guarantee that the source of supply will produce the quantity of water authorised to be abstracted by this licence, nor that the water is fit for its intended use.

The quantity of water authorised for abstraction is given in cubic metres. One cubic metre is approximately 220 gallons.
(The precise conversion is 1 cubic metres = 219.969 gallons).

Source of supply and authorised point of abstraction

You may abstract from the point(s) specified in the licence and from no other points. If you want to add or change the authorised point(s) of abstraction, you must apply to us to vary the licence.

Purpose for which water is authorised to be used

You may only use the water for the purpose(s) specified in the licence. You must apply to us to vary the licence if you wish to add to or change the purpose(s).

Offences

Under the Water Resources Act 1991 it is an offence:-

- to abstract water, or cause or permit any other person to abstract water, unless the abstraction is authorised by and in accordance with an abstraction licence, or is subject to an exemption;
- to do anything to enable abstraction, or to increase abstraction, except in accordance with an abstraction licence or exemption;
- to fail to comply with the conditions of an abstraction licence.

Note in particular that it may be a condition of the licence to maintain the meter or other measuring device etc. and failure to do so will be an offence;

- to interfere with a meter or other device which measures quantities of water abstracted so as to prevent it from measuring correctly;
- to fail to provide information which we have reasonably required for the purpose of carrying out any of the Environment Agency's water resources functions;
- to knowingly make false statements for the purpose of obtaining a licence or consent or in giving required information.

The requirement for a licence is subject to some exemptions, set out in the Water Resources Act 1991 as amended. If in any doubt as to whether you need a licence, contact us at the address shown at the bottom of the front page of the licence.

Right of appeal

If you are dissatisfied with our decision on your licence application, you have the right to appeal against our decision.

You should write to the Secretary of State for the Environment, Food and Rural Affairs, care of The Planning Inspectorate at:
The Environment Team
3A Eagle Wing,
Temple Quay House,
2 The Square,
Temple Quay,
Bristol,
BS1 6PN

Alternatively you can obtain an on-line appeal form at:
https://www.gov.uk/government/publications/water-abstraction-and-impoundment-appeal-form

You must serve notice of appeal within 28 days of the date of receipt of this licence (although the Secretary of State has power to allow a longer period for serving notice of appeal). See Water Resources Act 1991, section 43.

Disclosure of information

Details of this licence are placed on a register, kept by the Environment Agency and open for inspection by the public. The public may also obtain further details about it by virtue of the Environmental Information Regulations 2004 (see also Disclosure of Information) except in special cases (for advice please contact us at the address shown on the front page of the licence).

Members of the public are also entitled to ask us for other "environmental information" it holds, including any activities likely to affect "the state of any water" or any "activities or other measures designed to protect it". That would include the information additional to the licence document e.g. any related agreement or abstraction returns. In certain restricted circumstances it is possible to claim that information should be kept confidential. If you require more information about keeping this information off the public register because it is confidential, please contact us by writing to the address shown on the front page of the licence within 28 days of receiving this licence.

Licence Serial No:	NE/027/0005/031

Please quote the serial number in all correspondence about this licence

Environment Agency

FULL LICENCE TO ABSTRACT WATER

The Environment Agency ("the Agency") grants this licence to:-

Marsdens Developments Limited ("the Licence Holder")

308-310 Sandygate Road
Sheffield
South Yorkshire
S10 5SF

Company registration number 04209125

This licence authorises the Licence Holder to abstract water from the source of supply described in the Schedule of Conditions to this licence and subject to the provisions of that Schedule. The licence commences from the effective date shown below and shall remain in force until the date of expiry shown below.

Signed ...E.J.Hallam.....

E.J.Hallam
Permitting Team Leader

Environment Agency
Permitting and Support Centre
Water Resources Team
Quadrant 2
99 Parkway Avenue
Parkway Business Park
Sheffield
S9 4WF

Date of issue ..... 17 April 2023

Date effective ..... 17 April 2023

Date of expiry ..... 31 March 2041

The licence should be kept safe and its existence disclosed on any sale of the property to which it relates. Please read the 'important notes' on the cover to this licence.

Note: References to "the map" are to the map which forms part of this licence.
References to "the Agency" are to the Environment Agency or any successor body.

SCHEDULE OF CONDITIONS

1. SOURCE OF SUPPLY

1.1 Underground strata comprising of Lower Coal Measures at Liley Farm, Liley Lane, Millhouse Green, Sheffield.

2. POINT OF ABSTRACTION

2.1 At National Grid Reference SE 21567 02307 marked 'A' on the map.

3. MEANS OF ABSTRACTION

3.1 A borehole not exceeding 72 metres in depth and 200 millimetres in diameter with 125 millimetre uPVC lining with a submersible pump.

4. PURPOSES OF ABSTRACTION

4.1 Agriculture other than spray irrigation.

4.2 Commercial supply to bottle water for drinking.

5. PERIOD OF ABSTRACTION

5.1 All year.

6. MAXIMUM QUANTITY OF WATER TO BE ABSTRACTED

6.1 <u>For condition 4.1:</u>

5 cubic metres per hour
100 cubic metres per day
12,000 cubic metres per year

At an instantaneous rate not exceeding 1.3 litres per second.

6.2 The aggregate quantity of water authorised to be abstracted under this licence for the purpose of conditions 4.1 and 4.2 shall not exceed:

5 cubic metres per hour
100 cubic metres per day
30,000 cubic metres per year

At an instantaneous rate not exceeding 1.3 litres per second.

Note: an hour means any period of 60 consecutive minutes, a day means any period of 24 consecutive hours and a year means the 12 month period beginning on 1 April and ending on 31 March.

7. MEANS OF MEASUREMENT OF WATER ABSTRACTED

7.1 (i) No abstraction shall take place unless the Licence Holder has installed a meter to measure quantities of water abstracted.

(ii) The Licence Holder shall position and install the meter in accordance with any written directions given by the Agency.

(iii) The Licence Holder shall calibrate, maintain, repair or replace the meter to ensure that accurate measurements are taken at all times.

(iv) The Licence Holder shall keep all records of meter repair or replacement including evidence of current certification and / or results of flow checking for inspection by the Agency for a period of 6 years.

8. RECORDS

8.1 The Licence Holder shall take and record readings of the meter specified in condition 7.1 at the same time each month during the whole of the period during which abstraction is authorised or as otherwise approved in writing by the Agency.

8.2 The Licence Holder shall send a copy of the record to the Agency within 28 calendar days of 31 March in each year or within 28 calendar days of being so directed in writing by the Agency or alternatively the Licence Holder shall send summary data from the record as specified by the Agency.

8.3 Each record shall be kept and be made available during all reasonable hours for inspection by the Agency for at least 6 years.

9. FURTHER CONDITIONS

9.1 The Licence Holder shall measure and record each month the water level in the abstraction borehole at National Grid Reference SE 21567 02307 marked ‘A’ on the map.

9.2 The Licence Holder shall send a copy of the record containing the water level data to the Agency along with the annual return of abstraction quantities within 28 days after 31 March each year or within 28 calendar days of being so required in writing by the Agency.

9.3 The minimum value for the quantity of water authorised to be abstracted under this licence, as referred to in section 46(2A) Water Resources Act 1991, is 30,000 cubic metres per year.

ADDITIONAL INFORMATION

Note: the following is provided for information only. It does not form part of the licence.

REASONS FOR CONDITIONS

The abstraction is required to be metered to demonstrate compliance with the terms of the licence and to provide information on actual water usage for water planning purposes.

The licence is time-limited to a date to reflect the timing of a future review of the catchment resources availability.

The licence includes groundwater monitoring conditions to safeguard the environment and existing protected rights.

For condition 9.1, water level records shall be submitted annually to yorks_gw_apps@environment-agency.gov.uk within 28 calendar days of 31 March.

The licence includes condition 9.3 as a requirement under section 46(2A) of the Water Resources Act 1991. The condition allows the Agency to put forward proposals to vary the licence so as to reduce the maximum authorised quantity which may be abstracted to the figure specified within the condition, without the Agency having to pay compensation to the Licence Holder, if the reduction is necessary to protect the availability of water in this source of supply. In this case we do not anticipate that a reduction will be necessary and have therefore set the quantity to match the maximum authorised annual volume.

IMPORTANT NOTES

Abstraction Reform

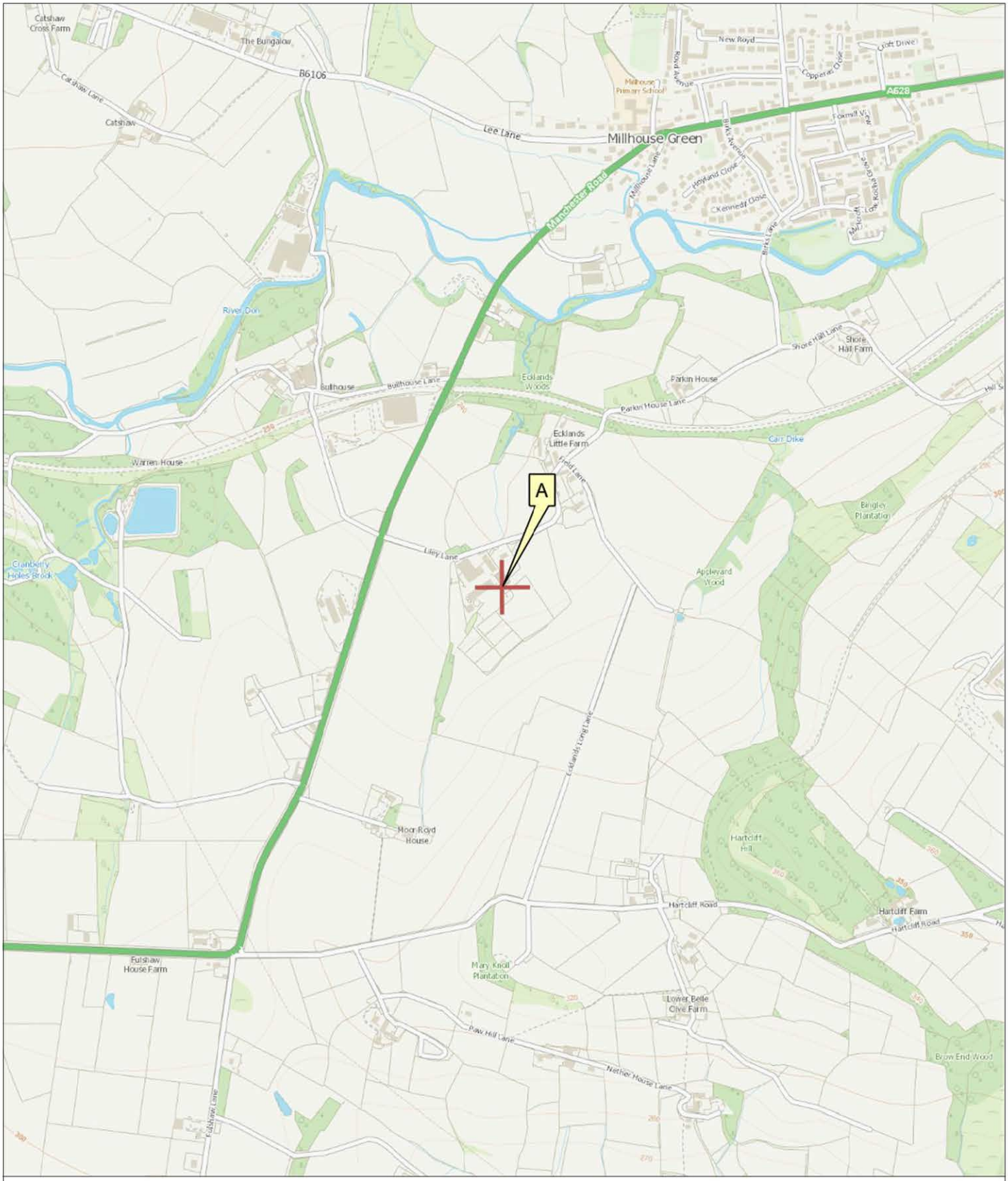
We have granted this licence in line with current legal requirements and policies on managing water resources. However, Government have consulted on reforms which may affect the duration, quantities and management of licences before your current licence expires (ends), where appropriate. You should take account of this when making business decisions. If you would like to find out more, please search for 'abstraction reform' on gov.uk.

Water efficiency note

The Licence Holder should use water abstracted under the terms of this licence in an efficient manner. The Agency may refer to its guidance on water efficiency (or equivalent guidance) in determining whether water is being used efficiently and may offer advice on any measures considered necessary to meet particular recommendations.

Metering

The Agency will have regard to its Abstraction Metering Good Practice Manual (or equivalent guidance) in directing any of the following: where the meter should be located or how it should be installed; whether the meter measures accurately, and/or is properly maintained; whether it is necessary to require repair or replacement of the meter.



0 500

Metres

Environment Agency

MAP ACCOMPANYING LICENCE NUMBER NE/027/0005/031

Scale 1:10,000

N W E S

Would you like to find out more about us, or about your environment?

Then call us on
03708 506 506 (Mon-Fri 8-6)

email
enquiries@environment-agency.gov.uk

or visit our website
www.gov.uk/environment-agency

Incident hotline 0800 80 70 60 (24hrs)
Floodline 0345 988 1188

Environment first: This publication is printed on paper made from 100 per cent previously used waste. By-products from making the pulp and paper are used for composting and fertiliser, for making cement and for generating energy.

Birmingham
0121 713 1530
birmingham@lichfields.uk

Bristol
0117 403 1980
bristol@lichfields.uk

Cardiff
029 2043 5880
cardiff@lichfields.uk

Edinburgh
0131 285 0670
edinburgh@lichfields.uk

Leeds
0113 397 1397
leeds@lichfields.uk

London
020 7837 4477
london@lichfields.uk

Manchester
0161 837 6130
manchester@lichfields.uk

Newcastle
0191 261 5685
newcastle@lichfields.uk

Thames Valley
0118 334 1920
thamesvalley@lichfields.uk

@LichfieldsUK

lichfields.uk