

**Parish: Ainderby Steeple**  
Ward: Morton-On-Swale

Committee Date : 05 March 2020  
Officer dealing : Ms Helen Ledger

**1** Target Date: 25 October 2019  
Date of extension of time: 09 March 2020

**19/01823/FUL**

**Construction of a covered manure store, associated hardstanding and underground dirty water tank with additional landscape planting.  
at OS Field 0026 (A684) Land east of Ainderby Steeple, North Yorkshire  
For Mr Charlton.**

## **1.0 Site context and proposal**

- 1.1 The site is located to the north of the A684 and accessed directly from the road via an existing agricultural field access. The site is set in the open countryside approximately half way between Ainderby Steeple and the western edge of Northallerton. The site is 0.5km to the east of the nearest dwelling on the edge of Ainderby Steeple.
- 1.2 The landscape around the site is open and gently undulating. The land rises up from the road to the north and includes a small area of former field boundary to the north east containing one tree and some smaller shrubs indicating a former hedge line. It is understood that manure is currently stored in the open air immediately to the east of the site in an east/west linear position. Use of this area is constrained by a utility pipeline which runs under this area and would prevent construction of the foundations of any building.
- 1.3 The proposal is for a covered manure store, to replace the existing midden located in the adjacent field. The application includes associated hardstanding, concrete base and underground tank to store foul water. It is understood government policy is changing and in order to prevent pollution of the natural environment such stores should be located undercover to prevent contaminated water run-off. The design would prevent the dirty water runoff.
- 1.4 The proposed building extends to 32m x 15m with an eaves height of 6.7m and a ridge height of 8.5m. The building will not result in any increased amount of manure being produced. The application relates solely to offering the business a more environmentally sensitive manure storage facility.
- 1.5 During the course of the application it became clear that the originally proposed location for the proposed manure store had potential to impinge on the long distance views across an otherwise open landscape. It is not located adjacent the existing farmstead or any other agricultural buildings. The proposal has been amended to rotate the position of the building through 90 degrees bringing the long side adjacent the main road to the south. Design improvements have been sought to create a semi open sided structure to offer some views through to the landscape beyond. Indicative landscaping has been proposed including managing the existing hedging to a higher level and adding new trees and shrubs behind.

## **2.0 Relevant planning policy and enforcement**

2.1 None

## **3.0 Relevant planning policies**

3.1 The relevant policy of the Development Plan and any supplementary planning policy advice are as follows;

Core Strategy Policy CP1 - Sustainable development

Core Strategy Policy CP2 - Access

Core Strategy Policy CP4 - Settlement hierarchy

Core Strategy Policy CP16 - Protecting and enhancing natural and man-made assets

Core Strategy Policy CP17 - Promoting high quality design

Development Policies DP1 - Protecting amenity

Development Policies DP6 - Utilities and infrastructure

Development Policies DP9 - Development outside Development Limits

Development Policies DP26 - Agricultural issues

Development Policies DP30 - Protecting the character and appearance of the countryside

Development Policies DP31 - Protecting natural resources: biodiversity/nature conservation

Development Policies DP32 - General design

Development Policies DP33 - Landscaping

Development Policies DP42 - Hazardous and environmentally sensitive operations

National Planning Policy Framework (NPPF)

Hambleton emerging Local Plan

As set out in paragraph 2 of the NPPF planning law requires that applications for planning permission be determined in accordance with the Development Plan unless material considerations indicate otherwise. The law is set at Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990. The Hambleton Local Plan Publication Draft July 2019 has completed the 'Representations' period (30th July 2019 to 17th September 2019). The Development Plan for Hambleton is the Local Development Framework and the emerging Local Plan at this time is no more than a material consideration to which only limited weight can be afforded.

## **4.0 Consultations**

4.1 Ainderby Steeple Parish Council - has no objections to the proposed agricultural building now that it has the additional tree planting.

4.2 NYCC Highways - A site visit was undertaken and assessment made of the visibility available at the existing field access and the suitability of the existing access to cater for the vehicles servicing the proposed development. Visibility on to the A684 was found to be satisfactory and be suitable to cater for the vehicle visiting the site to service the proposed development. No Local Highway Authority objections subject to the use of the recommended conditions.

- 4.3 Environmental Health - No negative impact likely or potential nuisance identified. No objections.
- 4.4 Contaminated Land - No objections based on the submitted PALC form identifying no risks.
- 4.5 Environment Agency - no objection response submitted subject to the following comments.  
Any new or substantially altered agricultural facility must comply with the Control of Pollution (Silage, Slurry and Agricultural Fuel Oil (SSAFO) Regulations 2015 and as amended 2018.  
All farms should be constructed and operated in accordance with the advice contained in DEFRA's 'Protecting our Water, Soil and Air - a code of good agricultural practice for farmers, growers and land managers'. Specifically, flooring should be impermeable and any internal drainage should all be directed to a sealed drainage system. Adequate maintenance and emptying of this system will need to be undertaken to prevent polluting discharges off-site. Down pipes from the roof area should be sealed at the base to ensure there is no potential of infiltration from any contaminated water. Appropriate methods should be employed to ensure all clean water is kept separate to the contaminated drainage.  
The underground dirty water tank associated with this development will require an environmental permit under the Environmental Permitting (England & Wales) Regulations 2016, from the Environment Agency, unless an exemption applies. The applicant is advised to contact the Environment Agency.
- 4.6 NYCC Heritage Services - The location of the proposed building is within close proximity to a Roman aisled building discovered during the installation of the Ainderby to Bullamoor pipeline. The Roman building was adjacent to the A684 and approximately 100m to the west of the proposal. An Anglo-Saxon cemetery was also observed on the northern side of the A684 near Howden Bridge approximately 800m to the east of the proposal. The line of the road appears to be well established and has attracted significant activity from at least the Roman period onwards. It is recommended a scheme for archaeological mitigation and recording is secured by a pre-commencement condition. The applicant has agreed to the use of these conditions.
- 4.7 National Grid - The site is close to a High-Pressure Gas Pipeline. NG has removed their previous holding objection to the above proposal based on the revised positioning and a recent a site visit and now issued a no objections response to the proposed building and landscaping proposals. The applicant's attention is drawn to the Planning (Hazardous Substances) Regulations 1992, the Land Use Planning rules and PADHI (Planning Advise for Developments near Hazardous Installations) guidance published by the HSE, which may affect this development. No buildings should encroach within the Easement strip of the pipeline. Concurrent advice about not starting work until notifying also received from Cadent gas network.
- 4.8 Site notice posted. No near neighbours notified as the site is in the open countryside surrounded by agricultural land on all sides.

## **5.0 Analysis**

- 5.1 The main issues to consider are the i) principle of development, ii) the impact on the landscape and any long distance views, including countryside character, iii) highway safety and iv) amenity.

### **Principle of development**

- 5.2 The proposal will support an existing farming operation which is a mix of arable and livestock (pig rearing and finishing unit), by providing a sustainable location to store manure generated as part of their farming enterprise in a manner compliant with government policies to control pollution.
- 5.3 The site has been selected due to its central location within the applicants' arable cropping area, whilst also offering a substantial separation distance from the nearest non-associated dwellings, including the village of Ainderby Steeple, outside of the applicant's ownership. It would have been preferred to locate the proposed structure on the edge of, or close to, the existing farmstead; however this area falls within a Ground Water Source Protection Zone which prevents such a building and use. Bio-security also requires that manure is stored away from young piglets meaning other on-site farm locations are also considered unacceptable.
- 5.4 It is clear this proposal is necessary to support a well-established farming enterprise and that other sites for such a structure have had to be excluded due to environmental, ground water protection zones, and bio security constraints. Therefore it is found in principle this proposal can comply with policy CP4.

### **Landscape Character and appearance**

- 5.5 Policy DP30 protects the character and appearance of the countryside for its own sake, and makes reference to protecting long distance views and detrimental impacts on the immediate environment. The applicant has shown, through an amended design and positioning, that the once very significant impact on the landscape has been lessened to help minimise the impact. There will still be some impact on the character of the countryside but this is limited to immediate views from the main road and the building will be seen in the context of the existing and proposed new vegetation. The applicant has agreed to manage the existing hedge line to the south, along the road-side so that this grows taller to help screen the site.
- 5.6 The site is seen from the public footpath that runs north to south almost 200m to the east. The route of the path as it heads north from the main road is in a dip in the undulating landscape, and at a lower level than the proposal. This arrangement again helps minimise the impact of the development on long distance views and the character of the countryside.
- 5.7 It is clear this proposal will offer pollution protection measures that will help the local environment which is supported by policy DP42 that protects the public and the environment from potentially hazardous operations. In addition it is noted that there are no objections from National Grid in terms of the impact on the nearby high pressure gas pipeline.

## Highways

- 5.8 The proposal will utilise an existing access point, which is currently well used for the crop management and transport of manure to the existing storage area. The proposal will benefit access within the site by the creation of an onsite hardstanding area. The County Highways Authority has raised no objections to the development. Therefore it is considered that the development will have no adverse impact on highway safety and is acceptable under policies CP2 and DP3 which seek to ensure that safe access is provided.

## Residential amenity

- 5.9 It is noted that the site is well located away from residential areas being set in the open countryside. The Environmental Health Officer does not consider that the proposal would cause any impact on residential amenity. Therefore it is considered that the proposals are able to comply with policy DP1, which protects residential amenity.

## Planning balance

- 5.10 While it is noted that this application will still have some harmful impact on the character of the countryside, its impact is greatly minimised by the revised plans. The scheme will also have some environmental benefit by reducing the environmental impact of manure storage. It is concluded that this site is the only practical location on the holding for this development. On balance it is considered the proposal has taken into account local landscape character and will not have a significant impact on the surroundings. As such the proposed development is considered to be acceptable and can meet policies DP30 and CP4 of the adopted Local Development Framework.

## 6.0 Recommendation

- 6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)
1. The development hereby permitted shall be begun within three years of the date of this permission.
  2. The permission hereby granted shall not be undertaken other than in complete accordance with the drawing(s) numbered IP/SC/03 01 02 received by Hambleton District Council on 05 December 2019 unless otherwise approved in writing by the Local Planning Authority.
  3. There shall be no access or egress by any vehicles between the highway and the application site until details of the precautions to be taken to prevent the deposit of mud, grit and dirt on public highways by vehicles travelling to and from the site have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highway Authority. These facilities shall include the provision of wheel washing facilities where considered necessary by the Local Planning Authority in consultation with the Highway Authority. These precautions shall be made available before any excavation or depositing

of material in connection with the construction commences on the site and be kept available and in full working order and used until such time as the Local Planning Authority in consultation with the Highway Authority agrees in writing to their withdrawal.

4. Unless approved otherwise in writing by the Local Planning Authority there shall be no establishment of a site compound, site clearance, demolition, excavation or depositing of material in connection with the construction on the site until proposals have been submitted to and approved in writing by the Local Planning Authority for the provision of: (i) on-site parking capable of accommodating all staff and sub-contractors vehicles clear of the public highway; (ii) on-site materials storage area capable of accommodating all materials required for the operation of the site; and (iii) the approved areas shall be kept available for their intended use at all times that construction works are in operation.
5. No demolition/development shall commence until a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
  1. The programme and methodology of site investigation and recording
  2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  5. Provision to be made for archive deposition of the analysis and records of the site investigation
  6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
6. No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 5.
7. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 5 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
8. The hedges bounding the site to the south, shall be maintained at a height of not less than 3m, unless otherwise agreed by the Local Planning Authority.
9. Prior to occupation of the development hereby approved a detailed landscaping scheme shall be submitted in writing to and approved by the Local Planning Authority. The development shall then be implemented in accordance with the approved scheme.

10. Prior to the commencement of development other than the formation of the access and clearing of the site, full levels details shall be provided in writing to and approved by the Local Planning Authority. The levels shall be taken from a known, permanent datum point. Levels shall include all existing and proposed site levels, along with the finished floor levels, eaves and ridge heights. The development shall be implemented in accordance with the approved details.

The reasons are:-

1. To ensure compliance with Sections 91 and 92 of the Town and Country Planning Act 1990 and where appropriate as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Development Plan Policy(ies) .
3. To ensure that no mud or other debris is deposited on the carriageway, in the interests of highway safety.
4. To provide for appropriate on-site vehicle parking and storage facilities, in the interests of highway safety and the general amenity of the area.
5. In accordance with policy DP29 and Section 12 of the NPPF (paragraph 141) as the site is of archaeological significance.
6. In accordance with policy DP29 and Section 12 of the NPPF (paragraph 141) as the site is of archaeological significance.
7. In accordance with policy DP29 and Section 12 of the NPPF (paragraph 141) as the site is of archaeological significance.
8. In order to ensure that the proposed development does not result in adverse impacts on the landscape character of the area and to accord with the requirements of Development Policy DP32 and DP30.
9. In order to ensure that the proposed development does not result in adverse impacts on the landscape character of the area and to accord with the requirements of Development Policy DP32 and DP30
10. In order that the proposed development is appropriate to the character and appearance of the area and accords with the requirements of Development Policy DP32.