

Parish: Warlaby
Ward: Morton-on-Swale
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Committee date: 27 April 2017
Officer dealing: Mrs H Laws
Target date: 12 May 2017

17/00570/FUL

**Construction of a pig fattening house
At Hall Farm, Warlaby
For Mr Brian Phillips**

This application is referred to Planning Committee because the applicant is a Councillor

1.0 SITE, CONTEXT AND PROPOSAL

- 1.1 The site lies on the northern side of Warlaby adjacent to the farmyard area of Hall Farm. The farm comprises a bungalow close to the entrance to the site, and several agricultural buildings used for general storage and existing pig accommodation.
- 1.2 It is proposed to construct a building at the north eastern edge of the farmyard. The footprint of the building would be approximately 25.5m x 13.7m with a ridge height of 4.5m. It would be finished in olive green coloured sheeting with a green coloured steel sheet roof.
- 1.3 The building would be used to accommodate pigs for fattening. A slurry store would be provided beneath the building with capacity for up to six months' slurry.
- 1.4 The greater part of the proposed building would lie within Flood Zone 2. It is proposed to raise the finished floor levels above the ground level and drain surface water to a soakaway.

2.0 RELEVANT PLANNING AND ENFORCEMENT HISTORY

- 2.1 13/00120/FUL - Pig finishing building; Granted 28 March 2013.
- 2.2 14/01372/FUL - Extension to pig grower shed; Granted 22 August 2014.

3.0 RELEVANT PLANNING POLICIES

- 3.1 The relevant policies are:

Core Strategy Policy CP1 - Sustainable development
Core Strategy Policy CP2 - Access
Core Strategy Policy CP4 - Settlement hierarchy
Core Strategy Policy CP15 - Rural regeneration
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 DP9 - Development outside Development Limits
Development Policies DP26 - Agricultural Issues
Development Policies DP30 - Protecting the character and appearance of the countryside
Development Policies DP32 – General design
National Planning Policy Framework - published 27 March 2012
National Planning Practice Guidance (NPPG)

4.0 CONSULTATIONS

- 4.1 Parish Council – No objections or comments.
- 4.2 Highway Authority – No objection.
- 4.3 Environment Agency – No objection. In accordance with the National Planning Policy Framework, paragraph 101, development should not be permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower probability of flooding. It is for the Local Planning Authority to determine if the Sequential Test has to be applied
- 4.4 Swale & Ure Internal Drainage Board – Offers guidelines for any increase in surface water discharge.
- 4.5 Environmental Health Officer – No objection. The service has considered the potential impact on amenity and likelihood of the development to cause a nuisance and consider that given the existing environment there will be no negative impact.
- 4.6 Public comments - None received.

5.0 OBSERVATIONS

- 5.1 The main issues to consider are: (i) whether the building is appropriate to the purpose and the rural surroundings in respect of scale and design; (ii) whether there would be any harmful impact on the amenities of neighbouring occupiers; and (iii) flood risk.

Scale and design

- 5.2 The site lies to the rear of the existing buildings and is screened by them to a large degree from the road and any public viewpoint. The building would be close enough to be perceived as part of the farm and would not be isolated from the main operational area. The design includes the use of dark colour to the roof and walls and its simple utilitarian form is typical of other nearby agricultural buildings. The building would be relatively unobtrusive in the wider surroundings.

Impact on residential amenity

- 5.3 LDF Policy DP1 requires all development to adequately protect amenity, particularly with regard to privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight. Particular consideration should be given to the impact of the proposal on the amenity of local residents as a result of noise and odour resulting from the use of the building for the accommodation of pigs.
- 5.4 The site lies within 50m of the boundary of the nearest dwelling at Warlaby House. The site is separated from this dwelling by the existing farm buildings although there is the potential for noise and smell nuisance to occur as a result of the pigs being moved into and out of the building and during the cleaning of the building, but these activities are not a frequent part of the use and are not considered to result in any significant adverse impact on residential amenity. The development is considered to comply with the requirements of Policy DP1.
- 5.5 Slurry would be stored below the building until being removed to be spread on land. There are other regulations to control the spreading rates on land to ensure compliance with the Nutrient Vulnerable Zone legislation and this is regulated by the Environment Agency. It is considered that the proposed building would not increase adverse impacts on residential amenity in the locality.

Flood risk

- 5.6 Part of the site lies within Flood Zone 2 and therefore there is a risk of flooding. There are no other sites available within the farmyard that would lie outside this area of risk. Buildings used for agriculture are defined in the National Planning Practice Guidance as “less vulnerable”, which is an appropriate type of development within Flood Zone 2. Considering this and the impracticality of locating the building away from the rest of the farm, it is not considered that “reasonably available” alternative sites exist and the Sequential Test is therefore not considered necessary in this instance.

6.0 RECOMMENDATION

- 6.1 That subject to any outstanding consultations permission is **GRANTED** subject to the following conditions:
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 location plan and drawing numbered 7011A received by Hambleton District Council on 7 and 10 March 2017 unless otherwise approved in writing by the Local Planning Authority.

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 Policies.