

**Parish: Easingwold**

Ward: Easingwold

**3**

Committee date: 18 November 2021

Officer dealing: Kate Williams

Target date: 19 November 2021

**20/02341/FUL**

### **Construction of falcon breeding facility**

**At: Dawney House Farm Dawney Lane Easingwold North Yorkshire Yo61 3NN**

**For: Suhail Enterprises Limited**

This application is referred to planning committee as it is a departure from the Development Plan.

#### **1.0 Site Context and Proposed Development**

- 1.1 Dawney House Farm is farmstead comprising the farmhouse and agricultural buildings. The application site is outside of any settlement limits. It is in proximity to the A19 near Easingwold. The site is accessed from the A19 via Crankley Lane and then Dawney Lane. Dawney Lane is single track and lined on the eastern side with allotments and leads to a scout hut. Dawney Lane itself is lined with dense native hedgerows and trees.
- 1.2 The character of the application site is flat and open. The site is subdivided into four existing fields which are around an existing central agricultural building and farmhouse. The fields are delineated by mature hedgerows and trees, and there is a dense copse of trees in the north east corner of the site adjacent to Dawney Lane.
- 1.3 The proposal comprises 10 different types of buildings for the breeding of birds. The proposed buildings are clustered around the existing central building. The proposed materials are green cladding. Several of the 'barn' buildings are part open and have netting/mesh. The Hackpen is circular and the roof is mesh (its highest point being 7.1m). The existing access is retained for the proposed development.
- 1.4 The aim of this proposal is to establish a world leading centre for the selective breeding of pure bred racing and hunting birds, some of which are internationally endangered. The proposed buildings with their length, width and height in metres are set out below:
  - 1) Natural pairs barn - 97.8 x 13.8 x 3.6
  - 2) Quarantine building - 13.1 x 10.5 x 3.9
  - 3) Incubator Brooder building - 12.9 x 7.3 x 3.3
  - 4) Gyrkin Falcon barn 1 - 12.8 x 9.9 x 3.3
  - 5) Gyrkin Falcon barn 2 - 12.8 x 9.9 x 3.3
  - 6) 3 Female Imprint chambers - 25.4 x 8.2 x 2.7
  - 7) Hackpen - 50 diameter x 7.1
  - 8) Parrot barn - 83.8 x 12 x 3.6
  - 9) Eagle barn - 68.5 x 7.6 x 5.0
  - 10) Condor barn - 46 x 21.5 x 5.0

#### **2.0 Relevant Planning and Enforcement History**

- 2.1 20/023412/FUL - Retrospective Application for the Change of Use of land for the siting of 2 no. mobile homes and associated parking to provide staff accommodation for the proposed Falcon Breeding Facility. Pending Consideration.
- 2.2 07/02270/FUL - Revised application for the construction of a replacement dwelling. Permitted 24.09.2007.
- 3.0 Relevant Planning Policies
- 3.1 Local Development Framework:  
 Core Strategy Policy CP1 - Sustainable development  
 Core Strategy Policy CP2 - Access  
 Core Strategy Policy CP4 - Settlement hierarchy  
 Core Strategy Policy CP15  
 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 DP3 - Site accessibility  
 Development Policies DP4 - Access for all  
 Development Policies DP9 - Development outside Development Limits  
 Development Policies DP30 - Protecting the character and appearance of the countryside  
 Development Policies DP33 - Landscaping  
 Development Policies DP43 - Flooding and floodplains
- 3.2 Hambleton emerging Local Plan was considered at Examination in Public during Oct-Nov 2020. Further details are available at <https://www.hambleton.gov.uk/localplan/site/index.php> The Local Planning Authority may give weight to relevant policies in an emerging plan as advised in paragraph 48 of the NPPF.
- 3.3 Relevant policies of the emerging Local Plan (eLP) are:  
 S1: Sustainable Development Principles  
 S2: Strategic Development Needs  
 S3: Spatial Distribution  
 S7: The Historic Environment  
 EG1: Meeting Hambleton's Employment Need  
 EG2: Protection and Enhancement of Existing Employment Land  
 EG6: Commercial Buildings, Signs and Advertisements  
 EG7: Businesses in Rural Areas  
 E1: Design  
 E2: Amenity  
 E3: The Natural Environment  
 E4: Green Infrastructure  
 E5: Development Affecting Heritage Assets  
 E7: Hambleton's Landscapes  
 RM1: Water Quality, Supply and Foul Drainage  
 RM2: Flood Risk  
 RM3: Surface Water and Drainage Management  
 RM4: Air Quality

## RM5: Ground Contamination and Groundwater Pollution

### 4.0 Consultations

- 4.1 Parish Council – Easingwold Parish Council wish to see this application approved.
- 4.2 NYCC Highway Authority – No objections. No recommended conditions.
- 4.3 MoD – No objections, subject to the provision of appropriate storage of waste
- 4.4 Environment Agency - Provided the proposed development is built in accordance with the revised FRA submitted on 28 June 2021 then they remove their earlier objection subject to the recommended condition (in relation to floor levels) being applied to any permission granted.
- 4.5 HDC Environmental Health - This service has considered the potential impact on amenity and likelihood of the development to cause a nuisance and consider that there will be no negative impact. The Environmental Health Service has no objections although but recommend that if approval is granted a condition is applied for the accommodation to be used by staff only.
- 4.6 Kyle and Upper Ouse Internal Drainage Board – They would like to add a condition that any surface water discharge into any watercourses in, on under or near the site requires consent from the Drainage Board.
- 4.7 Yorkshire Water – No comments received.
- 4.8 NYCC Lead Local Flood Authority – No objections. They recommend conditions to ensure the development is built in accordance with the submitted drainage design and to secure an exceedance flow route.
- 4.9 Natural England – No comments to make on the application. The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment.
- 4.10 Yorkshire Wildlife Trust – No comments received.
- 4.11 RSPB – No comments received.
- 4.12 The application was advertised by neighbour notification, press and site notice, which have all now expired.
- 4.13 There are no public observations.

### 5.0 Analysis

- 5.1 The main issues to consider are:
  - a) Principle
  - b) Design and Visual Impacts
  - c) Landscape and Ecology
  - d) Highway safety and Access
  - e) Residential Amenity

- f) Flood Risk and Foul and Surface Water Drainage
- g) The Planning Balance

#### Principle

- 5.1 The application site lies beyond the Development Limits of Easingwold as defined in the Local Development Framework. Core Strategy. Policy CP4 states development in other locations (in settlements or in countryside) will only be supported when an exceptional case can be made for the proposals in terms of Policies CP1 and CP2. It lists several additional criteria which identify when development in the countryside may be supported and criterion i) is relevant in this case.
  - i. it is necessary to meet the needs of farming, forestry, recreation, tourism and other enterprises with an essential requirement to locate in a smaller village or the countryside and will help to support a sustainable rural economy.
- 5.2 Development Plan Policy DP9 states that Permission will only be granted for development outside Development Limits in exceptional circumstances having regard to the provisions of Core Policy CP4.
- 5.3 In terms of the establishment of a new business, and therefore whether it is necessary and likely to be maintained, the application has been submitted with justification for the development and its funding. An accredited veterinarian statement advises that the proposed development would play a 'critical' role in avian conservation, in relation to genetic diversity and the diminution of demand for the capture of wild birds. It advises the applicants have to demonstrate high standards in relation to welfare to be able to export birds with the applicants having extensive experience of this. The applicants statement further explains background context into endangered species. They explain those species they rear are endangered, caused by illegal trade globally. It is explained that captive breeding can reduce the demand for wild birds and retain a healthy gene pool for repopulation in the wild.
- 5.4 In terms of the location within the UK, the applicants state the climate is suitable for breeding birds. They advise the proposed site was considered as it is in a more rural flat and open site and in an area with lower crime levels. This proposal builds on their experience of their existing business that would be retained, but with different operators.
- 5.5 The development proposed is in connection with highly specialised breeding and conservation of birds. Although the development does not fall within the statutory definition of agriculture, the specialist breeding of birds and conservation work has previously been considered to be an activity accepted as requiring an essential countryside location. It's very sensitive nature and space requirements are similar to requirements for livestock and therefore this means it would be unlikely to be located within the development limits. In this case officers consider that the proposal would fulfil criterion i) of CP4 in that it would be necessary to meet the needs of an enterprise with an essential requirement to locate in the countryside.
- 5.6 The second part of criterion i) requires such development to support a sustainable rural economy. The applicants envisage that the proposal would create 2 additional full-time jobs in the short term but is anticipated to increase. The 2 managers will

oversee all of the day to day running of the project and staff and will live on site at the farmhouse. They would be responsible for overseeing all aspects of the facility. There will also be 2 full time aviculturists and their duties will be the welfare of all of the birds such as feeding, breeding, rearing. Additional full time general members of staff will be required to undertake food preparation, cleaning and the proposal would also potentially require part time members of staff employed during the spring and summer to ease the workload on the permanent staff members who it is envisaged will be recruited from the local area.

- 5.7 Policy CP15 states that support will be given to the social and economic needs of rural communities by encouraging various types of development that is considered sustainable for the Hambleton district. This includes the following development in the most relevant criteria:
- i. retention or expansion of appropriate businesses outside of the Service Centres and Service Villages;
  - ii. diversification of the agricultural economy.
- 5.8 Development Plan Policy DP 26 states employment development in locations outside Development Limits will be supported (and permission granted for such development, if also acceptable in terms of other LDF policies), if all the following apply:
- i. it is small in scale;
  - ii. it comprises conversion and re-use or replacement of existing rural building of sound construction, or appropriate extensions of buildings or existing uses which are otherwise acceptable in terms of other LDF Policies;
  - iii. the development is not capable of location within a settlement with Development Limits, by reason of the nature of the operation or the absence of suitable sites;
  - iv. it is supported by an appropriate business case which demonstrates that support will be provided to the local economy, which in turn would help sustain rural communities;
  - v. the development would not adversely impact on the economy of the Service Centres.
- 5.9 In accordance with CP15 the proposed development represents the creation of a new business, with experienced and funded applicants. However, the proposal does not fully accord with criterion i. and ii of DP25 because overall the number and size of buildings isn't small scale development, and although the development does seek to re-use existing buildings on site it comprises the construction of new buildings. In all other respects the development is not capable of being located within a settlement, it will support the local economy through the creation of jobs whilst not affecting the service centre of Easingwold due to the nature of the use.
- 5.10 The NPPF 2021 however provides a broader context than the above policies and seeks to support a prosperous rural economy by ensuring planning policies and decisions recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, in locations that are not well served by public transport and through the construction of new

buildings. It also references that planning policies and decisions should enable the development and diversification of agricultural and other land based rural businesses.

- 5.11 Emerging Local Plan policy S5 seeks to ensure that new development recognises the intrinsic beauty, character and distinctiveness of development. It states Development in the countryside will only be supported where it is in accordance with national planning policy or other policies of the development plan and would not harm the character, appearance and environmental qualities of the area in which it is located.
- 5.12 Emerging policy EG7 references rural business development in the countryside. The purpose of this policy is to support businesses with a genuine need to be located in the countryside. The proposal is supported by a statement setting out the operational/ functional need for the scale of development proposed and justification for its location including.
- 5.13 The site is in close proximity to Easingwold and the A19, and therefore could allow for cycling to the site from Easingwold and very convenient access to the road network. Notwithstanding the scale of the proposed development, the design, visual and other impacts, which are assessed separately in the report, it is considered that the overarching principle of the development accords with CP4 and CP15. Whilst not in accordance with DP25 criterion i and ii, the scale and construction of new development is not specifically excluded from emerging policies S5 and EG7 and this approach is highly consistent with the guidance within the NPPF and therefore weight can be given to these policies.
- 5.14 Overall the proposal is an appropriate and specialist land-based business for the rural area with credentials to reduce illegal capture and trade of birds and support endangered species globally. As with previous applications of this nature, officers advise that weight can be given to this additional conservation element and due to support within the LDF and emerging Local Plan policies the development is supported in principle.

#### Design

- 5.15 Local Development Framework policies CP17 and DP32 set out the requirements for development to aim to achieve high quality design. The purpose of emerging Local Plan Policy E1 seeks a similar requirement.
- 5.16 The site is large made up of 4 fields. The north east field near the site entrance proposes 2 workers dwelling (which is subject to a separate application) this is envisaged to help address security concerns at the entrance to the site. The north west field proposes the circular Hackpen, which allows the birds to fly. An Eagle and Condor Barn is proposed to be sited along an existing hedgerow line. In the south west field is the existing farmhouse and agricultural buildings. This area comprises buildings for rearing and housing falcons and quarantine buildings. Buildings 2 - 6 are located around the main agricultural building. In the south east field, the parrot barn is located, and whilst it would be visually better to have the buildings located in a more compact layout, it is understood that separation of species enhances the biosecurity of the site and therefore the welfare of the animals. Overall, the layout of the site is logical and sited around existing development on the site.

- 5.17 The buildings are functional in appearance and the majority of the proposed development is under 5m. The buildings are to be constructed of green corrugated steel to reflect other agricultural type buildings and therefore will have an agricultural form.
- 5.18 Whilst the buildings are numerous, in terms of their form, scale, layout, height, appearance and the use of materials, are considered to be acceptable. The development responds to its context within a rural location in terms of form, materials and colour. In this respect there is no objection to the design of the buildings, and the proposed development does not conflict with CP17, DP32 and emerging policy E1.

#### Landscape and Ecology

- 5.19 Policies CP16, CP17 and DP30, DP31 and DP33 are relevant to the consideration of the impacts upon landscape character, landscape features, visual impacts and ecology. The policies aim to preserve and enhance the districts natural environment. The NPPF also confers a level of protection to the countryside and requires development to respect it. Emerging Local Plan policy E4 and E7 have similar requirements to the above policies and national guidance.
- 5.20 The site is within Hambleton Landscape Character Assessment and Sensitivity Study (prepared to inform the Local Plan) Area 25: Tholthorpe Moors. The landcover is primarily arable farmland, with medium to large scale fields enclosed by hedgerows. There are some scattered areas of pasture, and several areas of small-scale, narrow fields with parallel lines of hedgerows in proximity to the settlements around Easingwold. The area has a variable pattern including some large-scale intensive arable farmland, and buildings as well as some smaller-scale areas of pasture with a historic field pattern. This site area comprises larger fields with hedgerows and several small, wooded areas.
- 5.21 Whilst the character of the immediate application area would change, due to the introduction of buildings and access tracks, these have the appearance of buildings which would commonly be seen in the rural landscape and are of a recessive colour. Due to the relatively flat topography and existing landscape around the wider application site it is considered that it would not sit on the skyline and would therefore be visually well contained. The site also benefits from having few landscape features other than boundary hedgerows and some trees and harm to them can be avoided with construction conditions. It is considered that additional landscape planting would enhance screening and a detailed landscape condition is attached.
- 5.22 The ecology of the site that would be affected would be grassland, which are relatively limited habitats in terms of supporting species. The development would not make use of the outside space around the pens for the flying of or training of falcons, thereby the local bird population would not be affected. The new buildings will not have any external lighting as it is not necessary, lighting in the buildings is only required in the corridors, as the pens have infrared cameras. The lighting in the corridors is low level and dimmed and activated via proximity sensors in the corridors. Although no trees or hedgerows have been identified for felling or removal, it is recommended that a tree protection plan condition is attached.

5.23 Opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity. It is considered that with the attachment of a condition to secure additional landscape planting and biodiversity enhancements this would enable the proposed development to mitigate its impact and fulfil the requirement of the LDF policies CP16, CP17 and DP30, DP31 and DP33 and emerging Local Plan policies E4 and E7.

Highway safety and Access.

5.24 Core Strategy Policy CP2 seeks to ensure that the location of development is located as far as possible so that it will minimise the use of the car and promotes improvements in accessibility by non-car transport. Development Policy DP3 states that all proposals for new development must include provision for sustainable forms of transport to access the site, and within the development.

5.25 In terms of highway safety, the Highways Authority has assessed the impact of the proposed development on the highway network and it is considered that it will not have an adverse impact on the safety of users of the highway in the area. The development does not involve large amounts of vehicle traffic. There is sufficient space for staff who do not reside at the site to park on existing hardstanding at the site. The site is easily accessible from Easingwold by bike.

5.26 The proposals would fulfil the aims of the LDF Policies CP2 and DP3 and emerging Local Plan Policy IC2, IC3, E1.

Residential Amenity

5.27 Policy DP1 states that all development proposals must protect amenity, particularly privacy, security, noise and disturbance, pollution (including light pollution), odours and daylight. Similarly, the purpose of emerging Local Plan policy E1 is to ensure that the physical environment created by new development protects and promotes a high standard of amenity both for future occupiers and users, and for surrounding uses.

5.28 There are no immediate neighbours that would be affected by the physical presence of the buildings. The presence of allotments and access to the Scout hut is noted, but vehicle movements to the site, would be limited. The keeping of birds is not likely to cause significant noise, and due to high welfare requirements odour is unlikely to be an issue.

5.29 With no concerns raised by consultees, the proposed development is considered to conform to the relevant parts of policies DP1 and E1 and the NPPF.

Flood Risk and Foul and Surface Water Drainage.

5.30 CP21, DP6 and DP43 seek to protect the environment from flooding and mitigate development from the consequences of pollution, noise, or hazardous activities. It also seeks to ensure that new development is capable of being accommodated by existing or proposed services. Emerging Local Plan policy RM1 seeks to ensure that water quality, quantity and foul drainage are appropriately addressed in developments. The purpose of RM2 is to ensure that inappropriate development in areas at risk of flooding is avoided and that the users and residents of development

are not put at unnecessary risk in relation to flooding. RM3 sets out the Council's approach with regards to ensuring that surface water and drainage are managed in a sustainable manner.

- 5.31 The application has been considered at length by both the Environment Agency and the Lead Local Flood Authority, with several revisions being submitted which were needed to provide the consultees with the necessary information to provide advice.
- 5.32 The proposed development is considered less vulnerable and is located in Flood Zones 1, 2 and 3 according to the Environment Agency Flood Map for Planning. The risk from river flooding is low, but some areas of the site are shown to be at medium to high risk of surface water flooding, though the Environment Agency hold no record of the site or the adjacent area flooding. These areas relate to the low dished area of the site where the parrot barn is to be located.
- 5.33 The existing site has an extensive land drainage system which was installed in the 1970s, this currently discharges surface water from one half of the site to run off to the drainage ditch running down the western boundary and the other half via field drainage both to Alne Beck running along the southern boundary.
- 5.34 The formation of a holding pond at the south west corner of the site joining the existing drainage ditch will be created to increase the storage volume. The discharge into Alne beck from both west and eastern sides of the site will be restricted to the permitted greenfield rate.
- 5.35 The existing foul drainage from the farmhouse drains to a biodigester sewage treatment system discharging into the field drainage system. The new foul drainage is a private system comprising several Biodigester 'T' units processing the waste and discharging the clean processed effluent into a field drainage system.
- 5.36 Washdown from quarantine and chambers (re-using roof rainwater) will be taken into 2 no. 10000 litre holding tanks with depth sensors and alarms these tanks will be pumped out and emptied by a licenced wastewater contractor.
- 5.37 The consultees do not have objections to how the proposed development deals with surface water and foul drainage. It is considered that the proposals in this respect conform to the requirements of LDF Policies CP21, DP6 and DP43 and emerging policies RM1, RM2 and RM3 which align with the NPPF.

The Planning Balance.

- 5.38 The proposed development would facilitate the expansion of an established business and conservation model which will enable the applicants to meet high welfare levels for the conservation, breeding, rearing and export of endangered birds, which is a material planning consideration. The development would also create new local employment opportunities, and therefore be able to contribute to economic growth. The development is sited in proximity of existing buildings, nearby community facilities and the A19 with close proximity to Easingwold and is akin to agricultural type development requiring a countryside location, and it is considered it is a sustainable location for this development. Due to the appearance of the structures reflecting agricultural type buildings the visual impact is not considered to cause significant harm to landscape character. The development will be able to enhance biodiversity through the creation of storage pond and additional planting,

protect biodiversity through the breeding of rare species, and a suitable and satisfactory drainage scheme is proposed.

## **6.0 Recommendation**

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) and/or details received by Hambleton District Council listed below unless otherwise agreed in writing by the Local Planning Authority:  
  
Location Plan – L01  
Condor and Eagle Barn Combined AL-140  
Proposed Site Layout AL-010 Rev C  
Parrot Barn AL – 135 Rev A  
20 Block Imprint Chambers AL-100  
Natural Pairs 60 Block AL-115  
6 Chamber Quarantine Station AL-120  
Incubator and Rearing Building AL-125  
50m Hackpen AL-130  
10 Chamber Gyrkin Block AL-110
3. The development shall be implemented in accordance with the submitted lighting strategy for the lifetime of the development unless otherwise approved in writing by the Local Planning Authority.
4. All waste (including food) is to be stored and handled in an appropriate manner and should be stored in lidded bins and not available for scavenging birds. The development shall therefore be implemented in accordance with the Waste Management Statement, and shall be retained and maintained for the lifetime of the development unless otherwise approved in writing by the Local Planning Authority.
5. The development shall be built in accordance with the following approved details FR-01 Flood Risk Rev D October 2021.
6. Notwithstanding the submitted details on Finished floor levels of buildings within flood zone 3 are to be the same as existing ground levels and to allow the free ingress and egress of any flood flows.
7. The development shall not be commenced until a scheme for the protection of hedgerows and trees has been submitted for the approval of the Local Planning Authority. Once approved the fencing shall be erected in accordance with the approved plans for the duration of the construction.
8. A Landscape and Ecological scheme shall be submitted for the written approval of the Local Planning Authority and shall include
  - i. The sizes, heights, and densities of plant species to be used for the different landscape and habitat types.

- ii. Timing of planting and delivery.
- iii. A bio-diversity enhancement scheme.

The development shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

- 9. The facing materials and finishes to be used in the construction of the development shall be in accordance with details contained in the application on the approved plans. The development shall not be constructed other than in accordance with these approved materials.
- 10. Details for the provision of staff parking and cycle storage shall be submitted for the written approval of the Local Planning Authority. Once approved the development shall commence in accordance with the approved details, and thereafter retained for the lifetime of the development.
- 11. All birds of prey relating to the development shall only be trained, exercised or otherwise flown inside the permitted pen buildings and not in any outside space.

Reasons:

- 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. For the avoidance of doubt.
- 3. In the interest of the character of the area in accordance with LDF Policy CP1.
- 4. In the interest of the character of the area in accordance with LDF Policy CP1.
- 5. To ensure the development does not increase flood risk elsewhere in accordance with LDF Policies CP21 and DP43.
- 6. To ensure the development does not increase flood risk elsewhere in accordance with LDF Policies CP21 and DP43.
- 7. In the interests of amenity of the area and health of landscape features in accordance with LDF Policies CP16 and DP30.
- 8. In the interests of character and appearance of the area in accordance with LDF Policies CP16 and DP30 and DP33.
- 9. To ensure that the external appearance of the development is compatible with the immediate surroundings of the site and the area as a whole in accordance with Hambleton Local Development Framework Policy CP17.

10. In the interest of the amenity of the area, and to encourage sustainable forms of transport in accordance with Hambleton Local Development Framework Policy CP1.
11. In the interests of the ecology of the area in accordance with Hambleton Local Development Framework Policy CP16 and DP31.

#### Informative

Surface water to be discharged to any ordinary watercourse will require the consent of the Internal Drainage Board.