

**Parish: Whorlton**

Ward: Osmotherley and Swainby

**15**

Committee Date:

10<sup>th</sup> January 2022

Officer dealing:

Mr Peter Jones

Target Date:

7<sup>th</sup> May 2021

Date of extension of time (if agreed): 21<sup>st</sup> May 2021

**21/00641/FUL**

**Application for the construction of a new agricultural building to provide storage for straw and machinery and to house livestock.**

**At: Wellington Farm, Ingleby Arncliffe, North Yorkshire, DL6 3JX.**

**For Mr A Dickins**

## **1.0 Site, Context and Proposal**

- 1.1 The site is located outside of any defined Development Limits.
- 1.2 The proposed location of the development is within land associated with Wellington Farm, located approximately 1.8km to the north of Ingleby Arncliffe and to the immediate east of the A19. The application site lies within an established agricultural business.
- 1.3 This proposal seeks the construction of an agricultural building for the storage of straw and machinery in addition to the housing of livestock (pigs) associated with an agricultural business. The proposed new building will measure approximately 24.4m x 17.9m (436.8m<sup>2</sup>) and will be 4.6m to the eaves with a ridge height of 7m.
- 1.4 The agricultural building will be constructed of grey concrete panels and Yorkshire boarding with the roof being comprised of fibre cement sheeting.
- 1.5 This application follows a refusal of prior notification due to the proximity of the site to a number of “protected buildings” (buildings not in agricultural or agricultural-adjacent use) within 400m of the proposed structure.

## **2.0 Relevant Planning History**

- 2.1 21/00362/APN - Application to determine if prior approval is required for the construction of an agricultural building to provide storage for straw and machinery and for the housing of livestock – PRIOR APPROVAL REFUSED.
- 2.2 14/01788/FUL - Proposed pig finishing house as amended by plans received by Hambleton District Council on 22nd October 2014 – PERMITTED.
- 2.3 12/01649/FUL - Extension to existing agricultural storage building to form agricultural store and housing of livestock – PERMITTED.
- 2.4 11/00479/FUL - Construction of an agricultural storage building – PERMITTED.

## **3.0 Relevant Planning Policies**

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 out at Section

38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990.

Core Strategy Policy CP1 - Sustainable development

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 DP30 – Protecting the Character and Appearance of the Countryside

Development Policies DP32 - General design

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.

## **4.0 Consultations**

4.1 Parish Council – No response.

4.2 Neighbours and Site Notice – One response, an objection:

- The current operations of the open buildings which houses the pigs mean there is significant nuisance in our house from both smells and flies in warm or hot weather.
- The current buildings are approximately 50 metres from our house. The proposed new building will be approximately 75 metres.
- One of the existing buildings (adjacent to our house) is used for the storage of animal muck.
- During warm or hot weather the smell and flies penetrate the house when doors or windows are open.
- We have a ventilation system which draws air from the loft, this is a permanent system, on all the time to prevent condensation in the house. The ventilation system draws outside air directly into the house, and therefore the smells as well.
- It is impossible to use the garden when it is warm or hot, there is no escape from the smells, flies or noise.
- The bedroom windows cannot be left open (in any weather) during the night because of the noise of fighting animals.
- Any expansion of this type of operation will make the current situation intolerable.
- The original Planning consent for these buildings was for storage of machinery to which we had no objection. We were not informed of the change of use.
- 400m is generally accepted as a guideline for siting agricultural buildings from residential areas in terms of odour control. This distance is referred to in an Environment Agency guidance note for intensive farming. 400m is referred to as it is believed that this distance will provide adequate dispersion of odours to such a degree that there should be no impact on the amenity of local residents.
- In recent years there has been an expansion of pig facilities to the north of the farm, again to which we have no objection to, this is a more appropriate place for this type of expansion.

4.3 NYCC Highways – The access to the site is taken directly from the A19 Trunk Road and is therefore under the authority of the Highways Agency (National Highways).

4.4 National Highways – No response.

4.5 Environmental Health – Object to the proposal:

(i) The location of the proposed building close to sensitive receptors, along with the proposal to use at least part of it for the keeping of livestock, increases the potential negative impact from odour, noise and flies. The applicant has provided slightly more information about the control of these, but has not provided enough detail about how any negative impact will be managed.

Given the lack of information about potential negative impact on amenity from noise, odour or flies, I recommend that the application be deferred to give the applicant time to produce a detailed management plan of how these issues will be adequately controlled. Without this information Environmental Health is unable to support this application.

(ii) The plans are for a general purpose, open sided agricultural building, but the odour management plan refers to a slurry store underneath the building and a controlled ventilation system more in line with a purpose built pig finishing building. The proposed design cannot achieve the same level of odour control as stated in the odour management plan.

The odour management plan states that the nearest sensitive receptor, Glebe House, is 253m away, whereas the actual distance is approximately 50m away.

A previous application for a pig finishing unit in a similar location was amended to re-position the unit further away from the nearest residential properties due to the potential for adverse impact from odour, noise and flies.

There is no indication of what fields will be used to store manure and how close this will be to sensitive receptors. Manure can be a major source of odour and flies.

The noise management plan refers to noise from the A19 being the dominant noise source, but has not provided any measured levels for the location.

The Noise Management Plan provides an extract from Environment Agency guidance giving typical levels for common sounds and an example of noise levels on an intensive pig unit and uses these to support the assertion that noise from the A19 would be the dominant noise source. There are no measured levels for the location, or example levels from this type of building.

The extra information provided by the applicant is not detailed enough, or specific to this application. This development in this location has the potential to have an adverse impact on the nearest residential receptors and I would therefore recommend that the application be refused. This recommendation is based upon the building being used to keep livestock. I would have no objection if the building was restricted to storing straw and machinery only.

## **5.0 Analysis**

- 5.1 The main issues to be considered are: i) Principle of the proposed use within the location and having regard to the expansion of a rural business; ii) Impact upon the character and appearance of the locality; iii) Impact on the character of the countryside; iv) Impact on the public right of way; v) Impact upon the amenity of the nearby neighbours.
- 5.2 The site is located outside of defined Development Limits and is intended as an addition to an existing site with a clear and functioning agricultural use. The proposed development will continue and expand this use within the boundaries of the established agricultural holding. Policies CP4 and DP9 allow for development outside of development limits as long as it relates to activities that require a countryside location such as agricultural practices. It is considered therefore that, in principle, the building is sited within an acceptable location.
- 5.3 The development of rural businesses is supported by DP25 as well as by Paragraph 83 of the NPPF which states that planning decisions should enable the "sustainable growth and expansion of all types of business in rural areas" and "the development and diversification of...rural businesses". The proposal is therefore deemed to represent acceptable expansion of the current agricultural business under the terms of both local and national planning policy.
- 5.4 The proposed building is considered to be appropriate in scale, form and design in view of its location within the agricultural holding, closely resembling the pre-existing agricultural buildings already on site. The proposal represents a continuation of the materials used in both the immediately adjacent agricultural buildings and those local to the area. The form, scale and design are deemed to be appropriate to the proposed agricultural uses of the building.
- 5.5 The proposed unit is not considered to be detrimental to the character and appearance of the locality. It is considered that the proposed scheme would have a neutral impact on the wider area, due to the location of the proposed building behind the existing agricultural buildings to the west and the inclusion of the buildings into the wider agricultural scene provided by the site when viewed from other directions.
- 5.6 Whilst the structure will be visible from the adjacent public right of way, it is considered that the building will be subsumed into the agricultural scene described above.
- 5.7 Long-range visual impacts and impact on wider views of the countryside would be limited. Whilst the proposal would necessitate the removal of approximately 84m of hedgerow to the east of the structure, this is proposed to be replaced by the applicant and will be controlled via condition. The building will therefore not have a detrimental impact on either the immediate environment or on long-distance views and is therefore in accordance with the guidance outlined in CP16 and DP30.
- 5.8 A public right of way runs to the south of the proposed building. It is considered that the proposal would not provide an impediment to the use of this footpath and that there will be no requirement for its rerouting or for the re-siting of the structure.

- 5.9 The proposal is for a structure to house livestock (pigs), forming an expansion of the current agricultural business. The application would allow for an expansion of approximately 50% in terms of the pigs houses in the immediate vicinity. The wider farm contains a number of structures for the rearing of pigs, one of which is within the same site with two others sited approximately 208m to the north. There are a number of private dwellings unconnected to agriculture within close proximity of the site, with Glebe Cottage sited 46m to the south-east and Wellington House 58m to south-west.
- 5.10 The Council have received an objection from a neighbouring property stating that there are currently issues with regards to noise, odour and flies from the existing livestock units. The file shows that there is a history of nuisance complaints with regard to the keeping of pigs on the site dating back to 2014.
- 5.11 Environmental Health initially submitted a holding objection to the proposal on the grounds that a building for the rearing of pigs would be likely to impact the amenity of nearby dwellings - but allowed for further information to be supplied with regards to mitigation measures. Following the submission of further information Environmental Health confirmed their objection, stating that the proposed measures and the supplied noise readings did not appear to match the proposed development and were not sufficiently evidenced. They objected solely to the keeping of livestock within the structure, confirming that they would not object if the building were used for general agricultural storage.
- 5.12 A recent up-held appeal at Sowerby under Cotcliffe examined the relationship between a pig operation and residential properties approximately 70m away. Whilst the specific impacts should always be considered on the merits of a particular site, there are comparisons to be drawn to this application. Clearly, there remains concern about relative noise levels in this location. However, the odour and fly issues bear better comparison. In the appeal case which sought new housing development in proximity to an existing farm operation it was concluded that that the physical relationship was acceptable.

#### Planning Balance

- 5.13 The assessment of the application results primarily in a question of the potential for harmful impact on the residential amenity of the occupiers of nearby residents, versus the benefit of the expansion of the farm business in an otherwise acceptable location. In this case the conclusion is that the likely amenity impacts are relatively minimal and as such are otherwise outweighed by the benefits to the expansion to the farm. The principle has been previously established and it is considered that the proposals are not a disproportionate increase in the context of the wider farm and in terms of any additional impacts on the surrounding environment. The impacts already exist and any intensification would not be outweighed by the Planning need to support the agricultural use.

## **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) and details received by Hambleton District Council on 12th March 2021 unless otherwise agreed in writing by the Local Planning Authority.
  3. The development shall not be brought into use until a detailed landscaping scheme indicating the type, species and location of all new hedgerows have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be used after the end of the first planting and seeding seasons following the approval of the landscaping scheme, unless the approved scheme has been completed. Any trees or plants which, within a period of 5 years of planting die, are removed, or become seriously damaged or diseased, shall be replaced with others of similar size and species.

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) CP1, CP16, CP17, DP1, DP30 and DP32.
3. In order to help assimilate the development within the rural landscape in accordance with the requirements of CP16 and DP30.