

Parish: Crakehall

Ward: Bedale

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Committee Date : 7 April 2022

Officer dealing : Mr Nathan Puckering

Target Date: 3 February 2022

Date of extension of time (if agreed): 8th April 2022

21/02851/FUL

Construction of an agricultural workers dwelling.

At: Kirkbridge Farm, Ings Lane, Kirkbridge Bedale

For: Mr and Mrs Mike and Pauline Richardson.

This is brought to Planning Committee as the proposed development is a Departure from the Development Plan.

1.0 Site, Context and Proposal

- 1.1 Kirkbridge Farm is an agricultural unit located in the hamlet of Kirkbridge, approximately 2km north of Bedale. It comprises the farmhouse in the south-western corner of the site, with a disused barn adjoining this to the north. In addition, there are approximately 7 typical modern agricultural buildings to the north east of this. Bedale Beck bounds the unit to the south, with the site wholly within flood zone 3. The surrounding area is primarily open countryside, although a large, detached dwelling sits adjacent to the unit immediately to the west.
- 1.2 Kirkbridge Farm primarily operates as a pig finishing unit, with 4000 pigs on site at any one time. The applicant takes the pigs at 12 weeks and rears them to 24 weeks before they are sent on to the food industry. This is run on an "all in, all out" basis, with cleaning and disinfection occurring between batches. On average there are 14,000 pigs through the site each year. Further to this, the applicant also produces all feed on site.
- 1.3 This application is seeking permission for the construction of an agricultural workers dwelling on the site. This will replace the aforementioned barn which adjoins the north of the farmhouse which is to be demolished. It is proposed to be a 3 bed dwelling of a typical farmhouse design. It will be constructed using the local stone from the existing barn and matching materials where needed.
- 1.4 The proposed dwelling is to be occupied by a specialist agency worker and their family in the immediate short term, before the applicant's daughter takes on the operation, as the applicant and his wife start to reduce their involvement gradually. Presently, the applicant and his wife carry out all of the day to day tasks as well as night duties - all year round. This is becoming unsustainable and hence the need to have the daughter begin to take on the enterprise as they move towards retirement.

2.0 Relevant Planning and Enforcement History

- 2.1 89/0117/FUL - Construction of A Pig Building – Granted
- 2.2 91/0093/FUL - Construction of A Pig Fattening House – Granted
- 2.3 97/50278/P - Construction of an agricultural storage building – Granted

- 2.4 06/02848/FUL - Construction of an agricultural livestock building – Granted
- 2.5 12/01484/FUL - Construction of an agricultural livestock building – Granted
- 2.6 16/00157/FUL - Reroofing of an existing piggery. To raise the height of the roof to make room for a new ventilation system – Granted
- 2.7 20/01812/FUL - Extension to an existing agricultural building that houses pigs - Granted

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.

- Local Plan Policy S1: Sustainable Development Principles
- Local Plan Policy S3: Spatial Distribution
- Local Plan Policy S5: Development in the Countryside
- Local Plan Policy HG4: Housing Exceptions
- Local Plan Policy E1: Design
- Local Plan Policy E2: Amenity
- Local Plan Policy E3: The Natural Environment
- Local Plan Policy RM2: Flood Risk
- Local Plan Policy IC2: Transport and Accessibility

4.0 Consultations and Representations

- 4.1 Parish Council - no objections.
- 4.2 NYCC Highways - no objections.
- 4.3 Environmental Health - no objections.
- 4.4 Environmental Health Contaminated Land - no objections.
- 4.5 Environment Agency - no objection subject to condition requiring recommendations in FRA to be implemented.
- 4.6 Swale & Ure Drainage Board - no comments to make.
- 4.7 Street Naming & Numbering - yes an application would be required.
- 4.8 RAF Safeguarding and Yorkshire Water were consulted but offered no comments.
- 4.9 Site Notice & Neighbour Notification - no comments received.

5.0 Analysis

- 5.1 The main issues in this instance are i) the principle of a dwelling in this location, ii) design & landscape impact, iii) amenity, iv) flood risk v) impact on protected species and vi) highway safety.

The Principle

- 5.2 In February 2022 Hambleton District Council adopted the Hambleton Local Plan (HLP). Policy HG4: Housing Exceptions supports homes for rural workers in the open countryside subject to the following requirements:

- i. there is a clearly established functional need for a continuous on site presences that can only be met by the new dwelling;
- j. the need relates to a full-time worker;
- k. the rural enterprise has been operational for a minimum period of three years and is demonstrated to be commercially viable and has clear prospects for remaining so;
- l. the need could not be met by another existing dwelling or through conversion of a suitable building on the operational unit, or any other existing accommodation in the area which is suitable and available for occupation by the worker(s) concerned; and
- m. the new dwelling is of a size which is commensurate with the established functional requirement of the enterprise."

- 5.3 The operation in this instance is a substantial pig farming operation. It is accepted that best practice pig husbandry requires someone to be on site at all times to respond to emergencies and ensure the general welfare of the animals. Presently, the applicant and his wife carry out all of the day to day tasks all year round, with their two children having moved off site. It is accepted that with the labour required for an operation of the size in question, it is not sustainable for this to continue, with the applicant approaching retirement.
- 5.4 Overall, with the size of the operation and the requirement for an around the clock on site worker to replace the applicant, it is considered that an agricultural worker dwelling on this particular unit is warranted. Furthermore, the passing on of the farm from the applicant to his daughter as he and his wife approach retirement and their desire to remain in their current long term home means that this need cannot be fulfilled by the existing dwelling. As a result, an additional agricultural workers dwelling is considered necessary and thus the proposal meets requirement i. outlined above.
- 5.5 The worker that will be housed in this instance will be a full time worker and will eventually be the manager of the whole operation. After discussions with the agent, accounts were submitted which demonstrate that the operation in question has made a healthy profit since at least 2017. With the applicant passing over the operation to the next generation, there is nothing to suggest this will not continue. Based on these facts, the proposal complies with criterions j and k of HG5.
- 5.6 Requirement l. prevents the construction of an agricultural workers dwelling when there is an existing dwelling on site that could fulfil this need. It is noted that there is already an existing dwelling on the farm which could provide the on-site accommodation required. That said, case law has dictated that it is unreasonable

for a Local Planning Authority to expect one to leave their home in order to free up on site accommodation. As such, this existing dwelling must be discounted. Therefore, criterion l is met.

- 5.7 The scale of the dwelling proposed dwelling is rather large - measuring approximately 190sqm in floorspace. That said, one must take into account that due to the circumstances on this particular occasion, this dwelling will effectively have to provide a long term family home for the applicant's daughter to live in whilst managing the farm. As a result, a 3 bedroom dwelling is considered to be justified and commensurate with the functional requirements of the operation concerned. Thus, criterion m is fulfilled.
- 5.8 On the whole, it is considered that the proposed agricultural workers dwelling fulfils all requirements set out in policy HG5 and on that basis it gains support in principle from the Local Plan.

Design & Landscape Impact

- 5.9 Policy E1 of the HLP concerns the design of development and dictates that all development should be of a high quality, integrating successfully with its surroundings in terms of form and function, reinforcing local distinctiveness and helping to create a strong sense of place. Also relevant, given the location of the development is policy S5 which covers development in the open countryside. This states that the Council will seek to ensure that new development recognises the intrinsic beauty, character, and distinctiveness of the countryside as an asset that supports a high-quality living and working environment, contributes to the identity of the district, provides an attractive recreational and tourism resource and is a valued biodiversity resource.
- 5.10 The proposed design is reflective of a typical traditional farmhouse and therefore by definition is in keeping with the rural locality and its proposed use. It will utilise materials from the existing barn which it will replace and also make use of additional local stone. This is welcomed and further ensures the character of the development is suitable.
- 5.11 In terms of landscape impact; the dwelling will be set within the larger complex and as such will be viewed as part of this unit and not an isolated feature within the wider landscape. One must also consider that this well-designed dwelling will replace a rather dilapidated barn and, in this respect, will lead to a minor improvement to the appearance of the immediate site.
- 5.12 Overall, this proposal complies with policies E1 and S5 and is therefore acceptable on design grounds and the impact it will have on the surrounding open countryside.

Amenity

- 5.13 Policy E2 of the HLP precludes any development that would have a detrimental impact on amenity.
- 5.14 Clearly, the dwelling is to be situated within a working livestock farm which creates issues in terms of odour and noise and disturbance. However, by definition agricultural workers dwellings have to be sited in such locations and therefore amenity concerns in this respect are not a reason for refusal.

- 5.15 It is noted that the existing farmhouse will face onto the side elevation of the proposed dwelling but given separation distance, this does not create any issues relating to overlooking or loss of privacy.
- 5.16 Overall, a suitable condition limiting occupation to an agricultural workers dwelling will ensure that any concerns relating to amenity are addressed and the proposal complies with policy E2.

Flood Risk

- 5.17 Policy RM2 of the Local Plan concerns flood risk. It sets out a list of ways in which the Council will manage flood risk. It then states [the management of flood risk will be achieved by] "*supporting a development proposal only where it is demonstrated that:*
- i. the sequential test has been applied and passed;*
 - j. if, following application of the sequential test, it is not possible, consistent with wider sustainability objectives and the vulnerability to flooding of the proposed use for development to be located in zones with a lower probability of flooding, taking account the impacts of climate change, the exception test has been applied and passed, such that:*
 - i. the development will provide wider sustainability benefits to the community that outweigh flood risk, informed by the Hambleton Strategic Flood Risk Assessment (March 2017) or successor documents; and*
 - ii. the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.*
 - k. development has been sequentially located within the site to avoid flood risk;*
 - l. all reasonable opportunities to reduce overall flood risk have been considered and where possible taken; and*
 - m. the integrity of existing flood defences is not adversely affected and any necessary flood mitigation and compensation measures have been agreed with relevant bodies and the Council."*
- 5.18 The site in this case is in flood zone 3. The applicant provided a Flood Risk Assessment as part of the application. The enquiries made in preparation of the Flood Risk Assessment record that the site has not flooded according to the current occupiers. The Environment Agency were consulted on the details of this FRA, and they offered no objection.
- 5.19 Both national policy and policy RM2 requires the Local Planning Authority to carry out a sequential test when the development is proposed to be located in an area of high flood risk. On this occasion, the land under the applicant's control/ownership is all within flood zone 3. This has been clarified by the agent. It is noted that ordinarily the Council would not allow a dwelling in FZ3. However, there are no other parcels of land where the applicant could site a dwelling that would not be within FZ3. In this situation, the applicant has a clear requirement to be situated in "sight and sound" of the farm and their livestock - all of which are in FZ3. Based on these circumstances, it is considered that there are no other alternative sites and therefore the sequential test is passed.

- 5.20 Policy RM2 requires, once the sequential test has been passed and no areas of lower flood risk are available, the exception test to also be applied. Effectively, this dictates that in order to be acceptable, a development must provide wider sustainability benefits that outweigh the flood risk and must be safe from flooding for its lifetime and not increase flood risk elsewhere. The Flood Risk Assessment has demonstrated, subject to the mitigatory measures, the latter of these requirements will be assured. The Environment Agency accept this position.
- 5.21 In this case, the dwelling is required to ensure the long-term future of a long-established, profitable, and large agricultural operation. This will contribute to the rural economy and, as per policy S1 of the Local Plan, is undoubtedly a positive material consideration that weighs in favour of the development. However, Officer's do not consider that the sustainability benefits resulting from this fact alone can be said to outweigh flood risk.
- 5.22 Therefore, despite the fact the sequential test has been passed, the proposal falls short in terms of meeting the exception test – albeit in a minor way. As such, technically the proposal is in conflict with policy RM2 and this fact must be given weight in the planning balance which will be assessed in a subsequent section of this report.

Protected Species

- 5.23 Given the age, location and design of the barn in question; the agent was asked to provide a Preliminary Ecological Appraisal to explore the potential of there being protected species present within the building - in particular bats. A report carried out by MAB Environment & Ecology Ltd was subsequently submitted. This concluded that the roosting potential of the building was limited to external and internal masonry crevices. Upon inspection, they noted that there was no evidence of bat use - "The survey ruled out the potential for significant roosts of void dwelling bats as no aggregations of droppings were found, the roof has no lining, some cobwebbing was present on exposed roof timbers indicating a lack of use, and the interior is bright, cold and draughty (suboptimal conditions)."
- 5.24 Based on this information, it is fair to reason that should bat roosts be present, they will likely be limited to day roosting by low numbers of crevice dwelling species. Notwithstanding, the presence of such roosts cannot be completely ruled out without a pre-works bat emergence survey.
- 5.25 The initial report has recommended two long-lasting bat boxes be provided as initial mitigation. Then, based on the results of the emergence survey, additional measures may be necessary.
- 5.26 It is considered that a suitable pre-commencement condition requiring the relevant surveys to be carried out will be sufficient to ensure that this issue is adequately covered.

Highway Safety

- 5.27 The additional dwelling will be served by the existing access which also serves the wider unit. The Local Highway Authority were consulted on the application and offered no objection. The application is therefore considered acceptable on highway safety/access grounds.

Planning Balance

- 5.28 The agricultural workers dwelling proposed in this case has been demonstrated as meeting the requirements of policy HG5 and is therefore considered to be justified and commensurate with the agricultural operation in question. The design and landscape impact has been assessed as being acceptable and therefore it is compliant with policies E1 and E5 of the Hambleton Local Plan.
- 5.29 Despite its location within Flood Zone 3, the sequential test has been passed as there is a clear need for the dwelling to be located on the unit and in “sight and sound” of the livestock, which cannot be achieved without being sited in FZ3 due to the fact all of the land in the applicant’s ownership is within FZ3. As per the requirements of policy RM2, the exception test has also been applied. It has been shown that the sustainability benefits alone do not outweigh the flood risk associated with being in flood zone 3.
- 5.30 When all material considerations are taken into account, i.e. the economic benefit to the rural economy of ensuring this large and long established business in question can continue, the fact there are no other reasonable alternative sites, the Flood Risk Assessment demonstrating that risk can be managed by mitigation measures and that the development will not increase the risk of flooding elsewhere, the fact the dwelling is needed to fulfil a clear requirement for an agricultural worker, and all other material considerations relating to design, landscape impact and highway safety, the harm caused by the slight conflict with policy RM2 is outweighed and on this basis the application is recommended.
- 5.31 On that basis, it is Officer’s opinion that the planning balance in this case weighs in favour of the proposed development and approval is recommended on that basis.

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 PL/265/03, PL/265/04, PL/265/05 and PL/265/06 received by Hambleton District Council on 01.12.2021 unless otherwise approved in writing by the Local Planning Authority.
 3. The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed in the locality in agriculture as defined in Section 336 of the Town and Country Planning Act 1990 or in forestry, or a dependant of such a person residing with him or her, or a widow or widower of such a person.
 4. The development shall be carried out in accordance with the submitted flood risk assessment by PFA Consulting, referenced R423-DOC01-FRA and dated September 2021 and the following mitigation

measures it details: - Finished floor levels shall be set no lower than 40.1 metres above Ordnance Datum (AOD) - The flood resilience and resistance measures detailed in section 3.41 of the FRA are to be incorporated into the development. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

5. The mitigation measures outlined in s.9 of the Bat, breeding bird and barn owl scoping survey carried out by MAB Environment & Ecology Ltd and received by Hambleton District Council on 02.03.2022 shall be implemented fully. This includes a bat emergence survey being carried out between May and September, prior to works commencing. The results of this survey shall be submitted to the Local Planning Authority, along with any additional mitigation measures that may be required on the back of the survey. These additional measures shall be implemented in full prior to occupation of the dwelling hereby approved.

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 Local Plan policies E1 and S5.
3. To ensure that the development is compliant with policy HG4: Housing Exceptions.
4. To reduce the risk of flooding to the proposed development and future occupants and to reduce the impact of flooding to the proposed development and future occupants - as per the requirements of policy RM2.
5. To ensure no harm arises to any protected species that may be present in the building, as per the requirements of The Conservation of Habitats and Species Regulations 2010, the NPPF and policy E3 of the Hambleton Local Plan.