

**Parish: Topcliffe**  
Ward: Sowerby and Topcliffe  
**7**

Committee Date: 9<sup>th</sup> June 2022  
Officer dealing: Mr Connor Harrison  
Target Date: 10<sup>th</sup> May 2022  
Date of extension of time (if agreed): 16<sup>th</sup> June 2022

**22/00657/FUL**

**Change of use of land for the temporary (5 years) siting of an agricultural workers mobile home, associated parking and new sewage package treatment plan.**

**At: South Lodge Piggeries, Station Road, Topcliffe**

**For: DK & JI Sanderson**

The application is presented to the planning committee given that the applicant is related to a member of the council

## **1.0 Site, context and proposal**

1.1 The site is located within the Open Countryside.

1.2 The proposed location of the development is within land associated with South Lodge Piggeries, located approximately 1.7km to the north-west of Topcliffe and to the immediate east of the A167. The application site lies within an established agricultural business (piggery). The business operates as a 3 stage pig rearing and finishing unit (weaners, growers and finishers), and includes weaner (2,000 piglets), grower (1000 pigs) and finishing (1000 pigs) accommodation. The buildings are fully controlled environment buildings, operating with a powered ventilation system and automated feeders and drinkers. At any one time there are 4,000 pigs housed on site.

1.3 The Labour for the business at South Lodge Piggeries is provided by two full time further workers. Further workers are drafted in a peak periods, for roles such as emptying slurry tanks and power washing the buildings between batches of pigs. The proposal seeks permission for the temporary siting of a mobile home to house an agricultural worker associated with the management of the piggery. In addition to the siting of the mobile home there would be associated development consisting of car parking area and the provision of a package treatment plant. The period of time that the applicant seeks to retain the mobile home on site for is five years. There is currently no accommodation for workers at south Lodge Piggeries.

1.4 The mobile home would be measure 15m in length and 6.1m in width (total floor space - 91.5m<sup>2</sup>). The height to the ridge will be 4m and the eaves height will be 2.9m.

## **2.0 Relevant planning history**

2.1 95/51680/O - Outline application for the construction of an agricultural workers dwelling –withdrawn (principle agreed but withdrawn following lack of S106 Agreement).

2.2 76/0845/FUL - Renewal of consent for the stationing of a residential caravan – permitted.

- 2.3 74/0579/FUL - Details of the construction of detached bungalow and garage – permitted.
- 2.4 74/0476/FUL - Use of site for stationing of caravan for agricultural workers – permitted.
- 2.5 74/1048/OUT - Outline application for construction of agricultural Workers Bungalow – 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

Policy S1 – Sustainable Development Principles  
Policy S3 – Spatial Distribution  
Policy S5 – Development in the Countryside  
Policy EG7 – Businesses in Rural Areas  
Policy HG4 – Affordable Housing  
Policy E1 – Design  
Policy E2 – Amenity  
Policy E4 - Green Infrastructure  
Policy E7 – Hambleton’s Landscapes  
Policy IC2 - Transport and Accessibility  
Policy IC3 – Open Space, Sport and Recreation  
Policy RM1 – Water Quality, Supply and Foul Drainage

The National Planning Policy Framework (As Amended) 2021

### **4.0 Consultations**

- 4.1 Parish Council – No response.
- 4.2 Neighbours and Site Notice – No responses.
- 4.3 Environmental Health – No objections.
- 4.4 NYCC Highways – No objections.
- 4.5 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. Therefore, the Environmental Health Service has no objections to the application but would recommend restriction of occupancy to agricultural workers only, due to the nature of farming activities which can give rise to odour and noise.” Informative provided relating to need for Caravan Site Licence.

## 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 provision of accommodation for an agricultural worker; ii) impact upon the character and appearance of the countryside; iii) impact upon the amenity of the inhabitants of the proposed mobile home and iv) other matters.

### Principle of the development

- 5.2 The proposed mobile home is intended as an addition to an existing site with a clear and functioning agricultural use. The site is located outside of a defined settlement as defined in Policy S3 and is therefore subject to the tests of Policy HG4(i)-(m) which sets out an exception test for rural workers dwellings. In addition, Paragraph 80(a) of the NPPF requests that an “essential need for a rural worker...to live permanently at or near their place of work in the countryside” be demonstrated within the application.
- 5.3 A statement has been provided detailing the labour requirements for the related agricultural enterprise which would be 3.3 full time workers. This has been calculated by multiplying two figures against each other: the number of pigs present on site (4000) by the amount of man days per pig place (0.25), producing a total of 1000 man days for the site, which has then been divided by the 300 working days expected of an agricultural worker. Justification has also been provided for the requirement of a 24-hour presence on site, relating largely to ensuring the welfare of the livestock. This includes regular checking, administration of medication, management of young pigs (feeding and ensuring that they take to solid food for the first time) and making sure livestock aren't fighting. It is considered, due to the scale of the agricultural business, that it is likely that there is a functional need for accommodation on the site and that it would not be possible to guarantee the 24-hour monitoring of the stock without 24 hour presence on site.
- 5.4 Policy HG4(k) and (l) requires that records are provided to demonstrate the long-term viability of the business and that there is a lack of appropriate accommodation to be found elsewhere in the area that would serve the same purpose as the proposed accommodation. Whilst financial records are not currently available, the business appears to have been in the family ownership for around 25 years according to council records. Given the length of time that the business has been operating, in combination with the volume of livestock present on site, it is considered that the business is likely to remain viable. It is recommended that a condition be imposed on any grant of planning permission linking the siting of the mobile home to the presence of the business on site, necessitating removal of the mobile home should the business for any reason cease operations on the site.
- 5.5 The agent has provided information stating that the need for the mobile home stems from the need for a worker to be within sight and sound of the livestock accommodation. Given this constraint, and with the nearest settlement (Topcliffe) being a reasonable distance from the site, it is considered that the siting of accommodation within close proximity of the agricultural buildings is reasonable in this instance.

- 5.6 It is therefore considered that the requirements of Policies S3 and HG4 (i-m) have been met and that it has been demonstrated that an “essential need” for accommodation on the site in accordance with Paragraph 80 of the NPPF.
- 5.7 The development of rural businesses is supported by EG7 as well as by Paragraph 84(b) 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".
- 5.8 The proposal is considered to fall under EG7(d) (“other proposals specifically requiring a countryside location”), with the presence of a stockman on site deemed to be beneficial to the running of the enterprise. The proposal is therefore deemed to represent acceptable further development of the current agricultural business under the terms of both local and national planning policy.

#### Impact on the character and appearance of the countryside

- 5.9 It is acknowledged that mobile homes are of a design, form and scale pertaining to their function and thus careful consideration is required to be had to their appropriateness within a countryside setting, including the impact of any domestic paraphernalia. In this case the proposed mobile home is considered to be appropriate in scale, form and design in view of its proposed use as necessary accommodation and its location and siting within the agricultural holding. Whilst clearly domestic in form, its relationship to the existing buildings would be apparent through its position within the gated compound. Its siting set-back from the road and towards the farm allows for it to be easily read in relation to the nearby agricultural structures.
- 5.10 The proposed mobile home is not considered to be detrimental to the character and appearance of the locality. It is considered that the proposed scheme, including potential for domestic paraphernalia would have a neutral impact on the wider area, due to the siting of the proposed mobile home behind the established planting to the west and the inclusion of the mobile home into the wider agricultural scene provided by the site when viewed from other directions. It is recommended that a condition requiring that any mobile home to be placed on site should be a shade of dark green to ensure a further reduction to the landscape impact of the proposal.
- 5.11 Whilst the mobile home would be visible from the adjacent highway, it is considered that the view would be fleeting and that the mobile home would be subsumed into the agricultural scene described above.
- 5.12 As such, the long-range visual impact and impact on wider views of the countryside would be limited. A further condition requiring the retention of the hedge to the west of the site is recommended to be imposed on any grant of planning permission to ensure that adequate screening is maintained for the duration of the mobile home's lifetime on site. The mobile home would 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 Policies S1, S3, S5, E1, E7.
- Impact upon the amenity of the inhabitants of the proposed mobile home

- 5.13 Environmental Health have advised that they do not have any concerns with regards to the proposal. They have, however, recommended that a condition be imposed on any grant of planning permission limiting the occupation of the mobile home to workers who are associated with the agricultural business. This is considered to be a reasonable approach – however, it is proposed that this condition is amended to allow for dependents, etc. to be resident on the site, in line with the standard agricultural workers dwelling condition.
- 5.14 The proposal itself provides adequate provision for the maintenance of residential amenity. The floorspace provided by the mobile home is comparable to an average three-bedroom house and the rooms all appear to be compatible with the Nationally Describes Space Standards. In addition, there is considered to be adequate provision of private external amenity space. Whilst the position of the accommodation is very close to a pig farm it is considered that the particular circumstances of this application mean that concerns regarding odour and noise are not given the weight they would usually receive given that a 24 hour presence is required on site. It is considered that the proposal meets the requirements of Policy E2.

#### Other matters

- 5.15 There is the provision of parking on site in front of the mobile home. The number of spaces (two) that have been allocated are sufficient to accord with NYCC Highway's parking standards for a two-bedroom property in a rural area and NYCC Highways do not offer any objections to the proposal. It is considered that the application meets the requirements of Policy IC2.
- 5.16 The proposal includes the siting of a package treatment plant to deal with foul sewage. The details provided indicate that the proposed system is capable of dealing with waste from one house with up to four bedrooms and so is acceptable for use within this plot. As such, the proposal would not have an adverse impact on the quality of the water resources or surface/groundwater in the area and is therefore consistent with Policy RM1.
- 5.17 The site is within 1km of the Swale Green Corridor. The proposal would have a neutral impact on the green infrastructure – neither enhancing nor damaging the area. As such, it is consistent with Policy E4.

#### Planning Balance

- 5.18 It is considered that the proposal complies with Local Plan Policies S1, S3, S5, EG7, HG4, E1, E2, E4, E7, RM1, IC2 and the NPPF. It is held that the development is in a suitable location and will not have an adverse effect on the character and appearance of the surrounding area, highway safety, residential amenity and is acceptable in relation to all other matters.

## 6.0 Recommendation

- 6.1 That subject to any outstanding consultations the application be **GRANTED** subject to the following condition(s)

1. The temporary permission hereby granted is valid only until for a period of 5 years from the date of this decision and resulting materials, and associated structures shall be removed from the site, and the land re-instated to its former condition on or before that date.
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 15<sup>th</sup> of March 2022 and the 7<sup>th</sup> of April 2022.
3. The occupation of the dwelling shall be limited to a person solely or mainly employed by the business known as 'South Lodge Piggeries' and any dependants. Should the said business cease to operate then the caravan, resulting materials, and associated structures shall be removed from the site, and the land re-instated to its former condition.
4. Within 1 month of the date of this decision a scheme (including a timescale for completion) for the external colour treatment of the mobile home and materials to be used for car parking hereby approved shall be submitted to and agreed in writing by the Local Planning Authority. Once approved the development shall be implemented in accordance with the agreed details and timescale and thereafter retained.
5. The existing hedge sited to the west of the site shall be retained in its entirety and maintained as such as long as the mobile home hereby approved is in situ.

The reasons are:-

1. The site lies in the countryside where the construction of new dwellings is strictly controlled. The business to which the mobile home relates to an existing agricultural enterprise, and the temporary consent enables the Local Planning Authority to review the agricultural justification for someone to be available at most times at or near their place of work, in accordance with Hambleton Local Development Framework Core Strategy Policy HG4.
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 Policy(ies) S1, S5, E1, E7.
3. The Local Planning Authority would wish to carefully examine any independent use of the building to assess whether the development would be acceptable in terms of policy, access and amenity.
4. In the interest of the visual amenity of the development in accordance with Local Plan Policies S5, E1 and E7.
5. In the interest of the character and appearance of the area in accordance with Local Plan Policies S5, E1 and E7.