

Item Number: 6
Application No: 21/01666/MFUL
Parish: Habton
Appn. Type: Full Application Major
Applicant: Mr Jonathan Bulmer
Proposal: Erection of an agricultural livestock building for the housing of pigs
Location: Coultas Farm, Habton Lane, Great Habton, Malton, YO17 6TY

Registration Date: 4 January 2022
8/13 Wk Expiry Date: 5 April 2022
Overall Expiry Date: 10 June 2022
Case Officer: Ian Irwin

Ext:

CONSULTATIONS:

<p>Lead Local Flood Authority (LLFA)</p>	<p>Responded on the 4 February 2022 and confirmed that further details related to the drainage strategy on site was required, along with a maintenance plan for further consideration.</p> <p>On the 5 May 2022 the Lead Local Flood Authority responded to this additional information. Their response confirmed that the <i>'flood risk for the site was low (flood zone 1), drainage connection was proposed to an adjoining drainage ditch, peak flow control would be pumped at an agreed rate and that the proposed attenuation pond was sufficient for all designed flood events. Maintenance would be undertaken by the landowner for the lifetime of the development'</i>.</p> <p>Accordingly, the LLFA offered no objection to the application, subject to the details submitted were approved as part of the conditions attached to any grant of planning permission.</p>
<p>Local Highway Authority</p>	<p>Responded on the 3 February 2022 and confirmed that the proposal would <i>'generate a nominal increase of an average of 3 additional vehicular movements per week. This does not generate concerns or give rise to conditions which would be considered detrimental to highway safety, therefore: there are no local highway authority objections to the proposed development'</i>.</p>
<p>Environment Agency</p>	<p>Responded on the 15 February 2022 and confirmed that the site was in receipt of an Environmental Permit for the rearing of up-to 4,000 pigs along with associated infrastructure that was subject of this planning application. The response further</p>

	<p>confirmed that, <i>'The permit includes controls on the farm which cover issues including:</i></p> <ul style="list-style-type: none"> • <i>Management - including general management, accident management, energy efficiency, efficient use of raw materials and waste recovery.</i> • <i>Operations - including permitted activities and operating techniques (including the use of pig feed, housing design and management, slurry spreading and manure management planning).</i> • <i>Emissions - to water, air and land including to groundwater and diffuse emissions, transfers off site, odour, noise and vibration, monitoring.</i> • <i>Information - records, reporting and notifications'.</i>
Yorkshire & Humber Drainage Board	<p>Responded on the 3 February 2022 and had no objection but requested further information in terms of the proposed attenuation pond and discharge rate into the existing land drain.</p> <p>The Drainage Board responded on the 13 May 2022 and confirmed <i>'The Board has NO OBJECTION to the above application. This response does not mean the Board supports this application; its position is neutral. If any changes are made during the planning consultation process that may impact the drainage or flood risk of the development or the local land drainage system, please reconsult the Board. Should the Board become aware of any matters it was not aware of or changes are made to the application it reserves the right to make an objection'.</i></p>
Habton Parish Council	<p>Responded on the 1 March 2022 and confirmed no objection to the application.</p>

Representations received:

A site notice was placed in the vicinity of the site on the 31 January 2022. The application was also advertised in the Gazette and Herald on the 9 February 2022.

A total of 31 responses have been received from all over the country and indeed even internationally. All of which object to the application. The first objection was based upon the following concerns:

'My objection is based on sustainability, ethics, environmental concerns, worries about human health and animal welfare. It is not required to sustain human life to have this erection. It is cruel and unnecessary. In the long term factory farming is contributing to climate change, negatively affecting the

environment such as biodiversity, normalising eating poor quality and large amounts of meat (we are in an obesity crisis) and contributing to antibiotic resistance, directly affecting human health’.

A further objection received stated, ‘It seems ludicrous that we are even considering a proposal such as this in the midst of a pandemic that has claimed the lives of millions of people globally. Three out of every four new and emerging diseases in people, including Covid 19, come from animals. Factory farming is the perfect breeding ground for these diseases: huge numbers of animals kept in cramped and filthy conditions. Swine flu outbreaks happen on a regular basis, and we are only one mutation away from another pandemic that is likely to be far more deadly than the current one. Antibiotic resistance is another major cause for concern. A third of antibiotics used in the UK are routinely given to factory farmed animals because they live in such atrocious conditions. This recklessness will inevitably lead to a pandemic of its own, whereby simple infections in humans that currently cause little concern, will become deadly. On top of this, the world is facing a climate and ecological catastrophe, and animal agriculture is one of the leading causes. For this reason alone, nationally and locally we should be transitioning to a 100% plant based system of food production. Pig and chicken farms are particularly responsible for producing toxic chemicals such as ammonia that contribute significantly to biodiversity loss, and the highly potent greenhouse gas, nitrous oxide. It is puzzling that local authorities are being urged by central government to play their part in reducing the nation’s greenhouse gas emissions, yet applications such as this one are still being considered. The Government’s own advisers have said that, as a country, we need to reduce our consumption of animal products by almost half. How does this application for a pig farm fit in with the Government’s national carbon reduction policy? Dealing with global hunger might be an issue that seems beyond the Council’s jurisdiction, but it is a well documented fact that animals in agriculture are responsible for consuming huge quantities of food (often from ex-Amazon rainforest land) to produce very little in return just so people in affluent countries can satisfy their palate pleasure. In doing so, people in less fortunate parts of the world are left to starve. My next point relates to the conditions that these highly intelligent animals will be kept in. It is a fact that pigs are more intelligent than dogs, they possess a full range of emotions and have the capacity to suffer as much as dogs do. Pigs are routinely mutilated by having their tails chopped off and their teeth pulled out whilst they are mere babies, both procedures without anaesthetic. Sadly, they live their whole lives in filthy conditions. So please ask yourself the following question: would you be happy for dogs, perhaps your own pet dog, to be kept in circumstances such as this? In addition to the above objections, I have personally lived near a farm such as this and was forced to move because of the unacceptable amounts of lorry traffic; the smell from the farm when the wind was in the wrong direction; and the light/noise pollution created by the day to day running of the farm. I was born and bred in the countryside, and as such my senses are accustomed to everyday farming practices, but farms such the one that is being proposed here are on a different level when it comes to acceptability. Before giving approval to this application, please ask yourself this question: would I want to live near a farm such as this? For the above reasons I urge you to find any grounds possible to reject this planning application’.

A further objection received stated, ‘Please Kindly accept my objection for the Following reasons. -Yorkshire already have too many factory farms. -It has been scientifically proven that Factory farms and slaughterhouses are the number one leading cause of Global warming and climate Emergency. -They are also causing pollution like air and in a water too. Killing wild life Animals and damaging the air that the public is breathing. -All Pandemics are coming from meat and factory farms are the nest of diseases as Salmonella, bird flu, swine flu... The last pandemic that had killed a lot of people worldwide was in 2009 and now Covid-19. Until those places will be around us, our future looks very grim More pandemics. Can we afford more businesses closing down, people loosing their jobs, lockdowns, Children and students missing school, vaccination, the wear of face mask? No we cannot. Covid-19 is a Warming that we all need to take seriously if human race has a chance to survive in the future. We will have more castatrophique disasters, people moving out from their unhabitable countries to come over here, more hunger, extinction of so many species..... Poor quality of meat full of antibiotics make people becoming antibiotics resistant and a lot of people every year are dying because of this. Factory farms should all be closed by now, we are been lied to for too long. Factory farms are AGAINST Nature and there are the shame of this "humanity" It is your duty and responsibility to protect the public from Harm. We don’t need to eat Animals Beings to live but we need an Earth which will be habitable for our children in the future. Thank you for taking this email with consideration and seriously’.

Another objection received stated, *'I herewith object to the planning application for the erection of an agricultural livestock building for the housing of pigs, address Coultas Farm, Habton Lane, Great Habton, Malton YO17 6TY. It is hard to believe that developments such as this one are still being put forward. The planet is being destroyed at an alarming rate. Animal farming is one of the main causes. The matter is urgent. Yet nothing is changing. The way forward is for organic arable agriculture, for human health as well as for the planet's health. Please do not permit this planning application. Do you have children, grandchildren? For their sakes please refuse this development'*.

Another objection received stated *'Please accept my objection to the above planning applications. In a world still recovering from a zoonotic pandemic, in a world where antibiotic resistance poses a serious threat to our health, in a world where countering a climate catastrophe is a top political priority, and in a world where more and more people are opposed to animal cruelty, please, for the good of us all, do not approve the planning for another factory farm. No amount of profit from factory farming justifies harming our planet, our health, or our non-human animal cousins. I object STRONGLY to this application on the above grounds'*.

The other 26 objections replicate the same statement, which is as follows:

Local Planning Pressures

There are 1332 intensive classified farms in Yorkshire 200sites for production pigs (qty >2000), 35 for breeding sows (qty >750), 1097 for poultry (qty <40,000) (Environment Agency (EA) data, September 2021). Add all those that fall under the permit classification and how many more can the county take? Are they necessary?

With the global spotlight on climate crisis mitigation, it is important to recognise the impact of animal agriculture.

The recent on-farm mass-cull programmes and shortages of slaughtermen, vets and HGV drivers strengthen the arguments against passing this harmful and outdated plan for a factory farm.

A recent article in Farming UK on 01 Feb 2022 had the following headline:

Pig sector faces 'collapse' as on-farm backlog deteriorates

And goes on to state:

"We are aware of 40 independent farms that have left the industry already,"

"We are already seeing a significant drop in breeding herd numbers, and we fear that if nothing changes, we could see a mass exodus from this industry over the next 12 months. Once we lose that production base, we won't get it back."

<https://bit.ly/35TMk5m>

Local Climate Crisis

The short-term benefits of extra employment and meat production are outweighed by the environmental impact on the local area, which is already facing a climate emergency. The British Government has announced that it local authorities as central to delivering its CO2 emission targets, yet more and more intensive farming applications are going through planning departments across the UK. It is vital to recognise the grave impact of just one more factory farm will have on the local, national and global environment.

Local Wildlife & Pollution Problems

ERYC has published their commitment to protect biodiversity in its biodiversity action plan strategy. Animal agriculture does not protect wildlife. Quite the opposite, as Defra's The Future Farming and Environment Evidence Compendium September 2019 report reveals:

“Biodiversity: Farming practices can have many impacts that can lead to a reduction in wildlife biodiversity (including loss of habitats and food sources). The UK farmland bird index, an indicator of the state of wildlife generally, has fallen to less than half its 1970 value”.

The World Health Organisation (WHO) has stated: “Authorities have a responsibility for controlling zoonoses – diseases transmissible from animals to humans through direct contact or through food, water and the environment. An estimated 75% of emerging pathogens are of zoonotic nature.” The more intensive animal farms built, the greater the likelihood of:

*More pandemics
Environmental damage
Biodiversity loss
Global food poverty, and UK food insecurity
Cancer and obesity
Antibiotic resistance
Animal mutilations without anaesthetic.*

The science is clear. Factory farming of animals is a leading cause of ALL the cruelties and catastrophes above. Source:Scrap Factory Farming National and International Threat: Zoonotic Diseases American scientists estimate “that more than 6 out of every 10 known infectious diseases in people can be spread from animals.” Centers for Disease Control and Prevention.

Among the list of recognised zoonotic diseases published by the British Government, those linked to pigs alone include:

- Swine flu – usually results in respiratory disease*
- Hepatitis E - can prove fatal, especially in pregnant women*
- Streptococcal sepsis – typically flu-like, symptoms often progress to meningitis, septicaemia, or infection of heart valves. The disease may ‘progress’ to multiple organ failure and death. Source: gov.uk, <https://bit.ly/3kNbVBt>*

National Climate Crisis

Scientists, the IPCC and the UN among many other world-renowned organisations are calling for an urgent reduction in meat and dairy consumption by 2030, saying 2050 will be too late. This year, the UK Climate Committee declared the urgent need for a 40% reduction in meat consumption. As far back as 2007 Defra reported: “The production of food from animal agriculture is a significant source of emissions in the UK, especially the production of GHGs and pollution of water sources. For pigs and poultry, the main pollutants are ammonia and N2O. “Nitrous oxide (N2O) has 296 times the Global Warming Potential of CO2 and ammonia [and] contributes significantly to acidification of rain and soils. The agriculture sector accounts for around 37%, 66% and 88% of total UK emissions of CH4, N2O and NH3, respectively, nearly all of which is derived from livestock production.” Source: Defra, <https://bit.ly/3HxEkFm>*

**Nitrous oxide is nearly 300 times more active as a greenhouse gas than carbon dioxide. Source: Government of Australia, <https://bit.ly/3x8eDGV>*

If the science was clear in 2007, why are planning applications for intensive livestock units still being approved when the Government sees Local Authorities as central to delivering its CO2 emission targets?

Deadly Antibiotic Resistance

In 2020 WHO reported: “Antibiotic resistance is one of the biggest threats to global health, food security, and development today.” Source: WHO, <https://bit.ly/3Hxk6vk>

“If no action is taken, drug-resistant diseases could cause 10 million deaths each year by 2050, and damage to the economy as catastrophic as the 2008-2009 global financial crisis. By 2030, antimicrobial resistance could force up to 24 million people into extreme poverty. “Currently, at least

700,000 people die each year due to drug-resistant diseases. More and more common diseases are untreatable; lifesaving medical procedures are becoming much riskier, and our food systems are increasingly precarious”.

Source: <https://bit.ly/2YVC9dt>

Antibiotic resistance occurs naturally, but misuse of antibiotics in humans and animals is accelerating the process.

“Farm animals consume one-third of all antibiotics in the UK and it is intensive farming systems that use drugs at unnecessarily high levels, putting human health at risk.”

“The routine use of antibiotics in intensive farming systems is driving this problem. Drugs are given to animals as a preventative measure – before they show signs of illness – to compensate for animals being housed in cramped, unsanitary conditions where infections spread fast. Intensively reared pigs and poultry account for 79% of UK farming antibiotic use.” Source: Soil Association, <https://bit.ly/3DqFG1C>

A 2019 EA report reveals: “Unfortunately farming is still one of the biggest sources of pollution incidents and farm slurry causes more than 1 serious incident of pollution a week. In 2018, farming activities caused 77 serious incidences of pollution in our waterways... we found that 95% of dairy farms failed to meet water protection standards”.

A number of the concerns raised are not considered material planning matters and accordingly are afforded no weight in the planning balance and consideration of this application. Whilst the concerns related to general meat eating are noted, it is not the Planning System’s role to determine the public’s personal choices in relation to what they consume. Additionally, the perceived ethical acceptability of rearing animals for food production, whilst understood to be considered unacceptable by many, is not a material reason to refuse this application. Members are aware that matters of animal welfare are addressed through separate legislation outside of the remit of the planning decision making process.

Concerns related to the ‘consideration’ of the application are also noted, but the Local Planning Authority has a legal duty to determine any application put before it. Officers cannot disregard applications because they may not concur with someone’s own personal views relative to that particular scheme. It must and should be considered, and importantly, determined as is required of Local Planning Authorities. What can be said, is that the aims and intentions of the Local Planning Authority in this case, is to give anyone whom may wish to make comments upon the application may do so and it is considered in this case, the democratic process to afford people a voice when considering this and any other application has been met.

Those comments received in relation to the number of farming units already operational in Yorkshire are not considered to constitute a material consideration nor are concerns related to animals receiving antibiotics or the perceived links of animal farming and risks of pandemics as a consequence of this practice. Concerns related to highways, biodiversity, climate change as well as noise and light are considered material matters and are considered within this report.

Due to further information being sought by two consultees, both the Lead Local Flood Authority and Internal Drainage Board provided further responses, as detailed in the consultation section above.

BACKGROUND:

The application is to be determined by Planning Committee as a major development because the site area of the application site is in excess of 1 hectare.

SITE:

Coultas Farm is an agricultural business that has approximately 350 acres of land. The business is based upon a livestock enterprise, related to pigs, cattle and sheep. The main farm complex is accessed from Habton Lane and it is recognised that the wider site subject of this application is home to the farmhouse along with a range of other agricultural buildings. The local topography is noted to be flat and

accordingly, long ranging views to the North are possible. The land to the north is agricultural in nature and is thus defined by clear field boundaries which are made up of hedgerows, post and wire fences and other features such as trees. The application site in this particular instance is on land immediately adjacent to the main, existing farm complex in an existing agricultural field. The agricultural field is

The site is located in Flood Zone 1 (low risk for flooding). There are no other constraints considered relevant in the determination of this application.

The nearest residential property is 'Habton Grange', approximately 271 metres to the South of the application site. Other properties to the West-North-West known as 'Suncroft' is approximately 332 metres away and 'Whin Hill Garth' is approximately 329 metres from the application site.

PROPOSAL:

The proposal is for the erection of an agricultural building that would be located within the existing farmyard and adjacent to other agricultural buildings. The applicant confirms that the proposed building would be 48.765 metres by 30.478 metres in size and 5.181 metres in height to the eaves with a ridge height of 9.224 metres. Accordingly, the building would have a footprint of 1486.25 square metres.

The building is intended to be used for the rearing of pigs and would accommodate 1000 pigs whom would be reared from 35g, to 110kg's on a straw based, naturally ventilated rearing system. The wider site which this building would relate to is a well-established agricultural holding that extends some 350 acres and has an existing livestock, comprising 2000 pigs presently. The farm comprises of a number of different agricultural buildings and the farmhouse, with agricultural land extending to its north. This proposed building would be located immediately adjacent to the main cluster of agricultural buildings but within an existing arable agricultural field.

The building would be constructed of a steel frame with walls clad of concrete panels. These would then have Yorkshire boarding above. The roof would be finished with natural grey fibre cement sheeting.

Access to the site would remain as per the existing arrangements, the same as for the other existing, immediately adjacent agricultural buildings off Habton Lane.

Surface water is proposed to be discharged to an existing land drain which is located in close proximity to the site. A second application, for a larger agricultural building is (ref. 22/00020/FUL) is also under determination which is proposed to be located within the existing farm yard which would also drain to the same location. The drainage strategy is proposed to deal with both proposed buildings and would involve the creation of an attenuation pond (8 metres x 5 metres in size, with a capacity of 85 sq. metres), which would be pumped at an agreed rate into the drain in order to achieve a surface water flow equivalent of the existing on site, run-off rates. Foul water would be collected by a containment tank, located underneath a manure pad at the eastern end of the unit.

It is noted that the applicant has a permit from the Environment Agency which permits the rearing of up-to 4000 pigs. This permit would relate to the proposed shed sought by this planning application. It also relates to the management, operations, emissions and information associated with the farming operation on site.

HISTORY:

22/00020/FUL – Erection of a general purpose agricultural building – pending determination.

19/01043/FUL – Erection of a general purpose agricultural building for housing livestock – Approved

18/00384/FUL – Erection of a general purpose agricultural storage building – Approved

17/00164/FUL – Erection of a replacement agricultural building for the housing of livestock following demolition of existing agricultural building – Approved

(a planning history is noted for the site but it is not considered necessary to refer to all of these previously determined applications)

POLICIES:

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 planning authorities are required to determine each planning application in accordance with the planning policies that comprise the Development Plan unless material considerations indicate otherwise. The Development Plan for the determination of this particular application comprises the following:

The Ryedale Plan- Local Plan Strategy (2013)

Local Plan Strategy - Policy SP1 General Location of Development and Settlement Hierarchy;
Local Plan Strategy - Policy SP9 The Land-Based and Rural Economy;
Local Plan Strategy – Policy SP13 Landscapes;
Local Plan Strategy - Policy SP16 Design;
Local Plan Strategy - Policy SP17 Managing Air Quality, Land and Water Resources;
Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development;
Local Plan Strategy - Policy SP20 Generic Development Management Issues.

Other Material Considerations

National Planning Policy Framework (NPPF)

Chapter 2 – Achieving Sustainable Development
Chapter 4 – Decision making
Chapter 6 – Building a strong, competitive economy
Chapter 11 – Making effective use of land
Chapter 12 – Achieving well-designed places
Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
Chapter 15 – Conserving and enhancing the natural environment

National Planning Practice Guidance (NPPG)

APPRAISAL:

Principle of the development

Policy SP1 of the Ryedale Local Plan, entitled ‘General Location of Development and Settlement Hierarchy’ confirms the Council’s approach to the type of development considered appropriate for locations across the district. The site is noted to be located outside of any defined settlement and so therefore is considered to be located in the ‘Wider open countryside’. Policy SP9, entitled ‘The Land Based and Rural Economy’ supports the principle of new buildings that are required to support land-based activity. It states, *‘Ryedale’s land-based economy will be sustained and diversified with support for:*

- *New buildings that are necessary to support land-based activity and a working countryside, including for farming, forestry and equine purposes;*
- *Replacement dwellings for land management activity if no other existing available buildings suitable or capable of conversion;*
- *Replacement of non-traditional general-purpose storage buildings to support farming, forestry or equine related activity;*
- *Conversion of traditional buildings for tourism or residential uses (subject to the occupancy conditions set out in Policy SP21);*
- *Conversion of existing buildings and provision of new buildings to support appropriate small-scale rural economic activity in line with Policy SP6;*

- *Appropriate farm and rural diversification activity including innovative approaches;*
- *Local food production and sales. Farm shops which will meet a demand for local produce and which contribute to the local economy will be supported where they do not adversely affect easily accessible convenience shopping;*
- *Appropriate new uses for land including flood management and energy production related research and education in this field;*
- *Small-scale extraction of local building stone and limited aggregate provision.*

And indirectly by supporting:

- *The retention of a livestock market within Ryedale on a site which is convenient to users, well related to the main road network and in a location which is close to a Market Town but will not harm its character, landscape setting or the amenities of nearby residents;*
- *Local weekday and Saturday markets, farmer's markets and events;*
- *Proposals or actions that would assist in utilising and retaining traditional rural skills including land and woodland management, farming, conservation, local traditional building techniques'.*

The application before the Local Planning Authority relates to such a scheme that would support an existing working farm and land-based agricultural activity in a rural area.

Fundamentally, the Local Plan recognises that the district has a significant land-based rural economy that is contributed to by numerous farming operations. As such, the principle of an agricultural building being located within agricultural land, adjacent to existing agricultural buildings and therefore within an agricultural setting, is considered acceptable and accords with the Ryedale Local Plan and in particular, Policy SP1.

Design and Character of the Area

Policy SP16 entitled 'Design' states that '*to reinforce local distinctiveness, the location, siting, form, layout, scale and detailed design of new development should respect the context provided by its surroundings*'. In addition, Policy SP20 entitled 'Generic Development Management Issues' requires that new development respects the character and context of the immediate locality and the wider landscape character in terms of physical features and the type and variety of existing uses.

Chapter 12 of the NPPF, entitled 'Achieving well-designed places' states at Paragraph 126 that, '*good design is a key aspect of sustainable development*'.

Paragraph 130 advises that '*Planning Policies and decisions should ensure that developments:*

- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- Are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- Optimise the potential site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- Create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience'.*

Paragraph 134 says that '*Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local*

design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:

a) Development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or

b) Outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings’.

The application site is noted to be adjacent to an existing and well-established agricultural business. The proposed building would therefore be located adjacent to several other such buildings. In that respect, it is considered that in terms of the immediate character of the area, the development proposal would respect that and not readily conflict with it, reflecting the agricultural nature and character of the area.

The building is large and utilitarian in its proposed appearance, but it would be commensurate with the type of activity proposed to be undertaken in association with it and would be constructed of materials, similar to those in the vicinity of the proposed building but throughout the district and indeed the country.

It is considered that in light of this, the design could not be reasonably said to be ‘bad’ or ‘poor’ enough to merit its refusal. Accordingly, the proposed scale, materials and colour finishes are considered acceptable and would not be detrimentally harmful to the local area. As such, the scheme is considered to accord with Policy SP16 of the Local Plan and merits support.

Landscape Impact

Policy SP13 entitled ‘Landscapes’ requires that proposed development protects and enhances the quality, character and value of Ryedale’s diverse landscape. Criterion ‘C’ of paragraph 130 of the NPPF states that planning decisions should ensure that proposals are *‘sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities)’*.

As has been confirmed, the site as proposed is an agricultural field, immediately adjacent to the existing farm hub and in that respect, the setting of the local area is very much agricultural. In that respect, development proposed such as this is a common sight in these types of locations.

In this case, the proposed building would not stand alone as an incongruous feature but rather, would be an addition to an already well-established rural, agricultural business and commensurate with the scale of operations presently on site.. Given the materials proposed would match those buildings already located on site and the scale of the building is considered commensurate with the intended use, there are few concerns from a landscape perspective, particularly given that the site has no formal landscape designation.

The building is large, but not uncommon in agricultural work practices and given it would be seen as a collective group, particularly when seen from the North or South this is further considered to mitigate any landscape impact.

Accordingly, the scale and design of the proposed building is considered acceptable and there would be no significantly detrimental impacts upon the local landscape were this scheme approved and subsequently implemented. It is therefore considered that the development would accord with Policy SP13.

Amenity

Policy SP20 entitled ‘Generic Development Management Issues’ has a specific section entitled ‘Amenity and Safety’. It states that ‘New development will not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land and buildings or the wider community by virtue of its design, use, location and proximity to neighbouring land uses. Impacts on amenity can include, for example, noise, dust, odour, light flicker, loss of privacy or natural daylight or be an overbearing presence’.

Criterion ‘f’ of Paragraph 130 of the NPPF states that decisions should ensure that development ‘create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience’.

The nearest residential property is ‘Habton Grange’, approximately 271 metres to the South of the application site. Other properties to the West-North-West known as ‘Suncroft’ is approximately 332 metres away and ‘Whin Hill Garth’ is approximately 329 metres from the application site. It is noted that some objectors have raised concerns in regard to potential noise and light impacts affecting the local area were this application approved.

The proposed building is considered compatible and consistent with existing agricultural land uses already established in the area and it is not considered that the scheme would result in any significantly detrimental impacts contrary to Policy SP20. The development is located a good distance from existing, nearby residential dwellings and in respect of this scheme, there are no unacceptable amenity impacts considered likely, particularly given these separation distances. The scheme as proposed is considered commensurate with the existing, well-established agricultural business and is not considered to result in any activity that would lead to any material increase beyond that presently experienced on site.

Accordingly, those concerns raised by some objectors in relation to noise and light, are for those assessments, not considered justified reasons to refuse the application. Nevertheless, it is considered prudent, given the scale of the building proposed, to impose a condition that requires any details of lighting to be submitted for approval by the local planning authority prior to their use on site. This would ensure the night sky is preserved from un-necessary light spill as well as contributing and preserving the amenity of the area.

It should also be noted that the site operates to an existing Environmental Permit. The permit relates to a range of issues, many of which directly control matters to assure amenity of the area, regardless of existing separation distances. The permit controls operations related to general management, accident management, energy efficiency, efficient use of raw materials and waste recovery. The permitted activities and operating techniques (including the use of pig feed, housing design and management, slurry spreading and manure management planning) as well as emissions to water, air and land, including transfers off-site relating to odour, noise, vibration and monitoring.

The permit therefore places stringent restrictions upon the applicant and further assures that protection to the amenity of the area is provided. It is therefore considered that the proposal would not have an adverse impact upon residential amenity contrary to Policy SP20.

Flood risk and drainage

Policy SP17 ‘Managing Air Quality, Land and Water Resources’ confirms what and how development proposals should manage surface and waste water.

Chapter 14 of the NPPF entitled ‘Meeting the challenge of climate change, flooding and coastal change confirms in paragraph 154 that ‘New development should be planned for in ways that:

a) Avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and b) can help to reduce greenhouse gas emissions, such as through its location,

orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards'.

Paragraph 159 states that, *'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere'.*

Paragraph 162 of the NPPF states that, *'The aim of the sequential test is to steer new development to areas with the lowest risk of flooding. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding'.*

Paragraph 167 states that, *'When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*

- a) Within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) The development is appropriately flood resistant and resilient;*
- c) It incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) Any residual risk can be safely managed; and*
- e) Safe access and escape routes are included where appropriate, as part of an agreed emergency plan'.*

Paragraph 169 states that *'Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:*

- a) Take account of advice from the lead local flood authority;*
- b) Have appropriate proposed minimum operational standards;*
- c) Have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and*
- d) Where possible, provide multifunctional benefits'.*

It is noted that the original consultation responses from both the Lead Local Flood Authority (LLFA) and Internal Drainage Board (IDB) requested further detail in relation to the proposed drainage strategy. This information was provided and reaffirmed the intention to utilise an existing land drain located close to the site (to the East). This was due to assessments made by the applicant's drainage consultant which suggested that existing, on-site ground conditions would be unsuitable for soakaways or infiltration methods.

The drainage ditch is under the jurisdiction of Yorkshire & Humber Drainage Board. They have offered no objection to the application but it is recognised that the applicant would require an appropriate consent from this body were they to want to implement the proposed drainage scheme.

In order to ensure that run-off is controlled appropriately to mitigate any potential impact from flood risk by surface water, the proposal needs to endeavour to that any discharge rate from the proposed drainage system, into the drainage ditch, is managed correctly. To achieve this, the applicant proposes pump and control equipment to be installed alongside an attenuation pond, which combined would restrict surface water discharge into the land drain at a rate equivalent to existing run-off rates. Effectively, by managing the surface water this way, the aim is to ensure that there is no material change in the water the existing land drain receives and at a rate that is commensurate with existing circumstances.

The attenuation pond could accommodate 85 metres cube of water in total, with a maximum depth of 1.249 metres. The capacity of the pond is proposed to be able to deal with a 1 in 100 year storm event with an additional allowance of 30% for climate change calculations.

Foul water is to be dealt with by an underground tank, which is drained to directly from within the building and emptied by tanker as required for appropriate disposal. That is located to the East of the proposed building. It is noted that this would be installed were this scheme approved and the building connected to it and would be maintained and managed to Silage, Slurry and Agricultural Fuel Oil (SSAFO) regulations.

Concerns raised by objectors in relation to potential pollution from water run-off into existing adjacent water bodies are noted. However, the Environmental Permit is in place to ensure high standards are maintained on site and it is understood the applicant is already working to such on site. The comments raised by the IDB and LLFA do not give rise to any concerns in relation to potential pollution risk and the Environment Agency response in relation to the application is also noted.

This detail as submitted as part of a drainage impact assessment which on consideration both the LLFA and IDB. Both consultees have offered no objection as a consequence of assessing this submission and as such it is considered that the proposed scheme would be acceptable in planning terms. As such, there are no concerns in relation to drainage or flooding in relation to this scheme on the basis that the recommendations and proposals put forward are implemented in full. The scheme is therefore considered to accord with Policy SP17 of the Ryedale Local Plan.

Natural Environment

Chapter 15 of the National Planning Policy Framework (NPPF) entitled ‘Conserving and enhancing the natural environment’ confirms the national guidance on such matters. Paragraph 174 states that ‘*Planning policies and decisions should contribute to and enhance the natural and local environment by:*

- a) Protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);*
- b) Recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;*
- c) Maintaining the character of the undeveloped coast, while improving public access to it where appropriate;*
- d) Minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;*
- e) Preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and*
- f) Remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate’.*

Paragraph 188 of the NPPF states that ‘*The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities’.*

The site subject of this application is an agricultural parcel of land believed to be Grade 2 agricultural land according to the provisional land classification data available from Natural England. It is noted that paragraph 174 of the NPPF (criterion B) states, that planning policies and decision should, ‘*should*

contribute to and enhance the natural and local environment by.....recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland’.

A number of objectors have raised concerns that the proposal will have a significantly detrimental impact upon local biodiversity and on those grounds, should be refused. It can be confirmed that the site is not located close to or within any locally, nationally or internationally designated sites for Ecology and/or Biodiversity and indeed is an agricultural field that can be used in association with a range of agricultural processes that would not require planning permission. Whilst the building is recognised to be ‘development’ it would be used in association with this existing and well-established agricultural business.

The concerns of objectors are noted, but given the site is part of an existing agricultural field, subject to everyday farming processes (such as arable crop) it could not be considered to have any significant value in ecological or biodiversity terms in relation to this planning application.

The concerns raised by objectors in relation to climate change are also understood. However, as paragraph 188 of the NPPF states, the planning decision making process is not related to determining whether an application is acceptable in terms of controls of processes or emissions – these aspects are covered by various legislation and should not stymie the land-use based decision making process required from Local Planning Authorities.

Whilst concerns related to climate change are understood, decision making in planning terms must still accord with the development plan – along with other material considerations. Neither National or Local Planning Policy sets specific requirements in relation to planning decision making for agricultural businesses.

The concerns related to climate change are not readily dismissed but fundamentally, the planning decision is whether such is an acceptable land use. As paragraph 188 of the NPPF states, the decision making process for planning is related to land-use, not to assess whether proposed processes or controls are acceptable or not. There are no reasons in relation to the natural environment considered reasonable to justify the refusal of this application.

Fundamentally, the land will remain in agricultural use, and whilst a new building would be constructed by virtue of this application, would introduce a new structure, the agricultural use would remain. It is therefore considered that the application would not result in any significantly detrimental impacts in terms of ecology and/or biodiversity and as such, it would not conflict with local or national policy.

Highways

Policy SP20, entitled ‘Generic Development Management Issues’ states that “*Access to and movement within the site by vehicles, cycles and pedestrians would not have a detrimental impact on road safety, traffic movement or the safety of pedestrians and cyclists. Information will be required in terms of the positioning and treatment of accesses and circulation routes, including how these relate to surrounding footpaths and roads*”.

Paragraph 111 of the NPPF affirms that ‘*development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*’. It is noted that some objectors have raised highway impacts as a concern.

Access would remain as is, with no change in those pre-existing arrangements. The Local Highway Authority have been consulted upon the scheme as proposed and have confirmed that in their view, the proposal would ‘*generate a nominal increase of an average of 3 additional vehicular movements per week. This does not generate concerns or give rise to conditions which would be considered detrimental to highway safety, therefore: there are no local highway authority objections to the proposed development*’.

In respect of this view then and the policy consideration, it is considered by officers that the scheme would not result in any severe highway safety and/or cumulative impacts. Whilst concerns related to highway impact are noted, given the scale of vehicle movements proposed – at an average of 3 additional movements per week, are not considered to represent a material change in existing highway use and circumstances in the area were this application approved and subsequently implemented.

On that basis then, it is considered that the scheme accords with the requirements of the Local Plan and in particular Policy SP20.

Conclusion

The principle of the development is considered to align with national and local planning policy and represents development that supports the land-based, rural economy through the expansion of an established mixed farming enterprise. The proposed development would not have an unacceptable impact on the open countryside, local amenity, highway safety or flood risk. In light of the above assessment, it is considered that the proposal is acceptable and complies with Policies SP1, SP9, SP16, SP17, SP19 and SP20 of the adopted Ryedale Plan - Local Plan Strategy and the National Planning Policy Framework. Therefore, the recommendation to Members is one of approval, subject to the imposition of the conditions as drafted within this report.

RECOMMENDATION: Approval subject to the following conditions;

- 1 The development permitted shall be begun either before the expiration of three years from the date of this permission.

Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

- 2 The development hereby permitted shall be carried out in accordance with the application form dated the 22 December 2021 and the following approved plans:

- Location Plan ref. IP/JB/01, dated December 2021;
- Site Plan, ref. IP/JB/02, dated December 2021;
- Elevations, ref. IP/JB/03, dated December 2021;
- Floor Plan, ref. IP/JB/04, dated December 2021;
- Design & Access Statement, received as valid on 4 January 2022;
- Drainage Impact Assessment, ref. JAG/AD/JF/46930-Rp001, dated April 2022.

Reason: For the avoidance of doubt and in the interests of proper planning.

Prior to use

3. Prior to the use of any external lighting on the hereby approved building, details shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the position, height, angle of lighting, illuminance level and hours of operation. All lighting shall then be installed and maintained in accordance with those approved details for the duration of the development.

Reason: In the interests of the reduction of light pollution and to satisfy the requirements of Policies SP16 and SP20 of the Ryedale Plan, the Local Plan Strategy.

4. Prior to the introduction of any livestock within the development hereby permitted, a manure management plan shall be submitted in writing to the Local Planning Authority for written approval. This shall detail the measures to be taken to minimise environmental issues through the correct collection and storage of animal waste. It shall detail the methods of animal bedding and area cleaning. Such a plan shall be reviewed whenever there are significant changes, and implemented or at the request of the Local Planning Authority.

Reason: In order to protect the amenity of surrounding properties, and to satisfy Policy SP20 of the Ryedale Plan - Local Plan Strategy.

Ongoing Conditions

5. All external constructional materials and colour finishes to be used for the building shall be in accordance with those identified in the application details as submitted.

Reason: In the interests of visual amenity and to comply with Policies SP16 and SP20.

Note to Developer

1. This decision notice grants planning permission only. It does not override any existing legal agreement, covenant or ownership arrangement. It is the applicant's responsibility to ensure all necessary agreements/consents are in place prior to the commencement of development and to take appropriate advice thereon if required.