

Item Number: 15
Application No: 19/00579/FUL
Parish: Thornton-le-Dale Parish Council
Appn. Type: Full Application
Applicant: Mr Michael Morley
Proposal: Erection of agricultural livestock building for the housing of pigs
Location: Land Off Westfield Lane Thornton-Le-Dale Pickering North Yorkshire

Registration Date: 24 May 2019
8/13 Wk Expiry Date: 19 July 2019
Overall Expiry Date: 27 August 2019
Case Officer: Niamh Bonner **Ext:** Ext 43325

CONSULTATIONS:

NYM National Parks	No objection
Vale Of Pickering Internal Drainage Boards	Objection removed
Thornton-le-Dale Parish Council	Concerns and comments
Highways North Yorkshire	Recommend informative
Environmental Health Officer	
Neighbour responses:	Richard Dickinson, Mr Gibson,

SITE:

The application site is an agricultural field, located in the open countryside approximately one mile to the west of the settlement of Thornton le Dale. This is to the south west of the junction of Westfield Lane and Broadmires Lane, approximately 600 metres due south of the existing main farmstead of Westfield Farm.

Within this parcel of land two existing livestock buildings are present in two adjoining linear fields. These fields extend approximately 650m from north to south and approximately 60 metres in total width. It is noted that the precise application site associated with this relates to a section within the more easterly field. A manure store has recently approved in the field to the east under the agricultural notification procedure.

The site is surrounded by agricultural fields to the north, south and west. Within the adjoining field to the east in separate ownership a number of dogs are kept within sheds and a horse grazed.

Access to the application site is along the existing unclassified highway identified as Broadmires Lane and it appears that this lane serves only fields beyond the application site. There are no designated public rights of way in proximity to the site.

The North York Moors National Park Boundary lies approximately 190metres to the north of the site.

PROPOSAL:

The proposal seeks planning permission for the erection of agricultural livestock building for the housing of pigs.

The Design and Access Statement notes the following *“The applicant farms a mixed arable and livestock enterprise from Westfield Farm, Thornton le Dale. The Farm extends to 226 hectares of predominantly arable land. The crops include wheat, barley and oilseed rape. The farm also operates a pig rearing unit off Westfield Lane, south of Westfield Farm extending to 1175 places.*

The applicants now proposed to invest in the construction of a further livestock building. The proposed livestock building will be used for the rearing of pigs on a straw based system. The proposed building will house up to an additional 450 places which will increase the total size of the unit to 1625 places. “

PLANNING HISTORY:

The following history is considered relevant in the determination of this application:

87/00839/OLD: 3/135/260/FA Erection of an agricultural building for semi-intensive pig unit (straw bedded) at OS Field 378, Broadmires Lane, Thornton Dale. Approved.

12/00236/AGNOT. Erection of agricultural building for the housing of livestock. Determined (Did not fall within criteria of scheme.)

12/00424/FUL: Erection of agricultural building for the housing of livestock. Approval.

13/00899/FUL: Erection of an agricultural building for the rearing of pigs. Approval.

18/00759/AGNOT: Erection of an agricultural building for storage of straw based farmyard manure (FYM) Approved.

This application was an application for prior approval for a proposed agricultural use. This was considered to meet the criteria under Schedule 2, Part 6 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and thus formed permitted development.

POLICIES:

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 SP16 Design

Local Plan Strategy - Policy SP17 Managing Air Quality, Land and Water Resources

Local Plan Strategy - Policy SP18 Renewable and Low Carbon Energy

Local Plan Strategy - Policy SP19 Presumption in Favour of Sustainable Development

Local Plan Strategy - Policy SP20 Generic Development Management Issues

National Planning Policy Framework

National Planning Practice Guidance

REPRESENTATIONS:

The Parish Council have responded with the following comments:

The Council considered the application at the monthly Parish Council Meeting on Tuesday 4th June 2019, and would like to comment as follows:

Whilst the Council have no direct objections to the planning application for the erection of the building, they have concerns in regard to:

(a) The increase in animal waste that will be produced from the housing of the additional pigs. They are keen to receive reassurance that the correct animal waste management procedures will be in place.

(b) There is some concern in regard to the access and egress point for this area, when accessing onto the public highway – could this be assessed.

Consultations responses raising points of objection were received from the occupier of Bruce Villas, Pickering who owns the parcel of land to the east of the site and from the occupier of Orchard Meadow, Westgate, Thornton le Dale on the 21st June 2019.

The following summarised points of objection were received. These are available for Members to review in full on the Ryedale Website.

- The access route into the site is inadequate in its current form as it is reached via an unmade lane/track, difficult to navigate by foot and cycle due to condition.

- The extra volume of very large articulated wagons will only make the road deteriorate more rapidly
- Incumbent on the applicant to prepare/upgrade the access road off the metalled lane to ensure the track is safe and for purpose as the applicant is the main user.
- What provision is being made to deal with large amounts of animal effluent generated by the pigs being reared on this site. I take it that liquids are not going to be allowed to leach away and contaminate water courses by local open dykes/drains.
- The metalled road is suffering badly and constantly flooding in wet weather, due to unsuitable wagons visiting the site making the road sink.
- Have the conditions attached to the previous application by the applicant been fulfilled. There are still some accommodation units on site and was under the impression these had to be cleared away and ground reinstated to how it was before work completed.
- Council approved a temporary dwelling to look after breeding sows and their young. This was in addition to the previous application for bed and breakfast pigs.
- Had objected to previous schemes as these did not have a proper system to remove pig waste nor washing out facilities.
- His plans for a temporary home as well as parking were rejected, some years later the static caravans are still there together with the septic tank, ignored the recommendations of the planning decision 13-00898-FUL. There is no collection tank for washing out purposes, ignoring the council/environment recommendations for the last six years.
- Concerns about positioning of site notice.
- No mention of where the effluent will go.
- Concerned with vermin problem associated with the housing of pigs, knowledge which extends from over 50 years of working on pig farms on the balance of probabilities will cause my dogs to suffer. Rat poisoning has caused them to have “lost” two dogs prior to acquisition of present property.
- The odour from the new manure store is a public/private nuisance.

In relation to the concern over the site notice, a new sign was erected in a more visible location.

A further response was received from the occupier of Bruce Villa on the 13th July 2019 which made the following summarised points.

- It was noted that there would be no grubbing of hedged. The photograph encloses that there is no access to the field with (out?) the partial removal of this hedge.
- This plan also states that there would be no effluent from the 450 pigs. From looking after pigs for half a century I find this hard to believe.
- I also note that Mr Morley wishes to erect a manure store without giving me any notice that that intention. It is strange that there are no proper drains or effluent tanks to accommodate these pigs.
- Please advise where is the effluent and rain water to be discharged and how does this affect the water table.

An additional response was received from the occupier of Bruce Villa on the 30th July 2019 which made the following summarised points, having enclosed a plan of land, showing the ditch to the eastern side of the application site within their ownership:

- Mr Morley had previously indicated his field had land drains, which made him believe this ditch was his, where are Mr Morley’s land drains going.
- Now plans have been passed for a manure store the roof water will be going into my ditch and also now there are plans for a shed for 450 pigs this roof water I think will be going into my ditch, also, where is the effluent going? Very disappointed with planners as this has been done without me being consulted.

A further response was received from the occupier of Bruce Villa on the 26th August 2019 which made the following comment:

“The plans for a manure store that were past stated that the roof water was going into open ditches and

the effluent was going into the existing effluent tank which does not exist and all the way of Mr Morley's plans the box,s have been ticked in the wrong box,s, in my opinion the biggest objection was when Mr Morley submitted plans for a temporary dwelling in the same field as the piggery but on a different application reference. In reference to his agents comments about the drainage, this was hampered later by Mr Morley by filling both sides of the road with stone to make a wider accesses for the lorries if the drains were left as they were he would never have got big lorries in to his property. Also the highways dug some grip holes at the road at Mr Morley's side and he told them to fill them up as he did not want water going on to his land, but he does not mind water going on to other people's property. What will it be like for me and my dogs and horses with all the smell and flies from there sheds. All that I have put here is what I have seen not what I have been told as I am there every day."

APPRAISAL:

The main considerations in assessing this application are;

- i) Principle of Development
- ii) Character and Design
- iii) Access and Highway Safety
- iv) Surface Water/Foul Water/Contamination
- v) Landscaping
- vi) Other Matters, including Consultation Responses

i) Principle of Development

Policy SP1 (General Location of Development and Settlement Hierarchy) notes that in all other villages, hamlets and in the open countryside development will be restricted to that 'which is necessary to support a sustainable, vibrant and healthy rural economy and communities.'

Policy SP9 (The Land Based and Rural Economy) of the Ryedale Plan - Local Plan Strategy is supportive of new buildings that are necessary to support land-based activity and a working countryside, including farming. Furthermore the National Planning Policy Framework is supportive of sustainable growth and expansion of all types of business and enterprise in rural areas, through well designed new buildings.

In this instance given that this is an existing and established farm enterprise, the principle of a new building to support the agricultural activity is acceptable. This proposal is considered to be in accordance with Policy SP9 of the Ryedale Plan, Local Plan Strategy, however this is subject to the assessment of the other identified main considerations.

ii) Character and Design

The proposed building would be attached to the recently approved Manure Store which has not yet been constructed and would span 18.29 metres x 18.29 metres, with an eaves height of 6 metres and a ridge height of 8.5 metres. This would be a steel framed construction with concrete panel walling, with tandalised Yorkshire boarding and green box profile sheeting above. This would be completed with a grey fibre cement roof.

The use of natural grey fibre cement roof sheeting is consistent with the previously approved development in the site. The use of Yorkshire boarding and green box profile sheeting is appropriate in this rural location.

It is considered that the grouping of this building with existing buildings is appropriate and would not appear visually incongruous within the Wider Open Countryside, it is therefore considered that this element of the proposal accords with Policy SP16 of the Ryedale Plan, Local Plan Strategy.

iii) Access and Highway Safety

The Highway Authority noted within their consultation response that no highway objections are raised in principle to the development. The response noted:

“Given that this is part of an existing agricultural enterprise, there are no local highway authority objections to the proposed development in principle. However, it should be noted (and included as an informative on any subsequent permission granted) that access is, in fact, along the existing unclassified highway (a Green Lane). The applicant should be made aware that this type of road is maintained to the minimum of standards given its status and particularly at this location as the road/track appears to serve nothing other than fields beyond the application site. It should be noted that any increased vehicular activity (particularly by HGV / non-agricultural type vehicles) brought about by the construction and subsequent use associated with the development will not lead to any additional maintenance being carried out by the highway authority along the Green Lane.”

Therefore whilst concerns have been received in relation to the state of the track, given the response from North Yorkshire Highways, this additional development is considered acceptable in terms of its impact upon the highway network.

iii) Surface Water/Foul Water/Contamination

The original application form submitted with the proposal indicated that the surface water would be drained via an existing watercourse, with no detail provided on how foul water/washing out water would be dealt with, whether via a collection tank or otherwise.

On the 16th July 2019 a consultation response from the Vale of Pickering Internal Drainage Board (IDB) indicated that they cannot support the proposals at this time, noting *“The application form states that surface water run off will be to existing watercourse, however there is no information submitted to display: How this will be achieved, what watercourse it is proposed to discharge to, what mitigation is in place to prevent contamination of the watercourse, what is the increase in impermeable area created by the proposal development, and calculations that show the proposed rate of discharge. The Board requires a detailed drainage design which identifies all the points raised above to be submitted.”*

It was clear from the consultation responses received, from the IDB, the Parish Council and third parties that this issue is considered to be of significant concern. The Agent was advised to review all letters of representation and provide a comprehensive response. Furthermore it was confirmed that from a review of the planning history, the conditions relating to the application 13/00899/FUL (condition 4 seeking details of drainage and condition 5 seeking a manure management plan) were not discharged. Therefore it was not clear how this was ultimately being controlled.

An email was received on the 2nd August 2019 which included additional information on the following items: Waste Management Procedure, Clean Water Discharges, Washing Out Water and Water on Westfield Lane, with further manure management information provided in relation to the wider site. An accompanying plan was submitted in which it was illustrated that the proposed building and manure store would be served by a rainwater buffering and harvesting tank, that would drain southwards via land drains within the site towards Broadmires Drain.

This email also confirmed the following points:

- The pigs housed in the existing buildings and also those that will be housed in the new building, are in large straw bedded yards. The floors are concrete with concrete panel walls all of which are sealed to create a watertight bund. The straw bedding absorbs all manure and water through spillage less evaporation and so this can be handled as solid farmyard manure with no slurry or effluent produced. The buildings are mucked out in-between batches with FYM currently being transported to temporary in field heaps before being spread. This process is going to be improved further by the construction of the purpose built manure store. This building will store the manure from all three buildings, keeping it dry and reducing in field effluent production. The manure can then be transported in optimal conditions when it is ready to be spread.
- I can confirm that the area of the new building is 335m² and this will be the increase in impermeable area. All water will be collected via guttering and diverted into a rainfall buffering tank of a minimum of 20,000 litre buffer capacity and potentially larger to allow an

element of rainwater harvesting. This setup will be used to ensure the maximum flow to the watercourse does not exceed 3.5 Litres/second. The two drainage plans attach show the route of the field drainage and outfall as well as a diagram demonstrating how the buffer tank will work. Any harvested water will be used for livestock drinking or washing out. The tank outlet will be connected into the existing clean water drains which discharge into the watercourse as shown on the enclosed plan. The situation on the two existing pig buildings is that approximately 25m³ are stored in a rainwater harvesting tank with the overflow discharging into the IDB drain in the north as shown on the plan. I can confirm that it is only clean rainwater which is discharging into the drainage network.

- The new building incorporates a concrete sump within its construction for the collection of washing out water. As previously stated, due the watertight construction and absorbent straw bedding, there is no other effluent or fouled water produced from the building and therefore washing out is the only time when there is a risk of fouled water being produced. The sump will house a submersible pump which will be used when washing out is taking place to pump the fouled water from the sump into a mobile tank for spreading on the agricultural land. The picture below helps to demonstrate how this would work.
- I have been informed that surface water collecting on Westfield Lane was previously an issue, this drainage was upgraded by Yorkshire Water and Morrison Utilities by increasing the size of the drain running under the road from the ditch running south on the east side of Westfield Lane, this was also helped by Thornton Estate cleaning the ditch out. There has been no problem since.

Further to this, it was reported to the Agent that a representation had been received which contended there were no land drains within the site and the agent was asked to confirm whether the land drains shown on the submitted plan were existing or proposed. On the 14th August a response was received from the Agent including a drainage plan from 1981 which showed the land drainage infrastructure as installed within the site and a photograph of the outfall of the existing land drains to Broadmires Drain that tallies with the drainage plan.

On the 21st August 2019 a further response was received noting *“The Vale of Pickering Internal Drainage Board has been contacted by the proposer and the information requested has now been uploaded to the portal. On this basis, the Board removes its objection to the proposals on the condition that the surface water system, related attenuation tank and flow control device are operational prior to the site becoming active.”*

A further site visit was organised where the Case Officer was accompanied by the Council’s Environmental Health Officer, to review the site and to ascertain if the outfall was as indicated on the 1981 plans. This visit was undertaken and the output was in situ in the position located on the drainage plan and it appeared to have been present for a long number of years. Given that was confirmed as present, there is no reason to doubt that the site benefits from land drains (as per the 1981 plans) that discharge into Broadmires Drain, thus not impacting upon the drainage ditch to the east of the site under separate ownership.

Following this visit, the Agent was contacted to provide written confirmation of how the existing foul water discharged associated with the existing buildings is controlled, given that there is no sump arrangement currently in place. Mr Morley indicated during the site meeting that the concrete yard aids in limiting runoff of foul water, together with the manoeuvring of vehicles into the buildings and the diluted nature of any residual contaminated liquids.

The agent confirmed on the 27th September 2019 that *“the solid manure is loaded into trailers to then be tipped in temporary in field heaps before spreading. This system will improve once the manure store is constructed reducing the need for in field heaps. The trailers are backed into the buildings to prevent any spillage outside of the building. As witnessed on site the building floor and bedding is relatively dry and does not produce any effluent or runoff and therefore no fouled water or effluent is produced by the pigs themselves. The sheds are mucked out between each batch of pigs however pressure washing only takes place for disease prevention on a 2-3 yearly basis. On the rare occasion that washing out takes place then a bucket brush similar to that shown below is used to sweep up the washings and then tipped into the trailer load of dry manure and is absorbed by the manure and transported to a field heap*

with the manure. The business is also a member of Red Tractor Assurance and the pigs are produced to Freedom Foods Standards (RSPCA). There is a quarterly Vet inspection and the site has also been inspected by trading standards and the environment agency within the last two years. All of which have been satisfied with the site. There is also a contract in place with a pest control company to control rodents on site.”

On the 2nd October 2019 a final consultation response was received from the Council’s Environmental Health Officer.

“Further to our site visit, I can confirm that whilst on site I inspected the land drainage outfall as shown on the original land drainage plan to Broadmires Drain, I am satisfied that this is suitable and sufficient to take the rainwater run off for the existing and proposed development. I also inspected the existing buildings and could find no evidence or likelihood of a contamination from effluent run off and I am satisfied that should the procedures both outlined to me during my visit and the subsequent submission, dated 27th September on behalf of the applicant, are maintained there will be no contamination risk from run off effluent from the existing buildings and, with the proposed sump pump and storage tank, from the proposed development.

It is stated that the business is a member of the Red Tractor Assurance. The government recognises members of this assurance as competent producers, frequent inspections are carried out by red Tractor inspectors to ensure that the required standards for membership are maintained. The current standards that are pertinent to this application are: Vermin Control, Housing Shelter and Handling Facilities, and responsible use of Agrochemicals. The pigs are also produced to the RSCPA Freedom Foods Standards, this is an accreditation that requires regular inspection by a team of assessors, the standards cover Space, Light, and Bedding etc.

Having visited the farm and studied the procedures submitted I am satisfied that the farm meets the current standards of the Environment Agency and the higher standards of both the Red Tractor and RSPCA Freedom Foods accreditation. “

In conclusion, the issues raised in relation to drainage and concerns over foul contamination have been noted and fully considered. It is considered that there will be no adverse impact in terms of foul water drainage or surface water drainage as a result of the proposed development.

It is also considered that the existing buildings have acceptable provision with appropriate procedures in place.

Relevant conditions are recommended to ensure that appropriate foul drainage procedures are in place and that appropriate surface water drainage within the site is secured. This is an opportunity to secure appropriate conditions for not only the proposed development, but for the existing buildings within the site and accordingly three separate conditions have been recommended. In future any alterations to the established and proposed drainage procedures and mechanisms approved will require the written approval of the Local Planning Authority, further strengthening the provision within the site.

The point in relation to vermin is noted. However, as indicated within the Environmental Health Officer’s response, there are standards associated with the quality assurance membership. Additionally, it was noted that since 2018 farmers have only been legally able to purchase professional rat poisons if they can show they are part of a compliant assurance scheme, or that they have completed an approved training course.

iv) Landscaping

The site is landscaped along the field boundaries by mature hedging.

In order to provide access to the proposed building and the manure store approved under the agricultural notification, the Planning Agent has confirmed that a section of hedging must be removed centrally within the site to facilitate this. This would extend to approximately 19 metres of hedging, but it is noted that this hedging extends southwards for approximately 630 metres to the southern field boundary. It is

therefore considered to be acceptable on balance. The supporting information from the Agent confirms that this will be undertaken outside of the breeding and nesting season and supporting photography was submitted to indicate the necessary extent of hedge removal was provided.

v) Other Matters, including Consultation Responses

The Parish Council have responded and their points have been addressed above.

The Environment Agency confirmed that this application would not meet the threshold to be considered an intensive farming unit (2000 plus pigs) and therefore no comment was offered.

The National Park Planning Authority noted *“the development would not have an adverse impact on the setting of the National Park and have no objections.”*

In relation to the enforcement issue raised about the caravan on site, the Local Planning Authority is aware of the presence of this. The Case Officer has advised the applicant to remove this from the site during the site visit. An enforcement case will be opened to investigate this further.

Therefore we can be satisfied that this proposal conforms with Policies SP1 General Location of Development and Settlement Hierarchy, SP9 The Land Based and Rural Economy, SP16 Design, SP17 Managing Air Quality, Land and Water Resources, SP19 Presumption in Favour of Sustainable Development, SP20 Generic Development Management Issues of the Ryedale Local Plan, Local Plan Strategy and the National Planning Policy Framework.

This application is recommended for conditional approval.

RECOMMENDATION: Approval

1 The development hereby permitted shall be begun on or before .

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 following approved plan(s):

- Site Location Plan
- Proposed Elevations (South and West)
- Proposed Elevations (North and East)
- Proposed Floor Plan
- Drainage Plan 1
- Drainage Plan 2

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

3 Unless otherwise agreed in writing, all surface water drainage within the site (including the 2 existing agricultural buildings, the approved manure storage building and the proposed agricultural building hereby approved shall accord with the details within the approved drainage plans (Drainage Plan 1 and Drainage Plan 2) and the details contained within the email from the Planning Agent dated 2nd August 2019. Surface water shall only discharge to Broadmires Drain to the south of the site and Little Drain to the north of the site.

Reason: To ensure the Local Water Network is not adversely impacted as a result of the proposed development in accordance with Policy P17 of the Ryedale Plan - Local Plan Strategy.

4 Unless otherwise agreed in writing with the Local Planning Authority, the waste management/washing out procedure for the existing agricultural buildings should follow the procedures detailed within the email from the Agent (dated 27th September 2019)

Reason: To ensure the Local Water Network is not adversely impacted as a result of the proposed development in accordance with Policy P17 of the Ryedale Plan - Local Plan Strategy.

- 5 Unless otherwise agreed in writing with the Local Planning Authority, the waste management/washing out procedure for the proposed agricultural building should follow the procedures detailed within the email from the Agent (dated 2nd August 2019)

Reason: To ensure the Local Water Network is not adversely impacted as a result of the proposed development in accordance with Policy P17 of the Ryedale Plan - Local Plan Strategy.

INFORMATIVE(S)

- 1 Access to the application site is along the existing unclassified highway (a Green Lane). The applicant should be made aware that this type of road is maintained to the minimum of standards given its status and particularly at this location as the road/track appears to serve nothing other than fields beyond the application site. It should be noted that any increased vehicular activity (particularly by HGV / non-agricultural type vehicles) brought about by the construction and subsequent use associated with the development will not lead to any additional maintenance being carried out by the highway authority along the Green Lane