

**Item Number:** 8  
**Application No:** 20/01253/MFUL  
**Parish:** Scampston Parish Council  
**Appn. Type:** Full Application Major  
**Applicant:** Mr Chris Legard (Scampston Estate)  
**Proposal:** Erection of a livestock building for pigs with associated 4no. feed bins and hardstanding areas  
**Location:** Poplars Farm Malton Road West Knapton Malton North Yorkshire YO17 6RL

**Registration Date:** 22 December 2020  
**8/13 Wk Expiry Date:** 23 March 2021  
**Overall Expiry Date:** 12 February 2021  
**Case Officer:** Alan Goforth **Ext:** 43332

#### CONSULTATIONS:

|   |                      |
|---|----------------------|
| <b>Environmental Health</b>                         | No objection         |
| <b>Sustainable Places Team (Environment-Agency)</b> | Objection            |
| <b>Scampston Parish Council</b>                     | No response received |
| <b>Highways North Yorkshire</b>                     | No objection         |
| <b>Network Rail</b>                                 | No observations      |
| <b>Flood Risk (LLFA)</b>                            | No response received |
| <b>Vale Of Pickering Internal Drainage Boards</b>   | No objection         |

**Sustainable Places Team (Environment-Agency)** Comments

**Representations:** Ms Laura Rafferty-Trow (objection)

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#### BACKGROUND:

The application is to be determined by Planning Committee as a major development because the floor area of the proposed building exceeds 1,000 square metres. In addition a representation from a local resident has been received in response to the consultation exercise which raises objections based on material planning considerations.

#### SITE:

The application site is located within open countryside north of both Scampston and West Knapton and south west of Yedingham. The site is accessed from Malton Road (B1258) via a private road which is approximately 1km in length.

The existing farming business is based on arable and livestock farming activities. The proposed building would be to the west of the existing farm house, farm buildings (including pig rearing unit) and north of an existing irrigation lagoon. The application site is flat agricultural land in arable use. There are agricultural drainage ditches along the southern and eastern boundaries of the site. The River Derwent is situated approximately 2.1km to the north and approximately 4.5km to the west of the site. A short stretch of the private access track to the east of the proposed building falls within Flood Zone 3. The proposed building would be on land falling within Flood Zone 1 (lowest probability of flooding).

There are overhead powerlines approximately 180 metres south of the proposed building and further south is the York - Scarborough railway line approximately 500 metres from the proposed building. The

large buildings associated with Knapton Maltings are beyond the railway line approximately 700 metres south east of the proposed building.

West Farm, which is also owned by the applicant (Scampston Estate), is approximately 390 metres north of the proposed building and Wintringham Common Farm is further north approximately 580 metres away. The two farms are served by the same private access road which passes through Poplar Farm. Aside from the farm houses associated with these farmsteads the nearest residential receptors are those on Malton Road (B1258) approximately 770 metres to the south east of the proposed building. Numbers 1 & 2 Knapton Lodge Cottages are immediately to the south of where the existing private access road meets the B1258. The railway level crossing is approximately 100 metres south west of the junction.

### **HISTORY:**

97/00520/FUL- Erection of portal frame, naturally ventilated, solid floor, straw based, pig finishing house. APPROVED 28.08.1997.

### **PROPOSAL:**

Planning permission is sought for the erection of a livestock building for pigs with associated 4no. feed bins and hardstanding areas.

The proposed building would be a pig finishing unit for 1,980 pigs from 30kg through to finished weight of 110kg.

The proposed building would be constructed in the corner of a field to the west of the existing farm buildings and north of an existing irrigation lagoon.

The building would measure 58.2 metres in length by 29.3 metres in width, having a footprint of 1,757 square metres. The building would stand 3.4 metres to the eaves and 5.4 metres to the ridge. An office would be attached to the building on the east elevation. The rectangular building would stand parallel to the access road with a ridgeline which would run northeast-southwest. Externally the building would be blockwork to the lower walls and GRP flexstone sheeting (coloured 'Juniper Green') to the upper walls. There would be a fibre cement sheet covering (coloured natural grey) to the shallow pitched roof.

Four feed bins would be installed adjacent to the north east gable end elevation. Each bin would have a diameter of 3 metres and overall height of 8 metres and the exterior would have a 'Juniper Green' colour finish.

There would be permeable gravel hardstanding laid to each side of the building with the majority being provided on the eastern side of the building for the parking and turning of vehicles. An attenuation pond would be created to the north of the building.

There would be hedgerow planting parallel to the west and north elevations of the building and the existing hedgerow along the field boundary to the east would be retained.

The proposed pig finishing unit will operate with an 'all in all out' system. Piglets will be delivered to the site as 30kg weaners, in 4 articulated lorries with a capacity of 500 pigs each. The pigs remain within the building for around 14 weeks and will be removed over a two week period from week 12-14 in lorries with a capacity of 200 pigs. The finished pig removal process will involve 10 lorries (20 movements) over two weeks at the end of the cycle. The unit will operate with approximately 3.5 batches of pigs per annum. Feed will be delivered weekly to the site using a 16.5m articulated HGV.

The proposed building would incorporate an automated auger feeding system and non-drip nipple drinkers. Ventilation would be provided via high velocity ridge mounted fans and side inlet vents. The applicant states that high velocity ridge mounted ventilation fans are deemed Best Available Technology for odour and ammonia dispersal.

Within the proposed building pigs would be housed on hygienic perforated floors. The building will operate on a slurry based system with a slurry cooling system underneath the slats within the building. Slurry generated by the unit will be used as a fertiliser on the surrounding farm land.

The proposed pig unit would be managed/operated by the farmer who resides at Poplars Farm house and this additional unit will require 1 full time employee.

The applicant is currently applying to the Environment Agency for an Environmental Permit to operate the development.

## **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 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

### Material Considerations

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (PPG)

## **REPRESENTATIONS:**

The LPA has received one objection from the occupant of number 2 Knapton Lodge Cottage. The response states that the principle, scale and location of the development are not contentious, however, the objection is made on transport grounds and the main points are set out below:-

- HGV traffic associated with the farm has a negative impact on our quality of life
- The vehicle movements cause noise and vibrations, the latter of which has begun to cause cracks in the plaster of our property
- The application should have a more robust Transport Statement. The cumulative impact of further HGV traffic has not been considered against the existing level.
- The immediate area of this junction, the proximity to the Level Crossing and the general fast nature of the road makes it a particular accident blackspot. Further HGV traffic increases the risk of further accidents near the proposed access junction with the B1258.
- Noise from existing vehicle movements
- Pets have been killed or badly injured by farm traffic
- An alternative access should be proposed further along the B1258 to the North. This would afford the HGV's and farm traffic better visibility when turning onto and off the B1258, reducing the risk of further accidents and mitigating and further cumulative impact on our property.

## **APPRAISAL:**

### Principle of the development

The site is within the open countryside, however, the principle of the development aligns with local policies SP1 and SP9 and paragraph 83 of the NPPF as the new building would support land based activity and the rural economy. The proposed building would be used for pig rearing and finishing and represents investment in the sector that would expand an established operation at Poplars Farm. The business promotes UK food production and contributes to the local economy through both direct and indirect employment during the construction and operational phases.

### Design, appearance and impact upon the open countryside

The proposed building has a substantial footprint and, within this rural context, can be regarded as major development. The size of the building is a functional requirement for the pig rearing and finishing operation. Generally, pig units are developed in relatively remote locations due to potential odour and noise impacts which is the case in this instance. The proposed building would be an expansion of the existing business and would be located adjacent to the existing agricultural buildings to the west of the farm house. The proposed building would be served by the same existing infrastructure and services including the access road.

The proposed building and associated feed bins would be constructed from materials with colours finishes appropriate for agricultural buildings. The proposed building has a significant footprint, however, it would have a low profile and a linear form that follows the field boundary and access road. The proposed building and feed bins would be located in the open countryside in a position detached from the nearest settlement but would be physically well-related to the existing buildings at Poplars Farm. There would be hedgerow planting to the west and north sides to provide enclosure and soften views towards the building and ancillary structures.

It is considered that the siting, scale and design is acceptable and would ensure that the proposed development would not be visually prominent in the open countryside and would not have a materially adverse effect on the character of the agricultural landscape in compliance with Policies SP16 and SP20.

### Highway impacts

Paragraph 109 of the NPPF states that *“Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe”*.

A local resident has raised concerns in relation to the impact of existing and proposed farm vehicle movements. The traffic generation associated with the proposed development is relatively small scale and would not warrant a formal Transport Assessment. It is also relevant to note that the access road also serves two other farms in addition to Poplars Farm and, whilst the junction with the public highway is close to two dwellings (1 & 2 Knapton Lodge Cottages), it is an established route for farm traffic associated with the three farms/businesses that it serves.

The HGV movements comprise 1 feed lorry per week and peaks at the beginning and end of each 12-14 week batch for livestock delivery and removal (all in all out cycle).

The existing private road is straight with the exception of a 90 degree turn half way along the 1km route to Poplars Farm. The land is relatively flat and there is good visibility along the route. The operation of the private road is a matter for the owner and those who use the road.

The highways officer has been made aware of the comments raised by the local resident. However, following consideration, the highways officer has confirmed that the LHA is satisfied that the required visibility from the existing access is adequate and the vehicular trip increase at the site does not generate

conditions considered detrimental to highway safety. The existing access is close to the railway level crossing. Network Rail have been consulted and have confirmed that there are no observations to make on the proposal.

The existing access to the public highway on Malton Road has been considered safe by the Local Highway Authority for the proposed expansion of the piggery and it is considered that the associated vehicle movements can be satisfactorily accommodated by the local highway network and would not have a detrimental impact on road safety in accordance with Policy SP20.

#### Local amenity and environmental impact

The proposed building would be located on agricultural land in the open countryside. Beyond the farm houses within the agricultural unit the nearest residential properties are approximately 770 metres to the south-east. There are no public rights of way in the vicinity and no visual intrusion or loss of visual amenity is anticipated.

With regard to odour impact it is reasonable to consider the site as being isolated and at a significant distance from residential receptors. Similarly, in light of the remote location in relation to nearby residents it is considered that any noise from pigs and the ventilation systems associated with the unit would not be audible over these distances and would not have an adverse impact upon the existing levels of amenity of occupants of the nearest dwellings. There are no objections raised by the Environmental Health Officer.

There are concerns that have been raised by the local resident in relation to noise and vibration from HGVs using the private access road adjacent to the cottages. The applicant has confirmed that they, along with Wintringham Common Farm, are responsible for the maintenance of the road. The applicant has confirmed that they regularly carry out repairs to the road. At the time of the Officer site visit it was noted that there were a number of pot holes along the route arising from use over the winter period. It is considered that the condition of the road contributes towards the noise and vibration from HGVs passing the nearest dwellings. In response the applicant has agreed to inspect and repair the stretch of the route closest to the junction where it passes to Knapton Lodge Cottages. The applicant has provided a plan identifying the section of the road north of the cottages which will be inspected and repaired and this will be secured by condition.

The Environment Agency initially raised an objection and queried the proposed storage and management of slurry. The Environment Agency highlighted that an Environmental Permit is required for the development and recommended parallel tracking of applications. The applicant has considered the Environment Agency's advice and has since confirmed that it will comprise an under the slat storage system within the building and is fully aware that both planning permission and a permit is required for the development.

Paragraph 183 of the NPPF recognises that planning and pollution control are separate, but complementary regimes. The permitting system will impose the controls in relation to the management, operation, emissions and transport associated with the proposed development. It is considered that taking account of the scale and siting of the development and the proposed means of slurry management the proposal does not represent an unacceptable land use subject to the necessary permitting controls.

The site occupies a relatively isolated location in relation to sensitive receptors and public vantage points. The proposed building is compatible with the established land use and it is not anticipated that the expansion of the pig rearing and finishing operation would give rise to any unacceptable visual intrusion, pollution or disturbance and as a result there would not be an adverse impact upon local amenity or environment in compliance with the relevant part of Policies SP17 and SP20.

#### Flood risk and drainage

A short stretch of the private access track to the east of the proposed building falls within Flood Zone 3. The proposed building would be on land falling within Flood Zone 1 (lowest probability of flooding).

The application is accompanied by a site specific flood risk assessment which confirms that the site is not at risk of flooding from Scampston Beck or the River Derwent. Likewise agricultural drainage ditches in the vicinity do not pose a risk of flooding to the application site. The site is also not shown to be at risk from surface water flooding, or from reservoir flooding on the maps produced by the Environment Agency.

The floor level of the proposed building will be raised by approximately 150mm above the existing ground level which will provide additional clearance above any likely flooding. No specific flood mitigation measures are considered necessary.

In terms of surface water drainage the ground is considered to be unsuitable for the disposal of surface water run-off from the development into soakaways or infiltration trenches. It is proposed that the surface water run-off from the proposed development is discharged into an open drainage ditch located to the east of the proposed development, which drains the adjacent agricultural land.

In order to achieve the required discharge rate surface water storage will be provided within an attenuation lagoon located to the north east of the proposed piggery building.

The Environment Agency and the IDB have no objection and it is considered that the proposed development would not increase flood risk at the site or elsewhere and incorporates an appropriate surface water drainage scheme in compliance with Policy SP17.

### Conclusion

The principle of the development is in line with national and local planning policy and represents development that supports the land- based, rural economy through the expansion of an established livestock enterprise. The proposed development would not have an unacceptable impact on the open countryside, local amenity, flood risk or highway safety. 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. The recommendation to Members is one of 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):

Location Plan ref. IP/SE/01, dated Nov 20  
Site Plan ref. IP/SE/02, dated Nov 20  
Elevations ref. IP/SE/03, dated Nov 20  
Access Road Repairs ref. IP/SE/04, dated March 2021

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

3            Unless otherwise approved in writing by the Local Planning Authority all external constructional materials and colour finishes to be used for the building shall be in accordance with those identified in the application as shown on the approved elevation drawing.

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

4            Unless otherwise approved in writing by the Local Planning Authority the development shall incorporate the flood mitigation measures as set out in the Flood Risk and Drainage

Assessment ref. JAG/AD/JD/44809-Rp001, dated December 2020. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

Reason: To reduce the risk of flooding to the proposed development in compliance with Policy SP17.

- 5 Unless otherwise approved in writing by the Local Planning Authority the surface water drainage for the development hereby approved shall be installed and subsequently maintained in accordance with the scheme set out in the Flood Risk and Drainage Assessment ref. JAG/AD/JD/44809-Rp001, dated December 2020.

Reason: In the interest of satisfactory and sustainable drainage in compliance with Policy SP17.

- 6 The hedgerow planting scheme as shown on the approved Site Plan ref. IP/SE/02, dated Nov 20 shall be carried out during the first planting season following the commencement of the development, or such longer period as may be agreed in writing by the Local Planning Authority. Any trees or shrubs which, within a period of five years from being planted, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species, unless the Local Planning Authority gives written consent to any variation.

Reason: To enhance the appearance of the development hereby approved and to satisfy the requirements of Policies SP16 and SP20 of the Ryedale Plan, the Local Plan Strategy.

- 7 Prior to the building hereby approved being first brought into use the part of the private access road as indicated on the approved Access Road Repairs drawing ref. IP/SE/04, dated March 2021 shall be repaired to the satisfaction of the Local Planning Authority and thereafter maintained in good condition throughout the lifetime of the development.

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

#### INFORMATIVE

The applicant's attention is drawn to the consultation response letter from the Environment Agency dated 27 January 2021 and the requirement for a permit under the Environmental Permitting Regulations (England and Wales) 2016.