

Item Number: 8
Application No: 21/00988/FUL
Parish: Thornton-le-Dale Parish Council
Appn. Type: Full Application
Applicant: Mr Michael Morley
Proposal: Erection of an agricultural building for the housing of pigs and 2no. areas of additional hardstanding, together with repositioning of 20,000 litre drainage tank on existing agricultural building approved under previous application 19/00579/FUL from the approved southern elevation to the western elevation.
Location: Land Off Westfield Lane Thornton-Le-Dale Pickering North Yorkshire

Registration Date: 2 July 2021
8/13 Wk Expiry Date: 27 August 2021
Overall Expiry Date: 29 November 2021
Case Officer: Niamh Bonner **Ext:** 43325

CONSULTATIONS:

NYM National Parks	No objection
Environmental Health	No objection
Thornton-le-Dale Parish Council	Concerns/ Objection
Vale Of Pickering Internal Drainage Boards	No objection

Representations:

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 three 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 been approved in the field to the east under the agricultural notification procedure and built, whilst a straw building in the field to the east, relocated from elsewhere on the site has been approved.

The site is surrounded by agricultural fields to the north, south and west. Within the adjoining field to the east in separate ownership where historically a number of dogs are kept within sheds and a horse grazed. The last known address of the owner of this site was used for consultation on this current application, however a site notice was also erected in a visible location.

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 Yorkshire Moors National Park Boundary lies approximately 190metres to the north of the site.

PROPOSAL:

The proposal seeks planning permission for the erection of an agricultural building for the housing of pigs and 2no. areas of additional hardstanding, together with repositioning of 20,000 litre drainage tank on existing agricultural building approved under previous application 19/00579/FUL from the approved southern elevation to the western elevation. The building would span 18.29 metres x 18.29 metres and would directly adjoin the most westerly building on the site. This would incorporate an eaves height of 4.5 metres and a ridge height of 6.6 metres.

This was updated during the application to clearly identify that the proposal related to 2no. areas of new hardstanding and the repositioning of the 20,000 litre tank approved under the previous application which had been installed as a 10,000 litre tank in a slightly different position to the west of the building instead of the south. This approval would secure its replacement with the appropriate 20,000 litre tank in a more convenient location. Evidence has been provided to the LPA that this correct tank was ordered in October 2021 and the Agent has confirmed this is present and ready to install if permission is granted. The proposals were updated to show the a 10,000 Litre tank would serve the new building in addition to the 30,000 Litre tank already present in the building which is located to the north of the new building.

It was also confirmed that this additional hardstanding would be permeable so would not be included within the discharge rates.

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 1625 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 374 places which will increase the total size of the unit to 1999 places.”

This proposal would therefore not result in a ‘major development’ nor require Environmental Impact Assessment.

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 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
National Planning Policy Framework
National Planning Practice Guidance

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.

19/00579/FUL: Erection of agricultural livestock building for the housing of pigs. Approved.

21/00530/AGNOT: Erection of an agricultural building for straw storage. 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. Prior approval was sought and this proposal was advertised by site notice during this additional prior approval period.

REPRESENTATIONS:

The Parish Council have responded with the following comments on the 24th August 2021:

I have taken feedback from the PC and the consensus of opinion is as follows – they have some

- *objections / concerns which they would like further consideration to be given to as per below:*
- *fully support the local farming industry which is the bedrock of our rural economy, however*
- *reluctant to support this application on the following grounds;*
- *The plans provided are not clear as to what / where the proposed building is situated or the location and size of the proposed 'hard standing, (I'm presuming the area in red on the map).*
- *It's not clear whether the shown surface water catchment is additional to what already exists for all the buildings or uses the current provision.*
- *The surface water drainage for the hard standing is not included in the calculations provided.*
- *the plans did not make sense and I couldn't decide where the new buildings are to be sited a*
- *site visit could be a good idea*
- *The PC members felt that the plans were unclear and that the planning authority should*
- *conduct a full site visit. (Case Officer note: a full site visit has been undertaken by the LPA.)*

Following the period of readvertisement, the following additional comments were received on the 8th December 2021:

“The Parish Council have been able to consider the re-submitted plans and application for the Pig Units. They remain to have some significant concerns in regard to the size of this please see comments below :

RDC 0988FL – Agricultural building for Pigs amended application, Westfield Lane, TLD – Resolved: PC agreed that they continue to have concerns in regard to the increased size of the units and disposal of waste. They felt there was insufficient information to be able to consider the application properly and suggested the Planning Authority should visit the site – Clerk to feedback to NYMNP Planning.”

No further comments from any third parties have been received, beyond the statutory consultees which will be outlined below.

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) 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 existing livestock building to the west of the site. As noted, it would span 18.29 metres x 18.29 metres, with an eaves height of 4.5 metres and a ridge height of 6.6 metres. This would be a steel framed construction with concrete panel walling, with tanalised Yorkshire boarding and green box profile sheeting above. This would be completed with a grey fibre cement roof.

The use of these materials 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 and it is noted that there are field hedgerows at the site and in the adjoining fields beyond which would provide adequate landscaping for this proposed building. It is therefore considered that this element of the proposal accords with Policy SP16 of the Ryedale Plan, Local Plan Strategy and no specific landscaping condition is necessary due to the nature of the proposal.

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:

“There are no local highway authority objections to the proposed development however, it should be noted (and included as an informative on any permission granted) that the access to the application site is gained along an unclassified, Green Lane). This section of carriageway serves only fields beyond the application site and as such is maintained to the minimum of standards. Any increase in vehicular activity brought about by the construction and subsequent use associated will not lead to any additional maintenance being carried out by the highway authority.”

Therefore, given the response from North Yorkshire Highways, this additional development is considered acceptable in terms of its impact upon the highway network.

iv) Surface Water/Foul Water/Impacts from the Development

Careful consideration was given to manure management/surface water runoff during the previous application 19/00579/FUL and some Members may recall this was a decision for approval made by Planning Committee in November 2019.

This application takes the same approach with surface water runoff as the previous negotiated scheme.

The Design and Access Statement includes sections on Waste Management Procedure, Washing Out Water, Clean Water Discharges, Washing Out Water and additional Hardstanding, with further manure management information provided in relation to the wider site.

These sections confirm 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 transported to the purpose built manure store. This building will store the manure keeping it dry and reducing in field effluent production. 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. I enclose a copy of the farm's manure management plan and nutrient management plan which demonstrates the farm has adequate land to stay within the nitrate vulnerable zone limits and that this application is carried out within those limits.*
- *The new building incorporates a concrete sump within its construction for the collection of washing out water. As previously stated, due to 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.*
- *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 attached 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. I can confirm that it is only clean rainwater which is discharging into the drainage network.*

(Case officer note: the proposed tank to serve this building is actually now 10,000 litres as per the submitted revised plans, the proposal would adjoin an existing building to the north which is served by a 30,000litre tank, therefore providing sufficient capacity.)

- *There are two additional areas of hardstanding included within this application to aid movement of machinery around the farmyard which the proposed building forms part of. The two areas are 68m² in the centre of the yard joining up to the existing areas of hardstanding and 59m² to the north of the Manure store to improve access to the store. Both areas are shown on the site plan.*

The proposed plans indicated the position of the existing field drains on both the eastern and western parts of the site and it is indicated that the site is presently drained to Broadmires Drain to the south. The Case Officer during the previous planning application was able to view the outfall of the field drains to Broadmires Drain during a site visit with the Environmental Health Officer, which matched with historic drainage plans. The Agent has confirmed that the most northerly 30,000 litre tank drains to Little Drain to the north and the outfall of this was also viewed on site as part of a more recent site visit.

On the 5th August 2021 a response was received from the Internal Drainage Board noting no objection.

They were alerted by the consultation response from the Parish Council where it was requested that the hardstanding be included within the calculations provided and in an email dated 26th August 2021 the IDB Officer confirmed “any new impermeable area should be taken into account for runoff calculations, so we would like to see this area included.”

The IDB were reconsulted to highlight the amendments to the plan, including the 10,000 litre tank to

serve the new building and the repositioning of the 20,000 litre tank to the approved building. Additional supporting correspondence dated 31st August 2021 was made publicly available online prior to this reconsultation from the Agent, which noted *“As previously mentioned, I don’t feel it is necessary to calculate any runoff for these areas due to the fact they will remain permeable. If this is not satisfactory then please can we inform the IDB of the voluntary use of the existing 30,000 litre buffer tank elsewhere on this site which is far larger than any provision that would be required for the small areas of additional hardstanding if they were an impermeable concrete surface.”*

The IDB were reconsulted and they confirmed no objection subject to the previous agreed discharge rate of 3.5 litres per second (l/s). The IDB Officer confirmed that this was due to the confirmation that the new areas of hardstanding would be permeable. It is therefore considered appropriate to condition that the new hardstanding is impermeable and that the runoff from the new building is restricted to 3.5l/s. The IDB Officer agreed with this approach.

A revised Drainage Plan 2 has been received on the 4th February 2022 to indicate the proposed cross sectional drawing of the 10,000 litre tank, as the previous version reflected the 20,000 litre tank and this element inadvertently hadn’t been updated. The Agent also noted *“I can confirm that the proposed building will divert its rainwater through the repositioned 10,000 litre tank and the 30,000 existing tank at the northern end of the original building. The 30,000 litre tank is a voluntary addition and is not a requirement of a previous planning decision. Therefore it is proposed that 10,000 litres of this tank capacity will be used for the new building to give 20,000 litres in total. I can confirm that this larger tank collects all roof water from the existing building and that outfall from both tanks will be limited to 3.5 litres per second with the outfall for the larger tank draining into Little Drain as it does currently.”*

This is not considered necessary to readvertised as this 10,000 litre tank was clearly shown on the revised site plan. However the IDB officer was contacted and made aware of the new plan and they reconfirmed they had correctly made their last comments on the basis of the 10,000 litre tank, as they were content with the 40,000 litre provision for the new and old building, with runoff for the new building limited to 3.5l/s. They also highlighted that the new building will require a separate application to them for land drainage consent. This will be confirmed by an informative.

On the 21st December 2021 a consultation response was received from the Council’s Environmental Health Officer.

“In general terms I am happy with the information supplied with this application, in terms of the potential impacts from noise and odour emitted. I would like for the actions relating to manure storage and disposal to become conditions , however I would point out that the manure capacity calculation is based on existing pig numbers not proposed numbers. If you could get some clarity on this that the capacity is still adequate then I would have no objections to the proposal. “

The Agent confirmed on the 21st December 2021 that *“I can confirm the capacity is still sufficient for the proposed number of pigs.”* This was communicated to the Environmental Health Officer who made no further comments. It is therefore considered that the on site manure management, with dedicated farmyard manure storage building (constructed with concrete floor and sides) presents a robust method of accommodating the on site waste.

In conclusion, the issues raised in relation to drainage and concerns over foul contamination/manure management 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.

v) Other Matters, including Consultation Responses

The Parish Council have responded as outlined above and it is considered that their points have been addressed above.

The National Park Planning Authority noted “I have assessed the details of the proposed development and would advise that the National Park Authority has no objections..”

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 - Revised version scanned by the Local Planning Authority on the 4th November 2021.

Proposed Elevations (South and West 1:200)

Proposed Elevations (North and East 1:200)

Proposed Floor Plan (1:200)

Rainwater Drainage Plan

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

3 Unless otherwise agreed in writing, the proposal shall be undertaken in accordance with the details provided on the 'Site/location plan' and the 'Rainwater drainage plan' and the details contained within the email from the Planning Agent dated 4th February 2022. Surface water shall only discharge to Broadmires Drain to the south of the site and Little Drain to the north of the site. These approved surface water discharges shall be limited to 3.5 litres per second outfall.

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: Land drainage consent is likely to be required from the Internal Drainage Board for the new surface water discharges.

4 Unless otherwise agreed in writing with the Local Planning Authority, within 1 month of the date of decision, the approved repositioned 20,000 litre rainwater tank proposed to serve the building approved under 19/00579/FUL shall be installed. This shall be retained for the lifetime of the development.

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 new agricultural building should follow the procedures detailed within the Planning Statement.

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

- 1 Access to the application site is gained along an unclassified, (Green Lane). This section of carriageway serves only fields beyond the application site and as such is maintained to the minimum of standards. Any increase in vehicular activity brought about by the construction and subsequent use associated will not lead to any additional maintenance being carried out by the highway authority.