

North York Moors National Park Authority

District: Hambleton District Ward: Raskelf & White Horse Ward Parish: Kilburn High & Low	App No. NYM/2020/0293/FL
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Proposal: erection of agricultural livestock building

Location: Church Farm, Kilburn,

Applicant: TW Thompson & Sons, fao: Henry Thompson, Church Farm, Kilburn, York, YO61 4AH

Agent: Mr Peter Midgley, Viewley Hill, 15 West Street, Swinton, Malton, YO17 6SP

Date for Decision: 04 August 2020

Grid Ref: 451477 479733

Approval subject to the following condition(s):

1. TIME01 Standard Three Year Commencement Date
2. PLAN01 Strict Accordance With the Documentation Submitted or Minor Variations - Document No's Specified
3. RSUO00 The building hereby approved shall not be used for the keeping of pigs at any time, unless with the prior written approval of the Local Planning Authority.
4. GACS07 External Lighting - Submit Details
5. MATS19 Roof Colouring (dark grey)
6. MATS26 Timber Cladding (vertical timber)
7. LNDS03 Trees/Hedging to be Retained (northern and eastern boundaries)
8. MISC03 Building to be Removed if Not Used for Agriculture
9. MISC00 Appropriate guttering systems should be used to capture clean water off the new shed roof and direct to either a water tank for farm use, or to a nearby watercourse or soakaway to prevent potential fouling by livestock or machinery.

Informative(s)

1. MISCINF09 PROW to be Kept Free From Obstruction at all Times



North York Moors
National Park
Authority

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Scale: 1:1250



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Consultations**Ward –**

Parish – 27/07/2020 - Objects as inconsistent with NYMPA's planning Development Policy 3 (Protecting & Enhancing Cultural & Historic Assets), and in particular referenced Development Policy 4 points 1 and 2. This objection was unanimously agreed by all Council members.

The Parish Council is concerned about inconsistencies in the planning documentation as to whether pigs will be housed in this building or not. The Design and Access Statement produced by the applicant's agent states that pigs will be housed in the new building throughout summer. The village already has a problem with noise and smell from pigs which causes residents considerable distress, this can be evidenced through the Parish Plan Questionnaire results where 50% of respondents mentioned the negative impact the pigs are having on their lives.

The Parish Council also feels this development will be intrusive. The proposed buildings scale and proportions will impact greatly on the surrounding area, being adjacent to St Marys Church and a footpath between Kilburn and High Kilburn which is used by villagers and tourists.

Highways – 6/7/2020 - No objection

Natural England - 17/6/2020 - There is insufficient information in relation to air quality impacts to enable Natural England to provide a substantive response.

Our Impact Risk Zones¹ have identified that interest features of Gormire Site of Special Scientific Interest (SSSI) and North York Moors Site of Special Scientific Interest (SSSI), Special Area of Conservation (SAC) and Special Protection Area (SPA) may be sensitive to impacts from aerial pollutants, such as those emitted from this proposed development.

In order for us to advise on this case an initial screening for air quality impacts should be completed.

3/7/2020 - We are not in a position to review the above application at present or to assess the potential impacts of this proposal on statutory nature conservation sites or protected landscapes. If you consider there are significant risks to statutory nature conservation sites or protected landscapes then please re-consult us detailing the areas on which you would like us to provide detailed advice.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment. It is for the Local Planning Authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

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Consultations continued

17/08/2020 – We are currently very low on staff resource as a result of Covid-19 and other staffing issues. Because of this we do not have the capacity at present to provide detailed comments on the planning application in question. We acknowledge that in our previous response we highlighted that insufficient information had been submitted with regards to air quality impacts on Gormire SSSI and North York Moors SSSI, and advised that a SCAIL assessment be undertaken. At present due very limited staff resource we are unable to provide further comment on the output of the SCAIL assessment; therefore I recommend that you seek advice on this. The APIS website may also be of some help:

<http://www.apis.ac.uk/>

Environmental Health – 16/06/2020 – There is a history of noise and smell complaints associated with the keeping of pigs at these premises. I have spoken to the agent and read the application that states this is for cattle only. Because of the previous issues with pigs kept at this premises, if approved, I would recommend a condition is placed, restricting the use to cattle. The reason for this is to prevent nuisance and protect the amenity of nearby occupiers.

30/6/2020 With regards to inconsistent information in application documents - I spoke to the agent about it and he assured me that there will not be an increase in pigs and this was an error. He said that he was happy for a condition limiting it to cattle because of the history of smell complaints about pigs

Advertisement Expiry Date – 24 July 2020

Others

24/06/2020 - **Mrs Pauline Percy, The Vicarage, Kilburn** - Currently Kilburn has two intensive pig sheds - one on the current property and one at the west end of the village. The noise from both is awful. At times the smell too is bad. The village has many visitors to see the White Horse and 'Mousey' Thompson's workshops. The proposed building would be even closer to the Church and very close to a public footpath. When visitors attend, the noise is often commented upon and the other path which goes past the existing pig shed is covered in slime exuding from the pig shed - no one locally walks on that path because of the smell and slime. Please no more intensive farming in this very rural and (with the exception of pigs) quiet village. It is very difficult to live with constant squeals and the thought of another path being affected by run-off from animal sheds is awful.

No objection to feed storage but not closely packed animals.

3 July 2020 – **Mr & Mrs Birch, Plumtree Cottage, Kilburn** - As very close neighbours we have serious concerns about the effects of the planned expansion on ourselves and the wider village. There is already considerable noise and smell from the farm. We understand from the plans that the new barn will only be used for cattle, and that pigs are to be specifically excluded from being housed in it. It also says that more pigs may be accommodated in the summer months as a result, presumably in an area previously used to accommodate cows. It is a worry that this may be a way of increasing the number of pigs, under the guise of increasing the capacity for cattle.

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Others continued

We do appreciate that we live in a rural area, and that country smells and sounds are part of the “landscape”. Church Farm is in the centre of the village, and has a direct impact on the local community. We are already affected by the present situation, and any increase in traffic activity, noise levels and smell would be unwelcome.

20/07/2020 – **Mrs Frances Gomersall, Croft Court, Kilburn** - To the extreme detriment of residents and visitors alike the centre of Kilburn is already blighted by the incessant squealing and inevitable smell of the pigs kept in the two nearby sites already used by the applicant. Whilst the siting of the new building is not necessarily objectionable the stock to be kept there is of extreme concern and will certainly have an impact on the adjacent Church and private properties now surrounded by the existing barns.

Although the application states that it is for the use of cattle a note at the end does specify that pigs will be accommodated during the summer months and there is no guarantee that the existing cattle sheds will not then be used for even more pigs. Intensive farming of pigs in the centre of a tourist village cannot be of any benefit to the residents and the conservation of the surrounding area.

Background

Church Farm is one of the two working farms in the village and lies on the east side of the main street in the centre of Kilburn village and Conservation Area. It comprises a traditional stone farmhouse and range of stone outbuildings, a number of large modern agricultural sheds, a silage clamp and a slurry tank. The applicant has an approximately 100 + strong dairy herd and an average of around 2000 B&B bacon pigs throughout the year.

Generally the development of the farm in recent years has moved outwards from the village street to once open fields at the rear of the village, beyond the rear curtilages of adjacent residential properties.

Following a Committee Site Visit, planning permission was granted in 2005 for a new agricultural livestock building to replace other livestock buildings within the village. Later in 2007, on rising land to the rear of the farm, permission was granted for a general purpose building measuring 30 metres by 18 metres with an eaves and ridge height of 4.2 and 8 metres respectively which was essentially for storage use but some livestock use was envisaged. This building was never built.

Following a further committee site visit in 2017, planning permission was granted on the site of that previous 2007 approval for a covered muck store building. This building measures 36.5m long x 12m deep with a height to the eaves and ridge, 5.5m and 7m respectively.

This current application is for the construction of an agricultural livestock building to house cattle, located to the west of the muck store building, to the north of an existing agricultural building, with boundary hedge planting to the north and east. The building would measure 36.5m long x 13.7m wide with a height to the eaves of 5.5m and to the ridge of 7.2m, and would be of steel portal frame construction with concrete panel and Yorkshire boarded walls and a dark grey cement fibre roof sheets.

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Background continued

A public footpath runs to both the east and north sides of the proposed building, with the footpath to the east going through the farm yard.

Livestock numbers on the farm would increase from around 140 to 210 over the winter months, with no pigs being stored in the proposed building. Manure created will be either moved direct to the land for spreading or stored within the manure storage building approved last year with transfer of manure to land being carried out once a year.

The applicant's agent has clarified that no pigs will be kept in this proposed building and that livestock numbers within the existing buildings will remain unaltered.

Main Issues**Local Plan**

Policy ENV11 – Historic Settlements and Built Heritage - This policy seeks to resist development that results in loss of or harm to the significance of designated and other heritage assets of national importance, such as Conservation Areas.

Policy BL5 – Agricultural Development seeks to permit new agricultural buildings where the scale is appropriate to its setting and will not have an adverse impact on the special qualities of the National Park; there is a functional need for the development; it can be demonstrated that there are no suitable existing buildings available; the building is designed for the purposes of agriculture and is related physically and functionally to existing buildings; the proposal will not significantly harm local amenity; and in the absence of existing screening, a landscaping scheme is provided.

Material Considerations**Impact on Amenity**

Church Farm is a well-established livestock farm within the centre of the village of Kilburn and increasingly, such mixed uses do cause conflict due to smells and noise that arise from such livestock enterprises. The main issue for concern has been the B&B Pig enterprise, however, this proposal would not lead to an increase in pigs, but a modest increase in the number of cattle and it is not considered that this would worsen amenities for local residents.

Environmental Health has been consulted and has raised no objections to the use of this proposed building for cattle, but has recommended a condition to prevent the building being used to accommodate pigs.

Impact on Character of the Conservation Area and Visual Amenity

The proposed building would be sited immediately to the north of an existing building on the west side of the farm track and footpath that runs north-south through the farmyard. The

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Main Issues continued

Building Conservation Team has raised no objections to the proposal as it would be well screened from wider views, partly due to topography, but also existing tree cover and it is not considered that it would have a detrimental impact on the character of the Conservation Area.

It is considered that in the proposed location the building would be viewed in the context of the existing buildings at the farm.

Ecology

In light of the resource issues facing Natural England, the Authority's Ecologist has assessed the issues surrounding air quality relating to this application.

The SCAIL assessment submitted by the applicant has identified that impacts relating to ammonia for Snape Hill Quarry SSSI exceed significance thresholds. Snape Hill Quarry is notified for geological rather than ecology features, being the best locality for North Grimston Cementstone. There are no biological features included in the designation and therefore the site is unlikely to be detrimentally affected by local emissions of ammonia. Potential impacts on all other designated sites included in the SCAIL are below significance level and can therefore be scoped out of further assessment.

On this basis there is no likely significant effect on designated sites in the region and no further assessment on this basis is required.

For the purposes of the Habitats Regulations it is asserted that:

- The application is not necessary for the management of any European designated site
- The application will not cause a likely significant effect on any European designated site, and thus can be scoped out of any further assessment.

This assessment is on the basis of cattle only not pigs, which would require further assessment.

Conclusion

Whilst concerns have been expressed by local residents regarding noise and smell, these concerns primarily relate to an increase in pig numbers, which does not form part of this proposal and can be controlled by condition.

No objections have been received from Environmental Health or the Authority's Ecologist in terms of air pollution and the building is not considered to be visually intrusive in the immediate or wider landscape. Consequently, the proposal is considered to be in accordance with Policies ENV11 and BL5 of the NYM Local Plan and approval is recommended.

Pre-commencement Conditions

N/A

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Contribution to Management Plan Objectives

Approval of the development would help the Authority to meet the aspirations of Policy E3 aimed at ensuring new development will not have a detrimental impact on the landscape.

Explanation of how the Authority has Worked Positively with the Applicant/Agent

The Authority's Officers have appraised the scheme against the Development Plan and other material considerations and confirmed to the applicant/agent that the development is likely to improve the economic, social and environmental conditions of the area.