NYM / 2012 / 0 8 1 8 / P L

George F. White
MAXIMISING VALUE

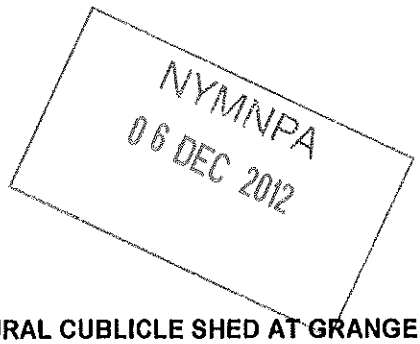
Crown House, York Road, Shiptonthorpe,
East Yorkshire Y043 3PF

www.georgefwhite.co.uk

Our Ref: KG/SHP900527
Your Ref:
Date: 6th December 2012

Office Tel:
Direct Dial:
Mobile:
Email:

North York Moors National Park
Planning Department
The Old Vicarage
Bondgate
Helmsley
York
YO62 5BP



Dear Sir/Madam

RETROSPECTIVE PLANNING APPLICATION FOR AN AGRICULTURAL CUBLICLE SHED AT GRANGE FARM, STAINTONDALE, SCARBOROUGH Y013 0EN

Introduction

On behalf of our client JE and MP Else, we are pleased to submit this retrospective planning application for a cubicle shed at Grange Farm in Staintondale, Scarborough.

The application comprises:

- Application form and relevant certificates submitted online via the Planning Portal;
- A cheque made payable to North York Moors National Park for the sum of £6,160 by way of the application fee;
- A Design and Access Statement;
- 4 copies of the following planning application drawings prepared by Mr Terry Horton:

Drawing Title	Drawing No.	Scale
Location Plan	ME GF 1235 1 B	1: 6250
Site Plan	ME GF 1235 2 A	1: 1250
Site/Ground Floor Plan	ME GF 1235 3 A	1: 200
Elevations and Section	ME GF 1235 4 A	1: 200
Elevations and Sections Showing Tree Planting at Maturity	ME GF 1235 5 B	1: 200
Ground Floor Plan as Existing	ME GF 1235 6 A	1: 200
Elevations and Sections as Existing	ME GF 1235 7 A	1: 100
Elevation and Sections Showing 2 no. 22 Metre Span Portal Buildings as Originally Proposed	ME GF 1235 8	1: 200

We set out below a brief review of the site's relevant planning history, a consideration of relevant planning policy from national through to local levels and a consideration of the key planning issues pertinent to this case. We also provide a brief description of the site and its surroundings.

Site Description

Grange Farm, which is run by the Else Family, is a large organic dairy farm (some 385 hectares) located in Staintondale in the North York Moors, to the north of Scarborough. Grange Farm supports a herd of almost 361 dairy cows and also produces its own animal feed in the form of silage and cereals. The Else family anticipate the herd will increase to 390 dairy cows by spring of next year.

The cubicle shed which is the subject of this retrospective planning application is located within the farm complex and provides 1,606.5 sqm. gross external floorspace.

The farm complex consists of several farm buildings including a milking parlour, a calf shed, three other smaller cubicle sheds, silage clamps and a slurry lagoon.

The cubicle shed it is proposed to retain is an agricultural building of a utilitarian appearance which will provide accommodation for high yielding and fresh calved cows. The cubicle shed essentially provides a roof over a previously existing cubicle yard (our client informs us this was constructed in the region of 11 years ago).

Further details on the design of the shed and the landscaping scheme are provided in the enclosed Design and Access Statement which also forms part of the application submission.

Planning History

The farm has a long planning history and in the interests of brevity, it is not proposed to summarise all planning applications in this letter. Instead we focus on the planning applications of relevance to the current proposals.

Planning Application Reference: NYM/2010/0167/FL

Mr Mathew Else received planning permission for a shed of 462 sqm floorspace in November 2011.

Planning Application Reference: NYM/2006/0940/FL

In March 2007 Mr Else received planning permission for a shed of 462 sqm floorspace.

Planning Application Reference: *NYM/2006/0939/FL*

Mr Else also received planning permission for a shed of 462 sqm floorspace in March 2007.

Planning Application Reference: NYM/2006/0444/FL

Finally, he received planning permission for a shed of 462 sqm floorspace in July 2006.

Planning permission has therefore been granted in the past for 4 no. agricultural sheds with a combined floorspace of 1,848 sqm. Our client informs us that all sheds were proposed on the site of the cubicle shed it is proposed to retain and would have each covered a different section of the cubicle yard.

Planning Policy

National Planning Policy Framework

The NPPF is generally supportive of agricultural development. Paragraph 28 encourages Local Planning Authorities in the preparation of Local Plans to promote the development and diversification of agricultural and other land-based rural businesses. The NPPF does not however have any policies which relate specifically to the development management process and agricultural buildings.

North York Moors National Park Authority Local Development Framework (Core Strategy and Development Policies)

We set out below a brief review of the site's relevant planning history, a consideration of relevant planning policy from national through to local levels and a consideration of the key planning issues pertinent to this case. We also provide a brief description of the site and its surroundings.

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North York Moors National Park Authority Local Development Framework (Core Strategy and Development Policies)

The North York Moors National Park Authority adopted the Core Strategy of its Local Development Framework in 2008.

Development Control Policy 12 is of direct relevance to the current application. It states:

> *"Proposals for new agricultural buildings, tracks and structures or extensions to existing buildings will be permitted where:*
>
> • *There is a functional need for the building and its scale is commensurate with that need.*
>
> • *The building is designed for the purposes of agriculture.*
>
> • *The site is related physically and functionally to existing buildings associated with the business unless there are exceptional circumstances relating to agricultural necessity for a more isolated location.*
>
> • *A landscaping scheme which reduces the visual impact of the proposal on the wider landscape and is appropriate to the character of the locality is submitted as part of the proposal."*

With respect to the generation of energy from renewable sources the Core Strategy states at Core Policy D:

> *"Activities in the National Park will address the causes of climate change and contribute to reducing greenhouse gas emissions, by:*
>
> *Requiring residential developments of 5 or more houses and other uses of 200sqm or more to generate energy on-site from renewable sources to displace at least 10% of predicted CO2 emissions."*

Draft Supplementary Planning Policy Document: New Agricultural Buildings

The Council has recently published in draft form a Supplementary Planning Document (SPD) called "New Agricultural Buildings." At the time of making this application it is our view that very limited weight can be attached to its provisions given that the consultation period has just commenced. In any event its content will not supersede the provisions of the Local Development Framework and the NPPF.

Notwithstanding the above it is our view that the shed it is proposed to retain complies with the draft document's requirements. The shed:

- Is in close proximity to the existing farm buildings;
- Is not on an exposed ridge;
- Is not on a crest of a hill;
- Features Yorkshire boarding which has been installed on the gable ends of the building;
- Is not accessed by a new access track;
- Benefits from extensive tree planting in the vicinity of the application site; and
- Will have its roof painted in a grey/black colour.

Renewable Energy Supplementary Planning Document (April 2010)

The above SPD states with respect to the provisions of Core Policy D of the Core Strategy that:

> *"It is acknowledged that some agricultural buildings will have very low energy requirements and in these instances the Authority will consider waiving the requirement."*

Rationale for Development

As described above, our client has received planning permission in recent years for four agricultural sheds. Our client informs us that these sheds would have roofed the cubicle yard (as does the shed it is currently proposed to retain.

We have attached at Appendix 1 to this letter a letter from Mr Paul Robinson of Thomsons of York who is a Dairy Consultant. The double apex design Mr Robinson refers to in his letter would have been the result of our client implementing the four consents referred to above.

We do not propose to repeat the content of Mr Robinson's letter here but it is important to highlight some of his key comments. We summarise these points below:

- The cubicle shed has been designed to satisfy three key cow welfare issues: air quality, somatic cell counts (mastitis) and specific space requirements;
- A double apex design can increase mastitis levels and would compromise airflow;
- The single span building at Grange Farm meets the requirements of good ventilation;
- The shed will accommodate some 140 cows providing 11.4 sqm floorspace for each animal and some 0.6 metres of trough space per animal.

We also attach at Appendix 2 a letter from the Else family's veterinary surgeon who states:

> *"... poor building design on the unit has been a contributory factor to respiratory and udder health problems."*

The letter concludes:

> *"In my opinion, a single pitched roof, with correctly calculated inlet and outlet areas will aspirate stale air, minimise humidity and improve the health and welfare of the cows housed in it. The modified single pitch roof over the outdoor cubicles achieves these objectives and represents a significant advantage over two lower double pitched roofs."*

It is clear therefore that the cubicle shed it is proposed to retain is a far more preferable design solution in animal welfare terms than a double apex approach. In addition it is also clear that on its own merits the cubicle shed has been designed to maximise animal welfare.

A well ventilated building such as the cubicle shed which is the subject of this application will:

- Remove excess heat;
- Remove excess water vapour;
- Remove microorganisms, dust and gases;
- Provide a uniform distribution of air; and
- Provide correct air speed for stock.

As an organic farm, the Else family are restricted in the level of drug treatment they can provide to their dairy herd. It is essential for their business that mastitis is kept under control. Whilst it is inevitable that some mastitis will occur in a herd of this size, a well designed and well ventilated building will help to minimise the frequency of infection. Concern for the welfare of this dairy herd has been the key factor in the Else family's decision to erect the shed.

Key Issues

The brief planning policy review set out earlier in this letter describes the key policy criteria which the cubicle shed must comply with in order to be acceptable to the Local Planning Authority. We consider each of the key issues below.

Functional Need and Commensurate Scale

The North York Moors National Park Authority Core Strategy from 2008 requires that there must be a need for an agricultural building and that the scale of the building must be commensurate with that need.

It is our view that the desire to improve animal welfare at the farm demonstrates that there is a need for a building such as this. The attached letter from Howells Veterinary Services Ltd (Appendix 2) makes it clear that lack of suitable facilities for animals on the farm has resulted in animal welfare issues in the past. The Else family has acted to improve the welfare of the herd based on a genuine need to do so.

The Else family's dairy herd is some 361 head at present. This will increase to 380 – 390 by spring of next year. It is our client's intention to house high yielding and fresh calved cows in the shed. The rationale behind this is that cows at this stage of lactation require the highest quality accommodation. The shed will accommodate in the region of 140 cows providing 11.4 sqm per animal according to the Thomsons of York letter attached at Appendix 1.

At many stages during the year the high yielding and fresh calved proportion of the herd will extend to 140 cows. For this reason the scale of the shed is commensurate with need.

Associated with Existing Buildings

As demonstrated in the enclosed planning application drawings prepared by Mr Terry Horton (in particular the 1: 1250 Site Plan) and in the photo below the cubicle shed which is the subject of this application is closely associated with the existing buildings in the farm complex. In addition, our client informs us another of the sheds within the farm complex measures 8.5 metres to ridge thus closely matching the shed which is the subject of this application.

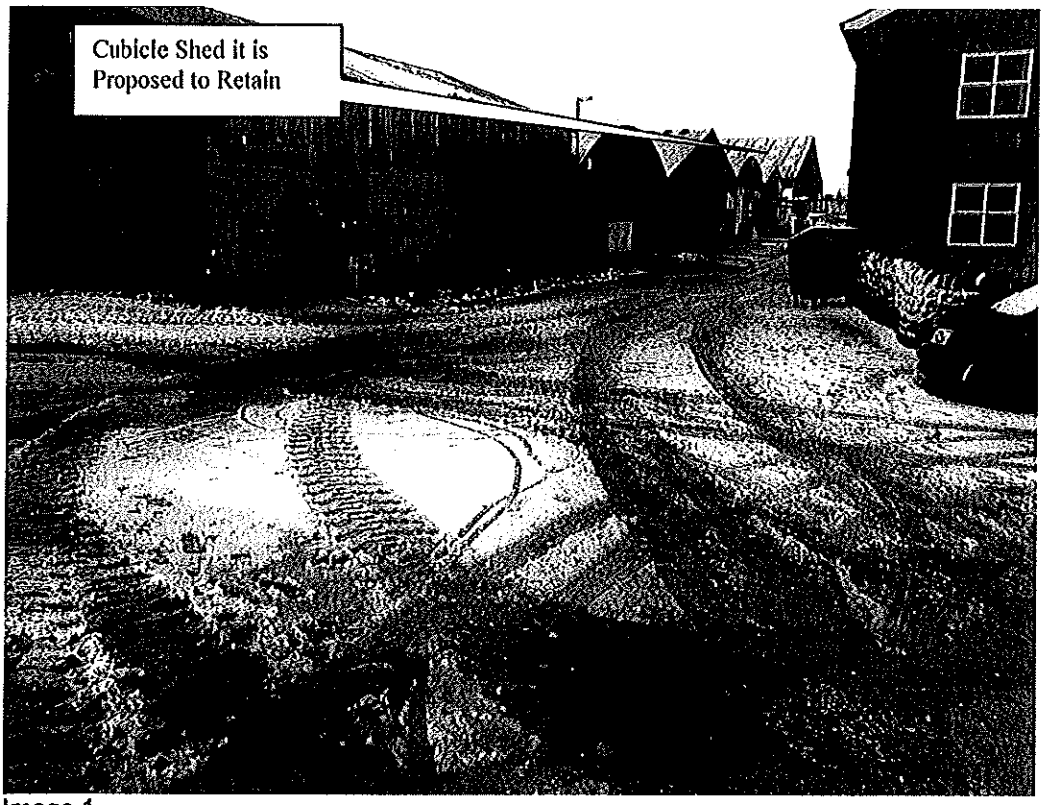


Image 1

Landscape, Landscaping and Visual Impact

The Core Strategy requires that landscaping proposals be submitted as part of an application for agricultural buildings. The enclosed drawings demonstrate the level of existing and proposed planting at the site. The Else family have planted 3,000 trees on the site and intend to plant approximately 3,000 more in the coming years. The trees will act as an effective screen for the area within which the shed is located and the shed itself. The family have made an effort to plant a large proportion of native species. The trees planted range in size from whips to semi mature specimens. A species list is provided below:

- Grand Fir;
- Sitka Spruce;
- Scots pine;
- Ash;
- Sycamore;
- Holly;
- Rowan;
- Cherry;
- Hazel;
- Guelder Rose;
- Dog Rose;
- Norway Spruce;
- Crab Apple;
- Oak;
- Beech;
- Norway Maple;
- Field Maple;

- Horn Beam;
- Weeping Willow;
- Twisted Willow; and
- Silver Birch.

The draft Design Guide "New Agricultural Buildings" as referred to above elaborates on the Core Strategy's policy in this regard. In terms of compliance with the draft non statutory guidance in this document, the cubicle shed it is proposed to retain:

- Is in close proximity to the existing farm buildings;
- Is not on an exposed ridge;
- Is not on a crest of a hill;
- Features Yorkshire boarding which has been installed on the gable ends of the building;
- Is not accessed by a new access track;
- Benefits from extensive tree planting in the vicinity of the application site; and
- Will have its roof painted in a grey/black colour.

Renewable Energy

Core Policy D of the Core Strategy requires that buildings such as that proposed "*generate energy on-site from renewable sources to displace at least 10% of predicted CO2 emissions.*"

The Renewable Energy SPD elaborates on this policy requirement and as quoted above acknowledges that some agricultural buildings have very low energy requirements. When this is the case, the Local Planning Authority will consider waiving the 10% requirement.

The cubicle shed is a very low energy development with modest lighting being the only electricity required and we would suggest that a waiver would be appropriate in this instance.

It should also be noted that the applicant has applied for planning permission for the erection of two no. 34.2 metre wind turbines on the farm. These applications are currently at appeal and are due for decision in the coming months. If successful, the installation of the proposed wind turbines will provide a substantial amount of renewable energy to the farm providing sufficient energy to meet the farm's needs.

If the Local Planning Authority is not satisfied with the argument that a waiver is appropriate and should the above appeals result in refusal, our client would be willing to consider installing some photovoltaic panels on the roof of the cubicle shed. It would be possible for this requirement to be the subject of a planning condition.

Conclusion

We would welcome any requests for clarification of information by the LPA so far as they can reasonably be met. Please note that we have also enclosed at Appendix 3 a completed Supporting Agricultural Information Sheet.

We respectfully request that the Council has regard to the content of this letter and grant planning consent for the development.

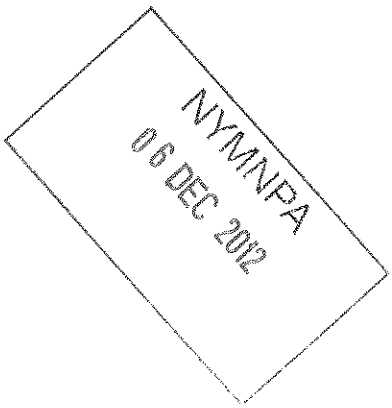
Yours sincerely

Killian Gallagher BA (Hons) MRUP MRTPI

Planning Consultant

For and on behalf of George F White LLP

Appendix 1



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EST. 1926 OF YORK
ANIMAL FEED COMPOUNDERS
William Thompson (York) Limited
Jubilee Mill, Murton, York YO19 5UT

website: www.thompsons-feeds.co.uk

Re:
Grange Farm
Staintondale
Scarborough
YO13 0EN

Dairy Unit Building

The new building at Grange Farm has been designed to satisfy three key cow welfare issues:

Air quality, somatic cell counts (mastitis) and specific space requirements.

The original double apex design would significantly compromise air flow and this in turn would have caused respiratory disease and would have also significantly increased the challenge of mastitis causing bacteria. Airflow in a double apex building is poor due to the area where the two buildings meet having slow air movement, in effect this acts as a baffle to air movement.

The ventilation of the modern dairy building is critical, particularly in an organic situation where there is limited use of antimicrobials. A lactating dairy cow can produce approximately 5 litres of water per day through respiration. This means a 100 cow dairy can produce 500 litres per day of moisture which needs to be removed. In poorly ventilated buildings this moisture would be deposited on the cow's loafing and lying areas. This extra moisture aids bacterial growth and would increase the mastitis challenge. The best naturally ventilated buildings rely on the correct opening at the apex of the roof and double the airflow from the sides, this is commonly known as the 'stack effect'. The greater the roof pitch the better the stack effect. Many traditional buildings and some modern buildings had no open ridge and roof pitches of less than 12 degrees. The ventilation in these buildings was often compromised and lead to high rates of respiratory disease.

The following calculations show how the single span building at Grange Farm meets the requirements of good ventilation:

Current building dimensions

42.42m long x 38m wide
4.2m to eaves
8.0m to apex
15 degree roof pitch

140 cows to be housed at an average weight of 600kg

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Building volume

42m x 38m = 1596m^2

Total building area	1596	= 11.4m^2/cow Floor area
Cow numbers	140	

Apex outlet required

A 600kg cow with 11.4m^2 floor area requires an outlet of 0.155m^2/cow

The greater the eaves height to apex height difference the less apex gap is required.
An eaves height difference of 3.8m requires a correction factor of 0.55.

0.155 x 0.55 = 0.0825m^2/ cow

0.0825 x 140 cows = 11.55m^2 of ridge gap required

11.55 / 42m length = 0.272m ridge gap (300mm in practice)

The inlet area has to be twice the outlet for good natural ventilation. The original double apex building was going to be surrounded by other buildings therefore compromising inlet airflow. The current building will have a 6m gap down either side which should provide good airflow.

The required inlet for the current building will be 11.55 x 2 = 23.1m^2 of inlet

The inlet needs to be equal from both sides of the building either through Yorkshire boarding or from a gap at eaves height.

Feeding trough space has to be considered. A wider double apex building would house more cows and have reduced trough space. The optimum space for a 600kg would be 0.6m/cow. The current building is 42m long and therefore has 84m of trough for 140 cows. This would provide exactly 0.6m/cow.

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SUMMARY

As a dairy consultant I spend time advising farmers on building design and improvement. On many dairy farms the route to expansion has been to add one building to another i.e a double apex building. This reduces cost because one set of stanchions can be used for two buildings. This process however does then compromise the ventilation on both buildings and often artificial ventilation is the only way to improve this.

I now recommend all new buildings have their own air space, leaving at least 5m between each one. A good eaves height also means that a lower building such as a parlour could be added at a later date without compromising airflow to the original building. This single span building design with a minimum pitch of 15 degrees is accepted worldwide as the best naturally ventilated design and in Sweden where cow health is very good the roof pitches are greater than 22 degrees.

I am certain that Mathew Else has specifically design this building with cow welfare as a priority.

Paul Robinson BSc (hons), NSch.

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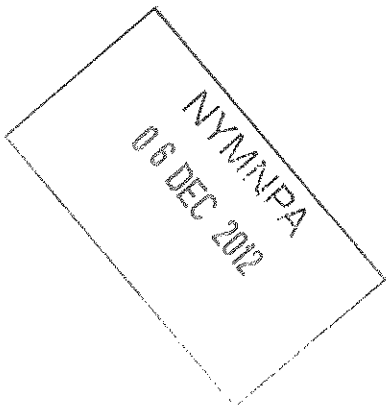

Appendix 2

Howells Veterinary Services Ltd.

York Road, Easingwold, York, YO61 3EB.

Website: www.howellsvets.co.uk

TO WHOM IT MAY CONCERN

Reference: Grange Farm, Staintondale, Scarborough, YO13 0EN

The Else family have been clients of my practice for fourteen years. Their organic principles necessitate minimising reliance upon antibiotics and optimising management to ensure the health and welfare of their dairy herd.

Despite the exposed location of the farm, over the years, poor building design on the unit has been a contributory factor to respiratory and udder health problems. Ventilation in some of the sheds is compromised by their wide expanse of multiple ridges, which leads to a build up of stale air and increased humidity. This creates ideal conditions for the multiplication of pathogens. If the challenge is great enough, the balance between challenge and immunity is tipped in favour of the bugs and disease ensues. Steps have been taken to optimise air flow, but nevertheless, high mortality in recently calved cows and a high incidence of clinical mastitis and milk somatic cell counts have featured from time to time.

In my opinion, a single pitched roof, with correctly calculated inlet and outlet areas will aspirate stale air, minimise humidity and improve the health and welfare of the cows housed in it. The modified single pitch roof over the outdoor cubicles achieves these objectives and represents a significant advantage over two lower double pitched roofs.

H.M.J. Howells

12th November 2012

Appendix 3

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Supporting Agricultural Information

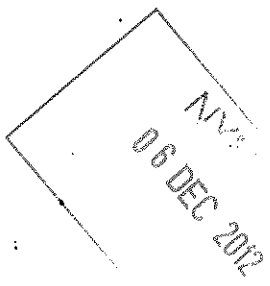
Applicants are encouraged to complete the tables below as this will enable us to speed up the processing of the notification. The purpose of this form is to provide basic information on the farm system to help assess the need and appropriateness of agricultural buildings within the National Park.

LIVESTOCK NUMBERS	Average number throughout The year	Notes
Dairy Cows	368	
Suckler cows/heifers over 24 months	3	
Followers (6-24 months)	288	
Breeding Ewes/tups	0	
Hoggs	7	
Other Livestock (ie horses) Horses	5	

LAND	Area (Hectares)	Notes
Size of holding	385	
Available grazing land	385	
Arable lane	30-40	
Moorland	0	
Grazing land on short term tenancy	N/A	

The above will help us determine the stocking density on the farm.

PTO



List Main Existing Agricultural Buildings	Approximate dimensions (In metres)	Existing usage/notice
Please	See Site	Plan

ANY OTHER RELEVANT INFORMATION