

## North York Moors National Park Authority

<b>Scarborough Borough Council (South)</b> <b>Parish: Cloughton</b>	<b>App Num. NYM/2014/0126/FL</b>
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**Proposal:** erection of extensions to agricultural livestock building together with siting of 2 no. feed towers (retrospective) (building no. 3)

**Location:** Land west of Calfthwaite Farm, Cloughton

**Applicant:** Mr Alan Temple, Beck Farm Cottage, Rocks Lane, Burniston, Scarborough, North Yorkshire, YO13 0HX

**Agent:** Cundalls, fao: Mr Keith Warters, 15 Market Place, Malton, North Yorkshire, YO17 7LP

**Date for Decision:** 05 May 2014

**Grid Ref:** SE 499024 497793

### Director of Planning's Recommendation

**Approval** subject to the signing of a Section 106 Agreement to prevent the buildings and land being used for rearing/keeping of pigs or poultry and the following conditions:

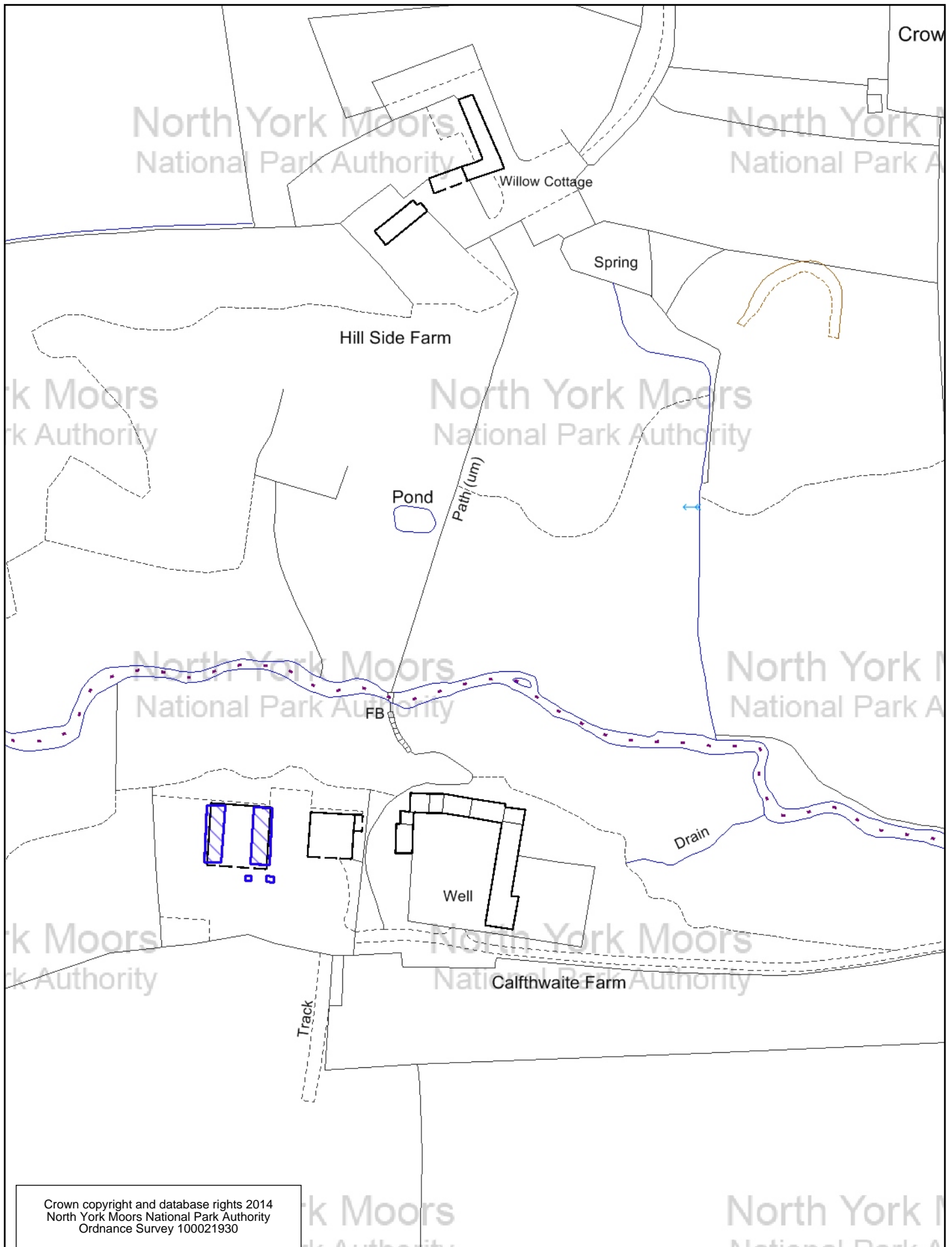
1. GACS00 Within three months of the date of this permission a written farm management plan detailing the storage and disposal of slurry in accordance with DEFRA/ Code for Good Agricultural Practice; the storage and delivery of feed stuffs; and traffic movements associated with livestock arrivals and departures shall be submitted for the written approval of the Local Planning Authority. The building hereby approved shall not be used for the accommodation of livestock from a period four months after the date of this permission unless the building is being used in accordance with the approved farm management plan.
2. GACS00 No burning of manure or animal bedding shall take place anywhere on the site and full details of the proposed method of storage and disposal of waste from this building including the location of any storage and the frequency of disposal off the site shall be submitted to the Local Planning Authority within one month of the date of this consent. The method of waste disposal shall accord with the details so approved and there shall be no variation unless otherwise agreed with the Local Planning Authority.
3. LNDS01 Landscaping Scheme Required
4. LNDS10 Details of Hardsurfacing to be Submitted
5. DRGE01 Surface Water and Foul Drainage Details
6. HWAY00 Within six months of the date of this permission the existing vehicle access shall be constructed in accordance with Standard Detail Number E2 and there shall be no variation unless otherwise agreed with the Local Planning Authority.
7. MATS00 Within three months of the date of this permission the feed bins hereby approved shall be painted and thereafter maintained dark green or other colour that may first be agreed in writing with the Local Planning Authority, in perpetuity.



North York Moors National Park  
Authority  
The Old Vicarage  
Bondgate  
Helmsley YO62 5BP  
01439 772700

Application Number: NYM/2014/0126/FL

Scale: 1:1500



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**Informative**

## 1. Section 106 Agreement

**Consultations**

**Parish** – Amended comments: Objects to the revised proposal for a Section 106 Agreement to prevent the use of the buildings and land for the keeping and breeding of pigs or poultry as this does not overcome the previous objections and makes the following additional comments:

- Question how quickly the Authority would be able to respond to any breach of the S106 Agreement;
- Whatever stock is on there will ultimately require 24 hour presence and an application for agricultural workers accommodation is likely to follow.

Original comments: Objects to the original proposal for pig farming for the following reasons:

- All four buildings and feed bins have been erected without the necessary consents;
- The buildings are all very close to Calfthwaite Farmhouse (in separate ownership) and are on higher land;
- There is no evidence the surface water run-off is adequately drained – it is understood the run-off goes into the drains in the yard in front of the neighbour's house, into their septic tank which discharges into Hayburn Beck so there is potential for pig slurry to get into local watercourses;
- Unacceptable adverse impact on the surrounding area;
- The buildings form part of a relatively intensive farming operation without anyone living on-site to provide 24 hour cover for animals health and welfare;
- The amenity value and domestic enjoyment of Calfthwaite Farmhouse will be drastically reduced and severely compromised;
- The incremental effect and impact of these buildings on Calfthwaite Farmhouse cannot be underestimated;
- Therefore contrary to Development Policies 1 and 12.

**Highways** – Amended comments: Recommend conditional approval. (More detailed comments are included under Main Issues: Highway Safety)

Original comments: No objections

**Environmental Health Officer** – Amended comments: No objection. Provided these buildings are no longer used for pigs then the problems with smells and noise should be resolved.

Original comments: Consider that the intensification of pig farming at such close proximity to another separate residential dwelling property is inappropriate. Currently investigating a complaint about smell from the pig units and whilst more evidence is needed, it seems likely that there is a statutory nuisance of harm to the amenity of others. However if minded to approve the application, request submission of a management plan in accordance with the Code for Good Agricultural Practice.

**Ramblers Association** – No objection as the Right of Way through the site is unaffected by the buildings.

**Forestry Commission** -

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Consultations (continued)

**Advertisement Expiry Date** – 1 April 2014

**Others – Mr & Mrs McQuade, Calfthwaite Farmhouse, Cloughton** – Amended/Further comments:

- The removal of pigs from the site has improved our circumstances.
- Concerning the buildings themselves, the total floor area is 5x larger than the original, single building with planning permission and the effect of replacing pigs in the buildings with cattle/sheep in terms of noise, smell and impact on our residential amenity is untested.
- We consider it unreasonable to be put in a position of being hostage to the applicant's farming practices and, given the history of anti-social farming practice, we are firmly of the opinion that the buildings should be re-sited at an appropriate, neighbour-free location on the newly enlarged farm land holding.
- The safe 'new' exit has a restrictive covenant prohibiting farm vehicles and HGV's from using it, therefore granting planning permission for the unauthorised buildings will inevitably increase the quantity of slow farm vehicles and HGV's attempting to enter and leave the site from the original dangerous exit. This is not a "single farmer and his tractor" enterprise anymore; an enterprise requiring buildings on this scale is not compatible with the applicant's management plan stating "infrequent" deliveries.
- The applicant has shown no respect for the lawful planning process by deliberately disregarding planning laws. This gross abuse of planning protocol should not be rewarded at the cost of long suffering neighbours.
- In summary, we should not be exposed to the obvious loss of residential amenity that this unauthorised 5 x expansion in farm buildings means. The fact that the buildings are already there should not improve the prospect of permission being granted and we respectfully request that these applications are rejected as there are many more suitable locations on the landholding. If the buildings were not already there, we doubt that the Authority would subject us to being within 40 metres of the buildings when there is a landholding of some 99 hectares.

Original comments: Object to the original proposal for pig farming for the following reasons:

- Excessive pig smell particularly during the latter half of the pig cycle when it is not possible to open a window, enjoy the garden or hang out washing - have maintained a pig diary and are working with EHO regarding nuisance.
- Pig waste removal causes problems – storage in a muck heap close to a watercourse from an adjacent field which the drains onto our land via recently installed pipework and at other times burning of manure on site leading to excessive pig smell and a threat to health.
- The applicant has no right to use the new and safer access onto the Staintondale Road with farm vehicles or HGVs and must use the original access with poor visibility, therefore detrimental to highway safety.
- Noise and disturbance from pig transporters, feed wagons, pig waste tractors and so forth, sometimes late at night or in the early hours of the morning.
- Damage to the shared access track, verges and pipework underneath not belonging to applicant by farm vehicles and HGVs making it difficult and almost unsafe to use without skidding on the mud/pig waste or grounding of vehicles given the deepening tracks.
- A public footpath runs along the access track and the mud/pig waste makes it very unpleasant for users.
- Use of entrance to property as turning circle by farm vehicles, depositing large amounts of mud and pig waste in the courtyard.

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**Others (continued)**

- Creation of unauthorised passing place along track on private land and removal of tree without consent;
- Damage to wooded tree line along the access track by battering without consent;
- As all buildings now used for housing pigs all straw is stored outside under plastic cover, which is very noisy in windy conditions;
- Extension of the farmyard through the removal of mature trees to facilitate a turning circle;
- Drainage from the site via newly installed drains, across the public footpath and into courtyard through the boundary wall and gate causing flooding and endangering property. Furthermore the lie of the land is such that the farmyard naturally collects water from the raised fields to the east and south but this has been surfaced with hardcore and if concreted will make the flooding problem even worse;
- There are no cows or sheep in the buildings at all;
- Concerned at discrepancies in the application particularly with regard to land acreage and size of buildings and concerned at potential increase in livestock numbers;
- The feed silos are particularly prominent and visually intrusive;
- Concerned that the applicant believes building three has the benefit of 1987 planning permission when it relates to building one given changes in boundaries over time;
- Close boarded fencing being erected along boundary which is very suburban in appearance
- Have lived at the property for 18.5 years and as such no strangers to living near a farm. However the upscaling of this development and the adverse impact on our amenities justifies refusal of all applications.

**Simon Ward, Chartered Town Planner on behalf of Mr McQuade** – Objects to the proposed buildings for pig farming for the following reasons:

- Contrary to Core Policies C and H and Development Policies 1 and 12.
- There is no detailed justification for the size of the buildings or the tall feed towers nor any information about dealing with the waste products from this number of pigs.
- There is no evidence that the rainwater goods are linked into a proper drainage system to ensure non-contamination of water courses by livestock waste.
- There are no roof lights and no specific ventilation into the buildings.
- The elevation drawings indicate the gable ends of building four are to be open but they have been closed off with standard timber sheets rather than traditional Yorkshire boards.
- The walls of building five are in non-traditional galvanised steel sheeting with concrete base panels.
- The roof slopes are not broken up or stepped and the roof sheeting used for buildings four and five is not significantly darker than the wall material.
- The flat fronted nature of the buildings extends for some 58 metres giving a very industrialised appearance and bears no resemblance to the courtyard nature of traditional farmsteads.
- There is no indication that the access to the buildings can accommodate the expected traffic and that adequate passing and turning areas are available.
- The feed towers are significantly higher than the surrounding buildings; have not been integrated into the buildings; are visible from public vantage points and have not been painted in darker colours to try and mitigate any adverse effect.
- The new buildings do not relate particularly to the physicality or functionality of the original building but basically have been added on to form a large industrialised mass of buildings and there is no evidence to justify an almost sixfold increase in the size of buildings required.
- A very basic landscape/tree statement has been submitted only for building five, which does not meet the requirements of the Design Guide Part 3: Trees and Landscape.

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**Others (continued)**

It considers the situation with the five buildings in situ rather than what trees and other landscape features were removed/ altered to enable the buildings to be built. It is clear from the two aerial photographs that tree cover was much closer in the past.

- There is no landscaping scheme submitted as part of the proposal which is also a requirement of the Design Guide Part 5: New Agricultural Buildings. The buildings are located on the southern side of a shallow valley with the land rising away to the south, north and west. However, the adjacent woodland provides limited screening of the buildings from the north and the buildings are visible from public footpaths to the south and west. Whilst the landform to the south offers general screening of the buildings, the food towers are visible, and in longer distance views from Cloughton Moor House to the south, the tops of the buildings become visible. The buildings are also visible from the adjacent public footpath.
- The existing access to the farm buildings is along a single width part made track that is 700 metres in length with no purpose made passing places. A new exit onto Staintondale Road has recently been negotiated with the adjoining landowner to give a much safer exit point onto the main road. However, a covenant does not allow heavy vehicles or agricultural vehicles to use that new exit point. As such any lorry traffic serving the larger pig farm will not be able to use that as an exit option with the associated highway safety implications.
- There are significant and impacting problems with the rainwater dispersal and the lack of dealing with the waste products arising from the development which is having an adverse impact on the adjoining residential property.
- The threefold increase in the pig unit will have a significant impact on the protected building of Calfthwaite Farmhouse as a result of noise, smell and water discharge. The large unit will also require a significant increase in large lorries utilising the shared access road (over 75 lorries a year) leading to increased noise levels, dust levels and general inconvenience in using the current part made single track road.
- It is now a DEFRA requirement that any intensive livestock activity development must have a minimum of six months slurry storage capacity yet there is no indication in the application of such a capacity.
- The proposals do not appear to comply with the requirements of Core Policy D on Climate Change as no such assessment as to whether this is a 'low energy demand unit or not.

**Graham and Pippa Jones, Hillside Farm, Staintondale** – Object to the original proposal for pig farming for the following reasons:

- The noise for the fighting and screeching adult pigs (likened to that of a slaughterhouse) is constant throughout daylight hours and occasionally at night such that windows must be kept closed and guests are reluctant to sit outside – this has totally compromised the peace and tranquillity of our home and holiday cottages, and threatens to affect repeat business to the cottages and our income.
- There is also an unpleasant smell due to the prevailing winds.

**Mr G Jones, Hillside Farm, Staintondale** – Further comments: Objects to the retention of the buildings for the following reasons:

- The non-degradable debris thrown from the buildings down the steep slope to the stream is a dreadful eyesore and is a pointer to the way this farmer disregards both his neighbours and the environment. This behaviour is totally unacceptable, is a violation in the National Park and negates his right to have his retrospective application favoured. There may also be issues with organic animal waste which may flow from the sheds down the steep slope into the stream.
- Huge amount of non-degradable debris littering the steep slope to the rear of the buildings;
- There may be substantial run-off from effluent which may flow into the beck below;

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**Others (continued)**

- The feeding towers are unsightly and unnecessary given the removal of pigs from the site;
- Given the substantial erection of illegal buildings and the disturbance to nearby residents, the buildings should not be allowed to remain.
- The tenant farmer shows no respect for his neighbours, the National Park Authority or the environment.

Original comments: Objects to the proposed development for the following reasons:

- The buildings have been erected without the benefit of planning permission.
- The keeping of animals in the buildings has a detrimental impact on the amenity of local residents.
- The applicant consistently fails to comply with agreements and is likely to breach any requirement not to keep animals.
- There is already a waste disposal problem at the site which will be difficult to resolve due to the sloping ground.
- The buildings should be totally removed and the rubbish cleared up.

### **Background**

Calfthwaite Farm lies approx. three miles to the north of Cloughton and is accessed via a shared private, single width, hardcore track to the west of the Staintondale Road. A public footpath runs due north – south immediately to the east of the farm buildings, between them and the neighbouring dwelling and also along the access track. The original farmhouse at Calfthwaite Farm was sold separately to the land some 15-20 years ago and is now occupied independently of the surrounding land. At the time of severance there was just one farm building on the land (240 square metres).

There are now a total of five buildings on the site, all attached to each other, providing a total floor space of 1268 square metres and until recently have been used for a low intensive pig farm. Building no.1 has historically always occupied the site whereas building no.3 was built circa 2006 without the benefit of planning permission but is now immune from enforcement action given the length of time it has occupied the site. However it has recently been extended and those extensions require planning permission. Buildings nos. 2, 4 and 5 along with the two feed bins have been erected within the last few years, again without planning permission. Following investigation by the Enforcement Team the applicant has submitted four separate planning applications all seeking to regularise the unauthorised development at Calfthwaite Farm.

This application relates to the side extensions to building three which each measure 18 metres by 6 metres and are constructed of timber boarding over a dwarf concrete panel wall and green corrugated sheeting to the roof. The feed bins measure 7.2 metres and 5.1 metres tall with capacity of 13 tons and 8 tons respectively. The other three buildings are covered by separate applications on this agenda: NYM/2014/0022/FL (building no. 2); NYM/2014/0023/FL (building no. 4); and NYM/2014/0024/FL (building no. 5).

There is some discrepancy as to whether or not building no. 3 benefits from planning permission granted in 1987. The neighbour and his representative both believe it relates to building no. 1 however the plans associated with that planning permission clearly indicate a building already in position of building no. 1 and the proposed building on the site of building no. 3. Whether that was built and subsequently removed or never built is in fact irrelevant as building no. 3 was erected in 2006 and is now immune from enforcement action.

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**Background (continued)**

The applicant's holding has recently extended to 135 hectares - 28 hectares at Calfthwaite Farm with a further 5 hectares immediately to the west and 36 hectares to the south; 20 hectares at Cloughton Bank; 9 hectares opposite Grange Farm, Cloughton and 37 hectares at Newlands Grange Farm. The latter three blocks of land at Cloughton are held on an ongoing Farm Business Tenancy from The Duchy with a minimum term of two years whereas the three blocks of land at Calfthwaite Farm are held on an ongoing Farm Business Tenancy from Mr Flinton. Other than the buildings at Calfthwaite Farm, there are no other buildings on the other parcels of land farmed by the applicant.

The buildings have until recently been used by the applicant for low intensive pig farming. However as a result of the objections received from the neighbouring residents and the Parish Council, Officers have been negotiating with the applicant, his agent and the land owner to achieve a compromise scheme that would allow the buildings to remain for an appropriate form of agricultural use such as arable, cattle or sheep, whilst providing increased amenity protection for the neighbouring residents. As such the applicant has removed all pigs from the land and buildings, and along with the landowner, has agreed to the signing of a legal agreement which will prevent the use of the buildings and land in the future for the breeding and keeping of pigs and poultry.

In support of the applications the agent has submitted an update on the management of land at Calfthwaite Farm as follows:

- All pigs have now been removed from site and the Environmental Health Officer has no objection as the problems with smell and noise should now be resolved.
- In the future only cattle and sheep will be housed in the buildings at Calfthwaite Farm.
- All stock will be housed on straw which is good for animal welfare and there will be no foul water or slurry as only farm yard manure will be produced.
- All farm yard manure will be cleared from the buildings annually and removed and spread on adjoining land.
- Additional Land - The owner of Calfthwaite Farm has recently acquired further land adjoining Calfthwaite Farm to increase the grazing around the subject buildings to 160 acres/65 hectares. All the land is now on the same Farm Business Tenancy agreement with the applicant, Mr Temple. The movement of stock can now be on a field to field basis although the applicant continues to farm 163 acres/66 hectares north of Cloughton village
- Present Stocking Levels - With 350 breeding sheep and 30 breeding cattle, the space requirement is 1100 square metres based on 2.5 sq m / ewe and 7.5 sq m / cow. The total space available at Calfthwaite Farm is 1268 square metres. In addition to the stock accommodation, storage will be required for valuable machinery (tractor, forage equipment, hand tools etc) and winter fodder / bedding.
- Conclusion - All the present buildings at Calfthwaite could be utilised for the present farming enterprises to enhance and improve animal welfare; to avoid poaching and damage to land if outside pens had to be erected; and to prevent the site look unsightly with outside storage.

Members may recall that this application, along with the other three applications for the retention of the unauthorised development at Calfthwaite Farm, was originally presented to Members at the Planning Committee Meeting on 15 February 2015. Members voted to defer the applications to enable the applicant to submit a Farm Management Plan and a landscaping scheme. In addition Members requested Officers sought confirmation from the Highway Authority that they were satisfied with the access arrangements to the farm and from Environmental Health regarding the impact on residential amenity of the use of the land and buildings for sheep and cattle.

Since that meeting the agent has submitted a landscaping plan showing screen planting of native species (beech, birch and oak) in a 1.8 metres wide strip along the eastern boundary of the site



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**Background (continued)**

between the livestock buildings and Calfthwaite Farmhouse; a Farm Management Plan confirming the proposed stock levels of breeding ewes and suckler cows, with building nos. 2 – 5 to be used for the housing and lambing of sheep and building no. 1 to be used for breeding cattle; and details of the acquisition of a further 65 hectares of land immediately to the south of Calfthwaite Farm on the same Farm Business Tenancy. The agent confirms that there will be no pigs kept on the land or in the buildings and that deliveries of feed and stock to the farm will be infrequent.

At the Planning Committee Meeting on 15 June 2015 the applications were deferred for a Committee Site Visit in order for Members to gain a better understanding of the relationship between the development and the neighbouring residential property; to assess the effectiveness of the proposed landscaping; to assess the suitability of the buildings for livestock and to assess the visual impact of the buildings and the site in general on the wider landscape.

The Committee site visit took place on the 3 July 2015 and the minutes are attached elsewhere on the Agenda.

The previous Committee Report is largely repeated below but has been updated to include reference to this amended proposal to utilise the buildings for breeding ewes and suckler cows rather than pigs.

**Main Issues****Policy**

The relevant policies of the Core Strategy and Development Policies Document (CSDPD) are Core Policy A (Delivering National Park Purposes and Sustainable Development), Development Policy 1 (Environmental Protection) and Development Policy 12 (Agriculture).

Core Policy A seeks to ensure that new development conserves and enhances the Park's special qualities; with priority being given to ensuring the scale of development and level of activity does not have an unacceptable impact on the wider landscape or the quiet enjoyment, peace and tranquillity of the Park nor detract from the quality of life of local residents or the experience of visitors.

Core Policy H seeks to strengthen and support the rural economy by providing local communities with a range of opportunities for entrepreneurship, education and training in various ways, including supporting the agricultural sector and opportunities for diversification.

Development Policy 1 seeks to conserve and enhance the special qualities of the National Park by ensuring development does not have an unacceptable adverse impact on surface and ground water, soil, air quality and agricultural land and does not result in adverse effects from sources of pollution which would impact on the health, safety and amenity of the public and users of the development.

Development Policy 12 supports proposals for new agricultural buildings where there is a functional need for the building; 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; and a landscaping scheme which reduces the visual impact of the proposal on the wider landscape is submitted as part of the proposal.

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**Main Issues (continued)**

Furthermore the National Planning Policy Framework (NPPF) requires the Authority to promote a strong rural economy by, amongst other means, supporting the development and diversification of agriculture and other land based rural businesses.

The main issues to consider with this application are whether there is a functional need for the building; the design and cumulative impact of the buildings on the landscape of this part of the National Park; and the impact of the development on the residential amenity of neighbouring residents through odour, noise and the associated storage of waste; and the impact on highway safety as a result of the intensification of use of the access.

**Principle of Development**

Calfthwaite Farm was clearly a working farm in times past however some 15-20 years ago the house was sold separately to the land and farm building. In more recent years the agricultural use of the land and building has re-commenced as a low-intensive pig farm with further buildings constructed on the holding without the benefit of planning permission. The Authority acknowledges the importance of the rural economy and through the policies of the CSDPD and the NPPF is supportive of agricultural use of agricultural land and there are numerous examples where working farms co-exist with independent residential uses however in this case, given the close proximity of the dwelling to the farm buildings and the apparent poor management of the pig farm, there has clearly been a conflict. Officers are sympathetic to the neighbour's situation but also acknowledge that it is difficult to establish new agricultural enterprises which are appropriate in landscape terms given the high purchase prices within the Park of farms with associated dwellings.

As such it is considered that, in principle, the retention of the farm buildings at Calfthwaite Farm satisfies the general thrust of the policies of the CSDPD and the NPPF which seek to support the rural economy through the development of agriculture and other land based businesses. It is also an aspiration of the Management Plan to increase agricultural production. However the acceptability of this proposal very much depends on the justified need for the building given the stock levels and land holding and the appropriate management of the enterprise to avoid the potential conflict with neighbouring residential uses. This is assessed more fully below.

**Agricultural Need, Design and Landscape Impact**

The building is designed for the purposes of agriculture, being a typical modern timber framed farm building with concrete dwarf walls, Yorkshire boarding and corrugated sheeting to the roof. In terms of its scale it is in keeping with the adjacent (unauthorised) buildings and the original farm building on the land. The height of the building has been kept to a minimum and when viewed in the context of the adjoining buildings, the stepped and varied roof line of the development as a whole helps to minimise its cumulative massing and consequently its landscape impact.

The building is physically and functionally related to the original farm building on the land although there is no associated dwelling as Calfthwaite Farmhouse was sold off some 15-20 years ago.

The development as a whole is visible from the neighbouring property and the public footpath that passes to the east of the site. Glimpsed long distance views are also afforded from higher ground, particularly on the approach from Cloughton to the south. However the buildings are viewed against the woodland to the north and in the context of rising ground and as such are not considered to be unduly prominent in the wider landscape of this part of the National Park.

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**Main Issues (continued)**

With regard to the question of need, the agent has confirmed that there are no other buildings on the land that the applicant rents either at Calfthwaite Farm or in Cloughton and that the development at Calfthwaite Farm has evolved around an existing one or two buildings on the land. Given the applicant's stocking levels of breeding ewes and suckler cows, there is clear justification for 965 square metres space requirement which could be accommodated by building nos. 1, 2, 4 and 5. This suggests that building no. 3 is additional to current needs, although it would not be unreasonable to allow for some additional storage space for straw, machinery etc. or given the amount of grazing land now available to the applicant, there is potential for the applicant to increase the herd size without an over-intensification of the land which would generate a need for additional housing in the future. As such it is considered that there is a justifiable functional need for all four buildings and this application is recommended for approval.

**Impact on Residential Amenity**

Under Core Policy A of the CSDPD any new development should not detract from the quality of life of local residents or the experience of visitors. The original farmhouse at Calfthwaite Farm lies immediately adjacent to this agricultural enterprise and is in separate ownership, consequently the occupant's amenity was quite clearly being adversely affected by odour arising from the pig rearing and the associated storage of waste; noise and disturbance from deliveries to and collections from the site, and damage to property through the continued use of the shared access by farm vehicles and HGVs. This was a substantial pig operation that had increased in size significantly over the past few years with the addition of 1028 square metres of floor space to the original 240 square metres. Consequently the number of pigs had increased and so had the odour, noise and disturbance as a result of the way the unit was being managed, which was having a direct and significant adverse impact on the neighbouring dwelling. Indeed the Environmental Health Officer had identified that the intensification of pig farming in such close proximity to another separate residential dwelling property was inappropriate and possibly causing a statutory nuisance of harm to the amenity of others from the way the unit was being managed.

The impact of odour, noise and disturbance on residential amenity is a material consideration which has to be weighed against the national policy of supporting agricultural development and the Authority's support of the rural economy through Core Policy H and Development Policy 12 of the CSDPD. However given the requirement in the NPPF to support the rural economy through the development of agricultural businesses, Officers have successfully negotiated with the applicant, his agent and the land owner to achieve a compromise scheme that would allow the buildings to remain for an appropriate form of agricultural use, such as arable, cattle or sheep, whilst providing increased amenity protection for the neighbouring residents. As such the applicant has already removed all pigs from the land and buildings and, along with the land owner, has agreed to the signing of a legal agreement which will prevent the use of the buildings and land for the breeding and keeping of pigs and poultry in the future. In view of this, Officers consider that this will overcome the adverse impact that the use of the buildings for low intensive pig farming has had on the residential amenity of neighbouring residents whilst allowing a new agricultural enterprise to remain. As such this application for the retention of the extensions to building no. 3 can be recommended for approval notwithstanding the Parish Councils reservations.

**Highway Safety**

In view of the concerns raised by the neighbours regarding the intensification of use of the original access and the impact on highway safety given the restrictive covenant preventing use of the 'new' access with improved visibility by farm vehicles, the Highway Authority has been asked to reassess

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**Main Issues (continued)**

the original recommendation of 'no objection'. In response they confirm that an Officer as revisited the site to reassess the situation. They advise that in order to assess the required visibility standards the Highway Authority has determined the average speed to be 25mph for south bound traffic and 40mph for northbound traffic. This results in a recommended visibility of 2.4 metres by 45 metres to the north of the access and 2.4 metres by 90 metres to the south of the access. The available visibility to the north of the access is 42 metres approximately, which is considered to be acceptable given the small shortfall; to the south the available visibility is 80 metres approximately. Again this is short of the standard but not so limited that it would be a major cause for concern for the Highway Authority. The longitudinal alignment of the carriageway also needs to be taken into consideration as the historical access is at a low spot on the road which would make it more difficult for traffic approaching the access to slow down or stop for vehicles turning in and out of the access.

The Highway Authority confirms that the combination of these two factors does make the use of the original historical access less than ideal in comparison to the use of the most recently constructed access with improved visibility. However even taking this into account with the intensification of use of the access, the Highway Authority does not consider it is reasonable to object to these applications. It must also be noted that the visibility standards quoted above are for cars with a drivers eye height of around 1 metre; this would not be the case for most farm vehicles where the eye height could be in the region of 2 metre giving the driver of the vehicle better visibility out of the access.

Whilst the Highway Authority appreciate the concerns of local residents regarding the use of the original access, due to the alignment of the carriageway and visibility, as it is an historical access the Highway Authority does not object to its use under these circumstances and concludes that there are no reasonable grounds for refusal.

To try and mitigate the risks described above the Highway Authority has given consideration to installing 'farm traffic' warning signs at a suitable location either side of the access to make other road users aware of the fact that there might be slow moving/turning vehicles ahead in the road. However as there is no recorded accident history for the area and considering the rural nature of the area where a driver could expect to meet agricultural vehicles these signs would not be considered necessary. The only recommendation would be that the access be brought up to current highway standards and a condition requiring this is included in the recommendation.

**Conclusion**

It is considered that there is a functional need for this building on the land at Calfthwaite Farm, that it has been designed for the purposes of agriculture and relates well to the other buildings on the holding without having a detrimental impact on the wider landscape of the Park. The concerns raised regarding the impact on the residential amenity and highway safety Officers consider have been addressed with the revisions to the proposal and the recommendations of approval from Environmental Health and the Highway Authority, and therefore this application is recommended for approval.

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

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.