

North York Moors National Park Authority

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

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 receipt of a satisfactory landscape plan showing the planting of indigenous screening along the eastern boundary of the site with the PROW and neighbouring dwelling and the signing of a Section 106 Agreement to prevent the use of the buildings and land for the keeping and breeding 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 - indigenous tree and hedge planting along the eastern boundary
4. LNDS10 Details of Hardsurfacing to be Submitted
5. DRGE01 Surface Water and Foul Drainage Details
6. 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.

Informative

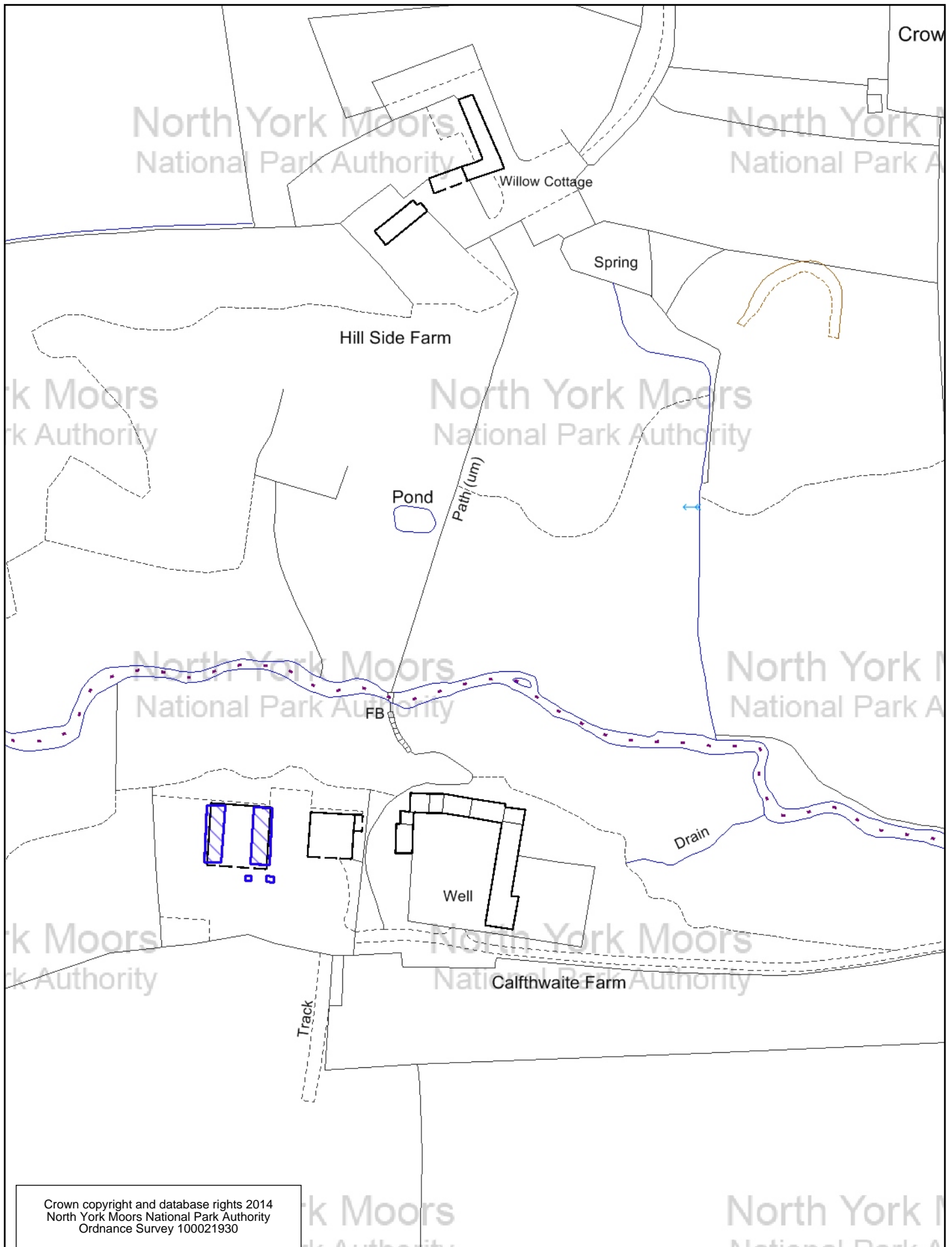
1. Section 106 Agreement



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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Consultations

Parish – 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;
- There is no electricity to the buildings or adequate water supply;
- 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;
- Access to the highway is poor with inadequate visibility in both directions;
- Both feed towers are visible from the PROW and are extremely intrusive;
- Therefore contrary to Development Policies 1 and 12.

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.

Highways – No objections

Environmental Health Officer – 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 -

Advertisement Expiry Date – 1 April 2014

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Others – 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 five 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. 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.

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Others (continued)

- 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.
- Discrepancies regarding the height and capacity of the feed silos; concerned that silo one is taller than the alleged 7.2 metres;
- There has been no attempt to modify the appearance of the silos; the grey steel finish projects a more industrial unit;
- There is no detailed information provided to justify the need for two silos;
- The four applications relate to a significant unauthorised development on a site that was previously an unencumbered farm area adjacent to an original farmyard, with no account taken of the policies that govern such development in the National Park and no justification for such development. Whilst the NPPF supports measures to improve the rural economy, it stresses the importance of conserving the landscape and scenic beauty of the Natural Parks.

Mr & Mrs McQuade, Calfthwaite Farmhouse, Cloughton – 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.
- 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;

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Others (continued)

- 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.

However subject to the signing of a Section 106 Agreement to prevent the use of the buildings and land for the keeping and breeding of pigs or poultry and some screen planting along the common boundary, the neighbour has agreed to withdraw this objection.

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.

Background

Calfthwaite Farm lies approx. 3 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 used for a low intensive pig farm. Building 1 has historically always occupied the site whereas building three 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 two, four and five 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 part of the unauthorised development at Calfthwaite Farm.

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Background (continued)

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 two); NYM/2014/0023/FL (Building four); and NYM/2014/0024/FL (Building five).

There is some discrepancy as to whether or not building three benefits from planning permission granted in 1987. The neighbour and his representative both believe it relates to building one however the plans associated with that planning permission clearly indicate a building already in position of building one and the proposed building on the site of building three. Whether that was built and subsequently removed or never built is in fact irrelevant as building three was erected in 2006 and is now immune from enforcement action. However it was extended more recently and this extension is the subject of another application (NYM/2014/0126/FL).

The applicant's holding extends to 99 hectares - 28 hectare at Calfthwaite Farm and a further 5 hectares to the west; 20 hectares at Cloughton Bank; 9 hectares opposite Grange Farm, Cloughton and 37 hectares at Newlands, Grange Farm. The latter three blocks of land are held on an ongoing Farm Business Tenancy from The Duchy with a minimum term of two years; whereas the two 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.

In support of the application the agent has submitted the following information:

- The buildings are used for a low intensive pig production.
- Prior to the more recent development, buildings 1 and 3 only had the capacity to house 400 units which is not viable as a pig supplier will not supply a small unit and it is not viable to bring feed in for such a low number. Without further buildings additional pigs would have to be kept in the open where smell, disease and welfare issues cannot be controlled.
- With the new developments the unit can now accommodate 1400 pigs in total and with four batches passing through the unit each year, this makes it viable.
- The farming unit extends to 245 acres (99 hectares) which accommodates 200 breeding sheep and ten suckler cows.
- Together with EEC Subsidies, the unit now has an output that means the owner can employ a fulltime man together with additional part-time staff at busy times.
- In terms of the management of the unit, pigs are rear from the age of 3 weeks to approximately 12 weeks. When they leave the unit they go to a finishing unit before they mature at 17 weeks. The unit is all straw with clean straw being provided for the pigs every other day and as a requirement of the Welfare System, pigs are kept clean during their stay.
- The pigs are removed at the end of the 9 weeks stay, the straw/manure cleaned out by contractors and spread on the land serving the holding and the buildings cleaned and disinfected before the next batch of pigs arrive.
- Feed is delivered by feed wagons on a weekly basis.

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

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Background (continued)

residents. As such the applicant and landowner have 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.

Main Issues**Policy**

The relevant NYM Local Development Framework Policies 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.

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 and associated storage of waste.

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 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 unit without the benefit of planning permission. The policies of the Local Development Framework and the NPPF favour 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 buildings and the apparent poor management of the pig farm, there is clearly a conflict. Officers are sympathetic to the neighbour's situation but also acknowledge that it is difficult to

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Main Issues (continued)

establish new agricultural enterprises which are appropriate in landscape terms with the high purchase prices within the Park of farms with associated dwellings. The nature of a farming use in a farming area on a former farm is therefore not considered to be unacceptable provided that the farm is being managed appropriately to avoid conflict with adjacent residential land uses. 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 Local Development Framework 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 this will depend on 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 Authority acknowledges the importance of the rural economy and through the policies of the Local Development Framework is supportive of development proposals that enable farm businesses to become more competitive and to adapt to changing markets.

With regard to the question of need, the agent has confirmed that there are no other buildings on the land that the applicant rents and that the development at Calfthwaite Farm has evolved around an existing one or two buildings on the land to form a viable pig rearing business.

The extensions to building three are designed for the purposes of agriculture, being typical modern steel portal framed extensions with concrete dwarf walls, Yorkshire boarding and corrugated sheeting to the roof. In terms of scale the extensions are in keeping with the host building and also the adjacent (unauthorised) buildings. The height of the extensions have 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 feed towers are also typical of modern farming equipment. However one of the towers is significantly higher than the other and the adjoining buildings making it more prominent in the landscape. Certainly it would benefit from being painted a darker colour to help it recede; alternatively two towers of more even height would have less impact on the landscape.

The extensions and feed bins are physically and functionally related to the original 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. However some landscaping to the boundaries of the farmyard would certainly improve the setting of the development, as this can be quite an untidy site, and would mitigate its impact on any local views. A landscaping scheme has been requested from the agent and Members will be updated at the meeting.

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Impact on Residential Amenity

Under Core Policy A 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 pig rearing business and is in separate ownership, consequently the occupant's amenity is 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 their property through continued use of the shared access by farm vehicles and HGVs. This is a substantial pig operation that has 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 has increased and so has the odour, noise and disturbance as a result of the way the unit is being managed, which is having a direct and significant adverse impact on the neighbouring dwelling. Indeed the Environmental Health Officer has identified that the intensification of pig farming at such close proximity to another separate residential dwelling property is inappropriate and that they are 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 from the way the unit is being managed.

The impact of odour on residential amenity is a material consideration which Officers consider outweighs the national policy of supporting agricultural development and the Authority's support of the rural economy through Core Policy H and Development Policy 12. However given the requirement in the NPPF to support the rural economy through the development of agricultural businesses and for Development Management to adopt a 'problem solving' ethos - 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. The applicant acknowledges he is getting older and pig rearing is hard work. As such the applicant and land owner have 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, and the immediate neighbours have agreed to withdraw their objection to the application as a result. In view of this, Officers consider that this should overcome the adverse impact the use of the buildings presently has on the residential amenity of neighbouring residents whilst allowing a new agricultural enterprise to remain. As such the application can be recommended for approval notwithstanding the Parish Councils reservations.

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.