

North York Moors National Park Authority

Hambleton District Parish: Kilburn High & Low	App No. NYM/2017/0787/FL
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Proposal: erection of manure store

Location: Church Farm, Kilburn

Applicant: T W Thompson & Sons, fao: Mr Henry Thompson, Church Farm,
Kilburn, York, YO61 4AH

Date for Decision: 14 February 2018

Grid Ref: SE 451511 479667

Director of Planning's Recommendation

Approval subject to the following conditions:

1.	TIME01	Standard Three Year Commencement Date
2.	PLAN02	Strict Accordance With the Plans/Specifications or Minor Variations
3.	GACS00	The building hereby approved shall not be used for the keeping of livestock at any time, unless with the prior written approval of the Local Planning Authority.
4.	GACS00	<p>The development hereby approved shall not be first brought into use until a pest/fly management plan has been submitted to and approved in writing by the Local Planning Authority. The management plan should provide the following information:</p> <ul style="list-style-type: none"> • Who will be providing staff training; • Method(s) of monitoring for fly numbers, records to be kept, frequency of monitoring; • What insecticidal control methods they would use routinely and as part of controlling numbers if there is a peak; • What they foresee as trigger levels for the use of pesticides which should come from the monitoring not based on complaints which would indicate a significant increase in numbers has already occurred; • How often they will review the effectiveness of the fly control methods and if / how the review will be recorded. <p>The pest/fly management of pests/flies shall accord with the details so approved and there shall be no variation unless otherwise agreed with the Local Planning Authority.</p>
5.	GACS00	<p>The development hereby approved shall not be first brought into use until full details of the proposed method of disposal of manure from the building hereby approved, including the frequency of disposal off the site have been submitted to and approved by the Local Planning Authority. 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.</p>

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Conditions continued

6.	GACS07	External Lighting – Submit Details
7.	GACS17	Levels – Development – Submit Details (building) (existing ground levels)
8.	MATS19	Roof Colouring (dark grey)
9.	MATS26	Timber Cladding (building)(vertical timber boarding)
10.	HWAY18A	Precautions to Prevent Mud on the Highway
11.	LNDS03	Trees/Hedging to be Retained (northern and eastern boundaries)
12.	MISC03	Building to be Removed if Not Used for Agriculture

Informatives

1.	The applicant's attention is drawn to "The Code of Good Agricultural Practice" for the protection of water, soil and air and also the "The Water Resources (Control of Pollution) Regulations 2010 (as amended 2013). The applicant is also advised to review slurry and manure storage and ensure compliance with the SSAFO regulations.
2.	Public Rights of Way

Consultations

Ward –

Parish – Concerned that insufficient detail and information to make a considered judgement. Wish to see a full topographical survey, re location, visual impact and sizing, along with full Design and Access Statement and professionally detailed plans re purpose and exact positioning in order for Council to submit further comments if appropriate.

Further comments: The Council returned a vote 'objects' based on the following points:

- The plans and additional comments made by the client's agent still lack in any substantive detail.
- We would ask that for a decision to be made by Kilburn Parish Council or indeed NYMNP that the applicant/agent should provide topographical surveys - showing the true site levels and how the building will be sited against the landscape. The plans submitted to date are of a poor standard and do not allow us to assess the impact of the building on the surrounding area.
- The summary reads as though Natural England support the application, when it should state that they promote the management of manure in this way. This comment is misleading.

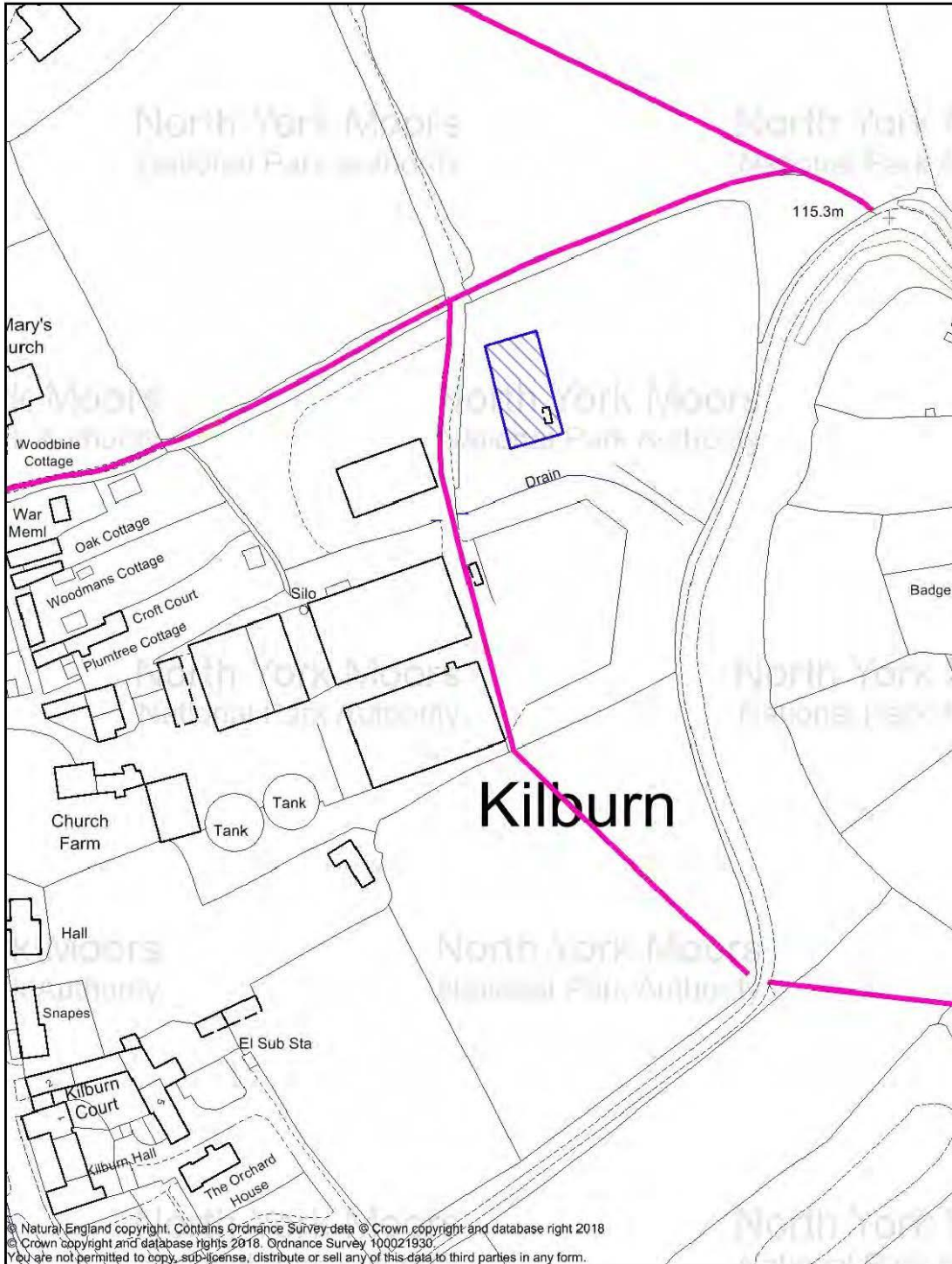
Natural England – No objection. The proposed development will not damage or destroy the interest features for which Gormire SSSI has been notified.



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

Application Number: NYM/2017/0787/FL

Scale: 1:1500



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Environment Agency – No objections. However would draw the applicant’s attention to “The Code of Good Agricultural Practice” for the protection of water, soil and air and also the “The Water Resources (Control of Pollution) Regulations 2010 (as amended 2013). The applicant is also advised to review slurry and manure storage and ensure compliance with the SSAFO regulations.

Environmental Health – No objections. This proposal is to the rear of the existing large farming operation with an area already used for manure storage with a large silage clamp on the site so the building could improve the situation.

Provided the storage of the manure in the proposed building does not result in any additional manure coming onto the Church Farm site, having the manure stored in a covered building rather than open heaps will probably improve the current condition on the site and not result in additional impact on residential amenity.

Storing the manure in a building will allow for better monitoring of flies and allow any subsequent insecticide/use of predatory insects to control numbers effectively. The pest/fly management plan submitted covers the expected areas but lacks any detail. The following additional information is required:

- Who will be providing staff training;
- Method(s) of monitoring for fly numbers, records to be kept, frequency of monitoring;
- What insecticidal control methods they would use routinely and as part of controlling numbers if there is a peak;
- What they foresee as trigger levels for the use of pesticides which should come from the monitoring not based on complaints which would indicate a significant increase in numbers has already occurred;
- How often they will review the effectiveness of the fly control methods and if / how the review will be recorded.

I would recommend that although the application does not include the housing of livestock, to prevent intensification of use on this site, a condition is attached to prevent this.

Advertisement Expiry Date – 2 February 2018

Others – Mrs Sara Cussons, West View, High Kilburn – Object. Kilburn was once a quiet rural village, with two moderately sized dairy farms at its heart. Since the introduction of an intensive B&B pig operation which is spread out between Village Farm and Church Farm, the landscape and the right to enjoy our properties has diminished.

It is now rare to be able to sit outside due to the diabolical smell and the sound of screaming pigs.

The back of Church Farm looks like a scrapheap and this land used to be fields with a footpath that connected High Kilburn to Low.

The roads, the tourism and our human right to quiet enjoyment of our properties have all been adversely affected by the ongoing development of these farms.

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Others continued

The plans are sketchy, poorly produced and unprofessional, there should be topographical surveys and detailed drainage proposals. Manure storage sheds should not be placed on areas with too much of a gradient, as this can cause problems with pollutants washing out and into watercourses.

We have problems with flies and the beck is terribly polluted.

My biggest reservation is the future scope to change these agricultural sheds into additional sheds to hold more pigs. The strain on the roads the Mosey lorries cause is obvious. The village is straining under the impact of these farms.

Mrs Kathryn Wells of Badgers Drift, High Kilburn – Object. The farms have changed dramatically in the last few years from beautiful dairy farms into filthy, squalid pig farms punctuated by areas which are seemingly used as scrapyards.

I would like to highlight that the properties lying on the western side of High Kilburn village green are the nearest properties in both villages to the proposed location of the manure shed and will be impacted the greatest.

The smell and noise from the pig sheds is intolerable as are the flies. The roads are regularly covered in mud and manure from the farm.

Kilburn and the surrounding area are renowned for their natural beauty and many of the residents rely on income from the tourist trade. We are in danger of losing that if the expansion of the pig farm is allowed.

Mr D, Mrs J, Miss S and Miss B De Cogan, Oak Cottage, Kilburn – Strong opposition to this application which is located alongside five residential properties and the Norman Grade II Listed Church of St Mary.

We are inundated with flies, and the smell from the sheds is intolerable. It has also been noted that the pungent odours and constant noise have discouraged visitors from staying and eating outside at both The Forresters Arms and also the T-Café at the Mouseman Visitor Centre during the summer. A covered manure store is not going to reduce the stench that currently pervades the village on a daily basis.

The hand-drawn plan of the siting of the manure store does not give a true representation of the proposed siting, inferring that it is on level ground, whereas it is in fact on rising ground towards River Lane (road to High Kilburn). We are given to believe that manure storage sheds should not be built on land with gradient due to potential issues with pollutants running off into watercourses.

Professional plans, along with topographical surveys should have been submitted. There is a small watercourse behind the residential properties adjacent to Church Farm, and run-off from the current sheds frequently works its way into it. However, more importantly, the main watercourse in Kilburn, Twattleton Beck, is extremely polluted.

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Others continued

The application appears to state that drainage will be into an open drain, but we feel that more detail is required on the management of this, given the gradient of the land.

The design statement notes that "Pig buildings will be mucked out on a 10 to 11 week cycle as current" and "cattle building mucked out yearly". This gives evidence of the awful smell and increase in flies, and is not good farm management.

It also states that "spreading of muck on farm land is once a year". However, we have witnessed numerous wagon loads of muck being taken to the fields more than once a year, sometimes more than once a week, along with the slurry tankers spraying their contents over the verges and hedges alongside Carr Lane on the approach to the road to the White Horse.

Having an existing heap of stored manure in the centre of a permanently-housed livestock farmyard is potentially hazardous and is not, in our opinion, good farm management.

There would be a significant impact on residential premises, given the location and increase in directional smell and also a significant potential risk of continued chlorate and other chemical run-off into the grounds and buildings of the seven residential properties within 100 metres of the existing farmyard at Church Farm along with a Grade II Listed church. It is our opinion that having a covered, and potentially warm and dry, manure heap within close proximity to residential properties, would encourage further future increases in both vermin and flies, along with a potential increased risk of transference of leptospirosis to family pets.

George F. White (Planning and Development) Consultants on behalf of Robert Thompson's Craftsmen Ltd, Mouseman Visitor Centre, Kilburn – Strongly object.

The proposed development will have a significant adverse impact on the landscape and visual amenity of the area, by reason of noise, traffic, odour, landscape and heritage impact, with resulting negative impact on local businesses. This will have a very significant negative effect on Robert Thompson's Craftsmen Limited business which would not be outweighed by any benefit of the proposed development. The development proposed is contrary to National and Local Planning Policy and there are no material planning considerations which would suggest that the Council should grant planning permission for the proposed development.

Notwithstanding the above objections, if granted, the following conditions should be attached:-

- A traffic management plan.
- A protocol for guaranteeing all vehicles leaving the site are cleaned to ensure that the public highway is kept clean.
- Requirement to confirm precise details of colours and finishes for the proposed building.
- A landscaping plan.
- Site levels should be confirmed to ensure that the landscape impact can be controlled.
- A manure management plan.
- The site is within a Drinking Water Safeguarding Zone, so details of a sustainable drainage system should be provided.
- A condition preventing the use of the building for the housing of livestock.

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Background

Church Farm is one of the two working farms in the village and lies on the east side of the main street in the centre of Kilburn village and Conservation Area. It comprises a traditional stone farmhouse and range of stone outbuildings, a number of large modern agricultural sheds, a silage clamp and a slurry tank. The applicant has an approximately 140-strong dairy herd and 2000 B&B bacon pigs.

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

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

This current application is on the site of that previous 2007 approval and seeks consent for a covered muck store building. The building would measure 36.5m long x 12m deep with a height to the eaves and ridge, 5.5m and 7m respectively. It would be open fronted on the west elevation with concrete panels and Yorkshire boarding above on the three other elevations. The pitched roof would be finished in dark grey profiled sheeting.

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

In support of the proposal, the applicant has stated the following:

Farmyard manure is currently stockpiled on the site of the proposed manure store and in various fields. This captures rainfall and has the potential to create effluent run off which is a pollution risk to nearby watercourses and as such endorsements for the building have been received from the Environment Agency, Natural England and the local Catchment Sensitive Farming Officer.

The proposed store will have an impermeable concrete floor and a roof and guttering to ensure that rainwater is captured and diverted away from manure, significantly reducing the potential for effluent run off and pollution of nearby watercourses.

It will not generate additional traffic and the manure will be drier so is likely to require less vehicles.

Main Issues**Policy**

Core Policy G of the NYM Local Development Framework seeks to ensure that the landscape, historic assets and cultural heritage of the National Park are conserved and enhanced, with particular protection being given to those elements which contribute to the character and setting of Conservation Areas, Listed Buildings, Historic Parks and Gardens or Scheduled Monuments and other sites of archaeological importance.

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Main Issues continued

Development Policy 4 of the NYM Local Development Framework seeks to ensure that development within or immediately adjacent to a Conservation Area either preserves or enhances the character and appearance or setting of the area.

Development Policy 12 of the NYM Local Development Framework seeks to permit proposals for new agricultural buildings, tracks and structures or extensions to existing 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.

Material Considerations**Impact on Amenity**

Church Farm is a well-established livestock farm within the centre of the village of Kilburn and increasingly, such mixed uses do cause conflict due to smells and noise that arise from such livestock enterprises. However, in this case, the proposal does not seek consent for a new activity which would worsen amenities for local residents. Manure is currently stored on the application site, but out in the open. The proposed building is purely to store that manure under cover within the existing farmstead. The proposal does not seek permission for an increase in livestock numbers so it would not result in additional manure stored on site.

Furthermore, this is considered to be an opportunity to improve the current situation, with the ability to attach conditions to any approval regarding fly and manure management which there isn't at present.

No objections have been received from Environmental Health.

Impact on Character of the Conservation Area and Visual amenity

The proposed building would be sited immediately to the east of an existing building on the east side of the farm track and footpath that runs north-south through the farmyard. The Building Conservation Team has suggested it could be located to the western side of the footpath, so closer to the other buildings on the site. However, the proposed location is well screened from wider views, partly due to topography, but also existing tree cover and it is not considered that it would have a detrimental impact on the character of the Conservation Area. Furthermore, it is proposed to be in the same position as the earlier 2007 approval which was not implemented.

It is considered that in the proposed location the building would be viewed in the context of the existing buildings at the farm and against the backdrop of rising ground. From the back road to High Kilburn the building would be screened by the existing mature roadside hedges. The location as submitted is therefore considered the most suitable in terms of the efficient running of the farm and the impact on the neighbouring properties and the surrounding landscape.

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Main Issues continued

Vehicular Activity

The building proposed is to house an existing use on site and does not propose an increase in livestock numbers and consequently, it is not considered that the proposal would have a detrimental impact on highway safety and it is not considered reasonable to impose a traffic management condition as requested by objectors.

Conclusion

Whilst concerns have been expressed by local residents regarding noise and smell from the development, these concerns relate to the operation of a pig farm within the village and the issues that arise from that in terms of the impact on residential amenity and the tourism trade. However, this proposal is for a building on a site which has previously had planning permission granted for an agricultural building, to house a use that currently occurs on the site.

No objections have been received from Environmental Health, Natural England or the Environment Agency and the building is not considered to be visually intrusive in the immediate or wider landscape. Consequently, the proposal is considered to be in accordance with Core Policy G and Development Policies 4 and 12 of the NYM Local Development Plan.

Contribution to Management Plan Objectives

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

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

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