
2023/0790

Applicant: James Stafford

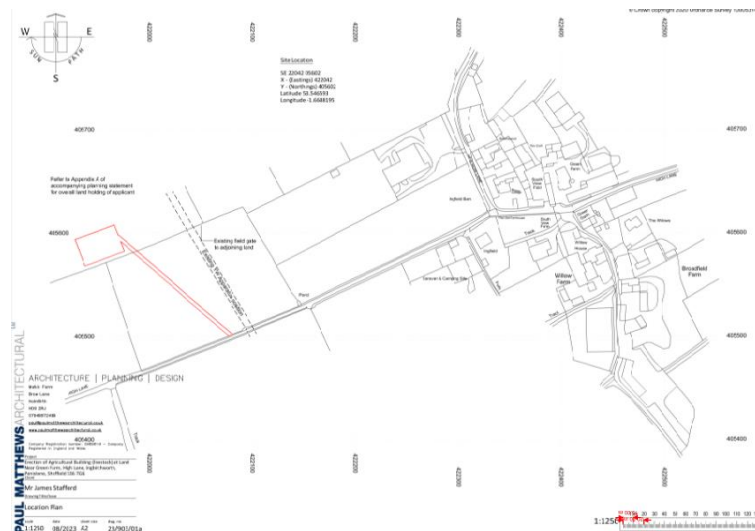
Development: Erection of agricultural livestock building

Address: Land Near Green Farm, High Lane, Ingbirchworth, S36 7GG

Site Location Description

The site consists of agricultural fields associated with Green Farm located off High Lane in Ingbirchworth. The site is rural in nature and fairly isolated with the nearest dwelling over 300m away to the East. It is noted that there is a caravan/ camping site located approximately 170m away from the site. There are no other agricultural buildings on or immediately surrounding the site.

The field where the building will be located is bound by dry stone walls and measures 1.96 hectares. The site is currently used for grazing and arable land on a rotation basis and will continue as such as the proposed building will only take up a small proportion of the field.



Business Description

Mr Stafford operates the agricultural business associated with this application. The farm business extends to a total of just over 30.17 hectares. The farm business and land has been in the same family ownership for three generations. The farm business is predominantly livestock however, they also crop the land to provide winter feed for the livestock. The farm currently has circa 250 head of sheep (at optimum times this increases to circa 480) and 330 pigs.

The applicant states that this rural agricultural business currently houses the pig rearing unit on the farm base at Green Farm, Ingbirchworth within one of the livestock buildings on the edge of the farmyard. All the pigs are housed and fattened on site. Mr Stafford has a rolling contract to fatten the pigs which is entering into its 3rd year with a further 7 years guaranteed. This is effectively a '*bed and breakfast*' arrangement with Mr Stafford providing the welfare and husbandry input of raising the pigs to slaughter weight of circa 90 kilos at circa 24 weeks of age. The resultant pig muck, at change over time, is now used as opposed to buying in fertiliser.

The applicant states that the pig rearing is a vital part of the rural business that Mr Stafford has introduced. It provides a constant and steady income for the rural farm business. Due to the cost-of-living crisis and the retraction of the single farm payment over the next few years, farmers are being forced to look at ways to diversify to supplement their farming businesses. The applicant is very keen to continue with the family farm, however the ever-increasing cost of fertiliser and general running costs take its toll on the business. This pig rearing aspect is an important aspect providing an alternative avenue of income to enable him to continue farming.

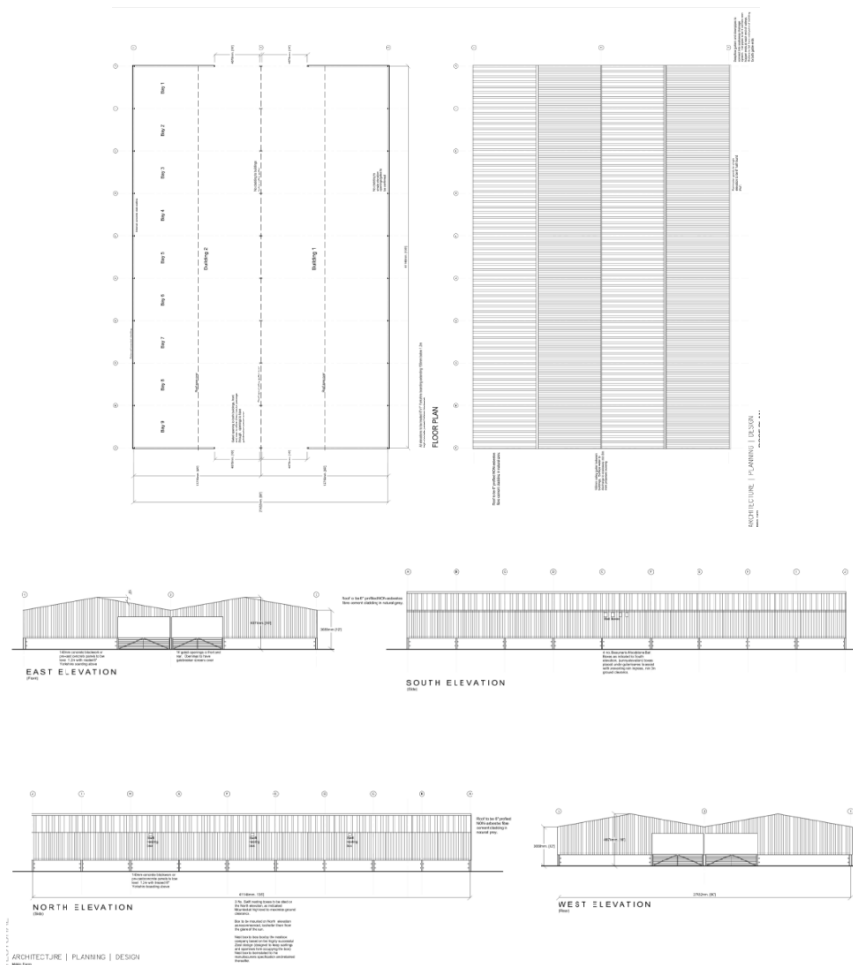
The applicant states that the subsequent pig manure is also a vital part of the farm business. To maximise crop making tonnes of fertiliser is required. Chemical fertiliser needs to be stored internally to prevent waste. Due to huge price increases chemical fertiliser not only requires additional building space but is also proving costly. The pig muck is a more natural material, non-chemical based, and has a very good alternative impact on growth and nutrients back into the soil. The loss of this product would have a further damning impact on the financial viability of the farm business.

The existing pig rearing unit is currently housed within one of the livestock buildings on the edge of the farmyard. This has resulted in complaints to the councils Environmental Health department regarding the odour from the housed pigs. The applicant recognises the issues and is willing to try to remedy the situation. The impact of the complainant's has influenced the location of the proposed building.

Proposed Development

The application relates to the erection of a proposed livestock building which will house 900 pigs. The proposal is located at an existing farm which currently operates both a livestock and arable farming business. The number of pigs is restricted due to the red tractor assurance scheme, RSPCA standards and freedom foods standards, these dictate the floor space factors and other factors such as space to feed and drink, enrichment materials, space to freely move, creation of a comfortable and stress-free environment.

The building will measure 4.88m tall at the highest point, 27.7m in width and 41.37m in length. The building will be clad with traditional Yorkshire boarding with a 1m high concrete panel at ground floor level. The roof will be fibre cement clad in natural grey. There will be a large, gated opening at the front and rear of the building approximately 9.9m x 3m to allow for ventilation. The building, at 1128m², allows for 1.25m² space per pig.



Further relevant Information

Green Farm is an established agricultural business. Access to the site is taken from High Lane. All movements associated with this development will utilise this existing access which is already frequented by associated agricultural vehicles.

The applicant states that the existing pig shed which is located on the farm close to residential properties will no longer be used for housing livestock all year round. It will mainly be used for the storage of machinery/ feed and sheep during spring lambing time.

The applicant states that the Pigs will be bedded up on fresh straw every day which helps to keep them clean as this soaks up the slurry. The pigs will be scraped out twice a week and then a full 'muck out' completed every 6 weeks. The muck will be solid and the muck pile locations have been indicated within the Odour Management Plan.

The wet muck is soaked up by the daily use of straw bedding which provides compostable material to spread on the land as natural fertiliser. This straw/muck provides organic fertiliser to be used on the crops as an alternative to chemical fertiliser. Muck will be spread all year round, the locations for the muck spreading will be on agricultural land above the proposed shed location. The applicant will also disinfect and steam clean the sheds every 3 months.

The applicant has stated that the building will operate an automated feeding system providing a continuous supply of food and drink.

Relevant History

None for this site

Site Allocation

The site is located within Green Belt as defined within the adopted Local Plan.

Policy Context

Planning decision should be made in accordance with the local plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

NPPF

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent, or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

In respect of this application, relevant sections include:

Paragraph 2 states that planning law requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise.

Paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Paragraph 8 provides three overarching objectives to sustainability, social, environmental and economic. Paragraph 10 states to ensure that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.

Paragraph 88 states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas; and the development and diversification of agricultural and other land-based rural business.

Paragraph 153 states that development in the Green Belt should only be approved in very special circumstances. Paragraph 154 sets out the various exceptions to which development in the Green Belt is considered as suitable. Part (a) includes buildings for agriculture and forestry.

Paragraph 157 states that the planning system should support the transition to a low carbon future in changing climate. It also states that the planning system should shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience.

Local Plan

In reference to this application, the following Local Plan policies are relevant:

Policy SD1: Presumption in favour of Sustainable Development

Policy GD1: General Development

Policy GB1: Protection of the Green Belt

POLL1: Pollution Control and Protection

BIO1: Biodiversity and Geodiversity

Policy T4: New Development and Highway Improvement

Policy CC1: Climate Change

Policy D1: High quality design and place making.

SPD: Biodiversity and Geodiversity

These policies are considered to reflect the Principles in the NPPF, which relates to high quality design and good standard of amenity for all existing and future occupants of land and buildings.

Consultations

Penistone Town Council

The Town Council does not object to the proposal but have highlighted some local resident concerns. They have asked for a condition to ensure that pro-active mitigation measures are in place for nearby residents and highlight the need to pay attention to potential impact on local roads as a result of the development.

Drainage

The Council's drainage department confirm that the details provided are sufficient and they have no further observations to make with respect to land drainage. They are happy for the details to be checked by building control.

Highways

Highways DC officers do not wish to raise objection to the scheme, and no specific conditions are deemed necessary.

Local Councillors

No objections received.

Natural England

Natural England have provided generic advice with regards to this proposal. They point out that Defra have launched a Slurry Investment Scheme and Grant which will allow pig, dairy and beef farmers producing slurry to access funding to help to reduce nutrient pollution from agriculture. The applicant has stated that they are not producing slurry nor do they require slurry storage therefore they are not eligible for this scheme.

They also indicate that the proposal may cause aerial pollutants, and to determine any likely impacts to the Dark Peak Site of Special Scientific Interest (SSSI) arising from this proposal an impact from odours that may cause aerial pollutants should be carried out. . An odour impact assessment was conducted and it was deemed acceptable in terms of local impact when assessed against the Environment Agency statistics.

Environment Agency

No comments received.

Biodiversity

As there was no ecology report supporting the application the Councils biodiversity team conducted a desk study using aerial photographs of the site. It appears that there would be minimal impact on biodiversity. It is noted that the site is too small to require a BNG assessment. The proposal site is within an Impact Risk Zone of the Dark Peak Site of Special Scientific Interest (SSSI). As a result Natural England were consulted.

The Council requested bird boxes and bat boxes to be mounted on the building. 3 Swift nesting boxes will be sited on the northern elevation.

Yorkshire Water

There were initial concerns with regards to the siting of the building, as the original siting of the building would have been over the public water supply infrastructure located within the site. The applicant acknowledged the concerns and relocated the building to the adjacent field.

Yorkshire water then had concerns with regards to the material risk of animal waste contamination to the adjacent raw watermain and connected reservoirs. A water pollution mitigation document was submitted and accepted and Yorkshire Water have withdrawn their objection as a result. They support the application subject to conditions and informatives.

Pollution Control

There have been a number of complaints to the Council relating to the odour emitted from the existing pig rearing site. Upon the request of the Council's Pollution Control Officer an odour management plan (OMP) and Odour Assessment (OIA) have been submitted. No objections have been raised to the proposal, and the officer is satisfied with the findings and proposals within both documents.

The complainants have not shown concern with regards to unacceptable noise levels from the existing pig rearing location. To minimise noise levels that can occur in anticipation of feeding, the pigs will have access to feed at all times. Given the location of the proposed barn in relation to its nearest neighbours, this has satisfied the Pollution Control Officer in terms of potential noise pollution. The Pollution department have no objections to the development subject to conditions.

Representations

This application has been advertised by way of site notices and direct neighbour notification letters. The consultation period was extended due to the relocation of the barn to allow the public sufficient time to review and provide comments. The application has received a high level of public interest in the way of:

13 Objection letters

1 petition with 15389 names from People for the Ethical Treatment of Animals (PETA). It is noted that there are no actual signatures or addresses with the names on the petition so it is not clear if any of the people on the list live locally or are directly affected by the development.

12 Letters of support

It is noted that some local residents submitted multiple objections. A summary of the representations received is as follows:

- Negative impact on the environment
- Negative impact to local wildlife
- Concerns of treatment and disposal of effluent
- Negative impact to neighbouring caravan/ campsite business
- Noise and smell (odour) concerns
- Surface water run-off into river and lake (water pollution/ contamination)
- Impact to local water quality
- Negative impact to Scout Dyke
- Impact to local roads including High Lane due to increase in traffic, highway safety concerns.
- Noisy HGV's
- Impact to visual amenity and impact upon rural landscape
- Tight access
- Impact to neighbouring dwellings
- Detrimental impact to surroundings
- Impact to nearby culvert
- Residential amenity impacted through unpleasant odours and noise resulting in outdoor space being unusable leading to health impacts.
- Increase in flies/vermin which could spread disease.
- Air pollution compromised due to strong odours.
- Impact on climate change
- Loss of openness to the Green Belt
- Impact to Listed Buildings
- Not environmentally friendly
- Concerns regarding the size/ scale of the building
- Increase of dirt/dust during construction
- Lack of employment opportunities as the development will not create any new jobs.
- Breeding ground for disease

Whilst nonmaterial planning considerations are not considered in the determination of planning applications, there were a number of reoccurring comments included in the representations received which are summarised below:

- Cruel practice of intense farming
- Cruelty to animals and inhumane farming
- Animal welfare concerns, inadequate living conditions for the pigs
- Reduced meat consumption over years, not viable in the future

Assessment

Principle of development

The application is located within Green Belt land as defined within the Local Plan. The application site is located amongst a number of agricultural fields and open farmland forming part of an existing working farm. The existing pig rearing unit is located amongst other existing farm buildings to the East of the site. There have been a number of complaints relating to offensive odour coming from this site. This is under investigation with the Council's Pollution department. In order to combat these reoccurring complaints the application wishes to move the pig rearing unit to a new location further away from the built-up area and residential properties.

The proposal looks to erect a new building to be sited within a field to the East of the existing building accessed off High Lane. The new building will be used to house livestock which falls within an agricultural use.

Policy GB1 states that development within the Green Belt will only be permitted in very special circumstances for purposes including agriculture, forestry, outdoor sport and recreation. GB1 also states that Green Belt will be protected from inappropriate development in accordance with national policy. Paragraph 153 of the NPPF states that development in the Green Belt should only be approved in very special circumstances. Paragraph 154 of the NPPF sets out the various exceptions to which development in the Green Belt is considered as suitable. Part (a) includes buildings for agriculture and forestry.

Paragraph 88 of the NPPF states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and the erection of new. It also states that the planning decisions should also enable the development and diversification of agricultural and other land-based rural business.

The proposed development is in connection with the existing farm use, in which livestock farming forms an integral part. The proposed development will not introduce a new use at the site and will be used for agriculture, therefore in principle the proposal meets the exceptions in both National Policy and Local Plan Policy and is considered appropriate development within the Green Belt.

The proposal meets the exceptions as set out in the NPPF and is therefore acceptable in principle, subject to other policy considerations as addressed below.

Sustainability

The NPPF paragraph 7 states that the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Paragraph 8 then goes on to provide three overarching objectives to sustainability, social, environmental and economic. Paragraph 10 states to ensure that sustainable development is pursued in a positive way, at the heart of the Framework is a presumption in favour of sustainable development.

Policy SD1: Presumption in favour of Sustainable Development takes a positive approach that reflects the above National Planning Policy, working proactively with applicants to secure development that improves the economic, social and environmental conditions in the area.

Social Sustainability Objective

Residential Amenity

Policy GD1: General Development affirms that proposals for development will be approved if there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents., and that they are compatible with neighbouring land and will not significantly prejudice the current or future use of the neighbouring land.

The proposed development is within an existing farming organisation and wishes to expand and relocate the pig rearing unit. The current location of the pig rearing unit is providing cause for concern. The position close to neighbouring residential properties is causing distress and upset with regards to offensive odours. The purpose of this application is to not only expand the business but also to move the location of the pig rearing unit further away from the nearby residential properties.

The impact on residential amenity has been raised as a major concern in many of the public representations. The issues raised consist of the foul odours, potential noise and increased traffic movements associated with the proposed new building. Further assessments and mitigating measures have been provided in relation to these factors which will be addressed in more detail below.

The position of the proposed livestock building has been repositioned further away from the nearest receptors due to concerns from the campsite/ caravan park, local residents and Yorkshire Water. The proposed building will be located approximately 170m away from the edge of the camp site and 340m away from the nearest residential property. This will lessen the impact to residential amenity.

The distance between the proposed building and the residential properties will ensure that no residents will be impacted by overlooking or overshadowing caused by the development. The proposed building itself is not considered to harm residential amenity as it is at an acceptable distance from the nearby dwellings and is in keeping with the existing agricultural use of the site.

An odour assessment has been submitted with the application which has been reviewed and accepted by the Councils Pollution Officer. The modelling report summarises that the exposure to all nearby residential receptors inclusive of the campsite/ caravan site would be well below the Environment Agencies benchmark.

The existing complaints that have come into the Pollution Controls attention have not shown concern with regards to unacceptable noise levels from the existing pig rearing location. To minimise noise levels that can occur in anticipation of feeding, the pigs will have access to feed at all times. Taking into account the location of the proposed barn in relation to its nearest neighbours, this has satisfied the Pollution Control Officer in terms of there being no significant issues with potential noise pollution.

Although the application has raised a number of neighbour representations, the issues raised are considered to be satisfied and addressed by the proposal, as detailed below and therefore the amenity of neighbouring land uses is protected.

The proposal is therefore considered to be consistent with the character of the area in compliance with Local Plan Policy SD1, D1 and GB1 and as a result is acceptable in terms of residential amenity.

Environment Sustainability Objective

Impact upon the Openness of the Green Belt and Visual Amenity

Policy GB1 states that development within the Green Belt will only be permitted in very special circumstances for purposes including agriculture, forestry, outdoor sport and recreation. GB1 also states that Green Belt will be protected from inappropriate development in accordance with national policy.

Paragraph 88 of the NPPF states that planning decisions should enable the sustainable growth and expansion of all types of business in rural areas both through conversion of existing buildings and the erection of new. It also states that the planning decisions should also enable the development and diversification of agricultural and other land-based rural business.

The applicant has diversified the existing farm business by introducing the rearing of pigs. Due to the impact on neighbouring properties the conversion of existing buildings is not practical.

The application is located within an area of Green Belt as defined within the Local Plan. It is accepted that agricultural buildings should ideally be located adjacent to other agricultural buildings/on the farm base, but the proposed use of this building and existing pollution and smell issue in this particular instance, forces a more remote location away from neighbouring/nearby residential properties.

The proposed location of the building and design, with gated access front and rear, Yorkshire boarding to all sides will prevent a build-up of smells. The remote location away from properties will ensure the smell issue is resolved. Although the building itself is set on a large footprint, the height of the building is 3.65m up to 4.88m at its highest point so is not of significant scale in height.

Vegetation/ Hedge will be planted to act as a visual screen and conservation buffer to protect ground water. A combination of Willow and Poplar trees will be planted and are expected to establish quickly. Planting will be located to the South-East and North-East of the building.

The building itself will be constructed from materials typical of agricultural buildings, thus appearing in keeping with the character of the area. The size of the building, although large is not deemed excessive and is in keeping with the scale of similar livestock buildings. There have been many public representations stating that the building is too small for the number of pigs they propose to house. Animal welfare concerns are not considered as a material planning consideration as they are covered by separate legislation.

Taking consideration of the above, the nature of the proposal and public concern with regards to pollutants, in this instance the position, although not ideal is acceptable. To compensate for the remote positioning of the building a visual barrier will be planted which will ensure the proposal assimilates well within this location.

The proposal is therefore considered to be consistent with the character of the Green Belt in compliance with Local Plan Policy D1 and G1 and as a result is acceptable in terms of visual amenity and Impact upon the Openness of the Green Belt.

Smells/Odours

The Council's Pollution Control department were consulted as part of this application. It was requested that an Odour Impact Assessment (OIA) be conducted and an Odour Management Plan be put in place.

An Odour Modelling Assessment (OIA) has been submitted to determine the likelihood of unacceptable odour conditions at nearby sensitive receptors inclusive of the nearby campsite and dwellings. The assessment looked at the impact of 900 pigs housed within a naturally ventilated building with a solid floor and with straw for bedding and up to 4 manure heaps in rotation holding approximately 6 tonnes of manure. The assessment uses The Environment Agency H4 odour guidance for odour standards. The report summarises that the predicted levels of odour within the nearby sensitive receptors are well below the standards stated within H4 guidance.

An Odour Management Plan (OMP) has also been submitted which supports the Odour Impact Assessment. It sets out procedures to minimise the risk of odour and the overall environment impact. It also outlines the odour complaints procedure. Both the Odour Impact Assessment and the Odour Management Plan have been assessed by the Council and have been found to be acceptable. A condition will be added to the decision notice to ensure that the Odour Management Plan is adhered to.

The proposal is therefore considered to be in compliance with Local Plan Policy POLL1 in that the development has demonstrated that it is not likely to result in an unacceptable increase of pollution and has provided mitigation measures where appropriate.

Impact to water supply

There has been concern from objectors in relation to the impact of the development on the environment, wildlife and on the water system due to run off. Yorkshire Water also had some concerns with potential water contamination. The applicant provided a water pollution mitigation document providing pollution mitigation methods. Furthermore, the applicant has stated that the Willow and Poplar tree planting scheme will provide a dense rooting system delivering the required filtration. Yorkshire Water have confirmed that the mitigation measures are acceptable.

The proposal is therefore considered to be in compliance with Local Plan Policy POLL1 in that the development has demonstrated that it is not likely to result in an unacceptable increase of pollution and has provided mitigation measures where appropriate; and BIO1 in that the development conserves and enhances the biodiversity of the area.

Biodiversity

It is expected that there will be minimal impact on biodiversity. It was noted that the site is too small to require a BNG assessment. The proposal site is within an Impact Risk Zone of the Dark Peak Site of Special Scientific Interest (SSSI). As a result Natural England were consulted. Natural England stated that this proposal could have an impact from odours that may cause aerial pollutants. The odour assessment concluded that there will be minimal local impact.

The Council also requested bird boxes and bat boxes to be mounted on the building. 3 Swift nesting boxes will be sited on the northern elevation and 4 Beaumaris Woodstone bat boxes will be mounted on the South elevation. The boxes along with the proposed tree planting will provide adequate ecological enhancement to offset the potential impact of the building.

The proposal is therefore considered to be in compliance with Local Plan Policy BIO1 in that the development conserves and enhances the biodiversity of the area.

Highway Safety

Highways issues have been raised as a concern in many of the public representations. The applicant states that a crushed stone track across the field to the proposed building already exists below grass level, which will easily support year-round HGV, tractor and trailer access. Access is proposed to be taken from the restricted byway section of High Lane. This track and the field entrance are both already well used by agricultural vehicles. This section of High Lane also serves as a public bridleway.

Whilst it is acknowledged that there may be some increase in vehicular traffic along this route, this should be solely for the purpose of maintain the farming business and would not cause a significant safety issue. The purpose of High Lane as a track to serve farmland is one of the historical primary functions, therefore the highways department have not raised any objections to the proposal.

As such the proposal would be considered in compliance with Local Plan Policy T4 and as a result is acceptable in terms of Highway Safety.

Climate Change

Some public representations have referred to climate change issues and the impact the method of farming may have on the environment and climate change. Policy CC1 states that the Council will seek to reduce the causes of and adapt future impacts of climate change. Paragraph 157 of the NPPF states that the planning system should shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience.

It is acknowledged that as a result of the development the application will be able to produce onsite manure/fertiliser which will reduce the need for manufactured chemical fertiliser. This will help to reduce emissions.

In regard to the issues of the farming of meat production the impact of this upon climate change is still being established. It is acknowledged that there are arguments both for and against the principle of livestock farming. As there is no empirical evidence within this application to suggest that the proposal would lead to significant issues of climate change, limited weight can be afforded to this issue.

Economic Sustainability Objectives

The development looks to further extend the existing farming business. The applicant has stated that due to the cost-of-living crisis and the retraction of the single farm payment over the next few years, farmers are being forced to look at ways to diversify to supplement their farming businesses. The applicant is very keen to continue with the family farm, however the ever-increasing cost of fertiliser and general running costs take its toll on the business. This pig rearing aspect is an important aspect providing an alternative avenue of income to enable him to continue farming.

The economic impact of the development would be limited to the applicant's own business, with the creation of jobs principally being for the family of farming. The applicant will manage the proposed pig unit, therefore there would be no requirement for additional employees. The lack of job creation has been raised within the public representations. However, this is not unusual for farming businesses, typically the employment opportunities are kept within their own family.

Conclusion

In accordance with paragraph 10 of the NPPF the proposal is considered in the context of the presumption in favour of sustainable development. It has been identified within the above assessment that there are no adverse social impacts that would significantly outweigh the benefits of the proposal. It has been identified within the above assessment that there are no adverse environmental impacts that would warrant refusal. It has also been identified that there are no adverse economic impacts that would outweigh the benefits of the proposal. Although the application has received a high volume of public representations the issues raised have been addressed and satisfied by the proposal.

The proposal is also compliant with the adopted Local Plan and there are no material considerations which indicate that the application should be refused.

Recommendation

Approve with conditions.