

## COMMITTEE REPORT

**Date:** 17 November 2016      **Ward:** Rural West York  
**Team:** Major and                      **Parish:** Parish Of Rufforth With  
Commercial Team                      Knapton

**Reference:** 16/01813/FULM

**Application at:** Land At Grid Reference 458205 449925 West Of Bradley Lane  
Rufforth York

**For:** Erection of poultry farm comprising 6 no poultry sheds with  
ancillary buildings, access road and landscaped embankments  
(resubmission)

**By:** H Barker And Son Ltd

**Application Type:** Major Full Application (13 weeks)

**Target Date:** 22 November 2016

**Recommendation:** Refuse

### 1.0 PROPOSAL

1.1 Land at OS grid reference 458205 449925 comprises a substantial area of presently arable land with woodland to the south west lying within the Green Belt to the south of Rufforth village. Planning permission is sought for the development of a 15,800 sq metre (approx) intensive poultry farm on the site to handle an operational stocking capacity of 288,000 chickens employing 2.5 staff. The proposal falls within Schedule 1 to the 2011 Town and Country Planning (Environmental Impact Assessment) Regulations and as such is accompanied by a formal Environmental Impact Assessment. Rufforth Airfield lies directly to the east of the application site and a candidate SINC or Site of Interest for Nature Conservation lies to the south west. The proposal represents a revised re-submission of an earlier proposal that was previously withdrawn. The landscape approach has been amended since the earlier submission.

(It should also be noted that since the previous report was published, a Court of Appeal case<sup>1</sup> has clarified that where a proposal is appropriate development in the Green Belt by virtue of the agricultural building exemption in paragraph 89 to the NPPF, no assessment of the impact of the building on openness of the Green Belt is needed).

### 2.0 POLICY CONTEXT

2.1 2005 Draft Development Plan Allocation:  
Air safeguarding Air Field safeguarding 0175

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<sup>1</sup> R. (on the application of Lee Valley Regional Park Authority) v Epping Forest DC [2016] EWCA Civ 404 22<sup>nd</sup> April 2016.

## 2.2 Policies:

City of York Draft Local Plan adopted for Development Control Purposes (2005) (CYLP):

CGP15A - Development and Flood Risk

CYGB1 - Development within the Green Belt

CYGP1 - Design

CYGP4A - Sustainability

CYGP9 - Landscaping

CYNE1 - Trees, woodlands, hedgerows

CYNE5A - Local Nature Conservation Sites

City of York Council Emerging Local Plan Publication Draft (2014):-

EC6 - Rural Economy

D1 - Landscape and Setting

GB1 - Development in Green Belt

G12 - Biodiversity and Access to Nature

## 3.0 CONSULTATIONS

INTERNAL:-

3.1 Public Protection draws attention to the site being subject to the Environment Agency permitting regulations and raises no objection to the proposal subject to any permission being conditioned to require the submission and approval of a Construction Environmental Management Plan.

3.2 Strategic Flood Risk Management raises no objection to the proposal.

3.3 Highway Network Management raises no objection to the proposal.

3.4 Planning and Environmental Management (Archaeology) raise no objection to the proposal subject to the undertaking of a full archaeological evaluation prior to the commencement of the development.

3.5 Planning and Environmental Management (Landscape) raises no objection in principle to the proposal but express concern in relation to the impact of the proposal upon the open character of the surrounding landscape particularly during the months of the year when surrounding trees and other vegetation are not in full leaf.

3.6 Planning and Environmental Management (Ecology) raises no objection to the proposal subject to any permission being conditioned to secure appropriate species mitigation.

#### EXTERNAL:-

3.7 Askham Richard Parish Council objects to the proposal on the grounds of impact from HGVs travelling from the site on the amenity of local residents. If the scheme is approved they seek that a lorry routing agreement be established by Section 106 Agreement attached to any permission.

3.8 Rufforth with Knapton Parish Council objects to the proposal on the grounds of impact of heavy traffic on unsuitable rural roads, impact upon the local surface water drainage network and associated flood risk, potential nitrate pollution to surrounding farm land, impact upon the safe and effective operation of the Civil Aviation activity at Rufforth Airfield , impact upon the residential amenity of neighbouring properties by virtue of noise and odour release and impact upon the deliverability of the Rufforth Neighbourhood Plan.

3.9 The Campaign to Protect Rural England objects to the proposal on the grounds that together with its associated landscaped bund it would adversely impact upon the openness of the Green Belt, and by virtue of its scale, layout and relatively remote location it would not amount to sustainable development.

3.10 Natural England raises no objection to the proposal.

3.11 The Environment Agency raises no objection to the proposal which is subject to the Environmental Permitting Regime.

3.12 Yorkshire Water Services raises no objection to the proposal.

3.13 The Ainsty (2008) IDB raises no objection to the proposal.

3.14 The Hutton Wandlesey Estate supports the proposal on the grounds that it would reduce surface water run-off into the nearby river catchment.

3.15 York Gliding Club objects to the proposal on the grounds of conflict with paragraph 33 of the NPPF, safety impact upon aircraft taking off and landing from the nearby airfield runway arising from the location of the proposed building complex and its associated landscaped bund and an increased risk of bird strike arising from the nature and location of the associated landscape planting.

3.16 The Yorkshire Wildlife Trust was consulted with regard to the proposal on 11th August 2016. Any comments received will be reported orally at the meeting.

3.17. The National Planning Casework Unit was consulted with regard to the proposal on 11th August 2016. Any comments received will be reported orally at the meeting.

3.18 Harrogate Borough Council was consulted with regard to the proposal on 11th August 2016. Any comments received will be reported orally at the meeting.

3.19 The York Astronomical Society raises no objection to the proposal subject the lighting of the application site being strictly regulated by condition.

3.20 Chesterfield Poultry supports the proposal on the grounds that it would create a secure supply of locally produced chicken to their manufacturing plant.

3.21 The NFU supports the proposal on the grounds that it would help secure the viability of the farming industry in Yorkshire and would help to secure a source of low priced chicken meat for the wider market.

3.22 Julian Sturdy MP writing on behalf of constituents raises concerns in respect of the proposal in relation to the impact of heavy traffic from the site upon neighbouring unsuitable rural roads, impact upon the safe operation of Rufforth Airfield, impact of odours from the site upon the residential amenity of neighbouring properties and impact upon the open character and purposes of designation of the York Green Belt.

3.23 Animal Aid object to the proposal on the grounds of impact upon the local surface water drainage system, possible nitrate pollution arising from the waste from the proposed farm, the impact of additional traffic upon unsuitable rural roads, serious concerns in respect of the standards of animal welfare at the proposed farm, concern in respect of standards at the destination processing plant and concern in respect of the impact of the meat from the farm on human health. Further concerns have also been expressed in relation to the robustness of the animal health inspection regime for the farm.

3.24 A 6,764 signature e-petition has been submitted on behalf of PETA (People for the Ethical Treatment of Animals) objecting to the proposal on the grounds of:-

- Impact upon the openness of the York Green Belt;
- Impact from pollution on the local environment;
- Impact upon the local surface water drainage system and consequent increase in flood risk;
- Impact upon the residential amenity of neighbouring properties;
- Impact of heavy traffic upon unsuitable rural roads;
- Impact of the proposed intensive husbandry methods upon the health and welfare of the farm animals.

3.25 At the time of publication of this report, 7,732 letters of objection have been received in respect of the proposal and two letters of support. The following is a summary of the letters of support:-

- Support for the assistance the development of the site would give to local construction businesses.
- Support for the lack of harm afforded the residential amenity of neighbouring properties from the applicant's existing farming operations.

3.26 The following is a summary of the letters of objection:-

- Serious concern in respect of animal welfare practises at the applicant's other farming operations;
- Concern in respect of the impact of pollution from the proposed farm on human health;
- Concern in respect of the impact of the proposal upon the residential amenity of neighbouring properties by virtue of smell, noise and light pollution;
- Concern at the impact of the proposal upon the local surface water drainage network;
- Concern at the impact of additional traffic movements on unsuitable local roads;
- Concern at the lack of positive benefits to the local economy arising from the proposal;
- Concern at the impact of the proposal upon the open character and purposes of designation of the York Green Belt;
- Concern at the impact upon private water supplies in the surrounding area;
- Concern at the lack of adequate consideration of alternative sites;
- Concern at the impact of the proposal upon the safety of aircraft taking off and landing at Rufforth Airfield;
- Concern at the impact upon the habitat and biodiversity provided by the adjacent candidate SINC

## 4.0 APPRAISAL

### KEY CONSIDERATIONS:-

#### 4.1 key considerations include:-

- Appropriateness of the agricultural building in the Green Belt
- Impact of the proposed landscaping bund on openness and purposes of the Green Belt
- The impact of the proposal upon landscape character and visual amenity
- Consideration of Alternative Locations;
- Issues of Odour, Noise and Light Pollution;
- Impact upon the Adjacent Candidate SINC;
- Impact upon Local Aviation Activities;
- Impact upon the Operation of the York Observatory;
- Impact of Additional Traffic upon the Local Highway Network;
- Animal Welfare Issues;
- Impact upon the Local Pattern of Surface Water Drainage.

### PLANNING POLICY

#### Development Plan

4.2 Section 38(6) of the Planning and Compensation Act 2004 requires that determinations be made in accordance with the development plan unless material considerations indicate otherwise. The development plan for York comprises the saved policies of the Yorkshire and Humber Regional Spatial Strategy (RSS) relating to the general extent of the York Green Belt. These are policies YH9(C) and Y1 (C1 and C2) which relate to York's Green Belt and the key diagram insofar as it illustrates general extent of the Green Belt. The policies state that the detailed inner, and the rest of the outer boundaries of the Green Belt around York, should be defined to protect and enhance the nationally significant historical and environmental character of York, including its historic setting, views of the Minster And important open areas.

#### Local Plan

4.3 The City of York Draft Local Plan Incorporating the Fourth Set of Changes was approved for Development Management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations in the determination of planning applications where policies relevant to the application are consistent with those in the NPPF.

## Emerging Local Plan

4.4 The planned consultation on the Publication Draft of the City of York Local Plan, which was approved by the Cabinet of the Council on the 25 September 2014, has been halted pending further analysis of housing projections. The emerging Local Plan policies can only be afforded very little weight at this stage of its preparation, in accordance with paragraph 216 of the NPPF. However, the evidence base that underpins the proposed emerging policies is capable of being a material consideration in the determination of the planning application.

4.5 The National Planning Policy Framework (NPPF) was published in March 2012. It sets out government's planning policies and is material to the determination of planning applications. The NPPF is the most up-to date representation of key relevant policy issues (other than the Saved RSS Policies relating to the general extent of the York Green Belt) and it is against this policy Framework that the proposal should principally be addressed.

4.6 Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development, unless specific policies in the NPPF indicate development should be restricted. Your officer's view is that this presumption does not apply to this proposal. Although the agricultural building itself is appropriate development in the Green Belt in accordance with paragraph 89 of the NPPF, (and on its own would engage paragraph 14), because the proposal now includes engineering operations required to provide the landscaped bund, the more restrictive policy in paragraph 90 to the NPPF applies thus dis-engaging the presumption in favour of sustainable development when considering the proposal as a whole.

4.7 GREEN BELT:- As noted above saved Policies YH9C and Y1C of the Yorkshire and Humber Side Regional Strategy define the general extent of the York Green Belt and as such Government Planning Policies in respect of the Green Belt apply. Government Planning Policy as outlined in paragraphs 79 to 90 of the National Planning Policy Framework state that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of the Green Belt are its openness and permanence. The Green Belt serves five key purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns;
- and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

4.8 New built development is automatically taken to be inappropriate and therefore harmful to the Green Belt unless it comes within one of a number of excepted categories. Agricultural buildings fall within an excepted category at paragraph 89 to the NPPF and are deemed not to impact on openness. However the landscaping bund constitutes an engineering operation, and whilst paragraph 90 of the NPPF states that such development is not inappropriate, this is only where the development preserves openness of the Green Belt and does not conflict with the purposes of including land in Green Belt. Its impact on openness and green belt purposes therefore falls to be assessed.

4.9 AMENITY ISSUES: - Central Government Planning Policy as outlined in paragraph 17 of the National Planning Policy Framework "Core Principles" urges Local Planning Authorities to give significant weight to the need to provide and safeguard a good standard of amenity for all new and existing occupiers of land and buildings.

4.10 RURAL ECONOMY: - Central Government Planning Policy as outlined in paragraph 28 of the National Planning Policy Framework urges Local Planning Authorities to support the development and diversification of agricultural and other land based rural businesses as well as supporting sustainable rural leisure developments which benefit rural communities and respect the character of the countryside.

4.11 HABITAT AND BIODIVERSITY: - Central Government Planning Policy as outlined in paragraph 118 of the National Planning Policy Framework indicates that Local Planning Authorities should seek to conserve and enhance biodiversity by ensuring that planning permission is not granted for development that would result in the loss of irreplaceable unless clear public benefits can be demonstrated that outweigh the harm caused by the loss.

4.12 SURFACE WATER DRAINAGE AND FLOOD RISK:-Central Government Planning Policy as outlined in paragraph 103 of the National Planning Policy Framework indicates that when determining planning applications Local Planning Authorities should ensure that flood risk is not increased elsewhere.

4.13 ENVIRONMENTAL IMPACT ASSESSMENT: - The 2011 Town and Country Planning (Environmental Impact Assessment) Regulations through Schedules 1 and 2 identify clear categories of development including waste management facilities which are likely to have significant non-local environmental effects. Schedule 3 and the accompanying Circular gives clear guidance as to how those effects can be assessed and mitigated against. The current proposal falls within Schedule 1 by virtue of the physical size of the building complex and the number of chickens to be processed when the operation is at full capacity. The applicant has produced an Environmental Statement and it is considered that it meets the requirements of the EIA Regulations.

## APPROPRIATENESS OF THE AGRICULTURAL BUILDING WITHIN THE GENERAL EXTENT OF YORK GREEN BELT:-

4.14 The proposal is for the erection of an intensive poultry farming unit within six sheds covering 15,800 sq metres with ancillary facilities to handle 288,000 chickens when operating at full capacity. The application site lies within the general extent of the York Green Belt and is presently undeveloped comprising an arable field. Paragraph 89 of the National Planning Policy Framework indicates that all new built development within the Green Belt is automatically inappropriate and therefore harmful to its character unless it comes within one of a number of categories specifically identified as being not inappropriate. These include buildings to be constructed for the purposes of agriculture and forestry. As the proposal falls within the agricultural exemption in paragraph 89 it is appropriate in the Green Belt and therefore the impact of the building on openness of the Green Belt is not at issue in relation to the building element of the proposal. The applicant has also produced Counsel's Opinion to support this view.

4.15 Having regard to the recent case law it is agreed that the proposed building is appropriate in terms of its impact upon the openness of the Green Belt by virtue of being appropriate under paragraph 89 of the NPPF and the presumption in favour of sustainable development contained within paragraph 14 would apply to the planning balance exercise if only the building were proposed. However, engineering operations in the form of a landscaping bund are also part of the proposal and therefore as the more restrictive policy tests in paragraph 90 apply to this element of the proposal, paragraph 14 does not apply in this case.

## IMPACT OF THE LANDSCAPING BUND UPON THE OPENNESS AND PURPOSES OF THE YORK GREEN BELT:-

4.16 In order to be assimilated into its countryside location a substantial landscaped bund is proposed encircling the site with bunding 3 metres high and planting to grow a further 8 metres when, mature above that. The site as it stands is an open arable field with middle to long distance views of the partially wooded landscape to the south west which contributes significantly to its openness and character. The proposed landscape works amount to an engineering operation in their own right and constitute development requiring planning permission. Engineering operations fall within the scope of paragraph 90 of the NPPF which allows for their not being inappropriate development within the Green Belt providing they do not harm openness or purposes of Green Belt designation. Whilst clearly required to accommodate a building of the proposed size and scale within the surrounding landscape the proposed bunding would fundamentally alter the open nature of the site and its relationship with the surrounding landscape. Whilst endeavours have been made to ensure that the design of the bunding and associated planting would appear as naturalistic as possible it would appear as an alien and incongruous

feature within the surrounding landscape giving rise to significant harm to the openness of the Green Belt. Five purposes of designation of the Green Belt are identified in paragraph 80 of the NPPF. Of particular relevance in the current context is the safeguarding of open countryside from encroachment. The proposal by virtue of its alien, engineered visual presence in an otherwise open characteristically rural agricultural landscape would give the appearance of being an encroachment of urban development contrary to the terms of paragraph 80 of the NPPF.

4.17 As a result, very special circumstances would need to be evidenced that clearly outweigh this harm to the Green Belt for the proposal to meet the national policy tests. Other than to shield the very substantial bulk and scale of the proposed building within a relatively remote section of open countryside no very special circumstances to justify the proposal have been brought forward. The need to try to help blend a large industrial type building which would otherwise be unacceptable on visual impact grounds, into an area of otherwise open countryside must be clearly balanced against the impact the bunding would itself have upon openness. It is the view of officers that the proposed bunding would detrimentally alter the existing character of the site and would as a consequence give rise to a substantial erosion of the openness of the Green Belt in the area contrary to paragraph 79 of the NPPF.

#### IMPACT OF THE PROPOSAL ON LANDSCAPE CHARACTER AND VISUAL AMENITY

4.18 Whilst it is clearly acknowledged that the proposed building would be appropriate development within the Green Belt as defined in paragraph 89 of the NPPF, it is nevertheless clear that at 15,800 sq metres the proposed building without the landscaped bund would give rise to very substantial harm to the landscape character of the surrounding area. The application site comprises a substantial presently arable field running parallel to Bradley Lane to the south east of Rufforth village. It gently slopes to the south west where there are clear views of several wooded areas in the middle to long distance. The proposed building would comprise a series of six long blocks of low rise industrial sheds set close to the line of Bradley Lane at its southern end. Overall the existing open character of the site would be lost and the views to the south west which add significantly to the character of the area would be lost to the extent that the building would be unacceptable on landscape and visual amenity grounds without the bund.

4.19 The proposed bund would by its configuration and the woodland management regime proposed greatly assist in marrying the proposed building into the surrounding landscape. It would however lead to a complete alteration to its character eroding its openness by adding in a new and alien form of landscape character. Once again whilst not entirely unacceptable on landscape grounds it would give rise to substantial harm to the character of the Green Belt contrary to paragraph 79 of the NPPF.

## CONSIDERATION OF ALTERNATIVE LOCATIONS:-

4.20 The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 require that where alternative approaches to development have been considered, the Environmental Statement should include an outline of the main alternatives studied and the main reasons for the choice made, taking into account the environmental effects. The applicant's "do nothing" option looks at the need to restructure the poultry sector to maximise job growth and efficiency to meet customer demand without the need for extensive foreign imports. The proposed development would service a re-developed poultry processing plant at Thorne near Doncaster and lead to modest job growth at that location. In terms of job growth at the application site the submitted details are clear that only a modest 2.5 full time equivalent posts would be created. A series of alternative sites both inside and outside of the Green Belt are also considered and discounted in the ES. An otherwise suitable site is considered at Gateforth near Selby but discounted on the grounds of being within 800 metres of an area of ancient woodland which would be vulnerable to ammonia pollution from the site and within 100 metres of an open air recreational use, Selby Golf Club. However, in examining the impact of the current proposal upon the adjacent candidate SINC the submitted application details indicate that the risk of harm to the habitat through ammonia pollution is negligible and at the same time the current proposal is also in close proximity to a predominantly open air recreation use, York Gliding Club. The possibility of expansion of the applicant's existing poultry operations at Riccall and Melbourne outside of the Green Belt and at Bilbrough is also considered but specifically discounted on the grounds of proximity to residential property.

## POLLUTION ISSUES:-

4.21 ODOUR: - Intensive poultry units carry a risk of pollution from ammonia which is present within the associated manure and which research from continental Europe has indicated can be harmful to a range of habitats if uncontrolled. The application site lies within 60 metres of a candidate SINC notified as of significance as a grassland habitat and approximately 500 metres from an area of priority woodland identified by Natural England. The application has been accompanied by an ammonia modelling report which has at the same time been the subject of a successful application to the Environment Agency for an Environmental Permit for the proposed operation. The EA has examined potential impacts upon the Askham Bog SSSI to the south east and also Grange Wood an area of registered Ancient Woodland in the immediate vicinity and found the risk of harmful impact to be minimal.

4.22 LIGHT:- The applicant in respect of the application details as initially submitted indicated the usage of wall mounted sodium lights with a relatively high level output at the site. Subsequently and in the light of concerns expressed by neighbouring

residential properties and by the York Astronomical Society the applicant has agreed to the usage of lower intensity LED lights and to have controls placed upon times of operation by condition to any planning permission. The submitted documentation in respect of the revised application is clear that any issue in terms of lighting would be intensively managed and would not give rise to any material harm to the amenity of the surrounding area.

4.23 NOISE:-The mode of operation of the proposal ensures that the poultry would be confined within the building and any noise arising directly from the farm operation would be the subject to the operation of the Environmental Permit from the Environment Agency. Noise may also occur through traffic exiting and leaving the site when new chickens are brought to be fattened and when taken away for processing. However in view of the frequency of such occurrences and their duration it is felt that any material harm would be modest.

#### IMPACT UPON THE ADJACENT CANDIDATE SINC:-

4.24 Paragraph 118 of the National Planning Policy Framework indicates that in determining planning applications Local Planning Authorities should aim to conserve and enhance biodiversity by ensuring that if significant harm arising from a development can not be avoided or at least mitigated against then planning permission should be refused. The current application site is 1.2 kilometres from an area of ancient woodland at Grange Wood to the east of Rufforth Airfield and 2.9 kilometres from Askham Bog a SSSI to the south east. A candidate SINC notified on the basis of being a rare grassland habitat lies directly to the south west. Detailed ammonia modelling of the proposal when fully operational has been undertaken in order to fulfil the relevant requirements of the Environmental Permit required for the development by the EIA. This clearly demonstrates that the development can be undertaken without material harm to the ecological and biodiversity value of the neighbouring habitat.

#### IMPACT UPON LOCAL AVIATION ACTIVITIES:-

4.25 Paragraph 33 of the National Planning Policy Framework indicates that the safeguarding of the use of airfields for both leisure and business purposes should be afforded significant weight by Local Planning Authorities. A number of appeal decisions have established the need to ensure the safety of small scale civilian airfields as a material consideration to be afforded significant weight as a material consideration in the planning balance. Significant concern has again been expressed in terms of the impact of the proposal upon the safe operation of Rufforth Airfield in respect of the activities of York Gliding Club. The proposed development would be aligned on a secondary runway aligned north east south west used by the Club for take off manoeuvres involving a towing aircraft. If a towing or other aircraft were to develop a mechanical problem whilst taking off it requires a clear area in order to perform an emergency landing a short distance away. The relevant CAA

technical guidance indicates that such an area is required be in a direct alignment with the take off run way which in the current case would be within the footprint of the proposed complex of buildings. The applicant's own aviation report acknowledges this and recommends that for the proposal to be acceptable in air safety terms the airfield operator would need to alter their operational practise including warning potential users and discourage the use of certain types of aircraft.

4.26 Usage of the adjacent run-way is to an extent weather dependent with short term changes in wind direction necessitating its usage in preference to the longer north west /south east runway within the site with aircraft both singly and towing gliders using it for take off and landing manoeuvres. The proposed building complex envisages the erection of a substantial building complex set within a landscaped earth bund which would be up to 11 metres in height when mature. This would partially block the centre line of the runway causing a safety hazard with pilots particularly of towing aircraft having to undertake difficult operations within a confined space. The hazard would be particularly accentuated by the nature of the proposed landscaping which gives rise to the need for a particularly intensive form of management so as to minimise risk. A particular risk of air turbulence has been highlighted within the take off and descent path into the runway arising from the construction of the complex and its associated landscaping. It can be seen that the proposal would give rise to significant harm in terms of usage of the adjacent airfield contrary to paragraph 33 of the NPPF even not allowing for potential impact from bird strike.

4.27 A further issue relates to the proposed landscaping to the site and conditions it may create suitable for nesting birds with the possibility of bird strike affecting aircraft taking off and landing at the airfield. The landscaping of the scheme as revised has been redesigned so as to minimise the risk of bird strike. The ecological report submitted with the proposal further indicates the presence of only one species, the sky lark commonly associated with bird strike incidents in the general environs of the site. However the likely operation of the site when developed has not been accounted for with the complex of buildings and associated landscape planting creating appropriate conditions for breeding/foraging habitat for other species more commonly associated with bird strike such as the wood pigeon.

4.28 The applicant contends that the building complex and its associated landscaping would be no greater hazard to aircraft using the adjacent runway than traffic passing along Bradley Lane in the intervening area. Traffic is however an occasional moving obstruction which an experienced pilot would be able to take evasive action to avoid whereas the proposed complex is a substantial fixed permanent structure. At the same time the applicant has drawn attention to the permitted development rights in respect of erection of agricultural buildings and the potential for various regimes of husbandry within the field which may give rise to conditions prejudicial to air traffic. However the suggested alternative husbandry methods would be of a significantly lower degree of intensity than what is proposed

and the permitted development rights in terms of erection of agricultural buildings are circumscribed by rights of control appertaining to the Local Planning Authority in terms of design and location should it wish to exercise them. It is not therefore felt that the practise of alternative means of husbandry and/or the erection of an agricultural building or buildings would amount to a significantly detrimental fall back position in terms of the wider site.

4.29 Objections have also be raised on animal welfare grounds in respect of the impact of noise of aircraft taking off and landing at the adjacent airfield. However in view of the fact that the chickens would be kept in sealed sheds and the speed and frequency of flights would be relatively low this is not felt to be significant.

#### IMPACT UPON THE OPERATIONS OF THE YORK OBSERVATORY:-

4.30 In terms of the impact of the proposal upon the operations of the York Observatory some 400 metres to the east, the applicant has been able to demonstrate that the proposed lighting and the nature of the likely emissions from the site would not give rise to any material harm to the operation of the observatory.

#### IMPACT OF ADDITIONAL TRAFFIC UPON THE LOCAL HIGHWAY NETWORK:-

4.31 Concern has been expressed in relation to the impact of additional traffic movements involving large Lorries accessing Bradley Lane Rufforth from the B1224 within Rufforth village and travelling through Askham Richard village heading between the site and the A64 to the south west. Access to the site via Rufforth village would give rise to conditions prejudicial to highway safety by virtue of the size of vehicle and the configuration of the junction between Bradley Lane and the B1224 Wetherby Road. The negotiation of the junction at night by HGVs would also give rise to conditions prejudicial to the residential amenity of properties in Rufforth village. Vehicle movements to the site would however be modest involving five vehicles at a time and dependent upon the chicken growth cycles. Access to the A64 to the south via Askham Richard or Angram would not give rise to the same difficulties in terms of impact upon the safe and free flow of traffic and the applicant has indicated a willingness to submit a Unilateral Undertaking to define a route for HGV movements to and from the site.

#### ANIMAL WELFARE ISSUES:-

4.32 A large number of the objections received relate to the conditions under which the intensively farmed chickens would be kept and the associated animal health inspection regime. Particular concern has been raised in respect of conditions within the proposed unit and the nature of its management. Whilst these are clearly important matters the farm operation is regulated by a separate and distinct system of control administered by DEFRA and associated agencies. These matters are not

therefore in themselves material to the determination of this planning application. The ethical or moral values of the type of intensive farming proposed are not material to the determination of this planning application.

#### **IMPACT UPON THE LOCAL PATTERN OF SURFACE WATER DRAINAGE:-**

4.33 Concern has again been expressed in relation to the impact of the additional hard surfacing upon the levels and rate of run off of surface water into local water courses which are running at capacity together with the possible leaching of pollutants from farm into neighbouring water courses to the detriment of animal and human health. The applicant has indicated that the contaminated surface water from the site would be collected and used as a source of fertiliser in the nearby area with uncontaminated water being collected and used for cleaning and irrigation purposes within the holding. A detailed scheme as to how this would be achieved has now been submitted and it can be clearly demonstrated that the surface water from the site can be dealt with effectively without giving rise to issues of flood risk elsewhere in the vicinity. At the same time manure from the site would be exported on a regular basis to a nearby anaerobic digester to be rendered into an inert fertiliser. The proposal is therefore felt to be acceptable in terms of its impact upon the local pattern of drainage.

#### **5.0 CONCLUSION**

5.1 The proposed building, which would consist of a series of six conjoined parallel sheds some 15,800 sq metres in area would without the provision of a substantial landscape bund give rise to substantial harm to the character and visual amenity of the local landscape. The application site comprises a gently sloping arable field with a number of middle and longer distance views to areas of partially wooded landscape beyond, the nature of which would be fundamentally altered by the proposal. Without the proposed bund the harmful nature of the change would be such as to render the scheme unacceptable.

5.2 In terms of applying NPPF Green Belt policies to this proposal, whilst the agricultural building on its own constitutes appropriate development under paragraph 89 and thus is deemed not to impact on openness of the Green Belt, the required landscaping bund is a separate engineering operation that constitutes inappropriate development as it falls to be assessed within the context of paragraph 90 and it would not preserve openness of the Green Belt. Consequently paragraph 14 does not apply to this proposal. No very special circumstances have been evidenced that would clearly outweigh the harm to the Green Belt by reason of inappropriateness or any other harm.

5.3 The proposal by virtue of its scale, location and cumulative presence with the associated landscaping would give rise to significant detrimental harm to the

operation of the adjacent airfield giving rise to a significant risk to the safety of aircraft and gliders taking off and landing using the adjacent runway contrary to Government Planning Policy as outlined in paragraph 33 of the National Planning Policy Framework. The proposal would therefore give rise to substantial harm in terms of the planning balance.

5.4 For these reasons the proposal is recommended for refusal.

## **COMMITTEE TO VISIT**

### **6.0 RECOMMENDATION: Refuse**

1 The development by virtue of its scale, dense pattern of landscaping and close physical relationship to a principal run-way of Rufforth Airfield would give rise to significant harm to the safety of aircraft and associated gliders taking off and landing contrary to Government Planning Policy as outlined in paragraph 33 to the National Planning Policy Framework.

2 Without the landscaped bund, the agricultural building by virtue of its prominent scale and location would cause significant adverse harm to visual amenity and the landscape character of the area contrary to paragraph 61 Section 7 in the NPPF. The landscaped bund is an engineering operation and constitutes inappropriate development in the Green Belt when applying the national policy tests in paragraph 90 of the NPPF as it fails to preserve openness. No very special circumstances have been put forward by the applicant to clearly outweigh the harm to the Green Belt by reason of inappropriateness or any other harm.

### **7.0 INFORMATIVES:**

#### **Notes to Applicant**

#### **1. STATEMENT OF THE COUNCIL`S POSITIVE AND PROACTIVE APPROACH**

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraphs 186 and 187) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in an attempt to achieve a positive outcome:

- i) The relocation of the scheme within the site to lessen impact upon the adjacent airfield.
- ii) The redesign of the landscaping in order to make it appear more naturalistic and of a lesser impact upon the open character of the Green Belt.

However, the applicant/agent was unwilling to amend the application in line with these suggestions, resulting in planning permission being refused for the reasons stated.

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