

DARLINGTON BOROUGH COUNCIL

PLANNING APPLICATIONS COMMITTEE

COMMITTEE DATE: 19 November 2014

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APPLICATION REF. NO:	14/00960/FUL
STATUTORY DECISION DATE:	17 November 2014
WARD/PARISH:	HEIGHINGTON AND CONISCLIFFE
LOCATION:	Piercebridge Farm, The Green, Piercebridge
DESCRIPTION:	Erection of 3 No mobile hen sheds (Retrospective)
APPLICANT:	Mr Harry Hodgson

APPLICATION AND SITE DESCRIPTION

This is a retrospective planning application to retain three mobile hen sheds within an agricultural field which forms part of the wider Piercebridge Farm. The field measures approximately 6.98 hectares and is located to the west of Piercebridge Village. The site is immediately bounded to the north, east and west by agricultural fields and to the south by the River Tees. A property known as Mill House is located on the south east corner.

The application site lies outside but adjacent to Piercebridge Roman Fort (an Ancient Monument) and the Piercebridge Conservation Area. Piercebridge Bridleway (No 2) runs along the south boundary.

The applicant has confirmed that the hens have been on the Farm for 22 years and on the application site for over ten years. The hens are organically farmed and are an integral part of the applicant's rotation farming, which includes the keeping of pigs, cows, cattle and sheep as well as the hens.

There are a total of 3000 hens on the farm comprising of 360 hens kept in 10 mobile sheds on a field to the east of the application site; 840 in four sheds to the north of the application site and 1800 in the three hen sheds that are the subject of this planning application. The structures in the north and east fields have been in place since 2001 and 2009 respectively.

The three sheds each contain 600 hens and they measure 5m x 25m with a curved roof design. The sheds have been placed incrementally on the application site between two to five years ago and are constructed from water proof fabric around internal insulation boards and aluminium frames. Each hen house has an electric fence around its range perimeter to keep the hens separated and there is a food hopper on the each end elevation. Organic standards state that hens must have access to the range for their entire lifetime and they can only use any particular range for one year after which they must be moved to a new range and not return for three years to help prevent any build-up of disease or parasites common in conventional egg production. Therefore

the hen houses are on skids and can be rotated around the application site every 11 to 12 months. The sheds are rotated across the application site (east to west and vice versa) on this cyclical basis.

Having considered Section 55 of the Town and Country Planning Act 1990 (as amended) and the findings of a recent court case (Save Woolley Valley Action Group Ltd v Bath and North Somerset Council 2012), Officers are satisfied that the hen sheds constitute “development” and require planning permission.

Officers are satisfied that having considered the development against the thresholds contained within the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, there is no requirement for the project to be the subject of a screening assessment or an Environmental Impact Assessment.

PLANNING HISTORY

None relevant

PLANNING POLICY BACKGROUND

The following national and local development plan policies are relevant:

National Planning Policy Framework

Borough of Darlington Local Plan 1997

E2 – Development Limits

E4 – New Buildings in the Countryside

Darlington Core Strategy Development Plan Document 2011

CS1 – Darlington’s Sub Regional Role and Locational Strategy

CS2 – Achieving High Quality Sustainable Design

CS14 – Promoting Local Character and Distinctiveness

CS16 – Protecting Environmental Resources, Human Safety and Health

RESULTS OF CONSULTATION AND PUBLICITY

Six letters of objection have been received following the Council’s consultation exercises raising the following concerns:

- *I live at number 10 The Green, Piercebridge which backs onto fields and open countryside. The land is farmed by Mr Hodgson who has livestock including poultry. The application has been made for retrospective planning for 3 large chicken sheds. The siting of the sheds currently is considered to be less than the permitted 400m as designated in the planning recommendation notes. I have already written to the council expressing my concerns. Since the siting of the sheds there has been a significant increase in flies in and around our home and we are concerned about the health issues and nuisance that they cause. We have no objection to the sheds being sited further away from residential dwellings i.e. in fields well away from the houses in the village or beyond 400m*
- *The retrospective planning application by Mr Hodgson for the three large hen/chicken sheds will be less than the permitted 400m as described in the planning recommendation notes. I feel the other poultry sheds should also form part of the application. Since the sheds have been erected there has been an increase of flies to the whole of the village. I*

have already written to the council regarding health issues plus the annoyance factor they cause. I would have no objection if all the poultry houses were moved to the stated distance of 400m from the nearest house

- *My garden (11 The Green) backs onto the farmland and in addition to the smaller mobile hen houses, I can see two of the mobile hen houses from my garden and windows. My concern is that over the past five years there have been a large number of flies in my house during the summer and it could be because of the close proximity of the hen houses. The problem was worse over the last two summers. My second concern is the increased density of the hen houses within 20 – 25m of my garden wall. There have been 14 until recently and there are now ten.*
- *The buildings are in close proximity to the residents houses in the village. There is an infestation of flies in our houses all summer. These flies are all over the ceiling walls both up and down stairs. We have the inconvenience of having to clean the flies away with the Hoover as there are too many to do it any other way and we do this daily. The number of chickens in the three large sheds plus the ten wooden sheds already next to the resident's garden walls is ridiculous. Mr Hodgson has other fields he can use for his chickens away from residents houses.*
- *I jointly own the house we live in (7 Bridge End), having resided here for the past 23 years. These Hen Sheds have been in operation something like two years and from when they first came into use there has been huge increase in the number and persistence of flies invading our house. This past summer and early autumn has been quite intolerable with a marked increase over the same period in 2013. Towards the end of this summer, these three Hen Sheds have been moved much closer to the houses of the village, resulting in the most southerly Shed being intolerably close to the garden fence of an occupied house. Prior to these Sheds being occupied by hens, we never in all my time in Piercebridge had the constant number of flies pestering us in our house. The aim of my objection is not necessarily to ban the use of these sheds, rather that they could easily be placed, in my opinion, in a more suitable location on the farm. The Farm has a field immediately to the west of the current location, so as the Sheds are mobile, they could be positioned close to the Pipe Bridge that spans the River Tees at the side of the field that is furthest away from the houses of the village. This increased distance of open land plus prevailing winds could easily disperse any swarms of flies before they reached the village houses. Obviously as part of your deliberations you will ensure any stipulated legal minimum distances from domestic premises are observed, bearing in mind that each of these three Sheds are capable of serving up to 1000 hens.*

One of the letters of objection has been submitted by GSC Grays on behalf of the owner of Mill House. The letter is a detailed response and refers to a report and findings by Access Ecology who carried out a species identification and sampling exercise in August 2014.

Four letters of support have been received making the following comments:

- *I believe the sheds are well sited. They blend in well to their environment and the fact the chickens are free range gives a healthy airy country feel to the village. We need the farm to bring in revenues to the village, just as the two pubs keep it alive and ticking over. It is fortunate we live in a very small village with abundant services, but this will only remain the case while the villagers are open to and support appropriate development. The farm and shop are I believe prize winning and clearly an asset to this village, the low level chicken sheds are part and parcel of the business. I enjoy the sight of the birds when I go running and walking at the back and front of the village*

- *My wife and I have lived in the village for 50 years and have been part of the community that has seen three generations of the Hodgson family farm here at Piercebridge. At the present time it is Harry and his wife join Chris and Liz in continuing their good work. I have been a farm foreman and am now retired. During the 50 years, I have had both a professional and residential interest in the farm changes and developments. I have never had any concerns regarding adverse impact upon the village nor the environment. The buildings for housing the hens that are being objected to are unobtrusive and in keeping with the environment and locality and add to the rural farming nature of the area. Over the 50 years of living here there has been no adverse change to the visual or pest impact on the village. The farm has created a multiple award winning environment, services essential and unique to the village and surrounding area. They have created both employment and services for locals, all of which, I feel should be supported.*
- *We write to support the retrospective planning application for the erection of 3 mobile hen sheds made by Harry Hodgson of Piercebridge Farm. We have been residents in the village for over 20 years and have taken an interest in the evolution of the farm into an organic concern. Since the devastation of foot and mouth, the farm has rebuilt itself, and is now a significant employer in the village with its shop, cafe and post office. Our house (16 The Green) backs onto the fields, and there are hen houses less than 100 metres away. We have a 4.2 metre bi-fold door to the rear of the property that is often open, and our children play in the garden, the lane and on the village green. We have never had any issue with flies or smell. Nor have our children ever commented on this. We also have a council garage in this vicinity, and again, have experienced no issues. We enjoy seeing the livestock in the fields that surround us, and as residents in a farming village, we accept that there will be a rotation of animals. The farm, in our opinion, is well managed and the Hodgson family work hard in their care of the environment. As third generation farmers, we trust that they will make the right decisions for their farm and for the community, and that they are best placed to decide on the rotation of their stock and the use of their fields.*
- *As a veterinary surgeon and property owner in Piercebridge I would say there are a few more house flies in Piercebridge than where I live in Walworth Gate but there are many more trees and a river at Piercebridge. I inspected the fully stocked "State of the Art" halo hen houses during an October heat wave and saw no house flies in the hen houses. The hen is a natural predator to fly eggs, maggots and adults. Due to organic principles the hen houses are fully mobile structures, instead of using drugs to treat parasitic worms, the hen houses are moved. In my opinion, the organic hens are not the source of house flies in the village.*

Consultee Responses

Piercebridge Parish Council has made no comments

The following internal and external consultees have raised no objections to the planning application:

The Council's Highways Engineer
The Council's Environmental Health Officer
The Council's Countryside Access Officer

Durham County Council Archaeology Team
Environment Agency
English Heritage

PLANNING ISSUES

The main issues to be considered here are whether or the development is acceptable in the following terms:

Planning Policy

Residential Amenity

Impact upon the Visual Appearance of Character of the Area

Impact upon Heritage Assets

Highway Matters

Archaeology

Impacts upon the Bridleway

Flood Risk

Planning Policy

The application site is outside the development limits for Piercebridge Village as identified by the Proposals Map of the Borough of Darlington Local Plan 1997. Saved Policy E2 of the Local Plan indicates that most new development should take place within the limits to development and identifies the types of development that may be permitted outside of them including development for agricultural operations and small scale development beneficial to the rural economy.

Policy CS1 of the Core Strategy 2011 states that outside development limits, development will be limited to that required to meet identified rural needs.

The development would accord with the above general local development plan policies.

Residential Amenity

Policy CS16 of the Core Strategy states that new development should ensure there is no detrimental impact on the environment, general amenity and the health and safety of the community.

The application site is a grassed field, predominately flat where the sheds are positioned but it then slopes down towards the southern boundary with the Right of Way, the banks of the River Tees and Mill House which is located on the south east corner.

The rear garden of Mill House is separated from the application site by a fence on its west boundary and a hedge on its north boundary. There are some trees within the rear garden of this neighbouring property. The sheds are visible from this property but the distance between the dwelling and the nearest shed is such that they would not be overbearing or dominant when viewed from this neighbouring dwelling. The sheds would be less visible when they are located further west across the site as part of the rotation cycle.

The residential dwellings on The Green (to the east of the site) are approximately 86 metres from the application site. There is a field and a mature hedge between the rear gardens of these dwellings and the application site. The hedge would provide a visual barrier and therefore the sheds are not considered to be obtrusive when viewed from the east.

One of the issues raised by the objectors is that the sheds should be located on other land owned by the applicant further away from their dwellings. The applicant has advised that,

notwithstanding the application site previously containing hens and sheds, it is the most appropriate location for the sheds as they can be sited on flat ground that does not flood and it provides better security being located close to the existing farm buildings.

The applicant has confirmed that

- Dead stock is collected from the farm;
- Due to the stocking levels within the sheds being below the maximum level they have been designed for and the ventilation systems and dry litter that are in place there are no odour problems;
- A pest control business is employed to prevent pest problems across the whole farm.
- The hen sheds are inspected three times a day, 365 days a year.
- Hen waste is collected and spread on the farm as organic fertiliser

The main issue of concern raised by the objectors relates to the presence of large numbers of flies at their properties. The objection letter submitted by GSC Grays on behalf of the owner of Mill House contained a report from Access Ecology who collected invertebrate samples from Mill House during August 2014. The report states that the material gathered includes small numbers of insects associated with a stream or water bodies, woodland, grassland and flowers which indicate a rural location and none are really pests. The samples were dominated by species which are associated with man and which feed on dung, compost, carrion and other decomposing organic matter produced by man. The report suggests that it is unusual to find some such species indoors notably the swat fly and the false stable fly and the fact that numbers of these are occurring indoors on a daily basis should be a cause for concern. The fact these species are entering a house in numbers would suggest a source of decomposing plant or animal matter nearby, which could be a chicken farm but equally it could be stables, nearby manure heaps, piles of rotting vegetables etc. The report also states that only one house fly was recorded, which could be significant, as this species of fly is normally associated in litter from egg production plants.

In response to the questions raised in this report about the source of the fly problem the applicant has supplied the Council with a copy of an Inspection Report from the Animal Health Food Standards Agency dated July 2014 which states:

- *All units in good clean condition*
- *All units free from any pest activity including rodents, flies, insects etc.*
- *All range areas in good condition*
- *No action required*

A report from the Animal Health and Veterinary Laboratories Agencies also dated July 2014 states "*A satisfactory hygiene inspection was carried out on all organic free range egg production units*"

Environmental Health has received some complaints relating to the hen sheds and the Council's Environmental Health Officer has made the following comments:

"I have no concerns with regard to noise and odour as the poultry houses are not fitted with any equipment that could generate noise such as fans etc. and are regularly cleaned out. The main

concern in relation to this type of application is the control of pests particularly flying insects which could affect residential amenity and lead to a statutory nuisance.

I have received 4 complaints about these premises (Piercebridge Organics/Hodgson & Sons) which have coincided with this planning application. Three of the complaints make direct reference to the flies being associated with the farm and the fourth complaint relates to the general increase in flies in Piercebridge but does not make reference to the applicants address. Prior to these complaints Environmental Health has received one other complaint in June this year however the complaint was not progressed as the complainant failed to return the necessary monitoring forms. Despite the mobile poultry houses being in situ for over 2 years there have been no historical complaints of this nature in previous years.

In response to the complaints I have made a total of 4 visits to the premises and surrounding areas since September and I have not been able to find any evidence that would constitute a statutory nuisance under the provisions of The Environmental Protection Act 1990. I have also visited the chicken sheds in question and found them to be in good order and without any noticeable fly problem. I have noted the Senior Ecologists report that has been submitted by one of the objectors which reports on the results of analysis of four bags of insects taken from the objector's property in August 2014. The report concludes that the samples are dominated by flies that are associated with man and feed on dung, compost and other composing organic matter produced by man and that although there is an unusual high number of sweat flies which you would not expect to find indoors in the opinion of the Senior Ecologist the source could be a chicken farm but equally it could be stables, nearby manure heaps, piles of rotting vegetables etc. Importantly the report states that "the fact that only one house fly (out of approx. 838 flies) has been recorded might also be significant-this is normally a pest in litter in egg production plants".

I have also obtained the last inspection report (14/7/2014) carried out by the food standards agency animal health inspector which confirms that the poultry houses are in good order and without a fly issue.

I have also examined our complaint database and have noted that there has been a general increase (approx. 50 %) in requests for fly/insects/wasp complaints this year compared to previous years which could be a result of the milder weather that we have experienced this year

Therefore in the absence of any evidence of a fly problem associated with the poultry houses and the fact that the business owner would appear to have the correct fly management systems in place, I have no objections to this application. Environmental Health has powers under existing legislation to take action if a fly problem is found to be causing a statutory nuisance".

The Council's Environmental Health Officer also visited the site on 6 November 2014 and took samples from seven sheds, including the four sheds to the north of the application site, and he did not find any evidence of larvae/pupae in any of the samples.

Officers consider that the findings of the Access Ecology Report do not prove that any existing fly problem in the locality can be associated to the hen sheds. Environmental Health also consider that based on their findings following visits and sample tests the fly nuisance is very unlikely be associated with the hen sheds. As a result, Officers consider that the planning application should not be recommended for refusal on such grounds.

One of the grounds of objection is that buildings such as the hen sheds are not permitted within 400 metres of residential dwellings. Officers can respectfully advise Members that this is incorrect and can confirm that the significance of the 400 metre separation distance is for determining whether an agricultural building accommodating livestock constitutes permitted development or requires planning permission. If within 400 metres of a residential dwelling planning permission would be required but may of course still be granted.

It is considered that the development would accord with policy CS16 of the Core Strategy 2011.

Impact upon the Visual Appearance of Character of the Area

Saved policy E4 of the Local Plan 1997 states that new buildings in the countryside, used for purposes that accord with Saved Policy E2, should wherever possible be located with and be visually related to existing buildings. Whilst the structures are not located or visually related to the existing farm buildings, officers accept the reasons that have been given by the applicant as to why the application site is the most appropriate location for the hens sheds.

Policy CS2 of the Core Strategy 2011 is a general policy relating to the design and location of new developments. The sheds can be seen from the Bridleway that runs along the southern boundary of the application site. The buildings are structures that would be expected to be seen within a working farm in a rural location and therefore they would reflect the characteristics of the locality and would not harm the visual appearance of the area. The development would accord with Policy CS2.

Impact upon Heritage Assets

English Heritage has raised no objections to the application and advised officers to determine the application in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice.

It is considered that the development has a neutral impact upon the significance of Piercebridge Conservation Area.

The development would accord with the National Planning Policy Framework 2012 and Policy CS14 of the Core Strategy 2011.

Highway Matters

No highway objections have been raised by the Council's Highways Engineer

Archaeology

The Durham County Council Archaeology team has requested that the Local Planning Authority consult with them on any application within a particular distance of the Piercebridge Roman Fort. They have raised no objections to the development as it has no "below ground" impact.

Impacts upon the Bridleway

The main part of the field where the sheds are located has been fenced off from the Right of Way so there is no prospect of it being adversely affected.

Flood Risk

The site is within both Flood Zone 2 and 3 but the Environment Agency has raised no objections to the application.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998

The contents of this report have been considered in the context of the requirements placed on the Council by Section 17 of the Crime and Disorder Act 1998, namely the duty on the Council to exercise its functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area. It is not considered that the contents of this report have any such effect.

CONCLUSION

The development would accord with the relevant general development plan policies. The sheds would not be dominant structures within the landscape and do not raise any concerns in terms of visual impact or residential amenity. No substantial evidence has been submitted to the Local Planning Authority by the objectors or found by the Council's Environmental Health Section to prove that any fly nuisance experienced by local residents is associated with the hen sheds and officers consider that the application should not be refused on such grounds. The sheds do not raise any highway safety concerns.

The sheds do not harm the significance of the Piercebridge Roman Fort Ancient Monument or the Piercebridge Conservation Area and they would accord with the National Planning Policy Framework 2012.

RECOMMENDATION

PLANNING PERMISSION BE GRANTED SUBJECT TO THE FOLLOWING CONDITION

1. B5 – Detailed Drawings (Accordance with Plan)

THE FOLLOWING POLICIES AND DOCUMENTS WERE TAKEN INTO ACCOUNT WHEN ARRIVING AT THIS DECISION:**National Planning Policy Framework****Borough of Darlington Local Plan 1997**

E2 – Development Limits

E4 – New Buildings in the Countryside

Darlington Core Strategy Development Plan Document 2011

CS1 – Darlington's Sub Regional Role and Locational Strategy

CS2 – Achieving High Quality Sustainable Design

CS14 – Promoting Local Character and Distinctiveness

CS16 – Protecting Environmental Resources, Human Safety and Health