



Appeal Decision

Site visit made on 18 October 2022

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 November 2022

Appeal Ref: APP/C9499/W/22/3296122

Green Farm, Green Lane, Rylstone, Skipton, North Yorks BD23 6LN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by John Shuttleworth & Son against the decision of Yorkshire Dales National Park Authority.
 - The application Ref C/60/54T, dated 9 July 2021, was refused by notice dated 5 October 2021.
 - The development proposed is a new agricultural building.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the living conditions of nearby residents with particular regard to noise and odour.

Reasons

3. Green Farm is a large dairy farm situated close to the settlement of Rylstone. It has a farmstead made up of several large sheds, silos, smaller ancillary buildings and a farmhouse. The buildings are partially set into a gentle hillside within a wider rural landscape.
4. The proposal is an agricultural steel-framed shed intended for the separate housing of dry cattle which, in the absence of existing capacity, are presently kept off site at various times. The proposed building would be sited southwest of the main group of sheds and on the opposite side of a hardstanding area used for servicing and storage. The building would have a typical agricultural form. It would be constructed of Yorkshire boarding over concrete infill panels on 3 sides. The northeast elevation would be open-sided and gated access openings would be installed in the north-western gable. A landscaping area is proposed to the rear of the building.
5. According to the Council, the siting would be some 15m from the garden boundary of Rose Cottage, a stone built semi fronting Green Lane to the southwest. The dwelling would be about 32m from the nearest part of the shed.

Noise

6. At the time of my site visit, albeit a snapshot in time, 2 of the larger buildings closest to Green Lane accommodated a significant number of cattle. The concentration of animals inevitably resulted in noise being generated in terms of cattle lowing, snorting or grunting. Due to the open design of the cattle

buildings and gated apertures facing towards the houses, the noise was audible outside the nearest residential properties. Additionally, operational noise from plant, vehicles and operatives could be heard.

7. The introduction of the proposed building within a limited distance of the neighbouring houses would inevitably generate a greater volume of noise experienced at the neighbouring sites. This would be as a consequence of the increased cattle numbers, the closer proximity and servicing requirements.
8. Given the existing extent of activity and open aspect to the neighbouring houses, I find the effects associated with the building's use during the daytime would be unlikely to be significant. Although additional servicing would be required, this would be in the area of existing concentrated activity. The hardstanding to the south-west of the buildings provides the necessary space for feed distribution, collections, vehicle manoeuvring and storage.
9. However, as a closer source of erratic and uncontrollable animal noise that would persist around the clock, including when residents might expect to enjoy undisturbed sleep, even when accounting for a degree of accustomisation by residents settled adjacent to a dairy farm, I find the location close to Rose Cottage would result in a notable and adverse effect on the living conditions of those residents.
10. Despite the attenuation effects of enclosure on 3 sides of the building, I have little doubt that noise outbreak would occur. In close proximity to Rose Cottage, the sudden lowing of nearby cattle against a predominantly limited background level of rural night time noise would have significant propensity to cause disturbance. This would be notably greater than the existing situation.
11. I recognise that the introduction of the building could serve as a partial barrier to some noises generated within the existing sheds. However, this would only be partial and, in my view, any benefit therein would be outweighed by the closer siting of the concentration of additional cattle.
12. I note the findings of an acoustic report prepared on behalf of the appellant. However, I find that the principal noise concern would be that arising from the suddenness and irregularity of individual noise events during night-time hours when background noise from other activity on the site has tailed off. Furthermore, although the proposed landscape planting would provide a visual buffer on establishment, it is unlikely to serve any significant mitigating effect to the noise source.

Odour

13. As a typical effect of farmsteads accommodating concentrated numbers of cattle, the existing site generates a significant degree of odour. This principally arises from animal waste within the livestock buildings. The existing arrangement of buildings includes well ventilated sheds with open sides or apertures.
14. There is no dispute that the prevailing wind would carry odour arising from the use of the building away from the residential neighbours to the southwest. However, at times when the wind was blowing from the north or east, I have little doubt that there would be increased odour experienced within and about those residential properties.

15. Despite being of a similar nature to the existing odour which the appellant describes as 'moderately offensive', the introduction of a new source of odour, and in closer proximity to the neighbouring residential properties would inevitably intensify and/or prolong such exposure.
16. Any effect of the proposals, including the tree planting, on unfavourable air flows between either the existing or proposed agricultural buildings and the nearby houses is unclear. Whilst their presence might introduce increased eddying and therefore greater mixing and dilution, the opportunities for dispersal would be more limited on account of the reduced distance between the new odour source and the residential accommodation.
17. I recognise that the building could incorporate an open ridge to encourage air dispersal from its upper part. Furthermore, the daily renewal of bedding and automated scraping of waste could take place to limit the intensity of odour build up. However, in my view, they are unlikely to mitigate the increased effects arising from the proposed use of the building in such close proximity to a residential property.
18. I recognise that some odours will already be experienced from other sources including livestock in the surrounding fields or muck-spreading. However, as substantially more dispersed and infrequent sources I find their effects are likely to be negligible in comparison.
19. In support of the development the appellant suggests that the use of the building could be restricted to certain times of the year and for limited purposes. Although this could limit the effects of the development, given my findings above, this would not provide mitigation to the adverse effects during the building's use.
20. For the above reasons, I find that the proposed siting and use of the building would have considerable potential to cause a significant adverse effect on the living conditions of nearby residents as a consequence of increased noise and odour. It would thereby conflict with Policy SP4 of the Yorkshire Dales National Park Local Plan (2015-2020) [2016] and Paragraph 174 of the National Planning Policy Framework as they seek to protect the living conditions of residents, including those from the adverse effects of noise and odour.

Other Matters

21. There is no dispute between the main parties as to the benefits of providing dry cow accommodation on the site. This would avoid the necessity to house them elsewhere which has attendant risks to health, welfare and biosecurity. It could also limit the need to transport the cows between sites at times in their lifecycle when they might be more vulnerable. These would be benefits of the proposal.
22. I also acknowledge that there are restrictions as to where an alternative siting might be considered acceptable by the Council due to the local topography and third-party constraints. However, it is not for me to comment on the acceptability, or otherwise, of other potential sites for such a building, or whether they could be made acceptable through groundworks or landscaping. Whilst I recognise that some of the locations identified by others may incur additional works or costs, there is little before me to demonstrate that this

would be preventative to its delivery. It is not therefore a strong reason to find in favour of a development that would cause harm.

23. I note the frustrations of the appellant with the difficulties in obtaining the consent for a building that is accepted in principle. I also note the appellant's assertion that the Council was unduly lobbied by third parties. However, these are not matters for this appeal, which I have considered on its own merits.

Conclusion

24. The proposal would harm the living conditions of nearby residents and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not be allowed.

R Hitchcock

INSPECTOR